

**THE MARKETS AND BUS STATION ACT, 2007**

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

*Section*

1. Short title and commencement
2. Application
3. Interpretation
4. Establishment of markets and bus stations
5. Control and management of markets and bus stations
6. Unauthorised markets and bus stations
7. Designation of market streets
8. Demolishing, reconstructing, abolishing, closing or moving of markets and bus stations
9. Fees, stallage, and levy
10. Inspectors of markets
11. Entry into markets and bus station by inspector
12. Issues of licences and permits

PART II

MANAGEMENT BOARDS

13. Establishment of management Boards
14. Composition of management board
15. Business plan and management Lease
16. Functions of management board
17. Seal of management board
18. Tenure of office and vacancy
19. Proceedings of management board
20. Committees of management board
21. Allowances of members
22. Disclosure of interest
23. Prohibition of publication of, or disclosure of information to unauthorised persons
24. Immunity of members of management board and staff
25. Staff of management board

PART III

FINANCIAL AND GENERAL PROVISIONS

26. Moneys to be paid into fund of local authority
27. Funds of market management board
28. Budget
29. Financial year
30. Accounts
31. Annual report
32. National Market and Bus Station Development Fund
33. Regulations and by-laws
34. Repeal, savings and transitional provisions

SCHEDULE



GOVERNMENT OF ZAMBIA

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# ACT

No. 7 of 2007

Date of Assent: 12th April, 2007

**An Act to provide for the establishment and regulation of markets and bus stations; to provide for the establishment of management boards for markets and bus stations; to repeal and replace the Markets Act, 1937; and to provide for matters connected with or incidental to the foregoing.**

[13th April, 2007]

ENACTED by the Parliament of Zambia

Enactment

## PART I PRELIMINARY

1. This Act may be cited as the Markets and Bus Stations Act, 2007, and shall come into operation on such date as the Minister may, by statutory instrument, appoint.

Short title and commencement

2. This Act shall not apply to a place situated on land owned, leased or lawfully occupied by any person that is primarily used for the supply of goods to persons employed by that person on that land.

Application

3. In this Act unless the context otherwise requires—

Interpretation

“ area ” means the area under the jurisdiction of a local authority;

“ bus service ” means a service for the provision of passenger transport to the public;

“ bus station ” means a place designated by a local authority as a regular terminal stopping place for buses but does not include a bus stop;

“ bus stop ” means a place on a bus route designated by a local authority as a regular short-term stopping place of buses for the boarding and disembarking of passengers from buses;

- Cap. 303 “food” has the meaning assigned to it in the Food and Drugs Act;
- “lessee” means a management board which has entered into a management lease with a local authority;
- Cap. 281 “local authority” means a city council, municipal council or district council established under the Local Government Act;
- “maintain” includes carry on, manage, operate and keep in good repair and “maintaining” shall be construed accordingly;
- “management board” means a board that has been established under section *thirteen*;
- “management lease” means a lease to maintain and manage a market or bus station, as the case may be, between a management board and a local authority as provided under section *fifteen*;
- “market” means a market established under this Act being a place or premises where any prescribed goods are sold;
- “marketeer” means a person who sells goods in a market;
- “market street” means a place designated as a market street under section *seven*;
- “premises” includes any place, vehicle, stall or measurable structure but does not include a cargo container;
- “prescribed” means made by the Minister by statutory instrument, on the recommendation of a local authority;
- “sell” includes exchange, barter or offer for sale or expose for sale and “sale” shall be construed accordingly; and
- “stall” means any stand, shelter or table at a market for the sale or purchase of goods.

## PART II

## MARKETS AND BUS STATIONS

Establishment  
of markets  
and bus  
stations

4. (1) The Minister or a local authority, with the approval of the Minister, may establish markets and bus stations.
- (2) The Minister may prescribe different categories of markets and bus stations to be established under this Act.
- (3) A local authority, may enter into public-private partnerships, with the prior approval of the Minister given in writing.

(4) Any public-private partnership entered into shall not be for a period longer than fourteen years.

(5) The Town and Country Planning Act, the Public Health Act and any other relevant written law shall apply to the planning, siting and construction of markets and bus stations.

