

TOPIC:

PROGRESS AND PROBLEMS IN IMPLEMENTING THE LOCAL ADMINISTRATION
ACT, 1980: A CASE STUDY OF LUSAKA URBAN DISTRICT COUNCIL.

BY

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(i)



DECLARATION

I, Edward OKELLO solemnly declare that this dissertation
represents my own work and that it has not previously
been submitted for a degree at this or another University

Signed:.....

Date:.....^{8th} October 1990.....

(ii)



ABSTRACT

The main purpose of this study is to assess the progress and also to identify problems of implementing the reforms policy objectives under the Local Administration Act (1988). This is being done in order to find out whether or not Decentralisation reforms undertaken have been beneficial in view of the opposing schools of thought

APPROVAL

This dissertation of EDWARD OKELLO is approved as fulfilling part of the requirements for the award of the degree of Master of Public Administration by the University of Zambia.

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ABSTRACT

The main purpose of this study is to assess the progress and also to identify problems of implementing the reforms policy objectives under the Local Administration Act (1980). This is being done in order to find out whether or not Decentralisation reforms undertaken have been beneficial in view of the opposing schools of thought about its merits and demerits. Lusaka Urban District Council is singled out as a case study for this purpose.

The Act is a symbol of major Decentralisation reforms in Zambia because it gave more responsibilities and authority to the new District Councils than was the case in the past. The main objective of these reforms is to restructure and rationalise the administrative system with a view to increasing the administrative capacities of the new Councils in order to make them effective and efficient in delivering goods and services to the public.

Although, according to available literature, the popular view is that such reforms bring benefits, but this has been disputed by recent studies because of difficulties in implementing public policies in Third World Countries (Zambia, inclusive). The latter contend that administrative reforms, like most public policies, are either not implemented at all or are partially done due to various factors.

This study specifically focused on assessing the performance of the new organisation structure of the Council in implementing the reform policy objectives under the Act. In short, besides

restructuring the local bureaucracies, the objectives are to improve the staffing position and financial standing of Councils with a view to stimulating social and economic development. The findings of this study have been that Lusaka Urban District Council has had mixed results . That is, it has established on one hand that she has achieved some improvements in financial standing and staffing position but, unfortunately on the other hand, the Council has not yet been able to stimulate any significant social and economic development (provision of basic services). Analytically, this can be explained in the context of inadequacy of the available operating or supporting resources of capital and professional and technical manpower which, if backed by this structural reforms, are key factors in any developmental undertakings. It is evident that although the Government made provisions for this in the Act - and there have been some remarkable improvements in mobilising these operating resources - they were not available in substantial amounts to enable satisfactory provision of basic services to the public. Consequently, the impact of the reform policy is negligible in as far as this ultimate objective has not yet been realised. As such the progress of implementation is below expectation.

Above all, this study has identified two basic problems which are mainly responsible for impeding the progress of the implementation of reforms policy objectives. These are Governmental controls and the effects of the national economic problems the country is going through. The negative effects of both of these tend to hamper the



Council's capacities to mobilise enough operating resources needed for stimulating social and economic development in terms of provision of services. Therefore the progress of implementing reform policy objectives under the Act hangs in the balance unless these negative effects are reversed in favour of the Council, and all District Councils, in general.

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Finally, I wish to state that the views, opinions etc expressed in this work and any other shortcomings are mine and not those of institutions and individuals mentioned herein.

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CHAPTER I

1. INTRODUCTION

1.1 Statement of Problem

Gant asserts that in all developing nations, the achievement of political independence brought peoples' expectations pressing for rapid political, social and economic changes (Gant, 1979, 3). In response to these demands, new governments and their administrative agencies and processes were therefore expected to give reality to these anticipated fruits of independence.

In Zambia, the Local Administration Act 1980 (which contains Decentralisation reforms), besides being a symbol of major administrative reforms, represents decisive measures adopted by the Government since independence with the ultimate objective of achieving social and economic development (Kaunda, 1967). Before 1980, local administration system in Zambia was composed of four main administrative structures. These were the provincial and district governments; the Party; popularly elected Councils (under the Local Administration Act 1965) and many field representatives of the technical departments of the central government. Although the ultimate objective of the reform policy remains as above, the other objective is to integrate and decontrol the then existing local administration structures. It aims to make local public bureaucracies effective and efficient instruments of development (Maipose, 1984; Chikulo, 1985; Bodemeyer, 1984;

Kaunda 24th April 1986). In other words, it intends to make new District Councils effective and efficient institutions in terms of provision of goods and services to the public. The establishment of this new administrative system involved integrating the four administrative structures mentioned above into single politico-administrative units of the new District Councils (Chikulo, 1985, 73). This is a new local administrative system whereby the new Councils have become the focus for change. This study was prompted by an appalling revelation in the "Opinion" of Times of Zambia, saying,

"If you ask a resident of one of the District Councils either in the Urban or Rural Centres on the services provided by their institutions, they will tell you that the services are so bad that the existence of the Councils (except their vocal Governors) is not felt.....So what should the Party and its Government do to make the Councils tick? The Government tried to answer this question by introducing the decentralised system of Local Administration in 1980. The system seems to have brought more headaches than aspirin..... There is no hope that the Councils will improve. The Party and its Government should therefore do what it has done for the entire country - work out a new economic, political and social programme for the District Councils"..... (Times of Zambia, 7th August 1987).

The above assertion enumerated services affected as shortages of water, non-collection and disposal of refuse and above all, it says District Councils are failing to raise money for their own development projects.

Without disregarding the above assertion, this study seeks to establish the reality concerning the implementation of the reforms policy in the light of the objectives of the Local Administration Act (1980).

1.2 Objective of Study

The objective of this study is to assess the impact of implementing the administrative reforms policy under the Local Administration Act (1980), in the light of the intended objectives, using Lusaka Urban District Council as a case study.

The intention is to determine the extent to which administrative reforms policy under the Local Administrative Act (1980) have been implemented. The assumption is that although the implementation is an on-going process, the period of over eight years is long enough to have produced some measurable effects. This study focuses on assessing the performance of the new organisation (administrative) structure of Lusaka Urban District Council in discharging responsibilities she has been empowered to perform under the reforms policy objectives of the Act. Besides the integration and decontrol of structures, other objectives are:- (ii) decentralised staffing arrangement (iii) decentralised financial arrangement and (iv) the achievement of social and economic development.

It is important to note that the decentralised staffing arrangement is aimed at making Councils attract and recruit qualified manpower (NIPA, 1981, 19). The decentralised financial arrangement is intended to ensure that Councils generate revenue from as many different sources as possible and eventually achieve financial autonomy from central government (NIPA, 1981, 24). In the Schedule of Act, the provision of a wide-range of statutory functions of Councils represent efforts towards the achievement of

social and economic development, which is the ultimate objective of the Local Administration Act (1980) (NIPA, 1981, 32).

In addition, this study attempts to highlight some of the problems which directly and indirectly affect the realisation or attainment of these reform policy objectives under the Act.

However, in order for this study to have a meaningful assessment of the post-reforms situation, it has become necessary to provide as well a sketch of the performance of the institution(s) which existed before the establishment of Lusaka Urban District Council in 1980. This was deliberately done to enable a general but realistic comparison of the two eras. It has also been preceded by a discussion of concepts of Administrative and Decentralisation Reforms in Chapter II.

1.3 Rationale of Study

The research findings of this study are expected to give some insights into the factors which inhibit or make it difficult to implement the reforms policy objectives under the Local Administration Act (1980). As such it will make some contribution to actual understanding of the formulation and implementation of administrative reforms policies of this nature. Besides, the findings will help policy researchers and policy makers in Zambia conceive effective solutions to the problems and constraints impeding the implementation of the administrative reforms under the Act, which is still an on-going process. Moreover, the findings can serve as a feedback or progress report to the higher

authorities, who might want to know which direction the implementation process is going.

1.4 Research Question

The intention of this study is to answer the following general questions:-

(i) What is the effect of implementing the reform policy objective under the Local Administration Act (1980), with particular reference to Lusaka Urban District Council?

(ii) What problems does the Council encounter in implementing the reform policy objective?

1.5 Methodology

This is an evaluative research. Data have been collected extensively through official and public documents from various public institutions (including Lusaka Urban District Council). The data were collected in conformity with and relevant to unstructured questions in Appendices II and III. This has been complemented through informal discussions with various senior officials of Lusaka Urban District Council, Ministry of Decentralisation and Department of Public Service Commission. The two major 'dailies' (Times of Zambia and Daily Mail) have also been used.

However, data upon which Chapter VII is based were collected by the use of questionnaires in Appendix I. This study focused on the Wards in Lusaka Urban District for assessing social and economic development efforts. In this context, the data collected for Chapter VII therefore concern projects/activities which are geared

towards the realisation of this ultimate objective. There are thirty-one Wards in Lusaka Urban District (see Map 2) and because of this small number, all the 31 Ward Headquarters were visited and questionnaires administered to all Ward Secretaries.

1.6 Limitations of Study

It is the intention of this study to provide a broad picture of events or operations of Lusaka Urban District Council with the hope that it would give us clear insights in what has been happening in other sister Councils. But being an urban area, the findings of the Council with respect to the implementation of the Local Administration Act (1980) might not represent the same picture with rural District Councils, which might have their own peculiar problems.

Regarding the problems of obtaining data in the field, the only obstacle was that the dates for field research coincided with the period of General Elections Campaign. The consequence of this was that it was not possible to administer questionnaires in Appendix I to Ward Chairmen, who were always away for those functions. Under the circumstances, this study was forced to deal with Ward Secretaries.

CHAPTER II

2. LITERATURE REVIEW

It is inconceivable to discuss administrative or decentralisation reforms in Zambia without a clear understanding of related concepts such as field administration and local government. These two concepts represent forms of decentralisation, though at varying degrees (UN, 1962, 88). Field administration is an arrangement through which the central government carries out its administrative operations (services) outside its national headquarters (from capital to localities) by either functional or prefectoral systems or both (Fesler, 1968, 370). Local Government or Local Authority are terms used interchangeably to refer to a political subdivision of a nation which is constituted by law and has substantial control of local affairs (UN, 1962, 89). Local Administration can be seen as a wider general concept referring to a system whereby the central government (through field administration offering technical services) exists side by side with local authorities in a locality although the latter may have little or no control over the former functionally and personnel wise (UN, 1962, 89). This type of local administration existed in Zambia during the colonial time when the structures of technical departments of the central government; provincial and district administration and the local authorities existed side by side, with the latter having some degree of legal autonomy to perform local services. After Independence, the structure of the ruling Party was added to the above mentioned ones. It was this



administrative system which was in operation before the introduction of the 1980 administrative or decentralisation reforms.

The concept of administrative reforms is normally referred to denote administrative changes which may take the form of introducing adjustment measures aimed at accommodating new demands and introducing new ideas and practices to immediate pressing problems (Lungu, 1985). The Local Administration Act (1980), which focuses on Decentralisation reforms, can therefore be regarded as administrative reforms because the former is poised to effect wide-ranging administrative changes both structurally and functionally.

The definitions of Decentralisation vary from one author to another. For example, Fesler calls it the transfer of power from a central government to an areally or functionally specialised authority (Fesler, 1968, 370). According to Chapman it is a maximum deconcentration of state powers to the State representatives in the department (Chapman, 1953, 76). It can be said that the former views decentralisation as devolution of powers to the sub-units of government. The latter sees it as the administrative transfer of authority to staff within a government department which is responsible for performing various functions. Another quite different view from either of the above authors is Richards who asserts that decentralisation requires dividing up an organisation so that sub-groups are responsible for the work in separate locations (Richards, 1975, 84). His emphasis is on

reallocation of functions without due regard to the necessary authority needed for carrying out the functions.

Despite the differences, the common denominators in the concept of decentralisation can be identified as centering on delegation of authority and redistribution of functions from central to field units and local government (Lungu, 1985; UN, 1987, 5). However, decentralisation reforms embraces two distinct elements. These are either deconcentration or devolution or a combination of the two. According to Smith deconcentration (administrative decentralisation) involves the delegation of authority to make administrative decisions on behalf of the central administration to public servants working in the field and responsible in varying degrees to government policy with their authority (Smith, 1967, 1). Devolution (political decentralisation) is defined as a situation in which the authority to take certain decisions in some spheres of public policy is delegated by law to sub-national territorial assemblies such as local government (Smith, 1967, 1). In other words, deconcentration can be regarded as a structural change within a bureaucracy while devolution is a constitutional rearrangement within a nation or state and is marked by a considerable political and administrative autonomy to the units (Lungu, 25th March 1981).

There is a growing body of literature which points to the fact that decentralisation reforms brings benefits or positive change. This view is championed by the United Nations Technical Assistance Programme which asserts that, besides increasing the speed and

effectiveness of administration at all levels, it accelerates social and economic development (UN, 1962, 2). This view is supported by a number of authors. For example, Rondinelli says, besides cutting through the enormous amount of 'red tape', decentralisation reforms can increase the number of public goods and services and the efficiency with which they are delivered at lower costs (Rondinelli, 1981, 133). Riggs sees it as a prerequisite to achieving economic development (Riggs, 1964). Heisler says it has the merit of attracting maximum citizenship participation and support, besides ensuring that the administrative system is a visible instrument for the implementation of policy (Heisler, 1965). In short, all the above authors are prescribing to and urging developing nations to carry out decentralisation reforms as a means of achieving positive change.

There is another group of authors who are cautious with the above authors' assertions regarding the attributes of decentralisation reforms. Smith says mere pronouncement of decentralisation reforms may not bring positive change because of the difficult factors obtaining in developing countries. He pointed out that due to these factors, most earlier reform proposals have been reduced to symbolic statements by political leaders or mere laws on statute books (Smith, 1985, 135; Conyers, 1984). Chikulo asserts that development in developing countries cannot be achieved by bureaucratic means alone. He says there are other contributing factors as well, besides bureaucratic means such as

cooperation and commitment of both masses and the authorities. Thus any administrative/decentralisation reforms which does not embrace those factors is bound to fail or have minimum effects or impact on the society (Chikulo, 1979, 170).

In conclusion there exists two seemingly opposing schools of thought regarding the attributed of decentralisation reforms. As discussed above, one group asserts that it brings positive change while the other says there is no direct casual linkage without taking into account other factors. However, the two views can be seen as mutually supportive in the sense that they generally agree that decentralisation reforms promises positive change.

Going by Smith's definition as above, it seems the Zambian decentralisation reforms under the Local Administration Act (1980) has sought to combine elements of both deconcentration and some degree of devolution. This fact has been acknowledged by Lungu (25th March 1981). This is because the decentralisation reforms aims to integrate and decontrol the authorities and functions of the central and local government departments (structures) and Party organs into the District Councils of the new local administration system (NIPA, 1981, 7; Chikulo, 1985, 73). However, in order to fully appreciate the nature and extent of this decentralisation reforms under the 1980 Local Administration Act, it is imperative to analyse the local administrative system which existed in Zambia before the 1980 Reforms.

CHAPTER III

3. THE DEVELOPMENT OF LOCAL ADMINISTRATIVE SYSTEM IN ZAMBIA (1896 - 1980)

3.1. Pre-colonial period

Before the advent of colonialism in Zambia, there existed traditional tribal structure of chieftainships. This traditional tribal structure of administration evolved from the time when the Bantu speaking peoples came to settle in what is now known as Zambia during the 12th Century (Hailey, 1950, 81). Under this structure of administration, the chiefs, clan leaders, elders and village headmen collectively exercised powers of 'government' within tribal and village boundaries. But the chiefs and clan leaders held both the judicial and executive powers. In terms of provision of services, both individual families and the village as a whole provided their own services, except for a major service, like during the war, when the whole tribe would be mobilised to defend themselves (Hailey, 1950, 84). It can be said this was a simple structure of administration (based on traditional or tribal values) which has virtually no resemblance with the modern concept and practice of administration.

3.2 Provincial and District Administration

In 1896, the territory came under colonial rule of the British South African Company, which was given a Royal Charter to

administer the territory on behalf of the British Government. Through the policy of 'direct rule', the Company created an administrative structure which was directly manned by European officials, though to some extent they were assisted by African functionaries educated in Mission Schools. Under the High Commissioner for the Company, the territory was divided into nine districts, each under a District Commissioner. Subsequently, each district was sub-divided into sub-districts which were each placed under the full control of the Native Commissioners. This policy also applied to Lozi, Bemba and Ngoni tribal organisations which -although not tampered with much by the Company - were tightly controlled by the Native Commissioners (Hinden, 1950, 169). As such these Native Commissioners were responsible for nearly every aspect of administration at the grass-roots level (Hinden, 1950, 170; Taylor, 1972, 2). The consequence of this was that under the Company rule, the traditional chiefs, elders and headmen lost their authority. In other words, they became mere Agents of the Company as their authorities were undermined because of their dependence on Native Commissioners. For example, the 1916 Administrative Native Proclamation empowered the Company to appoint, dismiss or recognise traditional chiefs (Hailey, 1950, 83).

Additionally, the Company established government departments to render technical services in the districts as well, though they were virtually independent of control of the Native Commissioners and District Commissioners. These government departments of

Agriculture, Education and many more were controlled by, and were directly answerable to their headquarters (Taylor, 1972, 7;Hinden, 1950, 170).

Thus, from the above brief outline of the early administrative system, it can be concluded that the British South Africa Company laid the foundation of District Administration based on the District and Native Commissioners and to some extent, government department structures.

When the British Government took over direct responsibility for the administration of the then territory from the Company in 1924, she established her own basic administrative structures. At the top there was the Governor and National Council (Assembly). This was followed by the Secretariat, which was then the principal administrative unit headed by the Chief Secretary. He was the highest Executive Officer under the Governor and as such he was the channel of communication through which other officers of the administration communicated with the Governor. In his responsibilities of controlling the whole administrative apparatus of the territory, the Chief Secretary was assisted by two Deputies, who were also at the same time Governor's advisors on economic and financial matters and on native affairs respectively (Davidson, 1947, 25). The other major landmark of direct British Government Administration was the division of the territory into provinces, through which districts were regionally administered and controlled. Provincial Commissioners were appointed in charge of administration of each of these regions (Provinces). Under

each of these Provincial Commissioners, there were District Commissioners and District Officers. All these officers were answerable to the Chief Secretary, in his capacity as the officer in charge of administrative framework in various areas of the territory.

Like during the Company rule, the British Government established more central government departments in all the districts and provinces. These were mostly central government departments offering technical services such as Customs, Agriculture, Education, Posts and Telecommunications and many others. They ran alongside or existed side by side with the administrative structures discussed above. Similarly, like under Company rule, these government departments existed as separate agencies of the Provincial and District Administration, though Provincial and District Commissioners were regarded as local bosses with considerable local administrative powers and autonomy (Davidson, 1947, 26).

The adoption of the 'Indirect Rule' policy of administering the indigenous people through their chiefs, led the British colonial Government to extensively use the traditional political institutions. This policy was based on the conventional British colonial pattern of administration practised at that time in W. Africa, particularly in Nigeria. The Chief Architect of this indirect rule policy was Lord Lugard, who was one of the then outstanding Colonial Administrators in Nigeria. It is true to say that both the British South Africa Company and the British

Colonial Office sought to make full use of the traditional tribal machinery of administration. But the adoption of the indirect rule policy by the latter marked a change in the style of administration. It was a change in that through a series of Native Ordinances and Proclamations in the 1920s and 1930s, the British Colonial Office not only legalised a few of these tribal institutions - like the Company did - but she went further and encouraged the development of more Native Authorities. For instance, through the 1929 Native Authority Ordinance, new traditional tribal authorities not only sprung up, but powers to make rules for 'good government' and to maintain law and order were given to these Native Authorities. But in spite of this, the Chiefs exercised these powers and carried out their duties in accordance with the wishes of the colonial office, through the watchful eyes of the District and Provincial Commissioners. As such they were appendages of the Provincial and District Administration (Hinden, 1950, 176; Hailey, 1950, 83).

It can be concluded from the foregoing that when the territory came directly under the British Government, a formal administrative structure with a long term impact was established. This was indeed the birth of Provincial Administration which was regarded as 'kingpin' round which the colonial system of government was built (Kapteyn and Emery, 1972, 9). This period ushered in the addition of the provincial structures (encompassing district and native authorities) to the administrative system (structures) discussed above. But the Provincial and District

Commissioners had no direct line of authority over the government departments rendering technical services in their areas of jurisdiction. The above system laid foundation from which local government evolved.

3.2.1 Local Government

Like in most countries of the world, the need to create institutions to provide local services to the community led to the establishment of the first local government institutions in Zambia. This evolved during the British South Africa Company rule with the passing of Village Management Proclamation in 1913. The proclamation established Village Management Boards in European areas or settlements only. Although these were small (village) entities, they had almost everything in common with the modern local government institutions. They had small representative local Councils which were empowered to promote good government. Besides, these Management Boards were given specific duties to deal with environmental (public health) matters as well as street and building development (Davidson, 1947, 26; Greenwood and Howell, 1980, 163). In short, these were the first institutions of local government until the British South Africa Company relinquished the administration of the territory in 1924.

When the British Colonial office took over direct responsibility of administration, a series of ordinances in response to the then problems arising from rapidly expanding urban areas were passed. In 1927 Municipal Corporations Ordinance created Municipal

Corporations for Europeans in urban areas only, starting with Livingstone in 1928 and Ndola in 1932. These Municipal Corporations were controlled by the Mayors and their Deputies and they had elected Councils, though some members (including District Commissioners) were nominated by the Governor (Hinden, 1950, 182). It should be mentioned that Lusaka became a municipality under this ordinance in 1935. This was followed by 1929 Township Ordinance which empowered the establishment of forty-seven townships. These were controlled by elected Management Boards of which the District Commissioner was a nominated member. Again in 1932 Mine Township Ordinance was passed for townships in mining (Copperbelt) areas and these were controlled by Mining Companies (Davidson, 1947, 26). All of these local authorities, namely, Municipal Corporations (Municipalities), Townships and Mine Townships, were granted wide discretionary powers to make bye-laws for good government. In addition, they were empowered to establish services which included road maintenance, sewage systems, refuse disposal, parks, slaughter houses, residential houses, markets, water supplies (Hinden, 1950, 182). These functions expanded as they became more sophisticated and efficient. In order to enable them to finance these services, these local authorities were empowered by the ordinances to levy taxes, rates, fees on services they offered (or rendered). They were also entitled to receive government loans and grants (Davidson, 1947, 26). The above urban local authorities had many aspects in common with the modern local government institutions.

In rural areas, such type of local authorities structure did not exist (Davidson, 1947, 27). Instead there were Native Authorities which, as mentioned earlier, were ushered in through the Indirect rule policy. Although, for example, the 1929 Native Authorities Ordinance empowered them to make rules for good government and to provide some limited services, these were not local government (authorities) in the modern sense for a number of reasons. For instance, Native Authorities had no control over any revenues (Hinden, 1950, 172) and their duties were also under direct control of the Provincial Commissioners through District Commissioners (Davidson, 1947, 27). The status of Native Authorities was well expressed by Taylor by saying,

"The Native Authorities were certainly built up over years but in practice they remained firmly subordinate to locally based officers of the central government." (Taylor, 1972, 7)

Being the appendages of Provincial Administration, the responsibility of developing local government therefore rested with the District Commissioners and the District Officers. But Taylor further observes that although the District Officers failed to establish viable local government in rural areas, the territory's urban local authorities were generally sophisticated (Taylor, 1972, 13). This situation continued until the achievement of political independence in 1964, when a series of administrative reforms were effected.

3.2.2 Post-Independence Reforms

Given the long period of colonial rule, it was not surprising that

the newly Independent Government inherited the colonial local administrative system discussed above. But soon thereafter, the administrative system experienced an addition of political structure which was created during the struggle for independence. This political structure of the ruling Party (UNIP) was in the form of an extensive organisation of Constituencies, Wards, Branches and Sections in the districts. Besides agitation against colonial rule, this purely Zambian political structure was created to mobilise the rural people for a number of goals such as national unity and national development. It can therefore be said that the achievement of political independence enhanced and strengthened this political structure which ran alongside those of the Provincial and District Administration, Local Government and Government departments (Kapteyn and Emery, 1972, 11).

But it was Government determination to change the colonial local administrative system to suit the Zambian situation. This led the Government to pass the Local Government Act (1965), which gradually transformed the local government system in particular, and the local administration in general. These changes affected both structures and to some extent, functions. The 1965 Local Government Act attempted to rationalise the colonial structure of local government by abolishing the colonial Native and Urban Authorities and replacing them with Rural and Urban Councils. The Urban Councils consisted of townships, Mine, Municipal and City Councils. For the first time in Zambia, it introduced democratic principles into Rural Councils by providing for elected

Councillors. In other words, the urban local government system was extended to rural areas. Furthermore, the 1965 Local Government Act empowered Councils to discharge over sixty functions, which generally centred on provision of services as opposed to some of former responsibilities of ensuring peace through law and order. These functions included environmental health, sanitation, road maintenance, street and building control, town planning, provisions of water supplies and residential house and liquor undertakings, but excluded Education and Medical Services (Howell and Greenwood, 1980, 146). Another significant change undertaken under the Local Government Act (1965) was the abolition of the Colonial Provincial Administration. This was replaced with Provincial and District Government. The reforms retained provincial boundaries under a Minister of State, who (as a politician) took over the political functions of the colonial Provincial Commissioner. As was the case during the colonial period, district boundaries were retained but were placed under District Secretary (supported by Assistant District Secretary) who replaced the Colonial District Commissioner and District Officer respectively. The District Secretary was also made the Chairman of the District Development Committee, which was the agency responsible for coordinating and effecting development projects/undertakings in the district. Above all, unlike during the colonial era, the area of the district was made to coincide with the area of a single rural council. But the reforms did not tamper with the pre-independence arrangement in as far as the establishment and operations of

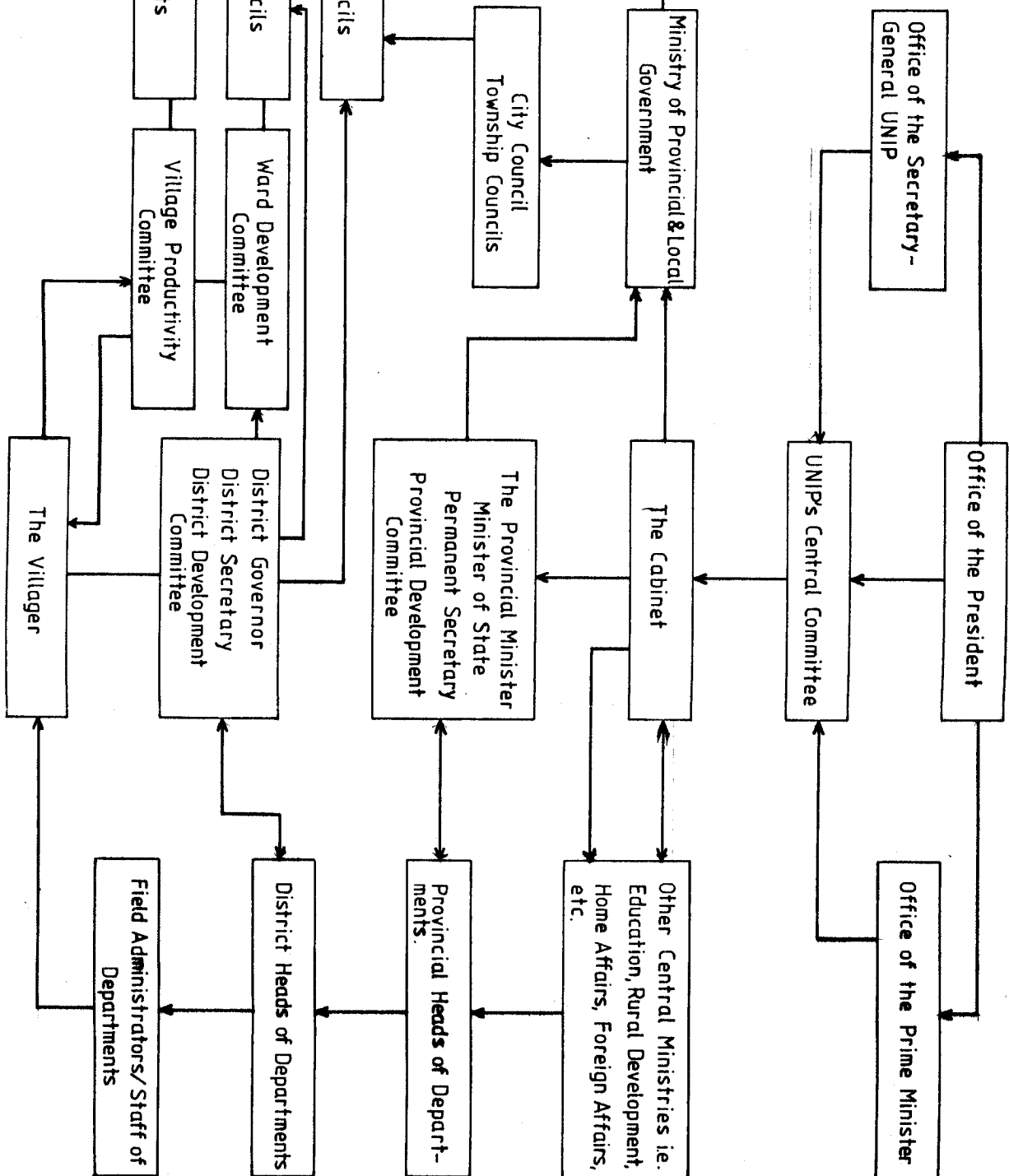
technical departments of the central government ministries were concerned, at the district level. They continued to operate as before, that is, side by side with other local administrative system structures discussed above. Again, as was the case during the colonial rule, the District Secretary had no line of authority over these government departments and local authorities, yet he was supposed to coordinate and supervise their activities (Taylor, 1972, 18).

The 1968/69 Reforms more or less embraced the provisions of the Local Government Act (1965) except that it established the offices of the ruling Party cadres at both the Provincial and District levels. In 1968, a Cabinet Minister and a Permanent Secretary were appointed for each of the eight provinces. The office of the Regional Party Secretary was also established. In the same year District Governors were appointed as political heads of districts in the same manner in which provincial Cabinet Ministers became political heads of provinces. Like their predecessors the District Secretaries, District Governors did not only have direct line of authority over government departments, Councils and to a lesser extent, Party Cadres, they had no funds to control as well (Taylor, 1972, 20). Despite the above changes, the four-structured local administration at the district level still flourished. During late 1969 and the whole of 1970s a few minor changes were effected at both the provincial and district levels. For example, the 1971 Registration and Development of Villages Act created further structures below the district such as Wards,

Branches, Sections and Village Committees or Councils (see Chart I).

Again despite these measures, the reformed administrative system as outlined above tended to bring more problems than anticipated. One of the basic problems concerned the status of the District Governor in relation to other local administration structures operating in the district (Taylor, 1972, 22). Although the above reforms put the District Governor in a position of management and charged him with accelerating development and coordinating government work, he had practically no direct line of authority over functional departments or parastatal bodies of the central government. Besides, he neither had funds to control nor other resources at his direct disposal. As Chairman of the District Development Committee he was expected to hold the various projects of different government departments, Council and others into one integrated programme for the district as a whole. Yet at the same time, government ministries and departments still retained highly centralised controls over activities of their field officers in the district. The consequence of this obvious lack of working relationship among these structures was that, among other problems, there was too much duplication and overlapping of functions. This was detrimental to rendering of efficient services to the public (Simmanee, 1974, 11). It can be argued that one of the aims of introducing 1980 Decentralisation Reforms was to redress the problems these earlier reforms brought or failed to accomplish. This is because it addressed itself

CHART I : LOCAL ADMINISTRATION IN ZAMBIA BEFORE 1980



directly to these problems, considering some of the objectives of the Local Administration Act (1980).

3.2.3 Local Administration Act 1980

The Local Administration Act (1980) contains decentralisation reforms. There are several factors which led to the enactment of this reform policy. These include attempts to improve the bad working relationship between the politicians and civil servants at district level as discussed above. Another was the need to assert the supremacy of the ruling Party over district administration (Chikulo, 1985, 74). The other factor can be traced back to pre-independence struggle which advocated for the removal of the unsuitable colonial administrative system. All the above factors pointed to the need to re-organise the local administrative system, which has been deliberately embraced as the main objective of this Act. But it should be noted that the critical economic crisis Zambia was going through since mid 1970s was the precipitating factor which led to the enactment of the Local Administration Act 1980 (Chikulo, 1985, 74). As such the re-organisation of the administrative system is directly linked to the achievement of social and economic development, which is the ultimate objective of the Act (Kaunda, 24th April 1986). The main objective of the Act therefore is to re-structure the local administrative system in general, and to strengthen the local public bureaucracies in particular with a view to making them effective and efficient instruments of development (Maipose, 1984; Chikulo, 1985; Bodemeyer, 1984).

The re-structuring of the local administrative system involved the integration and decontrolling of all the then existing local administration structures discussed above (including local government) into a single politico-administrative agency. This new system is a 'fused' or 'Integrated' local administration which is commonly known as the new District Councils (Chikulo, 1985, 73). This can be regarded as a major structural change and it was carried out as follows:-

(i) A statutory deliberative and consultative elected Council, responsible for overall policy-making, has been established by Section 10(1) of the Act (Chikulo, 1985; Maipose, 1984). The Council is empowered to make bye-laws (with the approval of the responsible Minister) in the course of carrying out its responsibilities for the general management/administration of the district. The District Governor (who is a political appointee) is the Chairman of this Council.

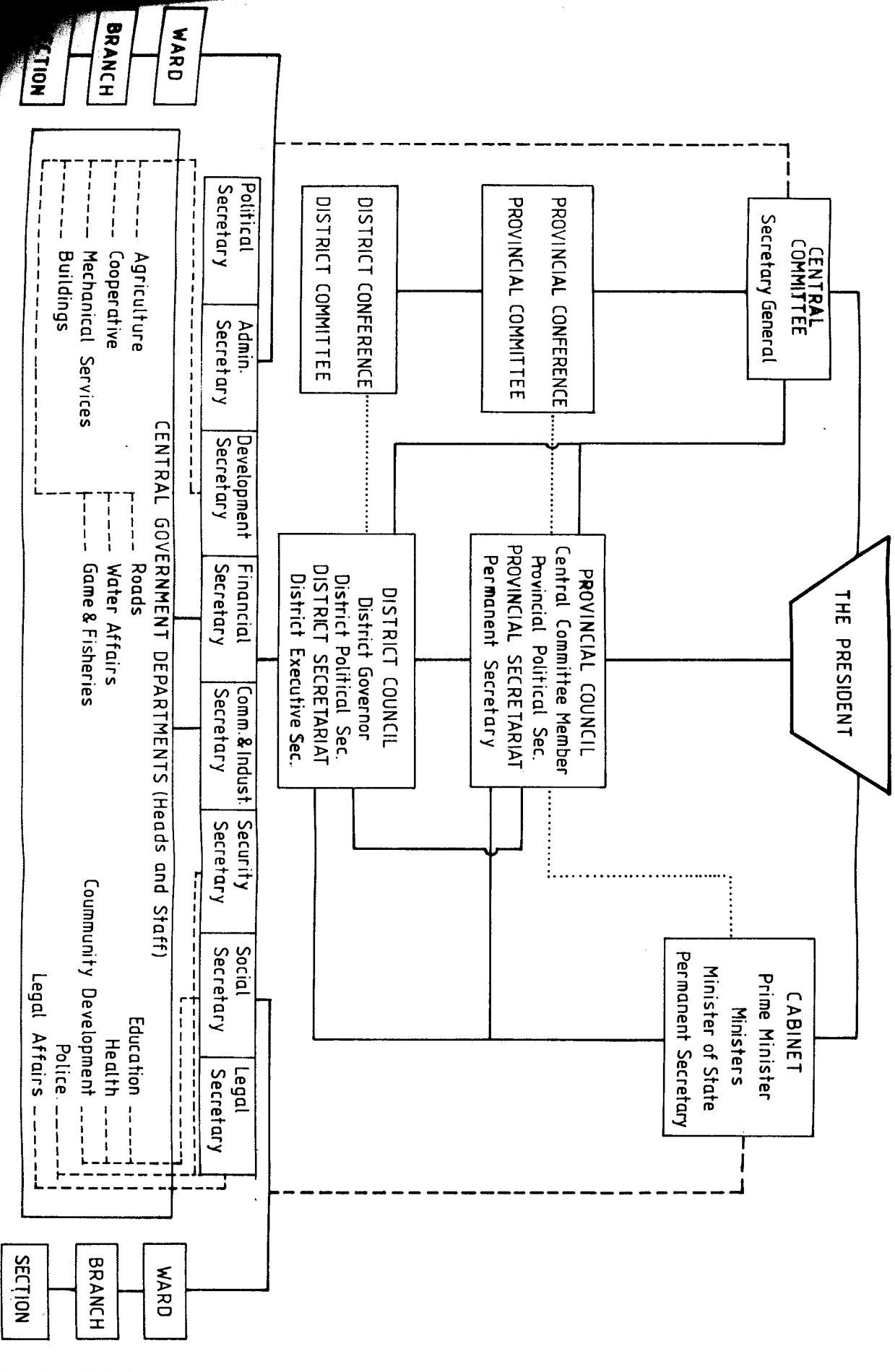
(ii) A statutory administrative body called 'District Secretariat' was established by Section 83 of the Act. This is the implementing arm of the Council. Besides carrying out day to day administration and processing of the council business, the functions of the secretariat include the implementation of Party and Government policies and programmes of work (Chikulo, 1985, 75). The Secretariat is headed by the District Executive Secretary who is a senior civil servant. All the former local government, Party and Central government departments officials are designated as members of the secretariat. Furthermore, all former

central government departments and agencies in the district have become departments of the new District Councils. Lastly, the Secretariat is divided into departments, each is headed by a Secretary (see Chart II).

The merging of all the local administration structures into a single agency as above, is intended to eliminate (at least minimise) the negative features of the old system such as duplication and overlapping of functions, departmentalism and incrementalism (Chikulo, 1985, 76). By doing this, the Government intends to enhance areal horizontal coordination (among the structures) which is vital for administrative efficiency. Above all, it was intended to strengthen and make the local public bureaucracies effective and efficient in terms of delivering goods and services to the public or to improve the administrative performance generally (NIPA, 1981, 2). This is imperative because, these new units (new District Councils) have been assigned wide-ranging functions to perform which need improved efficient decision-making and implementing capacities. The major restructuring of the local administrative system as discussed above is regarded as the main objective. Other objectives of the Act are as below:-

(ii) Staffing Arrangement: This is intended to afford new Councils the opportunity to attract and recruit directly their own staff. Statutory Instrument No. 4 of Public Service Commission (Delegation) Direction 1981, delegated powers to District Executive Secretaries as "Responsible Officers". This meant the

CHART II: STRUCTURE OF LOCAL ADMINISTRATION IN ZAMBIA AFTER 1980.



have considerable powers with regard to such matters as appointments, promotions, transfers and discipline. Under the circumstance the Public Service had been decentralised. This initial arrangement failed as will be discussed in chapter V. The Commission continued to recruit on behalf of the new Councils. It was not until Local Administration (Amendment) Act 1986 was passed that the Public Service Commission stopped recruiting (staffing) for councils. The Local Administration (Amendment) Act 1986 empowers the new Councils to perform or exercise their own personnel functions. Through it, the Government aims to end the critical shortage of qualified manpower which had been haunting councils in the country before 1980 Reforms (Simmanee, 1974, 9; Malik, 1974, 20).

iii) Financial Arrangement: Section 52 of the Act empowers the new Councils to raise money required for carrying out their statutory functions by imposing levies, taxes, fees etc on properties, business houses, services etc. Furthermore, sections 29 (i and ii) and 35(i) empowered new councils to raise money through Bank loans, Treasury loans, and through the issue of stocks and bonds, mortgage etc. In short, it empowers the new councils to raise revenue from as many sources as possible, including establishing business enterprises. The new system of local financing is designed to reduce, if not to end dependence on central government and ensure financial autonomy of the new councils (Chikulo, 1985, 77). This new arrangement is a big departure from the old system. For example, under the Local Government (Act (1965), the Central Government (through the former

Provincial and District) exercised virtually total control over local government finances. The result of this was that, all levies, taxes and fees imposed by the local government, including all estimates, and borrowing for capital expenditure were all subjected to treasury controls. This plunged councils into a lot of financial crisis before 1980 Reforms (Nsarkoh and Chikulo, 1984, 1; Chikulo, 1985, 77)

1V) Social and Economic development: As already mentioned earlier, although the intergration of the local administration structures is the main objective, social and economic development (or rural development) forms the ultimate objective (Nsarkoh and Chikulo, 1984, 8). This is provided for under a wide range of functions of the new councils contained in Part I of the Schedule of the Act. There is one distinct difference between the old and the new local administrative system. Under the former, the local and central government departments and other structures as discussed earlier, operated side by side in performing specified functions. But under the latter, new councils are responsible for performing almost all functions previously carried out by local government and most of the functions previously carried out by government departments. The rationale of the latter is that with the local bureaucracies strengthened and provision made for supporting resources, new councils should be able to deliver the goods and services more efficiently and effectively than was the case before this major reforms were introduced in 1980.

In the light of the foregoing, Zambia's style of decentralisation

reforms seems to have met the required standard components or prerequisites (for viable decentralisation) as Mawhood asserts,

"No country is obliged to choose decentralisation. If that choice is made it will be better made with a consciousness of the whole political commitment, the functions to to be given to local bodies, the resources to be provided and the structural supports"
(Mawhood, 1983, 255)

Besides the above, Zambian decentralisation reforms envisaged both elements of deconcentration and devolution. In the former, the Act transferred administrative powers to the new councils to discharge a wide range of statutory functions, mainly concerning provision of services. In the latter, Section 56 of the Act devolved powers to the elected councils which exercise this by passing bye-laws needed for performing their statutory functions. In short, this type of decentralisation is an integrated and a prefectoral one (under the political head of the District Governor)

In conclusion, it should be mentioned that section 3 (i) of the Act established new District Councils in places where there existed former Municipalities, Townships, etc. Thus, the former local government (authorities) have been made the focal points of the new District councils which are now responsible for discharging a wide-range of functions (including statutory functions of councils which existed before 1980 reforms). These functions included provision of water supplies, and residential houses and the establishment of Day Nurseries, Community centres, kiosks, shops,

super-markets, markets and taverns. Under the circumstances, Lusaka Urban District Council (which was a municipality with a city status before 1980) automatically became one of the fifty-five new District Councils established by the Local Administration Act (1980). In other words, Lusaka Urban District Council is one of the governmental Agencies which have been mandated to implement the provisions, rather the reform policy objectives of the Act, as discussed above.

CHAPTER IV

4. LUSAKA URBAN DISTRICT COUNCIL

4.1 BACKGROUND

The present urban area of Lusaka evolved from a small area of one square mile around the railway station. It became Lusaka Village Management Board under the Village Management Proclamation in 1913. (Simmanee, 1974, 4). This was during the British South Africa Company which was granted a royal charter to administer the territory on behalf of the British Government. Although Lusaka Village Management Board was small in size and simple in structure, it represented one of the first local government (authorities) institutions in the then Northern Rhodesia. As a Board, it was charged with a number of responsibilities concerning problems of managing urban growth such as designing and supervising the construction of Streets, buildings and problems of public health. Besides having a partly elected and nominated council, it had a few staff whose salaries were paid for by the Central government. In 1930, it was elevated to Lusaka Township Management Board under the Township Ordinance of 1929 (Simmanee, 1974, 5). Again in 1935, it was declared a Capital of the then Northern Rhodesia and this automatically gave it the status of a municipality. The consequence of this was that under the Municipal Corporation Ordinance of 1927, its responsibilities increased. This period coincided with the rapid increase of movements of African population from rural to Urban areas in

search of jobs and this subsequently led to mushrooming of African compounds. The effect of this was the growing need for provision of more services. Sections 7 (3) and 43 of the ordinance provided for the appointment of a Mayor (and his Deputy) and an elected Council respectively. The appointment of the Town Clerk and other officers of the Secretariat was provided for in Section 44 of the ordinance. The same ordinance provided for the financial resources of the council in section 70 by empowering the council to collect revenue from various sources which included rates, rents, fees, taxes and levies in markets. It also empowered her to borrow, though with the approval of the Governor. The provision of this financial resources was to enable the Council to pay salaries to its workers and to pay for costs involved in providing the services. The above features of Lusaka City Council, as it was called after it attained city status in 1960, were adopted and continued even after the achievement of political independence in 1964. Both the 1965 Local Government Act and 1968/69 Reforms had little effect on the Council, structurally and to some extent, functionally. The former merely expanded the statutory functions of the Council from twenty four to sixty-five. Some of these major statutory functions included the establishment and maintenance of markets, community development centres, Day Nurseries, Taverns, shops, kiosks, supermarkets and provision water supply and residential houses for rents. With the exception of the enactment of 1971 Registration and Development of Villages Act, which intergrated the Party structures of constituencies, wards, branches etc into the council structures, Lusaka City

Council did not experience any major changes until 1980. The Local Administration Act (1980), changed her name from Lusaka City Council to Lusaka Urban District Council. (among other changes which will be discussed below).

As can be seen in Map 1, Lusaka Urban District is not only the smallest of the three districts in Lusaka Province, but it is the smallest district in the country as well, in terms of size. It covers only a total area of three hundred sixty square kilometres but with a rapidly growing population of 600,000. This makes her the most densely populated district in the country. This is because she has an average population density of 1670 persons per square kilometre, which is not only higher than the national population average of 8.5 persons per sq km but is the highest in the whole country (Bodemeyer, 1984). Generally speaking, Lusaka Urban District is mainly composed of the heart of the City, Industrial, Residential and peripheral parts. The latter, which consists of townships and upgraded squatter settlements, has the highest population density, followed by medium and low-cost housing areas (Wood, 1986,179). Communication network is quite good compared to other districts. There is a railway net work which passes through the city centre and the road system includes 424 km of tarred road and 211 km of gravel road (Blankhart, 1986, 261)

The economic activities in the district are dictated by the proximity of the Capital City. Because of this, the Council has assumed the role of providing services to the nation as a whole.

MAP 1: REPUBLIC OF ZAMBIA

PROVINCIAL BOUNDARIES

DISTRICT BOUNDARIES

WESTERN
Serenje
Sesheke

NORTH WESTERN
Kalambo
Chitola
Kasempa
Mwinilunga
Sekezi
Lufubu
Moingu
Kalabo

NORTHERN
Kasama
Isoka
Chama
Chinai
Chitibi
Samiya
Mwenze
Mporokoso
Kaputa
Nchelenge
Kamanbwa
Lueningu

EASTERN
Lundazi
Chipata
Karero
Chetza

CENTRAL
Musha
Petauke
Katima Mulilo
Karoya
Karwe (Rural)
Ndalatya
Luanabwa
Chilibombwe
Chingola
Kalulushi
Mufuire
Kitwe
Ndola

SOUTHERN
Mazabuka
Gwembe
Choma
Katoma
Maseru
Mambwa
Memele

LUAPULA
Manisa

LUSAKA
Lusaka (Rural)
Lusaka
Lusungwa

**DISTRICT
BOUNDARIES**

This too has greatly influenced the social, economic etc lives of the entire district. Banda and Mundende (1986, 164) have identified occupational structure of the population of Lusaka Urban district as mainly engaged in mining and quarrying; Manufacturing; Construction and Building; Commerce and Finance, Transport and Communications; Services (including Administration) and Domestic Service. These occupations or industries provide employment for almost more than half of the (1969) population of the district (Wood, 1986, 175). Besides, there is a fast growing "informal sector" employment in which a considerable proportion of the work-force is self employed in small-scale industries and petty-trade. This informal sector engages 20% of the population of the district (Wood, 1986, 175). There is also urban agriculture (including animal husbandry) in which a small proportion of the population is engaged in. Jaeger and Huckabay (1986, 267) have identified three varieties of small scale commercial agriculture; house-plot gardening and scattered cultivation. The former is done on small holdings in peri-urban areas. House-plot gardening is kitchen and backyard gardening which is practised in most demarcated residential areas. The latter is done on vacant land in and around townships. Though the practice is spreading, urban agriculture is not important in the economic and social lives of the population of Lusaka Urban district. This is because, among other reasons, Township (Control of Cultivation) Regulation of 1965 forbids cultivation on vacant urban land. As such urban agriculture can be regarded as belonging to the informal sector of the district.

Regardless of whatever varied occupations the population of an area is engaged in, as discussed above, it is accepted everywhere in the World that the Authorities (e.g. Lusaka Urban District Council in this context) have to provide at least, the basic services to the local community.

4.2 ADMINISTRATION

The introduction of the Local Administration Act (1980) and its subsequent enforcement in 1981 had many implications for the Council. As already discussed in Chapter III, the main objective of the Act was the integration and rationalisation of the then existing local administrative structures into a single political-administrative units of the new District Councils. This move gave Lusaka Urban District Council a new organisation structure.

In accordance with sections 3 and 83 of the Act, the district now has an elected council and a district Secretariat respectively (see Chart III). The former is the Supreme policy making body in the district and it meets or deliberates once in two months to assess the affairs and general administration of the district. The composition of membership of the Council is varied. It consists of forty nine members, including the District Governor, who is the chairman of the council. The appointment of the District Governor as Chairman is one of the most important features of the new local administrative system. Under the old system, the District Governor was the head of the party and Government in the district but he had no direct control over the

[illegible]

local Council. Under the existing new local administrative system, he is the head of the Party, the Government and the local council in the district. This further helps to integrate all the above discussed local administration structures operating within the district. It should be mentioned that this elected and deliberative body, which meets once in two months, does most of its work (of non-policy issues in nature) through eight different standing Committees.