Cap 283  
Cap 295

5. (1) All markets and bus stations shall be under the control of a local authority having jurisdiction in the area in which they are situated.

Control and  
management  
of  
markets and  
bus  
stations

(2) A market and bus station shall be managed by—

- (a) a local authority in that area; or
- (b) a management board.

(3) A market and a bus station shall be managed and operated in accordance with the Food and Drug Act, the Public Health Act and the Weights and Measures Act.

Cap 303  
Cap 295  
Cap 403

6. (1) A person shall not, except in partnership with a local authority and with the approval of the Minister—

Unauthorised  
markets and  
bus stations

- (a) establish any market or bus station in any area;
- (b) being the owner, lessee or occupier of land, permit a market or a bus station to be established on that land; and
- (c) maintain, conduct or manage a market or a bus station in contravention of this Act.

(2) Any person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding thirty thousand penalty units and a further fine not exceeding one thousand penalty units for each day the contravention continues or in default of payment, to imprisonment for a period not exceeding six months.

7. (1) A local authority may, on its own motion or on the application of any person, club or co-operative, designate any place for a specified period as a market street.

Designation of  
market streets

(2) A local authority may make by-laws for—

- (a) prescribing the days on which a market street may operate;
- (b) prescribing the goods which may be sold on a market street; and
- (c) regulating traffic and access to the market street.

(3) If a local authority designates any part of a road as a market street the authority shall notify—

- (a) the public;
- (b) motorists; and
- (c) operators of bus services;

of such designation by a local publication in the government *Gazette* and a newspaper of general circulation in that area.

Demolishing,  
reconstructing,  
abolishing,  
closing or  
moving of  
markets  
and bus  
stations

**8.** (1) A local authority, in consultation with the Minister, may demolish, reconstruct, abolish, close or move a market or a bus station.

(2) Notwithstanding subsection (1), a local authority shall, before demolishing, reconstructing, abolishing, closing or moving a market or a bus station, notify, in writing, any person who is managing the market or bus station.

(3) Where a local authority closes a market or bus station, a lessee or any agent of the lessee shall not keep the market or bus station open or permit the market or bus station to be open.

(4) Any person who contravenes subsection (3)

commits an offence and is liable, upon conviction, to a fine not exceeding fifty thousand penalty units, or in default of payment, to imprisonment for a period not exceeding six months.

Fees,  
stallage and  
levy

**9.** (1) Any person who desires to sell goods in any market or operate a bus at any bus station shall pay such fee, stallage or levy as may be prescribed by a local authority or management board with the approval of the Minister.

(2) Any person who fails to pay any fee or levy in contravention of this section commits an offence and is liable, upon conviction, to a fine not exceeding ten thousand penalty units or to imprisonment for a term not exceeding six months, or to both.

Inspectors  
of markets  
and bus  
stations

**10.** (1) The Minister, or a local authority with the approval of the Minister, may appoint inspectors to ensure compliance with this Act.

(2) An inspector shall be provided with a certificate of appointment which shall be produced by the inspector when any person requires it to be produced.

(3) An inspector may, during an inspection—

(a) examine and make copies of any books, records or other documents containing information relevant to the administration or enforcement of this Act or any regulations or by-laws made under this Act;

(b) examine any computer and retrieve any information relevant to the administration or enforcement of this Act or any regulations or by-laws made under this Act;

(c) open and inspect any package or container;

- (d) inspect any premises in the market, bus station or market street; and
- (e) examine or inspect anything relevant to the administration or enforcement of this Act or any regulation or by-laws made under this Act.

11. (1) An inspector may at any reasonable time, for the purposes of performing that inspector's functions under this Act, without warrant, enter into any market, bus station, market street or other premises which the inspector reasonably believes is being used as a market, market street or bus station or is used for selling any prescribed goods in contravention of this Act.

Entry into market and bus station by inspector

(2) Any person who—

- (a) delays or obstructs an inspector in the performance of the inspector's functions;
- (b) refuses to give an inspector such reasonable assistance as the inspector may require for the purpose of exercising the inspector's powers; and
- (c) gives an inspector false or misleading information in answer to any inquiry made by the inspector; commits an offence and is liable, upon conviction, to a fine not exceeding twenty thousand penalty units or to imprisonment for a term not exceeding six months, or to both.