The District Secretariat is the implementing arm of the council and is responsible for day to day management of the affairs of the Council. It is composed of a team of professional administrative and technical staff. As can be seen (in Chart III) the Secretariat is divided into nine departments, each is headed by a Secretary or a Director. These are the Political, Development, Commercial and Industrial, Financial, Administrative, Social, Security and Legal Secretaries and the Director of Water Services. The District Executive Secretary, who is a very senior Civil Servant in the district, is the head of this Secretariat.

The above organisation structure is designed to provide a more efficient and effective administrative framework for the policy-making, planning and implementation of district development programmes and projects (including the provision of services). But the task involved is colossal in view of the new responsibilities assigned to the new Councils by the Act. For example, Part I of Schedule of the Act has increased the statutory functions of the new Councils to ninety-five from sixty-five of

the Councils which existed before 1980 Reforms. This increase became inevitable as all functions previously carried out by the old Councils, central government departments and Party organs are now vested in the new Councils. This study found out that although most structures have been integrated into Lusaka Urban District Council, a few government departments are not. The reason for this lack of complete integration are many and one of them is the non-transfer of funds meant for performing their functions from government ministries to the Council. The new Administration of Lusaka Urban District Council therefore faces a daunting task in implementing the reform policy objectives. Newman asserts,

'Administration is the guidance, leadership and control of the efforts of a group of individuals towards some common goal'.
(Newman, 1963, 1)

It is evident from the expanded administration structure and the new responsibilities discussed above, that one of the first tasks of the Council is to procure additional competent personnel to man the expanded new administration structure. It is generally accepted that the effectiveness and efficiency of any organisation depends to a large extent on filling positions of responsibilities with suitable personnel. This need for staffing the new administration of Councils was anticipated and subsequently provided for under the staffing arrangement (which forms one of the objectives of this reform policy under the Local Administration Act, 1980).

CHAPTER V

5.

STAFFING

The operations of most Councils in Zambia have been affected for a long time in the past due to shortage of qualified staff (Malik, 1974, 20). Lusaka Urban District Council is one of those Councils which have been experiencing staff crisis (LCC, 1978, 3). This has been a very unfortunate situation because the success of any undertaking depends largely upon the efficiency with which organisations are run by competent personnel.

It is exactly against this background that the Local Administration Act (1980) have provided for the staffing or procuring of personnel for the new District Councils. The staffing arrangements under the Act has the objective of affording new Councils the opportunity to directly procure qualified staff (NIPA, 1981, 19). It can be said that these staffing arrangements are mainly aimed at removing 'red tape' which inhibited the system before the introduction of 1980 Reforms. Before this, there was the Local Government Service Commission which was the sole authority performing personnel functions of all Councils in the country. This Commission was held responsible for the then staff crisis (LCC, 1978, 25). The Government, through the Act, intends to redress this problem by empowering new Councils to directly procure their staff. The Government took the following measures as below to support this:-

- (i) Section 91(i) of the Act abolished Local Government

Service Commission and seconded all Council staff to Public Service (Public Service Commission)

(ii) Public Service Commission by Statutory Instrument No. 4 of 1981 delegated powers to District Executive Secretaries (of new Councils) as "Responsible Officers" for staffing matters.

(iii) Local Administration (Amendment) Act, 1986 was passed to amend the Principal Act (Local Administration Act, 1980).

5.1 PRE-REFORMS PERFORMANCE

In order to appreciate the effects of the measures taken above on Lusaka Urban District Council, a brief account of the performance of the pre-reforms institutions is necessary.

The 1974 Local Government Service Act established Local Government Service Commission. As mentioned earlier, it was the sole authority performing personnel functions for all Councils in the country. The rationale behind establishing such a body was to create a unified and centralised recruitment system and a standardized conditions of service. The aim was that, besides avoiding competition among Councils, it was hoped the Commission would procure enough personnel for all Councils in the country. Lusaka City Council (which existed immediately before Lusaka Urban District Council was established) was one of the Councils whose staff requirements were met by the Commission. This study would

like to point out that the official statistical data for staffing of individual Councils are non-existent. However, Table I below shows how the Local Government Commission carried out its functions of staffing all the then 53 Councils:-

TABLE I

STAFF POSITION IN 53 LOCAL GOVERNMENTS 1976 - 1979

	1976	1977	1978	1979
Appointments	434	351	137	263
Promotions	156	114	26	307
Discipline	107	39	56	20
General	633	473	132	390

Source: Local Government Service Commission, ANNUAL REPORTS, 1976 - 1979, Government Printers, Lusaka, pp 16 - 17

When one considers that there were then 53 Local Authorities, Table I above clearly gives an average of 5 persons procured for each Council in 1978. Although no figures for the total vacancies in all Councils are available, this figure is definitely below the staff requirements of each of the 53 Councils. For example, in the same year, Lusaka City Council reported that in her Treasurer's Department alone, there existed a total of 138 vacancies, at both Senior and Middle Management levels (LCC, 1978, 3). It is therefore evident that the establishment of the Local Government Service Commission did not end the staff crisis of Local Authorities.

5.2 POST-REFORMS PERFORMANCE

It can be concluded that the poor performance of the Local Government Service Commission regarding staffing of Local Authorities during the pre-reforms period as discussed above, led to its abolition in 1980. In Section 91(1) of the Local Administration Act, (1980), all local government employees were seconded to Public Service. This meant - like during the Local Government Service Commission era - the staffing matters of all District Councils were to be handled by the Public Service Commission. Consequently, the Public Service Commission, through Statutory Instrument No. 4 of 1981, delegated staffing matters to Executive Secretaries of District Councils. In practice, the delegated powers were not exercised by the District Councils for unknown reasons. Instead, the Public Service Commission, through the Personnel Division, continued after 1981 to carry out the personnel functions of all District Councils. This study faced the same problem of non-existence of official statistical data of staffing of individual Councils under the Public Service Commission, like during pre-reforms period under Local Government Service Commission. The Public Service Commission carried out its functions of staffing 55 Councils as below:-

TABLE II

STAFFING POSITION IN 55 DISTRICT COUNCILS FOR 1983 AND 1985

	1983	1985
Appointments	9	182
Promotions	-	61
Disciplined	-	46
Retirements	17	23

Source: Public Service Commission : ANNUAL REPORTS for 1983 and 1985, Lusaka, Government Printer, pp 8 and 9-10 respectively

Table II above, shows that the Public Service Commission did not perform any better than the dissolved Local Government Service Commission in Table I. For example, Table II indicates that for a total of 55 Councils, the Public Service Commission procured on average of 3 persons per Council in 1985. This figure is below the average of 5 persons procured in 1979 by the Local Government Service Commission in Table I (in the pre-reforms period). Yet responsibilities of the former were greater than the latter, considering that personnel functions increased with the establishment of 55 new Councils from 53. It was therefore apparent the Public Service Commission could not end the staffing crisis of the new Councils.

Despite this, and almost concurrently, the Commission has been continuously filling most of the administrative, executive and

clerical posts in the Public Service through massive promotions of local officers. This has been part of a vigorous Zambianisation policy which has been pursued especially for these non-professional and technical posts (PSC, 1981, 3). A case in point is the promotions in 1981 of 2,036 public servants, which included the appointments of District Executive Secretary and other eight heads of Departments (Secretaries) of Lusaka Urban District Council (LUDC, 1982;; PSC, 1981, 3). These Public Service Commission promotions of generalists or non-professional and technical cadres were directed through a series of Statutory Instruments whose statistical data are not available with the Personnel Division (PSC, 1983, 4). But the pursuance of this policy of Zambianising certain posts did not help to alleviate staff crisis in the professional and technical departments of Councils. For example in 1984, Lusaka Urban District Council continued to report critical shortage of staff in all her technical departments (LUDC, 1984, 6).

A further effort towards finding a solution for staffing the Councils came with the enactment of Local Administration (Amendment) Act (1986). It amended Section 91(1) of the Principal Act (Local Administration Act 1980) regarding staffing of District Councils as discussed above. Unlike the previous arrangements which brought confusion between District Councils and the Public Service Commission, this law is very clear and Section 98(1) says,

"with effect from 1st December 1986, a Council shall have the power, subject to the other provisions of

this Part, to appoint, promote, transfer, second, dismiss, discharge or discipline its officers and employees and any such power shall be exercised in accordance with the terms and conditions determined by the Council with prior approval of the Minister" (Act, 1986, 173)

What this means is that, besides empowering Lusaka Urban District Council (and other Councils) to handle her own staffing matters, employees of the Council reverted to Council Service from the Public Service. Because of the explicit nature of this law, Lusaka Urban District Council immediately assumed this responsibility of staffing her own Secretariat as shown below:-

TABLE III

STAFFING OF LUSAKA URBAN DISTRICT COUNCIL 1987-88

	1987	1988
Appointments	163	336
Disciplined	6	7
Resigned	30	20

Source: CONSTRUCTED FROM FIGURES OBTAINED FROM 1987/88
MINUTES OF ESTABLISHMENT COMMITTEE OF LUDC.

It is apparent from Table III (compared with Tables I and II) that Lusaka Urban District Council has made significant improvement in staff procurement through direct management of her own staffing matters as provided for under the Amended Act. This clearly confirms that 'red tape' was inherent in the previous system which was responsible for personnel functions for all Councils in the country. This improvement is therefore attributable to the

virtual freedom the Council now enjoys over exercising her own personnel functions. This does not only indicate that a solution has been found to end staffing crisis but also that great strides have been made towards decentralising staffing matters. Despite the improved staff procurement in Lusaka Urban District Council as discussed above, it appears her technical and professional departments did not benefit much from it. For example in 1988, the Council continued to report critical shortage of staff in the Development department where 76 vacancies existed for Engineers, Surveyors, Architects, Town Planners etc. (LUDC 8th April 1988),

In conclusion, the pre-reforms period has demonstrated that the Council was unable to meet her staff requirements. The procurement of staff for all Councils was done by Local Government Service Commission which was procuring on average of 5 persons per Council in 1978 according to Table I. This performance was clearly below expectation since staff crisis continued thereafter. In the immediate post-reforms, the Public Service Commission did not perform any better than the dissolved Local Government Commission, although the Zambianisation policy to fill administrative, and executive posts through massive promotions helped tremendously. But there has been a clear change from 1986 onwards, when the Council was empowered to exercise her own personnel functions. Unlike Tables I and II, which show staff procurement for all Councils, Table III shows that Lusaka Urban District Council is capable of exercising her own personnel functions. But again most of staff procurements discussed above

benefited the non-professional and technical cadres. The measures taken to decentralise staffing can be said to have produced one effect of enabling the Council to procure and fill the senior and other administrative posts where the crisis ceased to exist (LUDC 8th April 1988). Unfortunately, these measures had no effect regarding the procurement of professional and technical staff for the Council where the crisis continues unabated as discussed above.

The fundamental problem hampering the procurement of staff of all categories, especially the technical and professional, is poor salaries and conditions of service (LUDC, 1984). The terms and conditions of service in use now by the Council belonged to the former Local Government Service Commission, which was designed in late 1970s and has not changed, though the Appointing Authorities changed many times. The Council staff continues to be subjected to the same old and outdated terms and conditions of service and yet it is a good personnel function to revise it regularly with a view to deliberately making it generous in order to attract and retain staff. A good terms and conditions of service also acts as an incentive to retain the services of much needed personnel who may be easily lured to other sectors of the economy with more attractive pay offers. Nevertheless, one of the shortcomings of the Local Administration (Amendment) Act 1986 is that while it allows Councils to recruit, dismiss, discipline their staff, it does not allow them to change terms and conditions of service without the approval of the Minister of Decentralisation.

Therefore as long as it stays unrevised and unattractive, Lusaka Urban District Council will continue to experience staff shortage. This means that even employees in the service of the Council now (both professional and non-professional) might leave for more attractive remunerations elsewhere as already evidenced by increasing cases of resignations in Table III. Besides, it might be extremely difficult to recruit from abroad as salaries and other conditions of service offered are not competitive enough at the international labour market (PSC, 1985, 5). This is unfortunate indeed, for skilled manpower is not only one of the components for development (Gant, 1979, 3) but its procurement ensures the efficiency of the organisation as well. In order to alleviate this staffing problem, the Minister of Decentralisation should seriously consider giving more powers to District Councils to work out their own individual salaries and conditions of service of their staff. This should be based on the amount of financial resources each of the Council is able to mobilise through the new financial arrangement.

CHAPTER VI

6.

FINANCE

District Councils must have financial resources in order for them to perform the various statutory functions for which they are responsible and to meet other operational costs. For instance, the provision of various services by Councils entails large expenditures on both Recurrent and Capital Accounts. For various reasons, local authorities in Zambia had been facing persistent financial crisis for a long time in the past (Chikulo, 1985, 77; Malik, 1974, 22). This forced Councils to depend heavily on Central Government financing (Nsarko and Chikulo, 1984, 21). This was not a healthy situation for Councils because the amount of government funding kept on dwindling as well due to the falling price of copper, which is the main export commodity (Chikulo, 1985, 74).

The introduction of the financial arrangement under the Local Administration Act (1980) therefore is an attempt by the Government to reverse the above financial crisis faced by Councils. The aim of the financial arrangement is to enable Councils to generate or raise revenue from as many sources as possible with a view to achieving eventual financial autonomy (NIPA, 1981, 24). Below are the measures taken under the Act to support this.

- (i) Section 35(1) empowers Councils to borrow from any source, including government, banks and by issue of bonds or stocks and mortgages.

(ii) Sections 52(1) and 53(1) empower Councils to impose levies, fees and other charges on properties, business houses persons etc. District Councils may do this by passing bye-laws which are subjected to Ministerial approval.

(iii) Nos. 36-39 of Part I of the Schedule of the Act empowers Councils to engage in any business enterprises.

6.1 Main Sources of Finances

Despite the above measures taken to boost the finances of Councils, the traditional sources of income still occupy a central place in the finances of Councils. In other words, the traditional sources of income form the basis of Council finances. For example, 99% of Recurrent Accounts is financed from levies and other local taxes and charges. It is therefore necessary to discuss briefly each of the items thereunder in order to understand the extent of the above measures taken, especially in Sections 35(1)(a), 52(1) and 53(1) of the Act.

6.1.1 Personal Levy

This can be regarded as a form of poll-tax. It is collected yearly by the Council from all adult persons who are working and living within the district. The law empowering Councils in Zambia to levy this tax is contained in the Personal Levy Amendment Act 1968. Persons who are exempted from this tax include the President, Diplomats, temporary visitors. The rate of the personal levy is paid at progressive rates depending on the level of a person's income. But normally the higher the income, the higher



is the amount of personal levy to be paid. This is not a reliable source of revenue for the Council because the amount collected keeps on fluctuating. For instance, during the period of national economic boom, collections of levy automatically increases and the reverse is true during economic slump or crisis (Malik, 1974, 30)

6.1.2 Rates

This is levied on the owners or occupiers of assessable properties within the urban area. In Lusaka urban areas, this mainly consists of land and buildings. The evaluation of this assessable property for rating purposes generally takes place every five years. This is based on the full and fair price which a property would likely realise if it were sold voluntarily at the time of valuation. In Zambia, the statutory right for District Councils to levy rates is contained in the Municipal Corporation Act. This Act does not provide for differential rating. Neither does it provide a definite formula for assessment. But normally factors such as rate-payers ability to pay and level of rates levied by other Councils are taken into account. The provision of services is not a condition for levying of rates (Malik, 1974, 29). As such it will therefore be illegal for a Council to waive or grant rebates on rates payable simply because the full services enjoyed by rate-payers within City centre are not extended to those areas. Like for personal levy, certain properties in the personal occupation of the President, churches are exempted from rates payment by law. Although the law excuses the central government itself from liability to pay rates on its own properties, she pays

a contribution of grant-in-lieu of rates to the Council, equivalent to the amount of rates which would otherwise have been payable. This is a most reliable source of revenue for Lusaka Urban District Council.

6.1.3 Rents

The Council owns many properties, especially houses, for both residential and business purposes. The provision of housing is an expanding function of all District Councils in Zambia. All Councils receive rents from tenants for occupation of such houses. But the fixing of house rents is controversial because all Councils have to find a mean between political ideal i.e. lowest rents and the extreme economic rent i.e. highest rents. The result has been that the amount of rents charged by all Councils in Zambia is a compromise between the two ideals. In Lusaka Urban District Council rents are generally kept low by government subsidies and by the Council itself. A case in point are low-cost houses in Chilenje, Matero, Chinika and Kamwala whereby the Council spends more money on their maintenance and other expenses than revenue collected through heavily subsidised rents (LUDC, 1982) As such these low-cost houses can be discounted as an effective source of revenue for Lusaka Urban District Council.

6.1.4 Fees

Lusaka Urban District Council, like other Councils, is responsible for the issuing of trading, dog, petroleum, theatre, cinema, game, fishing etc licences. She charges fees for these licences and retains the funds realised from it. In the past, the practice had

been that although the Council retains the funds, she did not fix the amount of fees payable. (Malik, 1974, 31). It had been the responsibility of central government to fix the fees. There are other fees charged by the Council and these include refuse removal, meat inspection, market fees and fees for use of Council's swimming pools. Furthermore, there are other fees collected by the Council on behalf of central government. These include fees for issuing of motor vehicles, drivers and liquor licences. The money collected for these is passed on to the central government after deducting a small percentage for administrative costs incurred by the Council.

6.1.5. Water and Sewerage Tariffs

Despite problems, this is one of the most reliable sources of income for Lusaka Urban District Council. She provides water supplies and sewerage services for her residents and charges tariffs for the utilisation of these services. There is one problem concerning provision of these services especially to big public institutions like hospitals, schools, army, police. It is difficult to tie water consumption to their ability to pay for services rendered. The result has been that most of these institutions have accumulated big unpaid water bills for years and yet in order to expand and maintain a steady supply of water throughout the year, massive capital investments are needed. As will be discussed in Chapter VII, lack of capital for water works has been the Council's big problem for a long time and the result has been that water supplies to her residents has been erratic.

6.1.6 Government Grants

The central government gives annual grants to all District Councils for a number of reasons. The amount of grant given to each Council depends on the size of the population of the district and ability to raise funds locally. Lusaka Urban District Council gets little grant (17% of her Annual Budget) for she has many sources of revenue. There are many types of government grants, the most notable ones are 'Needs Grant' and 'Specific Grant'. The former is given to encourage the Councils to establish new services or to raise the standard of the existing services, especially in situations whereby Councils lack the necessary funds. The latter is given as a contribution by the central government towards the costs of specific projects undertaken by Councils such as maintenance of main roads, low cost housing subsidies, public health, capital projects and for servicing site and service schemes. It is worth mentioning here that government grants to Lusaka Urban District Council has not only been dwindling in amounts but it has been given irregularly. This makes it difficult for the Council to plan or draw up comprehensive budgets.

6.1.7 Government Loans

The central government gives loans to District Councils for capital projects. In other words, all Councils are mandated to borrow money from the central government in order to finance their capital expenditures which are ever growing. The Government, through the 1980 Local Administration Act, authorised Councils to

borrow money from local financial institutions and banks and through issue of bonds or stocks and mortgages. After 1980, Lusaka Urban District Council started borrowing from various sources which include Zambia National Provident Fund, Zambia State Insurance Corporation, Zambia National Building Society, Zambia Airways Corporation, Local Government Superannuation Fund etc. It is only under exceptional circumstances that Councils are authorised to borrow from external sources. This requires the approval of both the Ministries of Decentralisation and Finance because the transaction involves foreign exchange. Besides, once the deal is sealed, it automatically becomes a national debt. Although central government remains a major source of all Councils' borrowings, Lusaka Urban District Council, especially after 1980, has to some extent been able to diversify its sources of capital borrowings. This has been made possible largely because of her proximity to Capital City, where most of the lending financial institutions are situated.

6.1.8 Commercial Undertaking Profits

This cannot be categorised as one of the traditional sources of income because it is a later or a new addition to the history of Councils' finances in Zambia. In 1972, Statutory Instrument No 76 by the Minister of Local Government and Housing empowered Councils to establish retail, wholesale and manufacturing businesses in order to provide additional source of income. The outcome of this was that Lusaka City Council established in 1970s, taverns for sale of opaque beer (liquor undertaking), uniform or clothing

factory and other retail businesses of kiosks, shops and supermarkets. In 1980, the Local Administration Act further empowered Councils to engage in whatever business ventures, without restriction from the Authorities.

6.2 PRE-REFORMS PERFORMANCE

During this period Lusaka City Council relied almost exclusively on the above discussed traditional sources of income to finance her operations. But the central government imposed strict financial controls on the Councils. For example, the drawing up of Councils' Estimates, imposition of levies and other local taxes and borrowings for capital expenditures required the approval of Provincial Government, on behalf of the Central Government. The financial management of Lusaka City Council was therefore dominated by such strict government controls. Below is the financial position of Lusaka City Council at the time:-

TABLE IV

INCOME AND EXPENDITURE ACCOUNTS OF LUSAKA CITY COUNCIL
FOR 1978 AND 1980

SERVICE	1978 (K)		1980 (K)	
	INCOME	EXPEN' TURE	INCOME	EXPEN' TURE
Rates	6,159,000	6,379,425	4,594,300	5,138,050
Personal Levy	1,350,000	-	1,463,395	1,500,000
Housing Rents	2,406,700	4,180,956	1,851,632	1,807,730
Water	4,580,660	4,485,710	4,184,015	7,300,000
Sewerage	1,315,950	1,235,960	-	-
Liquor Undertaking	2,497,740	2,716,130	986,189	2,500,00
Miscellaneous	600,170	-	5,138,492	2,187,030
TOTAL	18,916,220	18,998,181	17,218,023	20,432,810
DIFFERENCE	-81,961		-3,214,787	

Source: Annual Council Meeting - City of Lusaka - Mayoral Minutes 1977/78 and 1979/80, pp 8-9 and 4, 17, 20 respectively

Table IV above clearly shows that almost against each item, expenditures outstripped income. The result has been that over the years, Lusaka City Council accounts had persistently been in deficits, forcing her to rely heavily on central government grants to finance deficits. This partly explains why there had been strict central government controls on the Councils' expenditures. It was therefore the order of the day for the central government to insist on balanced budgets. In addition, the Council was

instructed to restrict her increases in expenditures, outside budgetary provisions, to unavoidable expenses such as very essential and basic services (LCC, 1977/78, 6)

TABLE V

CAPITAL FINANCE RAISED BY LUSAKA CITY COUNCIL, 1975-1978

YEAR	AMOUNT
1975	2,463,807
1976	2,969,598
1977	439,912
1978	800,500

Source: Annual Council Meeting - City of Lusaka, Mayoral Minutes 1977/78, p-7

The availability of capital finance for capital projects had been equally difficult for the Council as is evidenced by the declining figures in Table V. This did not only make it difficult for the Council to engage in new capital projects but it brought a lot of delays in the completion of on-going capital projects. Since the central government is the main contributor to this fund, it can be argued this decline was influenced by slump of copper prices in 1970s.

6.3 POST-REFORMS PERFORMANCE

Besides recognising the importance of traditional sources of revenue, the reform measures detailed above had a number of implications regarding Council's finances. For example, on one hand it removed some strict central government financial controls by empowering Councils to draw up their own financial regulations

and budgets, though still subjected to Parliamentary approval. On the other hand, unlike in the past when central government was the only source of loans, it empowered Councils to borrow from whatever sources available. Above all, it authorised Councils to engage in whatever commercial ventures, which in the past were restricted to certain types of business lines. These measures contrast the pre-reforms period and it is designed to reduce the dependence of Councils and Lusaka Urban District Council in particular, on government sources of finance (as demonstrated in Tables IV and V). Table VI shows the financial position of Lusaka Urban District Council under the Local Administration Act (1980).

TABLE VI

L.U.D.C. INCOME AND EXPENDITURE ACCOUNTS 1981 - 1987

SOURCES OF INCOME (SERVICES)	1981 (K)	1982 (K)	1983 (K)	1984 (K)	1985 (K)	1986 (K)	1987 (K)
1. Rates	7,648,814	7,482,407	7,375,618	8,413,771	10,028,929	16,495,214	23,747,114
2. Water & Sewerage	5,730,007	5,271,023	4,941,084	7,400,337	9,527,092	25,045,868	31,955,000
3. House Rents	2,679,025	2,800,669	3,059,192	3,888,714	5,007,222	7,309,985	7,023,000
4. Personal Levy	1,828,611	2,603,155	2,769,248	2,735,910	3,016,019	3,532,525	3,938,000
5. Proj. Unit Service Chrgs and Loan Repayments	444,489	418,994	436,999	670,944	1,164,731	957,909	1,063,000
SUB TOTAL	18,331,153	18,576,248	18,582,141	21,096,505	28,813,993	53,341,501	67,725,114
OTHER SOURCES							
6. Grant for additional Cost of Salaries/Wages	-	5,610,500	3,443,958	2,013,171	-	-	2,283,000
7. Motor Vehicle Licences	1,196,524	1,336,554	1,482,553	1,487,471	2,060,184	2,354,101	2,283,000
8. Firearms, Dog, Game, Theatre, Petroleum & Liquor Licences etc	78,533	111,784	105,438	130,611	198,666	269,640	309,000
9. Liquor Undertaking Sales	1,959,779	2,345,046	2,408,583	2,683,192	3,876,993	4,847,212	6,219,000
10. Miscellaneous	5,452,664	5,206,984	10,052,405	11,009,781	15,398,090	21,379,627	37,864,000
11. Water Deposits	-	-	-	-	126,482	253,747	33,000
GRAND TOTAL	27,018,753	33,187,116	36,075,078	38,420,731	50,474,408	82,445,828	114,733,114
EXPENDITURE							
CAPITAL	-	-	-	-	5,104,956	8,887,357	17,710,000
RECURRENT	-	-	-	-	45,909,719	67,209,676	102,590,000
TOTAL	28,080,771	34,168,874	37,698,307	38,338,323	51,014,675	76,097,033	120,300,000
DIFFERENCE	-1,062,018	- 981,758	-1,623,229	+ 82,408	- 540,267	+6,348,795	-5,566,886

Source: LUDC Annual Report 1984, p-31 and Report of the LUDC District Committee to the Annual District Party Conference 1988, p-32

Compared with Tables IV and V, Lusaka Urban District Council under the new financial system shown in Table VI, has registered remarkable yearly increases in income. In other words, since 1981, the growth in income for the Council has been sizeable and growing yearly. On average, this growth in income of the Council was about 500% yearly and it was even higher (800%) from 1985 onwards. This remarkable growth was especially for Recurrent Revenue. This remarkable improvement can be attributed to a number of factors. These include improved staff deployment, improved revenue collection machinery or procedures and diversified sources of income as provided for by the Act (LUDC, 1988). For instance, besides the traditional sources, the Council has been deriving income from various new commercial ventures such as operating a Tannery in the industrial area, a Commercial Farm in Kafue and Passenger Bus Service (Town Service). In addition, the Council derives revenue from many established site and service schemes. It can be argued that the impressive growth in Recurrent Revenue of the Council is due to increased service charges but this is not the case for during this period no substantial increases in house rents, water tariffs, rates, levies, fees and other local taxes were effected (LUDC, 1988).

The Capital Funds market has been disappointing for the Council. As in Table VII below, government loans and other non-governmental sources to the Council for capital projects kept on dwindling almost yearly. The former source was affected by the declining national economy due to the falling price of copper while the

latter was due to inflationary trend which pushed up interest rates. The high interest rates made these non-governmental sources of loans become unattractive, since being a non-profit making organisation, the Council had no tangible security to offer outside government guarantees. This meant that the capital funds for the Council relied more on internal sources of revenue (Recurrent Accounts) than external or government or non-governmental sources.

TABLE VII

LUSAKA URBAN DISTRICT COUNCIL CAPITAL FUNDS FOR 1981/82

	1981	1982
Local Government Superannuation Fund	1,211,000	453,500
Workmen Compensation Board	1,400,000	150,000
Zambia National Provident Fund	968,000	107,185
Zambia Airways	300,000	10,185
Zambia State Insurance Corporation	2,600,000	1,000,000
Govt. Sources	1,993,000	240,000
External Grant	1,145,000	827,000
Disaster Fund	559,565	-
TOTAL	9,218,245	2,639,370

Source: Lusaka Urban District Council: Revenue and Capital Estimates, 1982, p-2

The result of this heavy reliance of capital funds on Recurrent Accounts was that inspite of the impressive growth in the size of revenue, the Councils Recurrent Budgets has been in deficits (see Table VI), except in 1984 and 1986. There are other reasons to explain this ever increasing expenditures on Recurrent Budgets, besides heavy reliance of capital funds on the same, as discussed above. This includes the devaluation of the Kwacha and subsequent inflationary trend. This sparked off high prices whereby the cost of services and materials or goods such as stationery and fuel went up unexpectedly causing expenditures budgets to rise. During these periods of deficit budgets, the Council has been managing to provide services through bank overdrafts and delaying payments to creditors (LUDC, 1984).

In conclusion, the above reform measures can be said to have produced no effects on the growth of capital funds. The Capital Accounts has been dwindling almost yearly for various reasons, which includes the poor performance of the national economy. But the reforms measures have produced impressive records in the growth of the Recurrent revenue due mainly to the resultant diversified sources of revenue. Unfortunately, its effects has virtually been nullified due to heavy reliance of capital funds on Recurrent Revenue Accounts, which has frequently experienced deficits.

The basic problem impeding the performance of Lusaka Urban District Council vis-a-vis her own financial management is that the apparent devolved financial powers as provided for in the Act

is not total. The Council is potentially capable of doing better if she had a free hand in most of her own financial affairs. In practice, she is not free to do all things she wishes to do regarding her own financial management. For instance, the Council is not free to increase or decrease rates, rents, levies, fees and other local taxes as she wants. The Council has to submit proposals for increases or decreases to the Minister of Decentralisation for consideration before a bye-law is passed to effect them. In most cases, all these proposals for increases of these service charges have been rejected.

Regarding capital development funds, in theory, the Council is free to borrow money from any sources without ministerial sanction, but in practice, this freedom is diluted. For example, she is always forced to seek loan guarantees from the Ministry of Decentralisation because the capital projects she borrows money for are non-profit making and long term, which are not in the priorities of lending institutions. Besides, and especially for capital development budgets, the Ministry of Decentralisation still issues instructions to the Council on what items to include and yet proposals for increases of service charges are not approved. With the above constraints, coupled with capital expenditure budgets drawing from Recurrent Budgets, the Council is bound to experience frequent deficit budgeting. The Council can therefore claim to be financial independent in as far as government grants for payment of salaries and wages are concerned, especially after 1984 onwards as indicated in Table VI. But the Council's

achievement of financial autonomy will largely depend on whether or not these above mentioned constraints are removed or minimised. The aim is to devolve more financial powers to Councils in order to enhance their capacities to generate adequate financial resources, which is one of the key components for any efforts towards the achievement of social and economic development.

CHAPTER VII

7. SOCIAL AND ECONOMIC DEVELOPMENT

Social and economic development is viewed as programmes, projects and activities which are designed to directly or indirectly improve living standards (conditions) of the people (Lungu, 1985). Gant (1979, 3) says for all underdeveloped countries, the advent of political independence created hopes of a rapid rise in standards of living of their nationals. In Zambia the aims of this decentralisation programmes has been summarised as,

'to widen popular participation in Government decision-making and to improve upon decision-implementation and hence to speed up rural development, to facilitate basic needs, satisfaction..'
..... (Nsarkoh and Chikulo, 1984, 8)

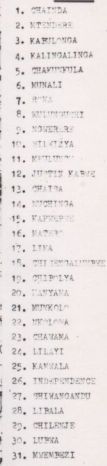
As already mentioned in Chapter III, social and economic development (or rural development as above) is not only one of the objectives but it is the ultimate objective of the Act as well (NIPA, 1981, 32; Bodemeyer, 1984). The statutory functions of the District Councils and the District Committees which are detailed in Parts I and II of the Schedule of the Local Administration Act (1980) respectively, are all programmes, projects and activities towards the achievement of social and economic development. These range from provision of social services to economic or commercial projects. The items discussed in the preceding Chapters V and VI are the basic supportive resources essential for the realisation of this ultimative objective (NIPA, 1981, 33; Gant, 1979, 5). Besides, the main objective of the Act provided for a new effective administrative framework for the planning and

implementation of the district development programmes (NIPA, 1981, 32).

This study did not confine itself to new projects but rather it also examined the manner in which the existing services have been extended to the rest of other parts of the district. The focus of this has been the 31 Wards in Lusaka Urban district (See Map 2) Generally Wards are administrative units formed after merging the former Party constituencies and local government Council Wards. The chairmen of these Wards are members of the deliberative and consultative Council of Lusaka Urban district. The Wards are regarded as basic Units of development in the country (Malik, 1974, 24). It should be mentioned that the intention was to make all Ward Headquarters the focus for local administrative, commercial and economic activities (NIPA, 1981, 29). For instance, it was envisaged that each Ward Headquarters should have basic infrastructures such as Community Centre, market, shops and supermarkets etc (NIPA, 1981, 29). In other words, Ward Headquarters is a focus for local developmental activities throughout Zambia (NIPA, 1981, 29).

This Chapter discusses how Lusaka Urban District Council carried out her major statutory functions in accordance with Appendix I and Part I of the Schedule of the Act. As mentioned earlier, a sketch of the performance of the Council before 1980 Reforms is presented with a view to allowing a more meaningful assessment of the post-reforms period. Because of the difficulty of quantifying the nature of some of those major services, this study sought to

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examine and highlight the general trend or picture rather than detailed analysis of specific social services and economic (or Commercial) undertakings. Some of the major ones include Water, Housing, Community Centres and Kiosks, Shops, Supermarkets, markets and taverns respectively.

7.1 Social Services

These are communal services provided by the Council to her residents. The Council normally charges fees etc for the use of these local facilities/services by individuals or certain groups of the community.

7.1.1 Water

This is one of those services which is essential to human life. To mention but one is that lack of water supply and sanitary facilities for use by urban residents can be a public health hazard. As such its availability can go a long way in improving the quality of life for urban residents. This is one of the services to be extended not only to the Ward Headquarters but to all outlying areas of Lusaka Urban district. Besides the above social responsibility, the provision of water is an income-generating undertaking as well for the Council. The water supplies in the district is met from two main pumping stations of Kafue and Lusaka Water Works.

Through questionnaire (in Appendix I), this study has established that water supplies have been extended to only the builtover areas

in Wards located in and around the Capital City. Consequently, most Wards which fall within peri-urban areas have not been serviced with piped clean water by the Council. These Wards include 31 Mwembezi; 15 Kapwepwe; 17 Lima; 21 Munkolo; 24 Lilayi; 7 Roma; 23 Chawama; 2 Mtendere; 19 Chibolya and some parts of Ward 11 Mpulungu (See Map 2). These are mostly Wards in areas where there are informal housing and their only source of water supplies is from individual wells and boreholes. There are few exceptions in these peri-urban areas, especially in squatter compounds of Ngwerere, Chaisa where the Council has extended the main water supply through numerous stand-pipes (which are communal in nature).

In spite of the existence of two Water Works and up to 50 boreholes (sunk by the Council), water supplies in the district have not kept pace with demand since 1983 (Cheatle, 1986, 251). The result has been that not only are most peri-urban areas been left out as discussed above but even areas within the main water system continue to experience low water pressure. This problem has all along been aggravated by lack of sufficient perennial surface water due to prolonged dry season.

The apparent durable solution to this water supplies problem in the district was hatched during 1979/80 (financial year), which coincided with the passing of the Act (LCC, 1979/80). This is an ambitious Lusaka Water Rehabilitation Project which involves the rehabilitation, in phases, of the two main water works. It involves replacement of machineries at both water works and

pumping pipes to improve the distribution of water supplies. It has been envisaged that once the rehabilitation works have been fully implemented, all the water needs for the entire district will be met for many years to come (LUDC, 8th April 1988, 11). This is not only a very expensive project but as mentioned earlier, the task of expanding and maintaining a steady supply of water throughout the year involves massive capital investments. Yet as demonstrated in Chapter VI, the Council faces difficulties in securing capital development funds which have been dwindling yearly from various sources. Under the circumstances, the successful implementation of this water rehabilitation project therefore depends on foreign donors' commitments which have not been encouraging. It is true through the German aid, the installation of four new water pumps was completed in January 1988, but considering the length of time it took since 1980 in securing the funds for it, the completion date of December 1989 (for the whole project) leaves much to be desired. Yet without the successful completion of the whole project, most Wards located in peri-urban areas will still remain unserved with piped water.

The reforms policy therefore would not have achieved the desired results in this respect if the project does not go through successfully.

7.1.2 Housing

This can be viewed as physical shelters in which urban residents live (Rakodi, 1986, 189). Shelter or housing is one of the basic human needs. Like water, lack of adequate shelter or housing poses

not only public health risk but it is a social problem which retards development. As discussed in chapter IV, the population of Lusaka urban district is the largest of all districts (because of proximity of the capital city) in spite of her tiny size. It is also growing rapidly because of the high rate of urbanisation due to better employment prospects than is the case in rural areas. The provision of housing by the Council is therefore a gigantic task considering the size and the rapid population increase. Though it can be argued that this is a collective responsibility between the Council, National Housing Authority and Employers (including government for its employees), the council has been specially mandated to provide, among others, conventional low-cost housing to her residents. Like water, the provision of these houses is both a social responsibility and revenue generating venture for the Council. This study has established that the Council owns a total of 14,642 rentable low-cost houses. All of these conventional houses were constructed before 1980 and most of them are located in residential areas of Wards in and around the Capital City of Lusaka. These wards include 25 Kamwala; 27 Shiwangandu; 28 Libala; 19 Chibolya; 29 Chilenje and 10 Silwizya. The rest of other council houses are scattered in Wards in the East, West and North-East of the capital city, namely, 16 Matero; 5 Chakunkula; 31 Mwembezi; 2 Mutendere and 13 Chaisa (See Map 2 and Table VIII.)

It has also been established that since 1980, the Council undertook two housing projects in Ward 29 Chilenje. They were all started in 1987 and consisted of a total of 291 low-cost houses (see Table VIII). The construction work was tendered to private

local contractors and although the two projects were due for completion in December 1988, the houses are not yet ready for occupation.

The distribution of conventional low-cost houses in Table VIII indicates that most of the wards located in peri-urban areas lack adequate housing. This has resulted into the growth or mushrooming of slums/shanties and other unauthorised housing which are not only public health hazards but retard development. The Council has tried to tackle this problem by shifting emphasis from provision of conventional houses to provision of serviced plots. These are Council plots given to members of the public who are willing to build their own houses on self-help basis, commonly known as Site and Service Schemes. The Council provides communal services which include access gravel roads, water, schools, clinics community centres. The occupants of these plots pay rates and other charges to the Council for the use of these services offered. Since 1967 this scheme has contributed 30661 housing units, especially in Wards situated in peri-urban areas such as 22 Nkoloma; 9 Ngwerere; 24 Lilayi; 17 Lima; 15 Kapwepwe; 31 Mwembeshi and a few other Wards.

The period after 1980 registered an increase of 291 new conventional low-cost houses which are all located in Ward 29 Chilenje. This increase is small compared to a total of 30,000 persons on the waiting list of House Allocation Section of the Council as of October, 1988, besides those living in unauthorised housing in different parts of the district (LUDC, 1988). The

problem of housing is far from being solved especially in Wards located in peri-urban areas . This can be explained in terms of the Council's inability to raise enough capital development funds. Table VI has established that the Council, at best, can raise from internal sources of revenue about K17m per year for capital projects. But this amount is not enough for such costly projects like this one, considering that this amount has to be shared between numerous different priority projects. However, private investment in housing for renting in the district is encouraging. This is mainly due to the proximity of the capital city, though most investments are for medium and high cost houses which are beyond the means of the majority of the people.

7.1.3 Community centres and Day Nurseries

Both fall under Community Development Section of the District Secretariat. The Council's conception of the above is multipurposeful. The Section organises and runs adult literacy classes, pre-schools, youth and women development programmes whereby the persons concerned are taught various skills. There are also recreational activities organised in these centres. It is intended that with the skills acquired through such programmes, the people involved will thereafter contribute effectively towards nation-building, specifically, towards improvement of their communities. As mentioned earlier, it is the intention of the Government - through the District Councils - that each and every Ward Headquarters must have a community centre.

This study has established that there are 21 Community centres

located in 15 Wards (see Table VIII) and all of them were built and opened before 1980. With the exception of Bauleni Community centre (Ward 3 Kabulonga which was built on self-help basis) the rest of other community centres were constructed by the Housing Project Unit of the Council.

Pre-schools or Day Nurseries provide education to children below school going ages. The study has established that the council owns 34 day Nurseries, 9 of them are run directly by the council. The rest are run indirectly-through the councils grant-in-aid- by management of Ward development committees. These Day Nurseries are either operated from multi-purpose community centres (wherever they exist) or from buildings specifically erected by Housing Project Unit of the Council. Although all Council's day Nurseries were established before 1980 (see Table VIII) and there is need to extend to a few remaining Wards, it should be noted that the council is not badly off, considering that private sector participation is overwhelming. There are 39 private Day Nurseries in the district, in addition to the Council ones. But unlike day nurseries, Lusaka Urban District needs more community centres, which are still lacking in fifteen wards (see Table VIII). As such the reforms policy has had no effects since not a single Community Centre or Day Nursery was constructed since the enforcement of the Act.

7.2 Economic or Commercial and Industrial Undertakings

These are profit-making projects aimed at generating additional income for the Council. In the process of engaging in these

ventures, she also provides services to the district residents. For example, the Government had directed Lusaka City Council - the local authority which existed before the establishment of Lusaka Urban District Council - to create eating places or kiosks for workers near their working places. Above all, Statutory Instrument No 76 of 1972, promulgated by the Minister of Local Government and Housing empowered Councils to establish, maintain and carry on the business of a wholesaler, retailer and manufacturer. During this early period, Lusaka City Council had been engaging in these commercial undertakings through central government grants. The Local Administration Act (1980), besides empowering District Councils to engage in as many undertakings as possible, also authorised them to raise money from whatever sources available to promote these undertakings. As mentioned earlier, it is the intention of the Government - through District Councils - to establish shops, supermarkets, markets, Taverns etc in every Ward Headquarters so that residents who live in these areas do not have to walk long distances in search of these goods and services. In other words, it is the intention of the Government to extend these projects/services to all Ward Headquarters.

7.2.1 Kiosks/Shops/Supermarkets

Lusaka Urban District Council owns numerous business premises for carrying out a wide-range of business lines. These range from eating places (kiosks), groceries (supermarkets) and other retail and wholesale outlets for various consumer goods. The services offered are of great benefit to the district residents because

these goods are sold at relatively reasonable prices.

The study has established that the Council owns a total of 114 of these properties, comprising of 7 supermarkets, 22 kiosks, and 85 shops and stalls. They are located in 12 Wards but most of these properties are concentrated in City Centre, that is, Ward 26 Independence (see Table VIII and Map 2) Most of these properties were erected or constructed before 1980 except 3 supermarkets at University Teaching Hospital (Ward 30 Lubwa), Ward 29 Chilenje and Ward 4 Kalingalinga. The construction of these properties were completed in 1986, 1988 and 1988 respectively.

During early and mid 1970s, Lusaka City Council used to run these businesses directly. But when she incurred financial losses due to mismanagement, she was forced in late 1970s to lease out these properties to private businessmen who are now paying the Council an average of K100,000 monthly (LUDC, 1984). Though the Local Administration Act (1980) has had no significant effects in this respect, the majority of Wards which have not been serviced by the Council are not badly off because private sector participation is equally overwhelming.

7.2.2 Markets

Besides generating revenue for the Council in the form of fees, markets are sources of food-stuffs and create employment for idle men and women. This study has established that the Council owns 21 markets located in 19 Wards (see Table VIII and Map 2). All of them have been constructed before the enforcement of the Local

Administration Act (1980). Although seven of these markets have been leased to Cooperatives, the Council generates an average annual revenue of K310,000 from them in the form of fees. In spite of the failure by the Council to construct and extend markets to the rest of the Wards after 1980, most Wards especially in peri-urban areas have improvised by erecting temporary ones on selfhelp basis. There are so many Wards which have done this and these include Wards 3 Kabulonga (Bauleni) and 4 Kalingalinga. The enforcement of the Act has produced no effect in the sense that not even a single new market has been established by the Council after 1980 Reforms.

7.2.3 Liquor Undertaking (Taverns)

Taverns are for the sale of opaque beer known as Chibuku. Besides generating income for the council, the aim of setting up taverns especially in the low-cost areas, is to provide social amenities to the residents of those areas.

In early 1970s, Lusaka City Council owned a brewery for making chibuku but in late 1970s, this undertaking incurred financial losses due to maladministration which led to its disposal to National Brewery in 1980. What remains of the undertaking is the sales Section which buys chibuku from the National Brewery for sale in the council's taverns. This study has established that the Council owns 15 taverns which are located in seven Wards (see Table VIII and Map 2). But three of these taverns have been leased to private businessmen who pay monthly rents to the Council for their usage. Although the Act has had no effects in terms of

the Council's inability to construct more taverns since 1980, all the Wards have been serviced through the overwhelming private investment participation.

TABLE VIII

SERVICES PROVIDED BY LUSAKA URBAN DISTRICT COUNCIL

WARDS	BEFORE 1980 SERVICE						AFTER 1980 SERVICE					
	HO	CC	DN	KSSM	MA	TA	HO	CC	DN	KSSM	MA	TA
1. Chainda			1									
2. Mtendere	200	1	1									
3. Kabulonga			1									
4. Kalingalinga		1	1	4	1					1		
5. Chakunkula	1116	1	1	7	1	1						
6. Munali		1	3		1							
7. Roma		1	2		1							
8. Mulungushi												
9. Ngwerere			1	7	1							
10. Silwizya	20		1		1							
11. Mpulungu		1	2		1							
12. Justin Kabwe		1	2	1	1							
13. Chaisa	257	1	2		1							
14. Muchinga	5462	4	3	3	1	6						
15. Kapwepwe					1							
16. Matero	32			3								
17. Lima		1	1		2							
18. Chisengalumbwe												
19. Chibolya	35				1							
20. Kanyama		1	2	7	1							
21. Munkolo												
22. Nkoloma												
23. Chawama		2	2		2							
24. Lilayi	1											
25. Kamwala	1043					1						
26. Independence				72	1							
27. Shiwangandu	540	2	1	1	1	2						
28. Libala	1956		1		1	2						
29. Chilenje	3717	2	1	2	1	3	291			1		
30. Lubwa		1	1							1		
31. Mwembezi	263		2	1								
TOTAL	14,642	21	32	108	21	15	291			3		

SOURCE: Compiled from returns of figures (Statistical data) obtained from responses in questionnaire in Appendix I.

KEY

HO - Houses (Low-Cost only)
 CC - Community Centres
 DN - Day Nurseries
 KSSM - Kiosks, shops and Supermarkets
 MA - Market
 TA - Taverns

Generally speaking, the above Table VIII clearly shows that the Council has not made much progress in connection with the provision of the Statutory services during more than eight years the Act has been in force (See right-hand column of Table VIII). For example, there are four Wards which have not been provided with even a single of these services by the Council. These Wards are 21 Munkolo, 22 Nkoloma, 8 Mulungushi and 18 Chisengalumbwe. The general picture is that most of the peri-urban Wards (those outside the Greater Capital City) are barely provided with these statutory services by the Council (see Table VIII and Map 2). Regarding housing construction in particular, the above Table VIII shows that 291 new low-cost houses were constructed during the post-reforms period, indicating an average of 36 new houses per year. This can be compared with Rakodi's observation that between 1974 and 1980, the stock of Lusaka low-cost houses grew by 3742 giving an average of 535 houses per year (Rakodi, 1985, 205). It is therefore evident that the post-reforms period achieved poor progress not only in low-cost housing construction but also in the provision of other services which have equally registered negligible figures of projects and other services as shown in the above table.

In conclusion, the lack of progress in the provision of services and other projects by the Council has been mainly (notwithstanding the effects of other measures taken) due to her inability to mobilise adequate capital development funds. This has been discussed at length in Chapter VI. But the consequence of this is that even what used to be the council's most reliable source (of

capital development funds in the form of Central government loans) has been dwindling yearly (see Table VII) due to changing economic conditions. Under the circumstances, it has been difficult for the Council to engage in new large-scale projects, and this largely explains the poor progress registered in Table VIII above. In addition, the Council would have saved on some of the costs and probably put up more new projects if she had enough professional and technical staff of her own to execute some jobs themselves. A case in point is the construction of the 291 new low-cost houses as above whereby the Council contracted private contractors to do the job mainly because she did not have enough engineers to supervise the construction of these new houses. Therefore the continued shortage of professional and technical staff due to various factors discussed in Chap V had a direct bearing and was a draw-back in this sector.

CHAPTER VIII

8. SUMMARY AND CONCLUSION

The intention of this study is to assess the impact and identify problems of implementing reform policy of the Act in the light of its intended objectives, using Lusaka Urban District Council as a case study. This had been prompted by the need to determine whether or not decentralisation reforms under the Act has brought benefits in view of the opposing schools of the thought about its merits and demerits. This need was further strengthened by the public outcry (Times of Zambia, 7th August 1987) which urged the Government to scrap the reforms on the grounds of failure to deliver the goods and services to the public.

In assessing the impact of implementation, this study established that the reforms policy objectives have had some positive effects, although in the final analysis, they have produced negligible impact on the Council. On one hand, it has helped to some extent to improve the financial standing and staffing position of the Council but unfortunately on another hand - due to factors beyond her control - it has not brought social and economic development (provision of major statutory services). The purpose of this Chapter is to review the effects of implementation against the set objectives of the Act, in the light of observations made by some scholars about the attributes of decentralisation reforms.