12. A local authority may issue licences or permits to pedlars, hawkers, marketeers and operators of bus services or any other category of licence as may be prescribed for the purpose of operating in a market, bus station or market street:

Issue of licences and permits

Provided that where a management board is established to manage a market or bus station the licences or permits to operate in a market or bus station shall be issued in consultation with the management board.

### PART III

#### MANAGEMENT BOARDS

13. (1) The Minister may, in consultation with the local authority in whose area the market or bus station is situated, establish a management board for any market or bus station established under this Act.

Establishment of management boards

(2) A management board established under subsection (1) 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, to do all such things as a body corporate may by law do or perform.

Composition  
of  
management  
board

14. (1) A management board shall consist of not less than eight and not more than eleven members appointed by the Minister.

(2) The members referred to in subsection (1) shall include—

- (a) one person, representing the Ministry responsible for local government and housing;
- (b) one person, representing the Ministry responsible for communication and transport, in the case of a bus station management board;
- (c) three persons representing the marketeers in the market or operators of bus services in a bus station, elected by the marketeers or operators of bus services, as the case may be;
- (d) one person representing the local authority in which the market or bus station is situated;
- (e) one consumer or commuter from an association relevant to markets or bus stations in the area in which the market or bus station is situated; and
- (f) one person from the community in the area in which the market or bus station is situated.

(3) The Minister shall, on receiving the names of the proposed representatives from the institutions or organisations referred to in subsection (2), consider the representatives and may, where the Minister thinks fit in the Minister's discretion, reject any such representative or appoint the representative as a member of the management board:

Provided that where the Minister rejects any proposed representative, the Minister shall direct the institution concerned to avail the Minister with the name of another representative.

(4) The Chairperson and the Vice-chairperson shall be appointed by the Minister from among the members appointed under subsection (1).

(5) A person who is an employee of a management board shall not be qualified to be a member of such management board.

(6) Subject to subsection (1), the Minister may appoint a different number of members depending on the size of the market or bus station.



(7) The members of a management board shall be appointed by the Minister on such terms and conditions as the Minister may determine.

15. (1) A management board established under subsection (1) of section *thirteen*, shall submit to the local authority in whose area the market or bus station is situated its business plan for the market or bus station covering an initial period of five years and the local authority shall, before submitting the business plan to the Minister for the Minister's approval, consider the business plan and make recommendations on the plan to the Minister.

Business  
plan and  
management  
lease

(2) The Minister shall consider the proposed business plan and the recommendations made by the local authority on the business plan and if the Minister is satisfied with the proposed business plan the Minister shall approve it.

(3) Where the Minister is not satisfied with the proposed business plan, the Minister may engage experts to assist the management board come up with a satisfactory business plan.

(4) Subject to subsection (5), a local authority referred to in subsection (2) shall, following the approval of the proposed business plan by the Minister, enter into a management lease with the management board in the form set out in the Schedule.

(5) A local authority shall, before entering into a management lease under subsection (4), pay and settle off all liabilities and obligations in respect of the market or bus station, including the retirement of staff not required by the market management board, utility bills and refuse collection charges.

(6) A management lease shall be for a period of three years and may be subject to renewal.

16. The functions of a management board shall be to—

- (a) formulate policies and guidelines for the maintenance and management of a particular market, group of markets or bus stations under a management board;
- (b) manage and maintain any market or bus station for which it is established;
- (c) present to the Minister, for approval, an annual update of the business plan for the market or bus station, where necessary;
- (d) provide services such as, water, sanitation, security, electricity and refuse collection, to market users;