In Chapter V, the decentralised staffing arrangement was analysed. It is the aim of the Government - through this

arrangement - to afford Councils the opportunity to attract and recruit qualified staff (NIPA, 1981, 19). For a long time in the past, all Councils had been suffering from staff crisis due to both low calibre and insufficient number of staff (Malik, 1974, 20-22). This mainly came about owing to 'red-tape' in the staff procurement by the then Local Government Service Commission and later Public Service Commission as the responsible authorities for personnel functions of all councils. For example, Tables I and II give an average of staff procurement of five (1979) and three (1985) respectively for each of the 53 and later 55 Councils under the former and latter. This study has established in Table III that Lusaka Urban District Council, under Local Administration (Amendment) Act (1986), was able to increase this average to 163 (1987) and even as high as 336 (1988). This marked increase in staff procurement, especially of non-professionals, has been made possible because the above mentioned Amendment Act (1986) empowered the Council - together with other District Councils - to recruit directly, unlike in the past. This has helped to avoid unnecessary delays. This positive trend is in agreement with the thinking of Rondinelli about cutting through 'red-tape' (Rondinelli, 1981, 133-145). Despite the above improvement, this Study observed the Council has continued to suffer from lack of technical and professional staff for reasons beyond her control.

Chapter VI also analysed the decentralised financial arrangement. The objective is to ensure that Councils generate revenue from as many different sources as possible and eventually achieve financial autonomy (NIPA, 1981, 24). Similarly, like staffing,

financial crisis had been haunting Councils for a long time in the past (Nsarkoh and Chikulo, 1984, 21; Malik, 1974, 22). This involved shortage of both recurrent and capital funds. The result of this has been that Councils had been persistently depending on Central government financing which also kept on fluctuating due to the falling price of Copper in the world market. In Chapter VI it has been established that the introduction of this new system (reforms) brought about remarkable increase in the Recurrent Revenues of the Council which registered an average growth of 500%. This figure was even higher after 1984 when she registered an annual average growth of 800% and from this time onwards, the council ceased to get grants from the Central government towards payment of salaries and wages of workers as she became financially stronger (see Table VI). Among other reasons, this remarkable increase in the recurrent revenue of the Council has been mainly due to increased commercial activities, especially after the enforcement of the Act. For example, since 1981, the council has not only increased its commercial activities such as Lusaka Clothing (uniform) Factory, liquor undertaking etc but she established new ventures such as Passenger Bus Service, a Tannery and a Commercial Farm in Kafue. The revenues from these undertakings helped to boost yearly finances of the council under Miscellaneous items in Table VI. In addition, the Council has been able to increase these accounts yearly through improved tax and debt collection machinery. This has been realised without increasing service charges such as rents, rates, tariffs, etc. The apparent positive trend is also partly attributed to improved

management efficiency due to improved staffing position. Despite the above improvement, capital development funds market has been difficult for the council. For example, Central government loans for capital projects were not available in substantial amounts. The situation was further aggravated by the difficulty in obtaining loans from commercial banks and other lending financial institutions because of high interest rates due to factors discussed in chapter VI (see Table VII). The result of this has been that Capital expenditures depended on revenue contribution from recurrent Budget which led to deficits except during 1984 and 1985 financial years. This contribution amounted to 14% of the total recurrent revenue during 1987 financial year (see Table VI).

In Chapter VII, this study examined the major statutory social and economic activities of the Council. It has been established in Table VIII that she has not made any significant headway in terms of provision of major statutory services. As mentioned earlier, social and economic development is not only one of the objectives but is the ultimate objective of the Act as well. (NIPA, 1981, 32; Bodemeyer, 1984; Gant, 1979, 3). The implementation of the reform policy objectives is therefore viewed as having had negligible impact in as far as this ultimate objective is still far from being achieved. For instance, it was envisaged in the implementation of the Act that every Ward Headquarters should have basic infrastructures which include community Centres, markets, shops, supermarkets etc (NIPA 1981, 29). In chapter VII (see Table VIII), it has been established that contrary to the intentions of the Act, most Wards in Lusaka Urban district (especially in peri-

urban area) have not yet been provided with basic services by the Council. It is evident from Table VIII that four Wards have not been provided with even a single of these basic services since 1980. Although it can be argued that the reforms envisaged mass participation (self-help) in development as a means of improving their lot, it is accepted world-wide that it is central government's responsibility - through local government - to provide at least these basic services to the community as starting points. In other words, provision of these basic services - which require large capital outlay and as such unattractive to private investors - should act as stimuli to other development projects, including self-help projects. It is true the Council has effected the construction of 291 low-cost houses since 1980 which represents an average of 36 new houses per year. Compared with Rakodi's observation that between 1974-1980, the stock of Lusaka's low-cost council houses grew by 3742, giving an average of 535 (Rakodi, 1985,205), the post-reforms period performance is definitely below the pre-reforms one. This slow progress is not restricted to low-cost housing only but to provision of other Services as well which have registered either no or negligible figures of projects (see Table VIII and Map 2). Notwithstanding the effects of other measures taken, the Council's inability to achieve Social and economic development is largely due to difficulties in securing government loans and other loans from Capital market because of factors discussed in Chapter VI. This created a situation whereby Capital expenditures are mainly met from contribution from recurrent Budget (internal sources of

revenue in Table VI). During 1987 financial year, this contribution amounted to 14% of the total revenue collected. Because of this meagre amount - coupled with devaluation of kwacha and subsequent inflationary trend (Nsarkoh and Chikulo, 1984, 9) - the Council has always been forced to limit these capital expenditures to on-going and other less expensive development projects. This meant that expensive social and economic development projects in terms of provision of basic services - which require a lot of capital outlay - had to be shelved until enough funds become available in future. This largely explains why the council has not been able to extend these basic services to all Wards as shown in Table VIII. The allegations in the (Times of Zambia 7th August 1987) accusing all District Councils of failure to implement reforms is true for Lusaka Urban District Council in view of her inability to achieve this ultimate objective.

This study has identified the basic problem of Governmental Controls, which either directly or indirectly affect the Council's performance in Chapters V, VI and VII discussed above. Lusaka Urban District Council has the potentiality of, for example, of recruiting the professional and technical staff she requires, ensuring continues surplus Budgets (without exploiting the public) and subsequently realising social and economic development, if she were not subjected to so many of these controls. For instance, she is not free to raise or reduce rents, rates, tariffs, levies and other charges for a wide-range of services she offers. The Council is still required to submit such proposals for increases

or adjustments to the Minister of Decentralisation for approval. Experience in the past has shown that such proposals had all been rejected by the Minister. This has often culminated in a situation where-by the Council's rates, rents and other charges have remained conservative or static and uneconomical for years while inflation goes up almost daily. It is true to say the Council is not a profit-making body but it is also unrealistic to allow a situation obtaining in the Council now where-by expenditures on overhead costs are about twice the revenue collected. This situation has badly affected day to day operations of the Council. This is further complicated by the Council's inability to secure substantial amount of capital development funds as discussed above.

The same controls affect staffing as well. Although the Amendment Act (1986) empowers her to implicitly exercise personnel functions, the Council is not free to change the terms and conditions of service of her workers. This can only be changed with the approval of the Minister of Decentralisation. The terms and conditions of service in use now was hatched in 1974. Because of changing economic conditions, it has become so unattractive that the Council finds alot of difficulties in procuring especially the professional and technical staff which she needs most for rendering effective and efficient services to the public. Although such controls are in line with Party policy (Kaunda, 1973), it is evident their existence tend to contradict the intentions of the reform policy.

In conclusion, the findings of this study fall within the parameters of both Schools of thought mentioned earlier in Chapter II. It is evident from the foregoing discussions that decentralisation reforms in Lusaka Urban District Council can be said to have had mixed results. In other words, on one hand it has to some extent brought some benefits and on another hand it has not. The benefits came through both staffing and financial arrangements. In the former, the Council experienced improved staff procurement, especially of non-professionals. This has been achieved by passing the Amendment Act (1986) which transferred staffing powers from the Public Service Commission to the Council. This move helped to cut through delays or 'red-tape' which was inherent in the previous system (Rondinelli, 1981, 133). In the latter, the Council derived benefits through a remarkable and steady growth of recurrent revenue. This can be attributed to increased speed, effectiveness and efficiency of the the new administrative framework (UN, 1962, 6). For example, among other reasons discussed earlier, the improved staffing position of non-professionals has enhanced the financial management of the Council.

But in spite of the above positive trends, the Council has not derived any social and economic benefits in terms of provision of services, contrary to assertions of UN(1962, 6) and Riggs(1964). This failure so far to realise tangible social and economic benefits tends to agree with the other school of thought which asserts that the introduction of new organisation structure or bureaucratic reforms alone does not bring benefits without other

factors taken into consideration (Smith, 1985, 135; Chikulo, 1979, 170-181). In this context, it should be noted that although structural reforms were carried out, the Council is still not able to achieve social and economic development due to lack of supporting resources. This is a very unfortunate situation because the Government had made provisions as well for availability of these supporting resources through decentralised staffing and financial arrangements. It can therefore be deduced that the Council's inability to achieve this positive change (provision of Services) is due to inadequate availability of supporting resources of capital development funds and professional and technical staff. This has been established in Chapter V and VI. Yet the availability of these resources, backed by the structural reforms already undertaken, constitutes the key factors of any developmental endeavours (Gant, 1979, 17; Mawhood, 1983, 255). Under the circumstances, it can be said that the Capital funds and technical staff the Council had mobilised (through staffing and financial arrangements) were not in sufficient amounts/quantities to stimulate social and economic development. They have therefore produced negligible impact on the Council. This situation is explained by Smith. He asserts that there is always difficulty in implementing public policies in Third World, including Zambia because of lack of financial, human (skilled) resources, poorly formulated policies etc (Smith, 1985, 135). In the foregoing discussions, a number of problems which affect the availability of these supporting resources were identified. One of the basic problems is Governmental Controls which are the

result of Party policies of controlling every sector of the economy (Kaunda, 1973). These governmental controls are responsible for impeding the implementation of the reform policy objectives because it has been established that their existence make it difficult for the Council to mobilise these supporting resources. This has already been discussed at length in Chapters V and VI where the negative effects of these governmental controls have been identified as responsible for the partial implementation of financial and staffing arrangements under the Act. In fact the existence of these Governmental Controls tend to weaken the commitment of the Government towards the Decentralisation reforms policy under the Act and this fear has been expressed by Mwape (1980). Unless these governmental controls are changed in favour of District Councils, Lusaka Urban District Council might not achieve much by way of reaping full benefits from these Decentralisation reforms policy.

Lastly, another basic problem is the effects of the declining national economy which have been extensively discussed in Chapter VI. The country has been facing economic problems since mid 1970s as mentioned earlier. It is worth noting again that this economic crisis was one of the factors which led to the enactment of the reforms policy (Chikulo, 1985, 74). The main purpose of effecting this reforms policy is to strengthen the local bureaucracies with the ultimate aim of making them effective and efficient instruments of development (Maipose, 1984; Bodemeyer, 1984). But it has become apparent that the actual policy design as reflected in the 1980 Local Administration Act does not appear to have taken

into account the implications of the reforms on the national economy to sustain it. To mention but one is that, as noted earlier, a lot of money is tied in salaries and wages bill due to the enlargement of the Secretariat in Chapter III and yet this could be used for providing services to the public.

There are other implementation difficulties as well which have led to partial fulfilment of the reform policy objectives. This includes inadequate availability of capital funds for Councils to finance development/capital projects. For example, like during the pre-reforms period, District Councils are still heavily dependent on Central Government for capital funds (Nsarkoh and Chikulo, 1984:21). Yet Central Government contributions to the Council towards this capital funds and grants-in-aid have been dwindling yearly (see Table VII). There are many reasons to explain this. This includes the fluctuating price of copper which is the main export commodity for the country. Consequently, Central Government budgets have been falling yearly as well, leading to her dwindling contributions in terms of loans for capital projects and grants-in-aid as provided for in the 1980 Local Administration Act. The financial difficulties have been further compounded by Councils' inabilities to borrow from capital markets mainly because of lack of tangible securities to offer to financial institutions, and partly due to high interest rates. The result of this has been that Lusaka Urban District Council has no sufficient capital funds to finance socio-economic projects which have lagged behind (see Table VIII). This lack of capital funds also means that she does not have enough operating capital

to enable her to invest in many new commercial enterprises in order to generate additional revenues of her own. However, this unfortunate trend is not confined to District Councils alone. Most Government institutions, including Parastatal Organisations are also experiencing similar problems (Times of Zambia 5th July 1990). Therefore the problems being encountered in implementing these reforms policy objectives need to be understood and tackled in the light of the present national economic difficulties facing the country. What this means is that any solutions to problems of this policy implementation should embrace - among other factors discussed - measures to improve the national economy as a whole. At best, under the present circumstances, Lusaka Urban District Council can continue to maintain the basic and essential services within the existing available resources discussed in Chapters V and VI. At worst, the Council might fall back to Government grants again even for payment of salaries and wages like the situation obtaining before 1985 (see Table VI). This fact has been acknowledged by the Parliamentary Committee on Local Administration which asserts that "decentralisation hangs by a slender thread and is being extricable driven towards doom." (Sunday Times of Zambia, 27th December, 1987).

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APPENDIX I

QUESTIONNAIRE FOR WARD CHAIRMAN/SECRETARY

This Questionnaire is for a research project for the University of Zambia.

1. Name of Ward.....
2. Below is a list of Economic and Social Development projects which fall within the responsibilities (statutory functions) of Lusaka Urban District Council.
 - (i) Are there residential Housing Units/Schemes (for renting) in the Ward which have been built/provided by the Council?
YES or NO.....
 - (ii) If answer to question (i) is "YES" state the number and the year completed.....
.....
 - (iii) Are there any Day Nurseries in the Ward which have been built/provided by the Council?
YES or NO.....
 - (iv) If the answer to question (iii) is "YES" state the number and the year.....
.....
 - (v) Do you think the Ward is adequately supplied with clean water by the Council?
YES or NO.....
 - (vi) Give reasons for your answer to question (v)
.....
.....
 - (vii) Are there Kiosks, Shops and Supermarkets in the Ward which have been built/run by the Council?
YES or NO.....
 - (viii) If answer to question (vii) is "YES" state the number and the year
.....
.....
 - (ix) Are there markets provided by the Council?
YES or NO.....

- (x) If the answer to question (ix) is "YES" state the number and the year.
.....
- (xi) Does the Ward have a Community Centre?
YES or NO.....
- (xii) If the answer to question (xi) is "YES" state the year it was built and how the Centre is being used.
.....
.....
- (xiii) Does the Ward have a tavern(s) for selling traditional beer built/run by the Council?
YES or NO.....
- (xiv) If the answer to question (xiii) is "YES" state the number and the year it was built.
.....
.....
3. Do you think people in the Ward are better off in terms of provision of the above goods and services than before 1980?
YES or NO.....
4. Give reasons for your answer to question (3) above.
.....
.....
.....

PERSONAL INTERVIEW

HEAD OF PERSONNEL OR HUMAN RESOURCE DEPARTMENT

This interview is being conducted for a research project for the University of Zambia.

- 1. How many staff appointments (recruitment) were made during the last 10 years?
.....
.....
.....
.....
- 2. Give reasons for the employees leaving the Council, if any, as per question (1), during the last 10 years.
.....
.....
- 3. Does the present Decentralised staffing arrangement introduced in 1980 have some positive effects in attracting qualified manpower for the Council?
.....
.....
- 4. Give reasons for your answer to question (3).
.....
.....
- 5. What specific problems, if any, does the Council face in attracting and retaining skilled/qualified manpower?
.....
.....
- 6. What changes do you propose, if need be, to improve the present Personnel Administration of the Council under the Decentralised staffing arrangement?
.....
.....

PERSONAL INTERVIEW

HEAD OF FINANCIAL DEPARTMENT

This interview is being conducted for a research project for the University of Zambia.

1. What are the sources of the Council's revenue?
.....
.....
2. Do you find problems in collecting revenue from the above sources in question (1)?
.....
3. If the answer in question (2) is affirmative, name the sources and the nature of problems being faced in revenue collection.
.....
.....
4. What is the amount of revenue collected yearly during the last 10 years?
.....
.....
5. Has the Council ever experienced Deficit Budgeting?
.....
6. If the answer to question (5) is affirmative, how does the Council manage to keep services running during these periods?
.....
.....
.....
7. Do you think the Decentralised financial arrangement introduced in 1980 has any effect on the Council's revenue?
.....
8. Give reasons for your answer in question (7).
.....
.....
.....

9. What problems, if any, does the Council experience in spending its funds?

.....
.....
.....

10. What changes do you propose for the attention of the higher authorities which you feel will improve the present financial management of the Council?

.....
.....
.....

[No. 15 of 1980]

THE LOCAL ADMINISTRATION ACT, 1980**ARRANGEMENT OF SECTIONS****PART I****PRELIMINARY***Section*

1. Short title and commencement
2. Interpretation

PART II**ESTABLISHMENT OF COUNCILS**

3. Establishment of councils
4. Alteration of local administration areas
5. Description of local administration areas by reference to plans
6. Declaration of specified residential areas

PART III**CONSTITUTION OF COUNCILS**

7. Incorporation of councils
8. Corporate name of council
9. Common seal
10. Composition of councils
11. Assignment of names to Wards

Councillors

12. Qualifications for membership of councils
13. Tenure of office of councillors
14. Vacation of office by councillors
15. Functions of Chairman
16. Performance of Chairman's functions during absence, etc.
17. Validity of performance of Chairman's functions during absence, etc.

PART IV**PROCEEDINGS OF COUNCILS**

18. Meetings of councils
19. Notice of meetings
20. Quorum

*Single copies of this Act may be obtained from the Government Printer,
P.O. Box 30136, Lusaka. Price K1.*

Section

21. Presiding at council meetings
22. Voting in council
23. Disability for voting on account of interest in contracts
24. Adjournment of meetings
25. Admission of public to meetings
26. Minutes

PART V

FINANCE

27. Financial year
28. Estimates of revenues and expenditure
29. Government grants and loans
30. General and special funds
31. Banking accounts
32. Accounts
33. Investments
34. Financial regulations

Borrowing

35. Authority to borrow and modes of borrowing
36. Security for borrowing and priorities
37. Suspension of repayment of sums borrowed
38. Lenders relieved from certain inquiries

Audit

39. Powers and functions of Auditor-General
40. Audit report
41. Power of disallowance and surcharge
42. Appeals against disallowances and surcharges
43. Payment and recovery of surcharges

PART VI

FUNCTIONS OF COUNCILS

44. Power to discharge scheduled functions
45. General provisions with respect to discharge of functions
46. Contracts
47. Standing orders
48. Acquisition of land
49. Acceptance of gifts of property
50. Disposal of property
51. Grants and loans by councils
52. Imposition of levies

Section

- 53. Imposition of fees and charges
- 54. Power to pay certain allowances and expenses
- 55. Pensions

PART VII**BY-LAWS AND REGULATIONS**

- 56. Power to make by-laws
- 57. Language of by-laws
- 58. Conferring of powers on officers and agents of council
- 59. Penalty
- 60. By-laws not to conflict with other written laws
- 61. Notice of by-laws and objections thereto
- 62. Confirmation of by-laws
- 63. Power of Minister to amend or revoke by-laws
- 64. Power of Minister to make regulations
- 65. Application of regulations
- 66. Regulations to prevail over by laws or Standing Orders
- 67. References in other written laws

PART VIII**MISCELLANEOUS PROVISIONS**

- 68. Authentication of documents and execution of deeds
- 69. Inspection of documents
- 70. Public notices
- 71. Service of documents
- 72. Legal proceedings
- 73. Evidence
- 74. Penalties for obstruction
- 75. Other penalty
- 76. Powers of arrest
- 77. Protection for officers and employees of council acting in good faith
- 78. Validity of discharge of functions by officers and employees of council
- 79. Powers of Minister to approve or determine matters
- 80. Inquiries

PART IX**DISTRICT COMMITTEES**

- 81. Establishment and composition of District Committees
- 82. Power to discharge scheduled functions

*Section**District Secretariat*

- 83. Establishment and composition of District Secretariat
- 84. Power to discharge scheduled functions

PART X

PROVINCIAL COUNCILS

- 85. Establishment and composition of Provincial Councils
- 86. Power to discharge scheduled functions

Provincial Committees

- 87. Establishment and composition of Provincial Committees
- 88. Power to discharge scheduled functions

Provincial Secretariat

- 89. Establishment and composition of Provincial Secretariat
- 90. Power to discharge scheduled functions

PART XI

TRANSITIONAL PROVISIONS

- 91. Transfer of service
- 92. Repeal and savings

GOVERNMENT OF ZAMBIA

ACT

No. 15 of 1980

Date of Assent: 21st December, 1980

An Act to provide for an integrated local administration system; to define the functions of local authorities; to repeal the Local Government Act and certain related laws; and to provide for matters connected with or incidental to the foregoing.

Cap. 480

[*

ENACTED by the Parliament of Zambia.

Enactment

PART I

PRELIMINARY

1. This Act may be cited as the Local Administration Act, 1980, and shall come into operation on such date as the Minister may, by statutory order, appoint.

Short title
and
commence-
ment

2. In this Act, unless the context otherwise requires—

Interpreta-
tion

“Branch” means a Branch established under the constitution of the Party, and “Branch Committee” shall be construed accordingly;

“building” means any structure, whether of a permanent or temporary nature, and includes part of a building or structure;

“Central Committee” means the Central Committee of the Party;

“control” includes regulate, inspect, supervise and license;

“council” means a district council established or deemed to have been established under section *three*; and references in any written law to a “mine township council”, “municipal council”, township council” or “rural council” shall be read and construed as references to a “council”;

* This Act shall come into operation on such date as the Minister, may by statutory order, appoint.

Cap. 478

Act No. 20
of 1975

- "councillor" means a member of a council;
- "District" means a district declared under the Provincial and District Boundaries Act;
- "District Committee" means the committee established under section *eighty-one*;
- "District Executive Secretary" means the chief executive officer of a council, and includes any person for the time being discharging the functions of the chief executive officer of a council;
- "District Secretariat" means the administrative machinery established under section *eighty-three*;
- "employee", in relation to a council, means any person employed by a council other than an officer;
- "erection", in relation to a building, includes the alteration or enlargement of a building;
- "establish", when used in relation to the functions of a council, includes acquire, erect, build, construct, name, hire, equip and furnish;
- "land" shall have the meaning assigned thereto by section *three* of the Land (Conversion of Titles) Act, 1975;
- "levy" means a levy imposed under section *fifty-two*;
- "maintain", when used in relation to the functions of a council, includes carry on, manage, operate and keep in repair;
- "officer", in relation to a council, means a public officer employed in the permanent establishment of a council, and includes a person appointed on probation in such establishment;
- "Party" means the United National Independence Party;
- "private street" means any street other than a public street;
- "property" includes all property, movable and immovable, and all estates, interests, easements and rights, whether equitable or legal;
- "Provincial Committee" means the committee established under section *eighty-seven*;
- "Provincial Council" means the council established under section *eighty-five*;
- "public", when used in relation to the meetings of a council, includes representatives of the Press;
- "public street" means—
- (a) any street entered as a public street in a register of streets and roads compiled and maintained by a council; and

- (b) any street which is taken over by a council and designated as a public street;
- "Section" means a Section established under the constitution of the Party, and "Section Committee" shall be construed accordingly;
- "street" includes any bridge, road, avenue, lane, sanitary lane, footway or causeway and any pavement or footwalk forming part thereof;
- "Ward" means a Ward established under the constitution of the Party and "Ward Committee" shall be construed accordingly;
- "water-course" includes a canal and a canoe channel;
- "water main" includes conduits, pipelines, valves, valve chambers, meters, meter-houses, break-pressure tanks, tunnels and all other things necessary in connection with any water main;
- "waterworks" includes streams, springs, weirs, wells, boreholes, dams, pumping stations, reservoirs, tanks, sluices, machinery, buildings, lands and all other works and things necessary for taking, impounding, discharging, storing, treating and filtering water.

PART II

ESTABLISHMENT OF COUNCILS

3. (1) For the purposes of local administration, there is hereby established for every District in which—

Establishment of councils

(a) a municipal council, township council or rural council was established under the Local Government Act; or

Cap. 480

(b) a mine township was declared under the Mine Townships Act;

Cap. 472

a council which shall be known by the name by which the District was known immediately before the commencement of this Act.

(2) The Minister may, by statutory order, establish for every new District a council to be known by such name as may be assigned thereto in the order.

4. (1) Subject to the provisions of this section, the President may, by statutory order—

Alteration of local administration areas

(a) declare any area to be a District;

(b) alter the name of a District;

(c) alter the area of a District;

(d) declare that an area shall cease to be a District.

(2) Where a declaration is made under subsection (1) (d) that an area shall cease to be a District, the council established for that area shall cease to exist.

(3) An order under this section may make such consequential provisions as the President considers necessary or expedient for giving effect to the order, and, in particular, may provide for—

- (a) the disposal of property vested in or belonging to or held in trust for a council established for the area affected by the order, and the preservation and transfer into proper custody of all or any of the records of any such council;
- (b) the preservation, enforcement, discharge or assignment of any rights, interests or obligations of a council established for the area affected by the order;
- (c) the continuing in force in the area affected by the order of any statutory instruments, licences, permits or registrations;
- (d) the continuing of any legal proceedings pending by or against a council established for the area affected by the order;
- (e) the making of financial adjustments.

Description
of local
adminis-
tration
areas by
reference to
plans

5. An order declaring an area to be a District or altering such area shall define the area so declared or so altered by reference to a plan dated and signed by the Surveyor-General and deposited in the office of the Surveyor-General:

Provided that copies of the plans shall also be deposited with the Minister and the Chief Executive Officer of the Council.

Declaration
of specified
residential
areas

6. (1) At the request of any registered employer, the Minister may, in his discretion, by statutory notice—

- (a) declare any area or place specifically provided for as a residential area for employees employed by such employer to be a specified residential area;
- (b) define the limits of such specified residential area;
- (c) direct that any area or place declared to be a specified residential area shall cease to be a specified residential area.

(2) Upon application for the declaration of a specified residential area the employer shall forward to the Minister a general plan of the proposed specified residential area which shall show—

- (a) contours of the whole area proposed to be included in the specified residential area;
- (b) the design or layout of the specified residential area, the dimension of streets, sanitary lanes and plots;

- (c) the situation of the specified residential area and all works established or proposed to be established in connection therewith;
- (d) the provision of land for recreation grounds and open or public places; and
- (e) any other particulars or details that the Minister may require.

(3) The limits of a specified residential area may be defined by reference to a plan dated and signed by the Surveyor-General and deposited in his office. In such a case, a copy of such plan certified by the Surveyor-General shall be deposited by the employer with the Minister and such copy shall be admissible in any legal proceedings.

(4) The employer shall have power, subject to the approval of the District Council within whose boundaries the specified residential area lies to take all measures necessary for the proper conservancy, lighting and public health of the specified residential area and to provide and maintain housing, public latrines, washing places, wells, water supplies, drains, tanks, streets, recreation grounds and open spaces and any other works and conveniences and shall be charged with the duty of carrying out in the specified residential area any other duties under the provisions of this Act and any regulations made thereunder.

(5) The employer shall have power, subject to the approval of the District Council and subject to the grant of any licence required by, and to the provisions of, any other written law, to provide and maintain premises for the sale of and to sell therefrom, intoxicating liquor for consumption either on or off such premises.

(6) It shall be lawful for the District Council in its discretion to make grants from its general revenue to the funds of the employer to be applied for some special purpose which the District Council may consider to be desirable in the interests of public health or of good order and government and proper to be defrayed wholly or partially out of the general revenues of the District and the District Council may make any such grant upon and subject to such conditions as it may think fit.

(7) The employer may with the previous written consent of the Minister and the District Council concerned, borrow sums of money from time to time for the exercise of the powers conferred by this Act, and any sums so borrowed may be unsecured or secured by a specified charge or by a floating charge (or both) upon any of the assets of the employer. Any

such charge shall be exempt from the provisions of any laws relating to bills of sale but shall be required to be in writing and to be registered in the Registry of Doods established under the Lands and Deeds Registry Act. Any such charge shall have priority from the date of registration and, if not registered within three months from the date of the execution thereof, shall be null and void.

(8) Nothing herein contained shall affect the application of the provisions of any other written law or any regulations made thereunder to a specified residential area declared as such under the provisions of this Act.

(9) If at any time it shall appear to the Minister that the employer or his successor has ceased to exist or carry on business within or adjacent to the specified residential area and that by that reason thereof it is desirable that the specified residential area as such should cease, he shall write to the employer concerned to state why the specified residential area should not cease as such, and the employer's views together with the advice thereon of the District Council concerned may be taken into account by the Minister before he directs by statutory notice, that as from a date to be specified in such notice, the specified residential area shall cease to be a specified residential area within the terms of this Act and that such specified residential area shall in the circumstances revert to the District Council concerned with immediate effect.

PART III

CONSTITUTION OF COUNCILS

Incorpora-
tion of
councils

7. Every council shall be a body corporate with perpetual succession and a common seal, capable of suing and of being sued in its corporate name, and with power, subject to the provisions of this Act and of any other written law, to do all such other acts and things as a body corporate may do by law and as are necessary for, or incidental to, the carrying out of its functions and powers as set out in this Act.

Corporate
name of
council

8. (1) The corporate name of a council shall be such as may be assigned thereto in the statutory order establishing the council or, in the case of a council deemed to have been established under this Act, the name by which the District was known immediately before the commencement of this Act, unless such name is sooner altered.

(2) The President may, by statutory order, alter the corporate name of a council after consultation with the council.

Common
seal

9. (1) The common seal of a council shall be such device as may be prescribed by the Minister by statutory order.

(2) A council may use such rubber stamp in lieu of a common seal as the Minister may approve until such time as a common seal is prescribed.

10. (1) A council shall consist of—

Composition
of councils

- (a) the District Governor as Chairman;
- (b) the District Political Secretary;
- (c) two District Trustees appointed by the Provincial Committee and approved by the Central Committee;
- (d) all chairmen of Ward Committees in the District;
- (e) all Members of Parliament of the District;
- (f) one representative from each of the mass organisations operating in the District;
- (g) one representative from each of the trade unions operating in the District;
- (h) one representative from each of the Security Forces;
- (i) one Chief elected by all Chiefs of the District.

(2) The Minister shall, by *Gazette* notice, publish the names of councillors of the District and of councillors who cease to hold such office.

11. (1) Subject to the provisions of subsection (2), the names of Wards in a District shall be those assigned thereto immediately before the commencement of this Act.

Assignment
of names
to Wards

(2) The Central Committee shall assign names to any Wards not previously named, and may alter the name of any Ward; and the Minister shall, as soon as reasonably practicable thereafter, notify any such assignment or alteration of name in the *Gazette*.

Councillors

12. (1) No person shall become a member of a council unless—

Qualif-
ications for
membership
of councils

- (a) he is a member of the Party;
- (b) he is not disqualified for election to the National Assembly under the provisions of clause (1) of Article 68 of the Constitution; and
- (c) the Central Committee has given prior approval to his membership.

Cap. 1

(2) The provisions of subsection (1) shall not apply to councillors referred to in paragraphs (a) to (f) of subsection (1) of section *ten*.

13. (1) A councillor referred to in paragraph (c), (d), (f) or (i) of subsection (1) of section *ten* shall hold office for a term of three years, but shall be eligible to serve as councillor for a subsequent term.

Tenure of
office of
councillors

(2) A councillor referred to in paragraph (a), (b), (e), (g) or (h) of subsection (1) of section *ten* shall hold office until his councillorship is revoked by his appointing authority or until he ceases to be eligible to be a councillor, as the case may be.

Vacation
of office
by
councillors

14. The office of a councillor shall become vacant—

- (a) if any circumstances arise that, if he were not a councillor, would cause him to be disqualified for membership as such;
- (b) if he accepts any remuneration for or on account of anything done as a councillor, other than a fee or allowance authorised by or under this Act;
- (c) if, without leave given in writing by the Chairman, he absents himself from three consecutive meetings of the council.

Functions
of
Chairman

15. Every Chairman of a council shall be responsible for the overall administration of the council and, in particular, for—

- (a) the supervision of the day-to-day functions of the council;
- (b) the efficient and proper operation of all public institutions and parastatal organisations in the District; and
- (c) such other functions as may, from time to time, be assigned to him by the President or the Secretary-General of the Party or by resolution of the council.

Perform-
ance of
Chairman's
functions
during
absence, etc.

16. Whenever the Chairman of a council is absent or is for any cause unable to perform the functions of his office, such functions shall be performed by the District Political Secretary.

Validity of
perform-
ance of
Chairman's
functions
during
absence, etc.

17. Any function performed by any person purporting to hold or discharge the functions of the office of the Chairman of a council shall not be invalidated by reason only of any defect afterwards discovered in the appointment of such person.

PART IV

PROCEEDINGS OF COUNCILS

Meetings of
councils

18. (1) Every council shall from time to time meet for the transaction of business at such time and place as it may appoint, but not less than once in every three months.

(2) The Chairman of a council may at any time convene a meeting of the council.

Notice of
meetings

19. The District Executive Secretary shall, not less than fourteen days before the time appointed for the holding of a meeting of a council, notify every councillor in writing of the place, day and time of the meeting and of the business proposed to be transacted at the meeting.

Quorum

20. One-half of the total number of councillors of which the council consists shall form a quorum.

21. There shall preside at every meeting of a council—

- (a) the Chairman; or
- (b) in the absence of the Chairman, such councillor as the council may, by resolution, appoint to preside at the meeting.

**Presiding
at council
meetings**

22. (1) Save as otherwise provided by this Act or any other written law, any question proposed for decision by a council shall be determined by a majority of the votes of the councillors present and voting at a meeting of the council at which there is a quorum.

**Voting in
council**

(2) At any meeting of a council, each councillor present shall have one vote on a question proposed for decision by the council and, in the event of an equality of votes, the person presiding at the meeting shall have in addition to his deliberative vote a casting vote.

23. (1) If a councillor is directly or indirectly interested in any contract, proposed contract or other matter and is present at a meeting of the council at which the contract, proposed contract or other matter is the subject of consideration, he shall, at the meeting and as soon as practicable after the commencement thereof disclose such interest, and shall not take part in the consideration or discussion of, or vote on any question with respect of that contract, proposed contract or other matter:

**Disability
for voting
on account
of interest
in contracts**

Provided that this section shall not apply to an interest in a contract, proposed contract or other matter which a councillor may have as an occupier of a house owned by a council or as a ratepayer or inhabitant of the area of a council or as an ordinary consumer of electricity or water, or to an interest in any matter relating to the terms on which the right to participate in any service, including the supply of goods, is offered to the public.

(2) For the purpose of this section, a councillor shall be treated as having an indirect interest in a contract, proposed contract or other matter, if—

- (a) he or any nominee of his is a member or director of a company or other body with which the contract is made or is proposed to be made, or which has a direct pecuniary interest in such other matter as may be under consideration; or
- (b) he is a partner, or is in the employment, of a person with whom the contract is made or is proposed to be made, or who has a direct pecuniary interest in such other matter as may be under consideration:

Provided that this subsection shall not apply to membership of, or employment with, any statutory corporation or parastatal organisation.

Adjournment of meetings

24. (1) A council may adjourn any meeting of the council from time to time and from place to place.

(2) If at any meeting of a council there is no quorum, the councillors present or, if there are no councillors present, the District Executive Secretary shall adjourn the meeting.

Admission of public to meetings

25. (1) Subject to the provisions of subsection (2), all meetings of a council shall be open to the public.

(2) A council may, by resolution, exclude the public from a meeting (whether during the whole or any part of the proceedings) whenever publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons stated in the resolution and arising from the nature of that business or of the proceedings.

(3) The provisions of this section shall be without prejudice to any power of exclusion conferred by the standing orders of a council for preserving order at meetings of the council; and nothing in this section contained shall be construed as requiring a council to permit the taking of photographs of any proceedings, or the use of any means to enable persons not present to see or hear any proceedings (whether at the time or later) or the making of any oral report on any proceedings as they take place.

Minutes

26. (1) A council shall cause minutes to be kept of the proceedings at every meeting of the council in the official language and shall cause to be recorded therein the names of the councillors present at that meeting.

(2) The minutes of the proceedings of a council shall, after amendment if necessary, be confirmed by the council at the next ensuing meeting thereof as a true record of the proceedings, and shall be signed by the person presiding at the meeting.

(3) Within one month after the minutes of any proceedings of a council have been confirmed and signed, there shall be furnished to the Minister a copy thereof.

(4) The minutes of the proceedings of a council other than proceedings from which the public have been excluded in pursuance of a resolution adopted under subsection (2) of section *twenty-five*, shall, at all reasonable times, be open to the inspection of any interested person.

PART V**FINANCE****Financial year**

27. The financial year of a council shall be the period of twelve months ending on the 31st December of each year.

Estimates of revenues and expenditure

28. (1) A council shall cause to be prepared and shall adopt estimates (to be called annual estimates) of revenues and expenditure of the council for the approval of Parliament.

(2) Where in any financial year it appears to a council that expenditure for a special purpose is desirable and that no provision or insufficient provision has been made for it in the annual estimates for that year, the council may cause to be prepared and adopt supplementary estimates in respect thereof for the approval of Parliament.

(3) All annual and supplementary estimates of a council shall be prepared in such form and contain such information as may be prescribed by the council's financial regulations.

(4) A council shall not incur any expenditure which is not included in the annual estimates of the council:

Provided that if the annual estimates of the council have not been approved by Parliament, the council may continue to incur expenditure on charges which become due in respect of inescapable recurrent commitments.

(5) The annual estimates of a council shall, at all reasonable times, be open to the inspection of any interested person.

29. (1) The Government may, on such terms and conditions as it may determine, make grants or loans of money directly to a council for the purpose of performing its functions.

Government
grants and
loans

(2) Any grant or loan of money made by the Government under subsection (1) shall be paid out of moneys appropriated by Parliament for the purpose, and shall be made available directly to the council concerned.

30. All receipts of a council shall be carried to a general fund and all liabilities falling to be discharged by a council shall be discharged out of that fund.

General and
special funds

31. (1) Every council shall open and keep in its name a banking account and may, by resolution, open and keep such additional banking accounts as may be necessary.

Banking
accounts

(2) Save as otherwise provided by financial regulations, all receipts of a council shall be paid into a banking account kept by the council and all amounts payable by the council shall be paid therefrom.

(3) A cheque upon any banking account kept by a council shall be signed by such officers of the council, not being less than two, as may be authorised in that behalf by financial regulations.

32. (1) A council shall cause proper accounts of its revenues and expenditure to be kept.

Accounts

(2) The accounts of a council, together with all books, deeds, contracts, vouchers, receipts and other documents relating thereto shall, at all reasonable times, be open to the inspection of any councillor or of any interested person.

Investments

33. A council may invest any moneys not required for immediate use in such securities as it may by resolution determine and may, as occasion requires, realise any investment so made.

Financial regulations

34. A council shall make regulations for the general control and management of its finances and, in particular, but without prejudice to the generality of the foregoing, for—

- (a) the keeping of the accounts of the council, including separate accounts of any undertaking or service established and maintained by the council, and the form of, and information to be included in, the accounts of the council and the summarised statements thereof;
- (b) the payment of moneys into and from banking accounts;
- (c) the form of, and information to be included in, the annual and supplementary estimates of a council;
- (d) the establishment of special funds and the payment of moneys into and the withdrawal of moneys from such funds;
- (e) the composition or remission of debts due to the council.

Borrowing

Authority to borrow and modes of borrowing

35. (1) A council may borrow such sums of money as may be required for the purpose of discharging its functions in all or any of the following ways:

- (a) by loan under section *twenty-nine*;
- (b) by the issue of stocks or bonds;
- (c) by mortgage;
- (d) by loan or overdraft from a bank or other source;
- (e) by loan from any other source.

(2) Notwithstanding the provisions of subsection (1), no council shall borrow money or receive any grant of money from a foreign government or foreign organisation.

Security for borrowing and priorities

36. (1) All moneys borrowed by a council shall be charged on the general fund of the council and all securities therefor shall rank equally without any priority.

(2) Nothing in this section shall affect any priority existing at, or any right to priority conferred by a security created before, the commencement of this Act.

(3) The interest for the time being payable in respect of any moneys borrowed by a council shall be a first charge on the general funds of the council.

Suspension of repayment of sums borrowed

37. Where any sum of money is borrowed by a council, it shall be lawful for any annual provision required to be made by the council for the repayment of the sum so borrowed to be suspended with the consent of both parties.

38. A person lending money to a council shall not be bound to inquire whether the borrowing of the money is or was legal or regular, or whether the money raised was properly applied, and shall not be prejudiced by any illegality or irregularity in the matters aforesaid or by the misapplication or non-application of any such money.

Lenders
relieved
from certain
inquiries

Audit

39. (1) It shall be the duty of the Auditor-General—

- (a) to satisfy himself that the moneys expended by a council have been applied to the purposes for which they were appropriated by Parliament;
- (b) to audit the accounts relating to the general revenues of a council, the expenditure of moneys appropriated by Parliament and the accounts relating to the stocks and stores of a council in respect of each financial year.

Powers
and
functions of
Auditor-
General

(2) The Auditor-General and any officer authorised by him in that behalf shall have access to all books, records, returns reports and other documents relating to any of the accounts referred to in subsection (1).

40. (1) The Auditor-General shall, not later than twelve months after the end of each financial year, submit a report on the accounts referred to in subsection 1 (b) of section *thirty-nine* in respect of that financial year to the President who shall, not later than fourteen days after the first sitting of the National Assembly next after the receipt of such report, cause it be laid before the National Assembly.

Audit
report

(2) The President may give to a council such directions as he thinks necessary to secure compliance by the council with any recommendations contained in the report of the Auditor-General.

41. (1) The council shall cause any part of the audit report of a council made in pursuance of subsection (1) of section *forty* to be brought to the notice of any councillor or officer or employee of the council who may be affected thereby, and shall afford every such person an opportunity of furnishing an explanation to the council.

Power of
disallowance
and
surcharge

(2) After considering any explanation furnished under subsection (1), the council shall—

- (a) disallow any expenditure which has been incurred contrary to law;
- (b) surcharge the amount of any expenditure disallowed upon the person or persons responsible for incurring or authorising the expenditure;
- (c) surcharge any sum which has not been duly brought into account upon the person or persons by whom that sum ought to have been brought into account;

- (d) surcharge the amount of any loss or deficiency upon any person or persons by whose negligence or misconduct the loss or deficiency has been incurred;
- (e) certify the amount due from any person upon whom the council has made a surcharge and cause a copy of the certificate to be furnished to such person:

Provided that, if the council is satisfied, that—

- (i) any person upon whom a surcharge might be made under this subsection acted reasonably or in the belief that his action was authorised by law; or
- (ii) the act or omission which might have involved the making of a surcharge under this subsection took place in such circumstances as to make it fair and equitable that a disallowance or surcharge should not be made;

the council may abstain from making a disallowance or surcharge or may make such reduction in such disallowance or surcharge as it deems equitable.

- (3) The council may make such adjustments to its accounts arising from any disallowance made in pursuance of subsection (2) (a) as it thinks necessary.

Appeals
against
dis-
allowances
and
surcharges

42. (1) Any person who is aggrieved by a disallowance or surcharge made by the council may, where the disallowance or surcharge relates to an amount exceeding two thousand kwacha, appeal to the High Court, and may in any other case appeal either to the High Court or to a subordinate court of competent jurisdiction.

(2) The High Court or subordinate court, as the case may be, may, on such appeal—

- (a) confirm, vary or quash the decision of the council;
- (b) remit the case to the council with such directions as it thinks fit for giving effect to the decision on appeal;
- (c) make such other order as to costs or otherwise as may, to it, seem just.

(3) The Chief Justice may, by statutory instrument, make rules providing for the period within which appeals under this section may be brought and otherwise regulating the procedure regarding such appeals.

Payment
and
recovery
of
surcharges

43. (1) Subject to the provisions of subsection (2), the amount of every surcharge certified by the council to be due from any person shall be paid by that person to the council within thirty days after a copy of the certificate has been furnished to him.

(2) The council may authorise the payment of a surcharge by instalments:

Provided that, if default is made in the payment of any instalment, the balance of the surcharge shall thereupon become payable.

(3) The amount of surcharge which is not paid shall be recoverable by the council as a civil debt.

(4) In any proceedings for the recovery of the amount of a surcharge a certificate signed by the District Executive Secretary shall be *prima facie* evidence of the facts certified therein, and a certificate by the council that the sum certified to be due has not been paid to it shall be *prima facie* evidence of non-payment, unless it is proved that the sum certified to be due has been paid since the date of the certificate.

PART VI

FUNCTIONS OF COUNCILS

44. (1) Subject to the provisions of this Act, a council may discharge all or any of the functions set out in Part I of the Schedule.

Power to discharge scheduled functions

(2) A council shall discharge the mandatory functions conferred upon it by or under this Act or any other written law.

45. (1) A council may discharge any function conferred on it by or under this Act within the area of the council and may, with the approval of the Minister, discharge any such functions outside the area of the council.

General provisions with respect to discharge of functions

(2) A council may do anything necessary for or incidental to the discharge of any function conferred on it by or under this Act.

(3) A council may enter into agreement with the Government, another council or any other person or authority to establish and maintain any undertaking, service or facility, which it has power under this Act to establish and maintain and such agreement may provide for the formation of a joint committee or board to run such undertaking, service or facility:

Provided that the functions of such joint committee or board shall exclude—

- (a) the making of by-laws; or
- (b) the approval of the estimates of revenues and expenditure of a council; or
- (c) the fixing of charges or the borrowing of money for the undertaking, service or facility.

(4) Save as otherwise expressly provided by this Act, a council shall discharge any function conferred on it by or under this Act subject to and in accordance with the provisions of any other written law relating to the discharge of that function by the council.

46. (1) A council may enter into contracts necessary for the discharge of any of its functions.

Contracts

(2) All contracts made by a council shall be made in accordance with the standing orders of the council and, in the case of contracts for the execution of works or the supply of goods or service, the standing orders shall—

(a) require that, except as otherwise provided by or under such standing orders, notice of the intention of the council to enter into the contract shall be published and tenders invited; and

(b) regulate the manner in which such notice shall be published and tenders invited.

(3) A person entering into a contract with a council shall not be bound to inquire whether the standing orders of the council which apply to the contract have been complied with, and all contracts entered into by a council, if otherwise valid, shall have full force and effect notwithstanding that the standing orders applicable thereto have not been complied with.

**Standing
Orders**

47. (i) Subject to the provisions of this Act, a council may make standing orders—

(a) for regulating the proceedings and business, and for preserving order, at meetings of the council;

(b) for regulating the making of contracts by the council.

(2) Standing orders made under this section may provide for the exclusion of a councillor or any other person from a meeting of the council—

(a) if it is necessary for preserving order at the meeting; or

(b) whilst any contract, proposed contract or other matter in which the councillor or any other person has any direct or indirect interest, is under consideration.

(3) In carrying out its functions a council may establish standing and occasional committees consisting of such number of members and under such procedure as the council may determine, for the purpose of examining and reporting on any matter the council may assign to such committees.

**Acquisition
of land**

48. (1) A council may acquire any land by agreement, whether by way of lease, exchange or gift.

(2) Where the acquisition by a council of any land under the powers conferred by subsection (1) is being hindered by reason of the inability of the parties to agree on the terms thereof or by any other cause, the President may, on application by the council and on being satisfied that its acquisition by the council is necessary or expedient, acquire the land under the Lands Acquisition Act. All expenses and compensation thereby incurred shall be paid by the council.

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**Acceptance
of gifts of
property**

49. (1) A council may accept, hold and administer any gift of property for any local public purpose, or for the benefit of the inhabitants of the area of the council, and may execute any works (including works of maintenance or improvement) incidental to or consequential on the exercise of the powers conferred by this section.

(2) Where the gift of property is for local public purposes for which the council is empowered to expend money raised from rates, the council may, subject to any condition or restriction attaching to the exercise of that power, defray expenditure incurred in the exercise of the powers conferred by subsection (1) out of money so raised.

50. A council may, by resolution, sell, let or otherwise dispose of any property of the council.

Disposal of
property

51. (1) A council may make grants or loans of money—

Grants and
loans by
councils

(a) towards the establishment or maintenance of the institutions hereinafter mentioned, not being of a private character, that is to say—

- (i) hospitals, libraries, art galleries, museums, clubs and musical or scientific institutions;
- (ii) universities, colleges and schools;
- (iii) institutions providing accommodation for the aged, destitute or infirm, or for orphans;
- (iv) such other institutions as the council may determine;

(b) to persons for educational purposes;

(c) to officers or employees for such purposes as the council may determine.

(2) A council may, by resolution, make loans of money—

(a) to another council;

(b) to any person or authority for the erection, purchase and maintenance of buildings for use as dwellings or clubs and, where it is in the public interest, for use for business or professional purposes.

52. (1) A council may make by-laws imposing all or any of the following levies:

Imposition
of levies

(a) a levy on leviable persons owning or occupying property or premises situate within the area of the council;

(b) a levy on leviable persons carrying on a business, trade or occupation within the area of the council;

(c) a levy on the purchase or sale of any commodity within the area of the council;

(d) a levy on any service provided within the area of the council.

(2) By-laws imposing a levy may make provision for exemptions therefrom, and for suspending a levy, in whole or in part.

(3) The proceeds of a levy shall accrue to the council.

(4) The amount of levy which is not paid shall be recoverable by the council as a civil debt.

(5) For the purpose of this section "leviable person" means—

- (a) any person of the apparent age of eighteen years or more; and
- (b) any body of persons, corporate or unincorporate.

Imposition
of fees and
charges

53. (1) A council may impose fees or charges payable to the council—

- (a) for any licence or permit issued under any by-law or regulation made under this Act;
- (b) for any service or facility provided or goods or documents supplied by the council in pursuance of or in connection with the discharge of any functions of the council.