Functions of  
management  
board

- (e) maintain all buildings and infrastructure such as drainage, roads, parking and fencing of the market or bus station;
- (f) provide secure trading places for traders and adequate parking for buses, taxis and other motor vehicles;
- (g) prevent vending and illegal trading in the market or bus station's vicinity;
- (h) establish and implement adequate measures to ensure protection of the property of the market or bus station;
- (i) maintain, utilise, acquire, develop and improve any property of the market or bus station;
- (j) ensure that the annual accounts of the market or bus station are audited in accordance with subsection (2) of section *thirty*;
- (k) in line with the policy of the Ministry responsible for local government and housing, insure—
  - (i) any equipment, vehicle, machine or installation in its possession against any losses, damage, repair, third party liability; and
  - (ii) the assets of the board against losses, damage, risk or liability which the market or bus station or its board, agents or employees may sustain or incur in the course of their duties and in respect of such assets or moneys belonging or pertaining to the board;
- (l) open, operate, transfer or close any bank account with any institution and accept deposits in the name of the markets or bus station and make, accept, endorse and discount cheques;
- (m) pay taxes, if any, pursuant to the laws of Zambia;
- (n) create a conducive environment in the market or bus station for the benefit of all stakeholders;
- (o) generate revenue to pay for the services to be supplied to marketeers or operators of bus stations at an affordable price;
- (p) assist marketeers or operators of bus stations with business development;
- (q) promote community involvement in market or bus station operations;
- (r) create awareness and disseminate information on health and sanitation;

- (s) source funding for further development of the market or bus station;
- (t) ensure that the stakeholders in the market or at bus stations are kept informed about developments in the market or bus station;
- (u) liaise with the Ministry responsible for local government and market users or other stakeholders for the better development and use of the market or bus station;
- (v) submit to arbitration or otherwise settle any claim or dispute, whatsoever, relating to the market or bus station;
- (w) make provision for pension, health, retirement and death benefits for its employees by way of insurance and subscription to a social security fund; and
- (x) do all such things as are necessary or conducive to achieving the objectives of the market or bus station.

17. (1) The seal of a management board shall be such device as may be determined by the management board and shall be kept by the Secretary.

Seal of  
management  
board

(2) The affixing of the seal shall be authenticated by the Chairperson or the Vice-Chairperson and the Secretary or one other person authorised in that behalf by a resolution of the management board.

(3) Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under seal, may be entered into or executed without seal on behalf of the management board by the Secretary or any other person generally or specifically authorised by a management board in that behalf.

(4) Any document purporting to be a document under the seal of the management board or issued on behalf of the management board shall be received in evidence and shall be executed or issued, as the case may be, without any further proof, unless the contrary is proved.

18. (1) Subject to the other provisions of this Act, a member of a management board shall hold office for a period of three years from the date of appointment and may be re-appointed for a further like period.

Tenure of  
office of  
member and  
vacancy

(2) The office of a member becomes vacant—

- (a) upon the member's death;
- (b) if the member is adjudged bankrupt;
- (c) if the member is absent from three consecutive meetings of the management board of which the member has had notice, without the prior approval of the management board;

- (d) upon the expiry of one month's notice of the member's intention to resign from office, given by the member in writing to the Minister;
- (e) if the member becomes mentally or physically incapable of performing the duties of a member of the management board;
- (f) if the member is convicted of an offence under this Act; or
- (g) if the member is convicted of an offence under any other written law and sentenced therefor to imprisonment for a term of six months or more.

Proceedings  
of  
management  
board

19. (1) Subject to the other provisions of this Act, a management board may regulate its own procedure.

(2) A management board shall meet for the transaction of its business at least once in every three months at such places and times as the Chairperson may determine.

(3) Upon giving notice of not less than fourteen days, a meeting of a management board may be called by the Chairperson and shall be called if not less than one third of the members so request in writing:

Provided that if the urgency of any particular matter does not permit the giving of such notice, a special meeting may be called upon a shorter notice given by three members of a management board.

(4) The quorum at any meeting of a management board shall be five of the members.

(5) There shall preside at any meeting of a management board—

- (a) the chairperson;
- (b) in the absence of the chairperson, the vice-chairperson; and
- (c) in the absence of both the chairperson and the vice-chairperson, such member as the members present may elect from amongst themselves for the purpose of that meeting.

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

(7) A management board may invite any person whose presence in its opinion is desirable to attend and to participate in the deliberations of a meeting of the management board but such person shall have no vote.