(2) All fees and charges imposed by a council under this section shall be regulated by by-law, or, if not so regulated, may be imposed by resolution of the council with the approval of the Minister; and any such approval may be given either in respect of specified fees and charges or so as to empower a council to impose fees and charges by resolution in respect of a specified power or a particular matter.

Power to
pay certain
allowances
and
expenses

54. There shall be paid to such councillors as the Minister may determine, allowances and expenses in such amounts or in accordance with such rates as the Minister may, by statutory instrument, prescribe.

Pensions

55. A council may contribute to any pension, provident or other fund established for the benefit of its officers.

PART VII

BY-LAWS AND REGULATIONS

Power to
make
by-laws

56. (1) Subject to the provisions of this Act, a council may make by-laws for the peace, order and good administration of its area and, in particular, for—

- (a) controlling any of the things which, and any of the persons whom, it is empowered by or under this Act to control;
- (b) prohibiting any of the things which it is empowered by or under this Act to prohibit;
- (c) requiring or compelling the doing of any of the things which it is empowered by or under this Act to require or compel;
- (d) providing for the issue or supply of licences, permits, certificates and other instruments and documents.

(2) A by-law made by a council under this Act may make different provisions with respect to different parts of the area of the council.

57. Every by-law made by a council under this Act shall be in the official language:

Language of
by-laws

Provided that nothing in this section shall be construed as precluding the use of a language other than the official language to bring the content of any such by-law to the notice of the person concerned.

58. A by-law made by a council under this Act may—

Conferring
of powers
on officers
and agents
of councils

- (a) require acts or things to be performed or done to the satisfaction of an officer or agent of the council, and may empower an officer or agent of the council to issue directions to any person requiring acts or things to be performed or done, imposing conditions and prescribing periods and dates upon, within or before which, such acts or things shall be performed or done or such conditions shall be fulfilled; and
- (b) confer on the officers and agents of the council such powers of entry, inspection, inquiry and execution of works as may be reasonably necessary for the proper carrying out or enforcement thereof.

59. (1) A by-law made by a council under this Act may prescribe for any contravention of such by-law a penalty which shall not exceed—

Penalty

- (a) a fine of six hundred kwacha or imprisonment for a term of six months, or both such fine and imprisonment; and
- (b) in the case of a continuing contravention of such by-law, a fine of five kwacha for each day during which the contravention continues.

(2) A by-law made by a council under this Act may provide that, in addition to or in substitution for any penalty prescribed for a contravention of such by-law, any expenses incurred by the council in consequence of such contravention or in the execution of any work directed by or under such by-law to be executed by any person which was not executed by him, shall be paid by the person committing the contravention or failing to execute the work.

(3) Where any person is convicted of contravening any condition subject to which a licence or permit has been issued to him under any by-law or regulation made under this Act, the court which convicts him may in, addition to or in substitution for any penalty prescribed for a contravention of such by-law or regulation, revoke the licence or permit in respect of which the offence was committed.

By-laws
not to
conflict
with other
written
laws

60. Nothing in this Act contained shall be construed as empowering a council to make any by-law which is in conflict with or derogates from the provisions of any other written law; and to the extent that any by-law conflicts with or derogates from the provisions of any other written law, it shall be void.

Notice of
by-laws
and
objections
thereto

61. (1) For at least thirty days before an application for confirmation of a by-law is made, a copy of the by-law shall be deposited at the offices of the council and shall at all reasonable times be open to the inspection of any interested person.

(2) The District Executive Secretary shall, at least thirty days before an application for confirmation of a by-law is made, give public notice of—

- (a) the intention to apply for confirmation of the by-law;
- (b) the deposit of the by-law required by this section and the right to inspect such by-law;
- (c) the procedure for lodging objections to the by-law.

(3) Any interested person may, at any time before application for confirmation of the by-law is made, lodge an objection in writing to the by-law with the District Executive Secretary, and shall furnish a copy of his objection to the Minister.

Confirmation
of by-laws

62. (1) No by-law made by a council under this Act shall have the force of law until it has been confirmed by the Minister.

(2) An application by a council for the confirmation of any by-law by the Minister shall be accompanied by—

- (a) three authenticated copies of the by-law;
- (b) an authenticated copy of the minutes of the meeting of the council at which the by-law was made;
- (c) a certificate, signed by the District Executive Secretary that the provisions of section *sixty-one* have been complied with; and
- (d) the comments of the council on any objections lodged.

(3) Before confirming any by-law made by a council, the Minister shall take into consideration any objections lodged and the comments of the council thereon.

(4) The Minister may refuse to confirm any by-law submitted to him or may confirm the by-law in whole or in part, or with such modifications as appear to him to be desirable, and not opposed to the true spirit and intent of the by-law.

Power of
Minister to
amend or
revoke
by laws

63. (1) Subject to the provisions of this section, the Minister may, by statutory order, amend or revoke any by-law made by a council under this Act.

(2) Before exercising the powers conferred by subsection (1), the Minister shall give the council reasonable notice of his intention, and shall afford the council an opportunity of making representations thereon to him.

64. (1) The Minister may, by statutory instrument make regulations for any purpose for which, and to the same extent to which, a council is empowered by or under this Act to make by-laws or Standing Orders.

Power of
Minister to
make
regulations

(2) Regulations made under subsection (1) shall have the force of law only in the areas to which they are applied in pursuance of section 65; and, if any regulations so applied to any area are amended or revoked by subsequent regulations made under subsection (1) the subsequent regulations shall have the force of law in that area only to the extent that they are applied thereto in pursuance of section 65.

65. After consultation with a council, the Minister may, by statutory order—

Application
of
regulations

(a) apply all or any regulations made under section 64 to the whole or any part of the area of the council;

(b) withdraw the application of any regulations so applied:

Provided that in relation to a specified residential area, the Minister may exercise the powers conferred by this section without any such consultation.

66. In so far as regulations made under section 64 which apply in the area of a council conflict with or derogate from the provisions of any by-laws or Standing Orders made by the council under this Act, the regulations shall prevail.

Regulations
to prevail
over by-laws
or standing
Orders

67. Any reference in any other written law to by-laws or Standing Orders made by a council under this Act shall, unless the context otherwise requires, be construed as including a reference to regulations made under section 63 which apply in the area of the council.

Reference
in other
written
laws

PART VIII

MISCELLANEOUS PROVISIONS

68. (1) Any document requiring authentication by a council shall be duly authenticated if signed by the District Executive Secretary or any other officer of the council authorised in that behalf by resolution of the council.

Authentica-
tion of
documents
and
execution
of deeds

(2) A deed shall be deemed to have been duly executed by the council if the common seal of the council is affixed thereto in the presence of, and attested by, one councillor and either the District Executive Secretary or any other officer of the council authorised in that behalf by resolution of the council.

(3) Any document purporting to be a document duly authenticated or executed by or on behalf of a council shall, unless the contrary is proved, be deemed to be a document so authenticated or executed.

(4) Any document or instrument, which if executed by a person not being a body corporate, would not require to be under seal, may be executed on behalf of a council by any person generally or specifically authorised in that behalf by the council.

**Inspection
of
documents**

69. (1) Whenever, by or under this Act, it is provided that a document shall be open to the inspection of any person or category of persons—

- (a) any such person may, without payment, take copies thereof or make extracts therefrom;
- (b) the council may supply a copy thereof or an extract therefrom to any such person on payment of such charge, if any, as may be imposed under this Act.

(2) A document shall be deemed to be open to the inspection of any person or category of persons at all reasonable times if it is open to such inspection at the offices of a council during the normal office hours of the council.

**Public
notices**

70. A public notice required to be given by a council or by an officer of a council shall be given by publication of the notice in a newspaper circulating in the area of the council or in such other manner as the council may, by resolution, approve.

**Service of
documents**

71. (1) Where this Act or any other written law authorises or requires any document to be served upon a council, such document shall be deemed to have been effectively served if served—

- (a) personally upon the District Executive Secretary or any person empowered by him to accept service on behalf of the council; or
- (b) by registered post addressed to the District Executive Secretary.

(2) Where this Act or any other written law authorises or requires a council to serve any document on any person, such document shall be deemed to have been effectively served if served—

- (a) personally upon such person, any agent of such person empowered to accept service on his behalf, or any adult member of the family of such person; or
- (b) by registered post addressed to the person at the last address known to the council; or

- (c) by affixing a copy of the document on some conspicuous part of any premises or land to which it relates or in connection with which it is authorised or required to be served; or
- (d) where for any reason it is not possible to effect service of the document in any of the manners described in paragraphs (a), (b) and (c), by publication of a copy of the document in the *Gazette* and in at least one newspaper circulating in the area of the council.

72. (1) A council may institute criminal proceedings against any person before a subordinate court in respect of any contravention of this Act alleged to have been committed by that person.

Legal
proceedings

(2) Where a council deems it expedient for the promotion or protection of the interests of the inhabitants of its area, it may institute or defend any civil proceedings.

(3) A council may, by resolution, authorise any officer of the council, either generally or in respect of any particular matter, to institute or defend on its behalf proceedings before any subordinate court or to appear on its behalf before a subordinate court in any proceedings instituted by it or on its behalf or against it; and any officer so authorised shall be entitled to institute or defend any such proceedings and to conduct any such proceedings although he is not a legal practitioner.

(4) For the purpose of this section, "subordinate court" means any court established or recognised under the Subordinate Courts Act or the Local Courts Act.

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Cap. 54

73. (1) The minutes of a meeting of council purporting to be signed as provided by this Act, and any copy of or extract therefrom duly authenticated shall be *prima facie* evidence in any proceedings of the facts set out therein without proof of—

Evidence

- (a) the signature of the person presiding at the meeting; or
- (b) the meeting to which the minutes refer having been duly convened or held; or
- (c) the persons attending such meeting having been councillors.

(2) The books and registers of a council and any copy of or extracts therefrom duly authenticated shall, in any proceedings for the recovery of any amount alleged to be due to the council, be *prima facie* evidence of the amount so due.

74. Any person who—

- (a) wilfully obstructs any officer, employee or agent of a council in the discharge of his functions: or

Penalties
for
obstruction

- (b) being the occupier of any premises, prevents the owner of such premises from executing any work which he is required by or under this Act to execute, or otherwise prevents the owner of such premises from complying with any of the lawful requirements of a council or of an officer, employee or agent of a council; or
- (c) being the occupier of any premises, on demand made by an officer, employee or agent of a council, refuses to disclose or wilfully misstates the name of the owner of such premises;

shall be guilty of an offence and liable upon conviction to a fine not exceeding six hundred kwacha or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

**Other
Penalty**

75. Any person who contravenes any provision of this Act shall be guilty of an offence; and where no specific penalty for such offence is provided under this Act, shall be liable upon conviction to a fine not exceeding six hundred kwacha or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

**Powers of
arrest**

76. Any police officer may arrest without warrant any person upon reasonable suspicion of his having committed a contravention of this Act:

Provided that no person shall be arrested without warrant under this section unless reasonable grounds exist for believing that, except by his arrest, he could not be made answerable to justice without undue delay.

**Protection
for officers
and
employees
of council
acting in
good faith**

77. An officer or employee of a council shall not be personally liable in respect of any act done by him in the execution or purported execution of this Act or any other written law and within the scope of his employment, if he did that act in the honest belief that his duty under this Act or any other written law required or entitled him to do it:

Provided that nothing in this section shall be construed as relieving a council from any vicarious liability in respect of acts of its officers or employees.

**Validity of
discharge
of functions
by officers
and
employees
of council**

78. Any function discharged by a person purporting to be an officer or employee of a council shall not be invalidated by reason only of a defect afterwards discovered in the appointment or qualifications of such officer or employee.

79. (1) Whenever the Minister is authorised to approve or determine any matter for the purposes of this Act, he may—

Powers of
Minister to
approve or
determine
matters

- (a) approve or determine the matter generally or specifically and subject to such conditions and limitations as may be specified in the approval or determination;
- (b) withdraw or alter any approval or determination so given or made:

Provided that no such withdrawal or alteration shall affect anything lawfully done in pursuance of the approval or determination.

(2) Any approval or determination by the Minister for the purpose of this Act shall be signified—

- (a) by statutory order; or
- (b) by notice in writing addressed to the District Executive Secretary of the council concerned;

and withdrawal or alteration of any such approval or determination shall be signified in like manner.

80. (1) The Minister may, for the proper discharge of any of his functions under this Act, appoint a person or persons to inquire into any matter relating to the discharge of those functions and, upon the completion of such inquiry, to report and make recommendations thereon to the Minister.

Inquiries

(2) Nothing in this section shall be construed as requiring the Minister, in the discharge of his functions under this Act, to give effect to any recommendations made to him under subsection (1).

PART IX

DISTRICT COMMITTEES

81. There is hereby established for each District a District Committee which shall consist of—

Establish-
ment and
composition
of District
Committee

- (a) the District Governor as Chairman;
- (b) The District Political Secretary as Vice-Chairman;
- (c) one representative from each of the Security Forces in the District;
- (d) two District Trustees appointed by the Provincial Committee and approved by the Central Committee;
- (e) one representative each from the Women's League and the Youth League.

Power to
discharge
scheduled
functions

82. A District Committee shall discharge all the functions set out in Part II of the Schedule.

District Secretariat

Establish-
ment and
composition
of District
Secretariat

83. (1) There is hereby established for each District a District Secretariat which shall be under the general supervision of the District Executive Secretary.

(2) A District Secretariat shall consist of such other officers as a council may designate as members of the District Secretariat.

(3) The Minister may, by statutory order, prescribe the functions of each member of a District Secretariat.

Power to
discharge
scheduled
functions

84. A District Secretariat shall discharge all the functions set out in Part III of the Schedule.

PART X

PROVINCIAL COUNCILS

Establish-
ment and
composition
of
Provincial
Councils

85. There is hereby established for each Province a Provincial Council which shall consist of—

- (a) the Member of the Central Committee for the Province as Chairman;
- (b) the Provincial Political Secretary as Vice-Chairman;
- (c) the District Governors of the Province;
- (d) the District Political Secretaries of the Province;
- (e) the Members of Parliament of the Province;
- (f) the District Chairmen of the Women's League and the District Chairmen of the Youth League of the Province;
- (g) one representative from each of the mass organisations operating in the Province;
- (h) one representative from each of the trade unions operating in the Province;
- (i) one representative from each of the Security Forces in the Province.

Power to
discharge
scheduled
functions

86. A Provincial Council shall discharge all the functions set out in Part IV of the Schedule.

Provincial Committees

87. There is hereby established for each Province a Provincial Committee which shall consist of—

Establishment and composition of Provincial Committees

- (a) the Member of the Central Committee for the Province as Chairman;
- (b) the Provincial Political Secretary as Vice-Chairman;
- (c) one representative from each of the Security Forces in the Province;
- (d) one representative each from the Women's League and the Youth League; and
- (e) one other person nominated by the Central Committee.

88. A Provincial Committee shall discharge all the functions set out in Part V of the Schedule.

Power to discharge scheduled functions

Provincial Secretariat

89. There is hereby established for each Province a Provincial Secretariat which shall consist of—

Establishment and composition of Provincial Secretariat

- (a) the Permanent Secretary for the Province;
- (b) the Provincial heads of organs of the Government in the Province.

90. A Provincial Secretariat shall discharge all the functions set out in Part VI of the Schedule.

Power to discharge scheduled functions

PART XI

TRANSITIONAL PROVISIONS

91. (1) A person who immediately before the commencement of this Act was employed in the local government service or in the service of any local authority on permanent and pensionable establishment shall, on the coming into operation of this Act, be deemed to have been seconded to the public service for a period of not less than three years and not more than five years; and during such secondment his rights to, or eligibility for pension, gratuity, leave or other benefits shall not be less favourable than those enjoyed by him while in the local government service or in the service of a local authority, as the case may be.

Transfer of service

(2) A person who has been seconded to the public service under the provisions of subsection (1) shall be deemed to have voluntarily transferred to the public service immediately after the expiration of five years from the commencement of this Act, unless during the period of such secondment he gives

notice in writing to the Public Service Commission, with a copy thereof to the appropriate local authority, stating his intention not to transfer to the public service; and any person who has given such notice shall be retired in the public interest and shall be entitled to be paid all his terminal benefits.

(3) Any person who immediately before the commencement of this Act was employed in the local government service or in the service of a local authority on contract for a specified period shall, on the coming into operation of this Act, be deemed to have been seconded to the public service for the unexpired term of his contract, and during such secondment his rights to, or eligibility for, pension, gratuity, leave or other benefits shall not be less favourable than those enjoyed by him while employed in the local government service or in the service of a local authority, as the case may be.

(4) Any person who is deemed to have voluntarily transferred to the public service under the provisions of subsection (2) shall have his previous service in the local government service or a local authority treated as service in the public service.

Repeal and
Savings
Cap. 480
Cap. 482
Cap. 470
Cap. 471
Cap. 472
Act No. 33
of 1974

92. (1) The following Acts are hereby repealed—

- (a) the Local Government Act;
- (b) the Local Government Elections Act;
- (c) the Municipal Corporations Act;
- (d) the Townships Act;
- (e) the Mine Townships Act;
- (f) the Local Government Service Act.

(2) Notwithstanding the repeal of the said Acts, any regulations, by-laws, rules or orders made or deemed to have been made under any of the said Acts, having force and effect, or in operation, as the case may be, immediately before the commencement of this Act shall, in so far as they are not inconsistent with this Act, be deemed to have been made under this Act:

Provided that any standing orders regulating the duties and procedure of a council shall be deemed to be standing orders made under this Act by that council.

(3) The repeal of the said Acts shall not be construed as affecting—

- (a) any property which, immediately before the commencement of this Act, was vested in or belonged to or was held in trust for a council;
- (b) any rights, liabilities and obligations which, immediately before the commencement of this Act, were rights, liabilities and obligations of a council;
- (c) any legal proceedings which, immediately before the commencement of this Act, were pending by or against a council.

SCHEDULE

PART I

(Section 43)

Functions of a council

1. To administer the affairs of the District in the following fields, that is to say—
 - (a) political;
 - (b) economic;
 - (c) scientific and technological;
 - (d) social and cultural;
 - (e) defence and security.
2. To ensure that the administration of the District is carried out in such a manner as to achieve effective decentralisation and the transfer of power in the aforementioned fields in pursuance of the objectives of One Party Participatory Democracy under the Philosophy of Humanism.
3. To ensure an effective integration of the primary organs of the Party and other organs of local administration in the District.
4. Save as otherwise provided in this Act, to serve as the final authority to whom all organs of local administration shall be answerable in respect of matters relating to local administration.
5. To prepare and adopt annual and supplementary estimates of revenues and expenditure of the council for approval by Parliament.
6. To formulate the following long-term and short-term district development programmes within the guidelines stipulated by the overall Party policies and programmes, that is to say:
 - (a) the district political programme;
 - (b) the district economic development programme;
 - (c) the district social and cultural programme;
 - (d) the district scientific and technological programme; and
 - (e) the district defence and security programme.
7. To exercise overall control over district finances.
8. To cause the statement of accounts of the council to be audited once annually.
9. To submit resolutions of the council to the District Secretariat for appropriate action.
10. To approve and publish an annual report for the District.
11. To review quarterly progress reports submitted by the District Secretariat, and to consider abstracts from such reports for submission to appropriate Ministries and departmental headquarters for appropriate action.
12. To receive from Ward and other Committees in the District progress reports, and to review such reports and issue directives thereon to such Committees.
13. To establish and maintain offices and buildings for the purpose of transacting the business of the council and for public meetings and assemblies.
14. To insure against losses, damages, risks and liabilities which the council may incur.
15. To maintain law and order and ensure national security and the good administration of the council.
16. To prohibit and control the erection and display of advertisements and advertising devices in, or in view of, streets and other public places.
17. To establish and maintain farms and allotment gardens.
18. To take and require the taking of measures for the—
 - (a) storage, marketing and preservation of agricultural produce;

General
adminis-
trationAdvertise-
ments

Agriculture

(b) conservation of natural resources; and

(c) prevention of soil erosion, including the prohibition and control of cultivation.

19. To take and require the taking of measures for the control of grass, weeds and wild vegetation and for the suppression and control of plant and insect pests and diseases

Forests

20. To maintain, protect and control local forests and woodlands.

Animals

21. To control the keeping and movement of livestock.

22. To establish and maintain ponds.

23. To establish and maintain grazing grounds.

24. To take measures for the destruction and control of bees and of dangerous animals and reptiles.

25. To control the slaughtering of animals, the meat of which is intended for human consumption; to control the sale of such meat; and to require the disposal of diseased animals and carcasses and of meat which is unfit for human consumption.

26. To establish and maintain abattoirs, cold storage facilities and plants for the processing of by-products from abattoirs.

27. To control the movement of the carcasses of animals.

**Communi-
cations,
traffic and
streets**

28. (a) To establish and maintain roads;

(b) to exercise general control, care and maintenance of all public roads, streets, avenues, lanes, sanitary, lanes and footwalks forming part thereof, bridges, squares, ferries and water courses, and to remove all obstacles therefrom;

(c) to close or divert any public road, street or thoroughfare;

(d) to close or divert ferries and water courses;

(e) to declare a street or road to be a public street or road;

(f) to compile and maintain a register of all public streets and roads;

(g) to make up to tarmacadamed standard any private street and to charge the statutory leaseholders or occupiers of the land abutting on such streets in proportion to frontage and to recover the costs as a civil debt; and

(h) to effect repairs to and put in order any private street and to charge the statutory leaseholders or occupiers of the land abutting on such streets in proportion to frontage and to recover the costs as a civil debt.

29. To prohibit and control the erection and laying in, under or over, and the removal from, streets and other public places of—

(a) posts, wires, pipes, conduits, cables and other apparatus;

(b) temporary platforms, seats and other structures;

(c) street decorations.

30. To control traffic and the parking of vehicles and, for that purpose, to establish and maintain parking meters and premises for the parking of vehicles.

31. To take measures for the promotion of road safety.

**Community
development**

32. To prepare and administer schemes for the encouragement of, and participation in, community development.

**Maintenance
of public
lighting
system**

33. To establish and maintain a system of lighting in streets and other public places.

Fire services

34. To establish and maintain fire fighting and prevention services, and to take and require the taking of measures for the protection of life, property and natural resources from damage by fire.

**Food and
drink**

35. To control persons and premises engaged in or used for the manufacture, preparation, storage, handling, sale or distribution of items of food or drink.

36. To brew beer.
37. To establish and maintain premises for the sale of, and to sell therefrom, items of food and drink (including beer and other intoxicating liquor) for consumption on or off the premises.
38. To establish and maintain catering services.
39. To erect, purchase and maintain buildings for use as dwellings or clubs and, where it is in the public interest, for use for business or professional purposes.
40. To erect, purchase and maintain buildings and facilities and encourage the erection of dwellings needed for the accommodation of persons residing within the area of its authority.
41. To prohibit and control the development and use of land and buildings and the erection of buildings, in the interests of public health, public safety, and the proper and orderly development of the area of the council.
42. To control the demolition and removal of buildings and to require the alteration, demolition and removal of buildings which —
 - (a) do not conform to plans and specifications in respect thereof approved by the council; or
 - (b) are a danger to public health or public safety.
43. (1) To require the statutory leaseholder or occupier of land to do any of the following acts—
 - (a) to remove, lower or trim to the satisfaction of the council any tree shrub or hedge over-hanging or interfering with traffic in any street or with any wires, or with any works of the council;
 - (b) to remove any dilapidated fence or structure abutting on any public street or place;
 - (c) to paint, distemper, whitewash or colourwash the outside walls or roof of any building forming part of the premises;
 - (d) to tidy the premises; and
 - (e) to remove from the premises any unsightly debris, including derelict vehicles.
- (2) To provide space on which debris and derelict vehicles may be deposited.
- (3) To prohibit, control and require the fencing of land and to control the use of barbed wire and other dangerous materials for fencing.
- (4) In the event of the statutory leaseholder or occupier failing to comply with a notice from the council requiring him to perform any of the acts specified in sub-paragraph (1), to undertake the work and charge the statutory leaseholder or occupier with the cost thereof.
44. To assign names to localities and numbers to premises and to require the number assigned to any premises to be displayed thereon.
45. To establish and maintain parks, zoos, gardens, pleasure grounds, camping grounds, caravan sites and open spaces.
46. To plant, trim and remove trees, shrubs and plants in streets and other public places; and to prohibit and control the planting, damaging, destruction and removal of trees, shrubs and plants in streets and other public places.
47. To establish and maintain swimming baths and bathing places.
48. To establish and maintain art galleries, libraries, museums and film services.
49. To establish and maintain social and recreational facilities and public entertainments.
50. To establish and maintain a public transport service.
51. To establish and maintain colleges, schools and day nurseries.
52. (a) To establish and maintain hospitals, clinics and health centres;
- (b) to establish and maintain environmental health services.