(8) The validity of any proceedings, act or decision of a management board shall not be affected by any vacancy in the membership of the management board or by any defect in the appointment of any member or by reason that any person not entitled so to do, took part in the proceedings.

(9) A management board shall cause minutes to be kept of the proceedings of every meeting of the management board and every meeting of any committee established by the management board.

20. (1) A management board may, for the purpose of performing its functions under this Act, constitute any committee and may delegate to any such committee such of its functions as it thinks fit.

Committees of management board

(2) A management board may appoint as members of a committee constituted under subsection (1), persons who are or are not members of a management board and such persons shall hold office for such period as the management board may determine.

21. There shall be paid to members of a management board or any committee of a management board such allowances as the management board may, with the approval of the Minister, determine.

Allowances of members

22. (1) A person who is present at a meeting of a management board or any committee of a management board and who is directly or indirectly interested in a matter that is the subject of consideration at the meeting shall, as soon as is practicable after the commencement of the meeting, disclose the interest and shall not, unless the management board or the committee otherwise directs, take part in any consideration or discussion of, or vote on, any question relating to the matter.

Disclosure of interest

(2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which it is made.

23. (1) A person shall not, without the consent in writing given by or on behalf of the management board, publish or disclose to any unauthorized person, otherwise than in the course of duties of that person, the contents of any document, communication or information whatsoever, which relates to or which has come to the knowledge of that person in the course of that person's duties under this Act.

Prohibition of publication of, or disclosure of information to unauthorized persons

(2) Any person who contravenes the provisions of subsection (1) commits an offence and is liable, upon conviction, to a fine not exceeding thirty thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

(3) If any person, having any information which to the knowledge of that person has been published or disclosed in contravention of subsection (1), unlawfully publishes or communicates any such information to any other person, the person commits an offence and is liable, upon conviction, to a fine not exceeding thirty thousand penalty units or to imprisonment for a term not exceeding two years or to both.

Immunity  
of  
members of  
management  
board and  
staff

24. No action or other proceedings shall lie or be instituted against any member of a management board or a committee of a management board, or any member of the staff of a management board, for or in respect of any act or thing done or omitted to be done in good faith in the exercise or performance, or purported exercise or performance, of any of the powers or functions conferred under this Act.

Staff of  
management  
board

25. (1) A management board shall appoint a management team consisting of a Manager, who shall be the chief executive officer and Secretary of the management board, and such other staff as are necessary for the effective and efficient management of the market or bus station.

(2) A management board shall engage the staff referred to in subsection (1), on such terms and conditions as it may determine, with the approval of the Minister.

(3) The Manager shall attend meetings of the management board and may address such meetings, but shall not vote on any matter.

(4) A management team, under the direction and supervision of the Manager, shall exercise the functions of the management board in accordance with the policy, direction and guidelines of the board.

(5) A management team shall, at least once in each year or when directed to do so by the management board, submit progress reports to the board on the activities carried out by the management team and the manner in which the affairs of the market or bus station have been managed.

PART III

FINANCIAL AND GENERAL PROVISIONS

26. (1) All moneys paid to a local authority under this Act shall be paid into a special fund established under section *forty* of the Local Government Act.

Moneys to be paid into special fund of local authority  
Cap 281

(2) The moneys of the local authority referred to in subsection (1) may be—

- (a) such fees and rentals paid by management boards to a local authority; and
- (b) any moneys received by way of grants or donations from any source in Zambia and, subject to the approval of the Minister, from any source outside Zambia.

(3) There shall be paid from the special fund of the local authority—

- (a) moneys for the development, management, maintenance and servicing of markets and bus stations which are not under the management of a management board; and
- (b) such moneys as the Minister, on the recommendation of the local authority, may approve for the better administration of markets and bus stations.

27. (1) The funds of a management board shall consist of such moneys as may—

Funds of management board

- (a) be appropriated by Parliament for the purposes of the board;
- (b) such moneys as the board may collect from market fees, stallage, rent or bus levies, as the case maybe, and other income generated from activities undertaken by the board, but shall not include moneys paid into the special fund;
- (c) subject to subsection (2), be paid to the board by way of grants or donations from any source within or outside Zambia; and
- (d) vest in or accrue to the board.

(2) A management board shall not receive any grant or donation from a source other than the Government without the prior approval of the Minister.

(3) A management board may—

- (a) subject to the approval of the Minister, raise by way of loans or otherwise, such moneys as it may require for the discharge of its functions; and

(b) charge and collect market fees, stallage, rent or bus levies and other fees in respect of services provided by the board.

(4) There shall be paid from the funds of a management board—

- (a) salaries and gratuities of the staff engaged by the board;
- (b) such allowances for the members of the board for attendance at meetings of the board, as the Minister may determine, taking into account the size and operation of the market or bus station and the general viability of the business;
- (c) the expenses incurred by the board for the maintenance and management of the market or bus station;
- (d) any money required for the development of the market or bus station;
- (e) the lease fees agreed under a management lease entered into by the local authority and the management board; and
- (f) such amount of contribution to the National Market and Bus Station Development Fund established pursuant to section *thirty-two* as may be determined by the Minister.

(5) A management board may, with the approval of the Minister, invest such of its moneys as it does not immediately require for the performance of its functions.

**Budget**            **28.** The funds of a management board shall not be expended otherwise than in accordance with the annual budget approved by the board and the Minister or with the special authorisation of the board and the Minister where provision is not made in the budget.

**Financial year**    **29.** The financial year of a management board shall be the period of twelve months commencing 1st January and ending 31st December in any year.

**Accounts**        **30.** (1) A management board shall cause to be kept proper books of account and other records relating to its accounts.

(2) The accounts of a management board shall be audited—

- (a) by auditors from the local authority in whose area the market or bus station is situated; or
- (b) by auditors from the Ministry responsible for local government where for any reason the auditors of a local authority are unable to conduct the audit; or
- (c) by independent auditors appointed by the board, with the approval of the Auditor-General.



(3) The auditor's fees shall be paid by the management board from its funds.

31. (1) As soon as practicable but not later than fifteen days after the end of each quarter of the year, a management board shall submit to the local authority in whose area the market or bus station is situated a report concerning its business activities in the market or bus station during the quarter.

Quarterly  
and annual  
reports

(2) As soon as practicable, but not later than ninety days after the end of the financial year, a management board shall submit to the Minister and the local authority a report concerning its business activities in the market or bus station during the financial year.

(3) The report, referred to in subsection (2), shall include information on the financial affairs of the management board and there shall be appended to the report—

- (a) an audited balance sheet;
- (b) an audited statement of the income and expenditure;  
and
- (c) such other information as the Minister may require.

(4) The Minister shall, not later than seven days after the first sitting of the National Assembly next after receipt of the report referred to in subsection (2), lay the report before the National Assembly.

32. (1) The Minister may, by statutory instrument, establish a National Market and Bus Station Development Fund for the purposes of assisting markets and bus stations established under this Act.

National  
Market and  
Bus Station  
Develop-  
ment Fund

(2) A statutory instrument made under subsection (1) shall—

- (a) prescribe how the money in the Fund shall be applied;  
and
- (b) provide for the administration of the Fund and other matters related to the Fund.

33. (1) The Minister may, by statutory instrument, make regulations and a local authority may make by-laws, for the better carrying into effect of this Act.

Regulations  
and by-laws

(2) In particular but without limiting the generality of subsection (1), regulations and by-laws made under subsection (1) may make provision for—

- (a) regulating the use of markets and bus stations and buildings, keeping order, preventing obstructions and maintaining cleanliness in, and approaches to, markets and bus stations;