Land and
buildingsPublic
amenitiesEducation
Public
health

53. To establish and maintain cemeteries, crematoria and mortuaries and otherwise to provide for and control the burial of the dead, and destitute persons who die in the area of the council.
54. To control the manufacture, storage, sale and use of petroleum, fireworks, gas and other combustible or dangerous substances; and to establish and maintain magazines and other facilities for the storage thereof.
55. To take and require the taking of measures for the preservation and improvement of public health and the prevention and abatement of nuisances, including measures for the extermination of mosquitoes and other insects, rats, mice and other vermin.
- Public order** 56. To control persons, premises and land engaged in or used for the holding of any fair, circus, fête or other entertainment, recreation or assembly to which the public are entitled or permitted to have access, whether on payment or otherwise.
57. To prohibit or control the collection of money from door to door and in streets and other public places.
58. To preserve public decency.
59. To prevent damage and trespass to property, whether public or private.
- Publicity** 60. To establish and maintain public information services; and to advertise and give publicity to the advantages and amenities of the area of the council.
- Registration** 61. To provide for and maintain—
- (a) the enumeration and registration of persons or property for any purpose connected with the administration of the area of the council;
 - (b) the registration of births, marriages and deaths;
 - (c) the registration of clubs; and
 - (d) the registration of such transactions in connection with land charges as may be prescribed in any written law relating to land charges.
- Sanitation and drainage** 62. To establish and maintain sanitary conveniences and ablution facilities, and to require, wherever necessary, the establishment and maintenance of such facilities.
63. To establish and maintain sanitary services for the removal and destruction of, or otherwise dealing with, all kinds of refuse and effluent, and compel the use of such services.
64. To establish and maintain drains, sewers and works for the disposal of sewerage and refuse.
65. To take and require the taking of measures for the drainage of water.
66. To require and control the provision of drains and sewers and to compel the connection of any drains and sewers to drains and sewers established by the council.
- Trade** 67. To prohibit and control the carrying on of offensive, unhealthy or dangerous trades.
68. To establish and maintain weighing machines.
69. To sell products and by-products resulting from the carrying on of any of the undertakings or services of the council.
70. To establish and maintain the business of—
- (a) manufacture;
 - (b) wholesaler; and
 - (c) retailer.
- Water supplies** 71. To provide and maintain supplies of water and, for that purpose, to establish and maintain waterworks and water mains.
72. To take and require the taking of measures for the conservation and the prevention of the pollution of supplies of water.

53. To establish and maintain cemeteries, crematoria and mortuaries and otherwise to provide for and control the burial of the dead, and destitute persons who die in the area of the council.

54. To control the manufacture, storage, sale and use of petroleum, fireworks, gas and other combustible or dangerous substances; and to establish and maintain magazines and other facilities for the storage thereof.

55. To take and require the taking of measures for the preservation and improvement of public health and the prevention and abatement of nuisances, including measures for the extermination of mosquitoes and other insects, rats, mice and other vermin.

Public order

56. To control persons, premises and land engaged in or used for the holding of any fair, circus, fête or other entertainment, recreation or assembly to which the public are entitled or permitted to have access, whether on payment or otherwise.

57. To prohibit or control the collection of money from door to door and in streets and other public places.

58. To preserve public decency.

59. To prevent damage and trespass to property, whether public or private.

Publicity

60. To establish and maintain public information services; and to advertise and give publicity to the advantages and amenities of the area of the council.

Registration

61. To provide for and maintain—

- (a) the enumeration and registration of persons or property for any purpose connected with the administration of the area of the council;
- (b) the registration of births, marriages and deaths;
- (c) the registration of clubs; and
- (d) the registration of such transactions in connection with land charges as may be prescribed in any written law relating to land charges.

**Sanitation
and
drainage**

62. To establish and maintain sanitary conveniences and ablution facilities, and to require, wherever necessary, the establishment and maintenance of such facilities.

63. To establish and maintain sanitary services for the removal and destruction of, or otherwise dealing with, all kinds of refuse and effluent, and compel the use of such services.

64. To establish and maintain drains, sewers and works for the disposal of sewerage and refuse.

65. To take and require the taking of measures for the drainage of water.

66. To require and control the provision of drains and sewers and to compel the connection of any drains and sewers to drains and sewers established by the council.

Trade

67. To prohibit and control the carrying on of offensive, unhealthy or dangerous trades.

68. To establish and maintain weighing machines.

69. To sell products and by-products resulting from the carrying on of any of the undertakings or services of the council.

70. To establish and maintain the business of—

- (a) manufacture;
- (b) wholesaler; and
- (c) retailer.

**Water
supplies**

71. To provide and maintain supplies of water and, for that purpose, to establish and maintain waterworks and water mains.

72. To take and require the taking of measures for the conservation and the prevention of the pollution of supplies of water.

73. With the consent of the Director-General of Posts and Telecommunications Corporation, and subject to such conditions as he may impose, to establish and maintain postal services. Mail

74. To establish and maintain twin-town contacts.

PART II (Section 77)

Functions of District Committees

1. To supervise the work of Ward, Branch and Section Committees.
2. To explain and publicise Party policies and programmes in the District.
3. To guide and supervise all development activities in the District and consider proposals for district development plans.
4. To guide Ward, Branch and Section Committees in the District on ways and means of strengthening the Party and in mobilising Party members in implementing Party policies and programmes of work.
5. To co-operate with Ward, Branch and Section Committees in the enforcement of law and order and the defence and security of the District.
6. To maintain discipline of Party officials and members as well as workers in public institutions and organisations operating in the District.
7. To receive, review and confirm recommendations from the District for membership of the Party.
8. To maintain appropriate records of Party activities in the District.
9. To encourage the people of the District to work hard in a spirit of self-reliance.
10. To do every other thing or act which is in the best interests of the Party, the Government and the residents of the District.
11. To prepare an annual district political report for submission to the council.
12. To submit quarterly progress reports to the Provincial Council on the following matters, that is to say—
 - (a) district development programmes;
 - (b) security, and the enforcement of law and order, in the District; and
 - (c) the operation of the Party, the Government, and public institutions and organisations in the District.
13. To submit development plans to the Provincial Council for approval

PART III (Section 79)

Functions of District Secretariat

1. To co-ordinate Government functions in the District.
2. To carry out the day-to-day administration of the council, including—
 - (i) the administrative processing of council matters;
 - (ii) the preparation of the agenda for council meetings;
 - (iii) the implementation of Party and Government policies and programmes of work in the District, subject to any specific or general directions of the council;
 - (iv) advising the council on the progress and the implementation of Party and Government policies and programmes of work.
3. To prepare annual reports, other than political reports, on the activities of the District for submission to the council.
4. To prepare annual estimates of revenues and expenditure of the District for submission to the council.

5. To prepare district development plans and programmes for submission to the council.

6. To consult—

- (a) provincial organs of the Party and the Government; or
- (b) where necessary, the appropriate national organs of the Party and the Government directly;

on any technical matters pertaining to the administration of, or the implementation of any development project or programme in, the District.

7. To be responsible for the proper administration of the council so as to achieve effective decentralisation in the District.

PART IV

(Section 81)

Functions of Provincial Councils

1. To review development programmes in the Province.
2. To approve development plans prepared by the Provincial Committee.
3. To formulate programmes for the enforcement of law and order in the Province.
4. To ensure the efficient functioning of the Party, the Government and other public institutions and organisations in the Province.
5. To submit to the appropriate national organs of the Party and the Government for appropriate action such development plans, reports or recommendations on provincial projects as may be required.

PART V

(Section 83)

Functions of Provincial Committees

1. To organise the Provincial Conference.
2. To supervise the work of the District Committees and other primary organs of the Party, the Government and other public institutions and organisations in the Province.
3. To explain and publicise Party policies and programmes in the Province.
4. To plan, guide and supervise all development activities in the Province and consider proposals for provincial development plans.
5. To receive and review development and financial reports from District Committees.
6. To guide district and other primary organs of the Party on ways and means of strengthening the Party in the Province through the acceptance of Party policies and programmes of work, and to mobilise people, public institutions and organisations in the Province for work under the leadership of the Party.
7. To co-operate with District Committees in the enforcement of law and order and the safeguarding of defence and security of the Province.
8. To maintain the discipline of Party officials and members as well as other workers in public institutions and organisations operating in the Province.
9. To instil a spirit of hard work and self-reliance in the people of the Province.

PART VI

(Section 85)

Functions of Provincial Secretariat

To provide the technical and administrative machinery necessary for servicing the national organs of the Party and the Government at provincial level.

[No. 21 of 1986]

GOVERNMENT OF ZAMBIA

ACT

No. 21 of 1986

Date of Assent: 30th October, 1986

An Act to amend the Local Administration Act

[7th November, 1986]

ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the Local Administration (Amendment) Act, 1986, and shall be read as one with the Local Administration Act, 1980, hereinafter referred to as the principal Act.

Short title

Act No. 16
of 1986

2. Section *two* of the principal Act is amended—

Amendment
of
section 2

(a) by the insertion in the appropriate place of the following definition;

“mass organisation” means any organisation designated as a mass organisation by or under the Constitution of the Party; ; and

(b) in the definition of “officer”, by the deletion of “a public officer” and the substitution therefor of “a person”.

3. Section *three* of the principal Act is amended by the addition of the following new subsections:

Amendment
of
section 3

(3) The Minister shall, by statutory order, grade every council established by subsection (1) or under subsection (2).

(4) Such grading shall be based on the economic circumstances of each council and shall be reviewed periodically.

Single copies of this Act may be obtained from the Government Printer,
P.O. Box 30136, Lusaka. Price 60p.

Amendment
of
section 13

4. Section *thirteen* of the principal Act is amended—

(a) by the deletion of subsection (1) and the substitution therefor of the following subsection:

(1) A councillor referred to in paragraph (d) or (i) of subsection (1) of section *ten* shall, so long as he remains eligible to be a councillor, hold office for a term of three years, and shall be eligible to be a councillor for a subsequent term.; and

(b) in subsection (2), by the deletion of "paragraph (a), (b), (e), (g) or (h)" and the substitution therefor of "paragraph (a), (b), (c), (e), (f), (g) or (h)".

Amendment
of
section 14

5. Section *fourteen* of the principal Act is amended in paragraph (c)—

(a) by the deletion of the full-stop and the substitution therefor of a colon; and

(b) by the addition thereafter of the following proviso to paragraph (c):

Provided that this paragraph shall not apply to a councillor referred to in paragraph (e) of subsection (1) of section *ten* if such absence was caused by his duties with the National Assembly or other affairs of the State.

Amendment
of
section 32

6. Section *thirty-two* of the principal Act is amended by the deletion of subsection (2) and the substitution therefor of the following subsection (2):

(2) The accounts of a council shall be prepared for each financial year of the council and a summarised statement thereof, certified under the hand of the District Executive Secretary, shall be presented to the council at a meeting to be held within six months of the end of that financial year, or within such longer period as the Minister may in any particular case determine.

Amendment
of
section 40A

7. Section *forty A* of the principal Act is amended—

(a) by the re-numbering of subsections (2), (3) and (4) as (3), (4) and (5) respectively; and

(b) by the insertion, immediately after subsection (1), of the following subsection (2):

(2) The Minister may, by writing under his hand, delegate his powers under subsection (1) to the Permanent Secretary of the Province in which the council is located or to the Permanent Secretary of the Ministry responsible for local administration.

8. The principal Act is amended by the repeal of section *forty-one* and the substitution therefor of the following section:

Repeal and
replacement
of
section 41

41. (1) The Minister shall cause any part of the audit report made under section *thirty-nine* or the extraordinary audit report made under section *forty A* to be brought to the notice of any councillor, or officer or employee of the council who may be affected thereby and shall afford to every such person an opportunity of furnishing an explanation to the Minister.

Power of
dis-
allowance
and
surcharge

(2) After considering any explanation furnished to him under subsection (1) the Minister shall—

(a) disallow any expenditure incurred contrary to law;

(b) surcharge the amount of any expenditure disallowed upon the person or persons responsible for incurring or authorising the expenditure;

(c) surcharge any sum which has not been duly brought to account upon the person or persons by whom that sum ought to have been brought to account;

(d) surcharge the amount of any loss or deficiency upon any person or persons by whose negligence or misconduct the loss or deficiency incurred;

(e) certify the amount due from any person upon whom he has made a surcharge and cause a copy of the certificate to be furnished to such person:

Provided that the Minister may abstain from making a disallowance or surcharge or may make such reduction in such disallowance or surcharge as he deems equitable.

9. Section *forty-two* of the principal Act is amended—

(a) in subsection (1); and

(b) in paragraphs (a) and (b) of subsection (2);

by the deletion of "the council" and the substitution therefor of "the Minister."

Amendment
of
section 42

10. Section *forty-three* of the principal Act is amended—

(a) by the deletion of "the council" and the substitution therefor of "the Minister"—

(i) in subsection (1) where that term appears for the first time; and

(ii) in subsection (2); and

(b) in subsection (4) by the deletion of "District Executive Secretary" and the substitution therefor of "the Minister".

Amendment
of
section 43

Amendment
of
section 47

11. Section *forty-seven* of the principal Act is amended by the deletion of subsection (3).

Insertion of
new section
47A

12. The principal Act is amended by the insertion, immediately after section *forty-seven*, of the following new section:

Committees
of council
and
delegation

47A. (1) A council may establish standing or occasional committees, consisting of such member or members and subject to such procedures as the council may determine, for the purpose of examining and reporting on any matter or performing any function of the council which the council may assign or delegate to such committee.

(2) Subject to the provisions of this section, a council may, on such terms and conditions as it thinks fit, delegate to a committee established under subsection (1), the power to discharge on behalf of the council any function of the council.

(3) A council shall not delegate to any committee its power to discharge any function—

(a) if such committee includes amongst its members persons who are not councillors; or

(b) if such delegation involves the power to—

(i) make and levy a rate;

(ii) adopt estimates of revenues and expenditure of the council;

(iii) borrow money;

(iv) impose fees and charges; or

(v) make by-laws.

(4) A council may at any time withdraw or alter any delegation to a committee, but such withdrawal or alteration shall not affect anything lawfully done by the committee prior to such withdrawal or alteration.

(5) Subject to the provisions of the standing orders of the council, and any general or specific directions of the council, a committee established under subsection (1) may determine its own procedure.

(6) Any function discharged by a committee in the exercise of powers delegated to it under this section shall be deemed to have been discharged by the council.

(7) A committee established under subsection (1) may, from amongst its members appoint sub-committees for the purpose of examining and reporting to the committee on any matter, but not for the purpose of discharging any function of the council.

(8) Subject to the provisions of the standing orders of the council, and any general or specific directions of the committee which appoints such sub-committee, a sub-committee may determine its own procedure.

13. (1) The principal Act is amended in Part XI by—

- (a) the deletion of the heading "Transitional Provisions" and the substitution therefor of "Staff and Provincial Service Boards";
- (b) the deletion of section *ninety-one* and the substitution therefor of the new sections as indicated in subsection (2); and
- (c) the re-numbering of section *ninety-two* as section *one hundred and three*.

(2) Section *ninety-one* of the principal Act is replaced by the following sections:

91. (1) In this Part, unless the context otherwise requires—

Transfer
of service

"Board" means a Provincial Service Board established under section *ninety-two*;

"chairman" means the chairman of a Board;

"former council employee" means any person who prior to the 1st January, 1981, was employed in the local government service or in the service of any local authority on permanent and pensionable establishment and who was deemed to have been seconded to the public service by virtue of the old section *ninety-one*;

"member" means a member of the Board;

"old section *ninety-one*" means the section *ninety-one* contained in the Local Administration Act, 1980, and which was repealed by the Local Administration (Amendment) Act, 1986.

Act No. 15
of 1980.
Act No. 21
of 1986

(2) The provisions of this Part shall apply notwithstanding anything to the contrary contained in the old section *ninety-one*.

(3) Every former council employee who on the 1st December, 1986, is serving in a council shall be deemed to be an employee of that council, unless within six months of that date he gives a written notice to the Public Service Commission, with a copy thereof to the appropriate council, stating his intention not to transfer to the service of that council; and any person who has given such notice shall be retired in the public interest and shall be entitled to be paid all his terminal benefits.

(4) A former council employee who has, since the 1st January, 1981, ceased to serve in a council and is instead serving in the public service, shall opt either to be employed in the public service or to revert to serving in the council in which he last served.

(5) A person who was serving in the public service on the 1st January, 1981, and has, since that date, been transferred to serve in a council, shall opt either to become an employee of that council or to revert to serving in the public service.

(6) Any person employed in the public service since the 1st January, 1981, who is serving in a council on the 1st December, 1986, shall opt either to become an employee of that council or to revert to serving in the public service.

(7) Any person required to opt under subsection (4), (5) or (6), shall, before the 31st March, 1987, give a written notice to the Public Service Commission, with a copy thereof to the appropriate council, stating his intention; and in the absence of such notice such person shall be deemed to have opted to be employed where he was serving on the 1st December, 1986.

(8) A former council employee, or a person to whom subsection (5) or (6) applies who—

(a) prior to the 1st December, 1986—

(i) retired from or for any other reason left the local government service, the service of any local authority or the public service; or

(ii) proceeded on leave pending such retirement or other departure as is referred to in sub-paragraph (i); or

(b) is due to retire from the local government service, the service of any local authority or the public service before the 31st March, 1987;

shall not be affected by the provisions of this section, but instead shall be dealt with in accordance with the provisions of the old section *ninety-one*.

(9) A person to whom subsection (3), (4), (5) or (6) applies shall not be adversely affected in relation to—

(a) his previous service; or

(b) his rights to or eligibility for pension, gratuity, leave or other benefits;

by any transfer of service effected pursuant to the provisions of this section or the old section *ninety-one*; and where a person has exercised, or is deemed to have exercised, an option pursuant to subsection (7), the terms and conditions of the service to which he transfers shall be deemed to be more favourable to him than those which he enjoyed before such transfer.

92. (1) There is hereby established for each Province a Provincial Service Board. Establishment and composition of Boards

(2) A Board shall consist of the following members, appointed on part-time basis:

- (a) a chairman appointed by the Minister;
- (b) two persons to represent all the councils in respect of which the Board is authorised to exercise its functions, appointed by the Minister from nominations submitted collectively by such councils;
- (c) two persons to represent the officers and employees of the councils in respect of which the Board is authorised to exercise its functions, appointed by the Minister after consultations with such persons or association of persons as appear to the Minister to represent the interests of such officers and employees; and
- (d) two persons appointed by the Minister after consultation with the Member of the Central Committee for the Province.

(3) In the absence of the chairman from any meeting of a Board, the members present at that meeting shall elect one of the members appointed under paragraph (b) or (c) of subsection (2) to preside over the meeting.

(4) The quorum at a meeting of a Board shall be four members.

(5) A decision of the Board on any question shall be by a majority of the members present and voting at the meeting and, in the event of an equality in votes, the person presiding at the meeting shall have a casting vote in addition to his deliberative vote.

(6) Subject to any directions given by the Minister, a Board may regulate its own procedure.

93. (1) Subject to the provisions of this section, Tenure of Office of member
a member referred to in paragraph (a), (b), (c) or (d) of subsection (2) of section *ninety-two* shall hold office for a period of three years from the date of his appointment.

(2) A member may, by notice in writing addressed to the Minister, resign his office at any time.

(3) A member who absents himself from three consecutive meetings of the Board shall be reported to the Minister together with a detailed explanation by the member and comments by the chairman.

(4) Whenever it appears to the Minister that a member has absented himself frequently without reasonable cause, or that he is unable or unfit to discharge his functions as member, the Minister may remove him from office as member.

(5) A person who has completed his term as member or has ceased to be chairman may be re-appointed.

Remunera-
tion, and
allowances

94. The Minister shall, by statutory instrument, prescribe the remuneration or allowances payable to members.

Secretary
and other
staff

95. For each Board, the Minister shall designate a public officer to be the Secretary to the Board and such number of other public officers as may be necessary to carry out the functions of the Board.

Funds
of Board

96. The funds required by a Board to carry out its functions shall be appropriated by Parliament.

Functions
of Board

97. (1) A Board shall, in respect of the councils for which it is authorised to exercise its functions—

(a) review disciplinary cases from such councils; and

(b) hear appeals from aggrieved officers of such councils.

(2) The decision of a Board shall be binding upon the council and the officer or employee, subject to an appeal to a court of appropriate jurisdiction.

(3) The overall responsibility for the co-ordination of all matters relating to staffing generally in councils shall remain with the Minister, and he may make such regulations or administrative arrangements relating to recruitment or transfer of officers as appear to him to be necessary in the interest of local administration.

(4) The Minister may, from time to time, give such general directions as he thinks necessary to any Board or any council on any matter contained in this Part, and such Board or council, as the case may be, shall give effect to every such direction.

98. (1) With effect from the 1st December, 1986, ^{Staff of councils} a council shall have the power, subject to the other provisions of this Part, to appoint, promote, transfer, second, dismiss, discharge or discipline its officers and employees; and any such power shall be exercised in accordance with the terms and conditions determined by the council with the prior approval of the Minister.

(2) Upon receiving a request in that behalf, the Public Service Commission may authorise the secondment of a public officer to a council for such period and on such conditions as may be agreed between the council and the Public Service Commission.

(3) A public officer may apply to the Public Service Commission to transfer from the public service to the service of a council, and the Public Service Commission may, after consultation with that council, grant or refuse such transfer.

(4) A public officer who transfers in accordance with subsection (3)—

(a) may with the approval of the Public Service Commission, retire from the public service before such transfer; or

(b) may have his previous service and accrued benefits relating to gratuity, pension, earned leave, and the like, transferred to the council for his benefit.

(5) A council may, on such terms and conditions as may be agreed between all parties concerned, permit the secondment or transfer of any of its officers to the service of another council or to the public service.

99. (1) The Minister may, by statutory instrument, ^{Regulations under Part XI} make regulations for the better carrying out of the purposes of this Part.

(2) Without derogation from the generality of the power contained in subsection (1), the regulations made under this section may provide for—

(a) the creation or abolition of any post in any council or grade of councils;

(b) the qualifications for appointment to any such post;

(c) such training in the local administration service as he considers necessary for the promotion of efficiency in councils;

- (d) matters relating to the terms and conditions of appointment, promotion, transfer, secondment, dismissal, discharge and discipline of officers or employees of councils; and
- (e) matters relating to the performance of the functions of a Board.

Insertion
of new
Parts XII
and XIII

14. The principal Act is amended by the insertion, immediately after section *ninety-nine* of the following new Parts:

PART XII

DISTRICT ADMINISTRATOR

Appoint-
ment of
District
Admini-
strator and
discharge
by him of
functions of
council

100. (1) Whenever, by reason of the refusal, failure or inability of a council adequately to discharge all or any of its functions, the Minister considers it necessary or expedient in the interest of local administration to do so, he may, by statutory order, appoint a public officer to be the District Administrator for that council; and notwithstanding anything contained in this Act, may—

- (a) empower the District Administrator to discharge all or any of the functions of the council, either generally or in respect of any part of the area of the council;
- (b) suspend all councillors of the council from performing any or all functions as councillors; and
- (c) suspend any officer or employee of the council from the exercise of the powers and functions of his office on such terms and conditions as the Minister thinks fit.

(2) Any functions of the council discharged by the District Administrator to the extent indicated in, and in accordance with, the appointment order referred to in subsection (1) shall be deemed to have been discharged by the council in accordance with the provisions of this Act.

(3) Any officer or employee of the council suspended under paragraph (c) of subsection (1) shall be deemed to have been lawfully suspended by the council in accordance with the provisions of this Act and may thereafter be dealt with by the council in accordance with the ap-

101. (1) The appointment of a District Administrator shall, unless sooner revoked, expire after ninety days: Revocation
of appoint-
ment order

Provided that the Minister may, if he considers it desirable in the interest of local administration, extend the appointment for further periods of ninety days at a time.

(2) On the revocation of the order appointing the District Administrator made under section *one hundred*, the District Administrator shall cease to discharge the functions of the council, and such functions shall be discharged by the council as constituted by section *ten*.

PART XIII

FIRE SERVICES, REPEAL AND SAVINGS

102. The Minister may, by statutory instrument—

Fire
Services

- (a) establish a fire authority for any area;
- (b) alter the area of any fire authority;
- (c) require a council to carry out the functions of a fire authority;
- (d) require a fire authority to enter into arrangements with other fire authorities or other organisations for mutual co-operation and assistance;
- (e) prescribe the powers and functions of a fire authority;
- (f) regulate the operations of any fire brigade;
- (g) regulate the standards for providing, maintaining and operating by any person of—
 - (i) adequate fire-fighting equipment;
 - (ii) fire-prevention equipment or services;
 - (iii) fire-escape facilities in any premises;
- (h) provide for the inspection of any premises by fire inspectors or fire officers;
- (i) provide for the qualifications for appointment, powers and functions of fire inspectors or fire officers, and for their names to be notified in the *Gazette*; and
- (j) provide for such matters as to him appear necessary for the purposes of ensuring adequate fire services in any area.

15. The Schedule to the principal Act is amended by the insertion, in the appropriate place, of the following new paragraph: Amendment
of
Schedule

70A. To undertake mining operations.