- (b) prescribing the goods which may be sold in any market or bus station and the conditions under which such goods may be sold in the market or bus station;
- (c) prohibiting the sale of any specified kind of goods within any specified area;
- (d) enabling the local authority to determine by resolution, stallage, rent, tolls or levies and fees for inspection of produce and providing for the collection thereof;
- (e) enabling the local authority to determine by resolution the days and the hours during each day on which a market may be held and preventing the sale and purchase of goods in the markets on any days or at any hours except those determined;
- (f) prescribing the weights, scales and measures to be used in the sale of any particular produce or articles of food and prohibiting the adulteration thereof;
- (g) the examination of produce or articles of food and prohibiting the adulteration thereof;
- (h) regulating the duties and conduct of inspectors and other persons appointed for the purposes of this Act;
- (i) prohibiting the purchase of any specified kind of goods for export from any specified area except at a market;
- (j) prescribing that purchases of any specified kind of goods in any market shall be paid for in cash;
- (k) the fixing of grades and the manner of inspection and grading;
- (l) the issue and revocation of licences or permits for marketeers and operators of bus services and other licences required for operations at markets or bus stations under this Act;
- (m) regulating services within the market and at a bus station;
- (n) regulating parking areas within a market or bus station;
- (o) enabling the local authority to prohibit and control the development or erection of buildings in a market area or bus station in the interests of public health, public safety and the orderly development of a market area or bus station;
- (p) the demolition of buildings in a market or bus station which do not conform to plans and specification of the

buildings approved by the local authority and are a danger to public health or public safety;

- (q) the establishment and maintenance of environmental health services;
- (r) the establishment and maintenance of sanitary conveniences and services and ablution facilities;
- (s) the removal and destruction of , or otherwise dealing with, all kinds of refuse and effluent;
- (t) the establishment and maintenance of drains, sewers and works for the disposal of sewage and refuse;
- (u) prohibiting and controlling the carrying on in a market or bus station of offensive, unhealthy and dangerous trade;
- (v) prescribing measures for the prevention of pollution of water; and
- (w) generally carrying into effect the purposes of this Act.

(3) The provisions of sections *twenty-six, twenty-seven and twenty-eight* of the Local Government Act shall, with necessary modifications, apply to by-laws made under this section.

Cap. 281

(4) A person who contravenes any of the regulations or by-laws made under subsection (2) commits an offence and is liable on conviction to a fine not exceeding thirty thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

**34. (1)** The Markets Act is hereby repealed.

Repeal,  
savings  
and  
transitional  
Cap 290

(2) Notwithstanding the repeal of the Markets Act, any market established before the commencement of this Act shall be deemed to have been established under this Act.

(3) A lease made under the repealed Markets Act and subsisting immediately before the commencement of this Act shall, until replaced, be deemed to be a lease made under this Act.

(4) After the commencement of this Act any market association, operating within a market that is under the management of a local authority or a management board, shall cease to operate within that market.

SCHEDULE  
(Section 15)  
Management Lease

.....  
(Name of Local Authority)

TO

.....  
(Name of market/bus station management board)  
.....

LEASE

Plot/Stand No.....

.....  
(Name of Town)

THIS INDENTURE is made the ..... day of .....  
Two Thousand and ..... Between  
.....(name of local authority) established under the Local  
Government Act Cap 281 of the Laws of Zambia (hereinafter called " the local  
authority ") of the one part and .....(name of  
market/bus station\*) Management Board established under the Markets and  
Bus Stations Act, 2007 (hereinafter called " the management lessee ") of the  
other part.

WITNESSETH as follows:—

1. In consideration of the rents and the management lessee’s covenants hereinafter reserved and contained and on condition of the management lessee submitting to the local authority, the documents which are particularly described in the Third Schedule, the local authority hereby demises unto the management lessee ALL THOSE buildings and appurtenances thereto belonging and described in the First Schedule TO HOLD unto the management lessee for the term stated in the Second Schedule hereto PAYING therefore during the said term the rent stated in the said Second Schedule to be paid in the manner therein stated.

2. The management lessee will provide equipment, plant and vehicles and other ancillary equipment for the maintenance of the market/bus station and all installed or fixed ancillary buildings and equipment such as the bus stations, if any at the market, pipes, conduits, cables, pavements and other property of the local authority.

3. The management lessee will maintain the market area, bus stations and other ancillary equipment to ensure that the marketeer can sell their products, and bus owners can provide services, in a safe manner.

4. The management lessee shall carry out renovations, redecorations and repairs on the market premises/bus station at its own expense after the commencement of this lease and the detail of the renovations, redecorations and repairs to be done are to be mutually agreed by the parties in writing.

5. The management lessee covenants with the local authority as follows:

- (a) to pay the rent reserved on the days and in the manner stated in this lease;
- (b) not to demand any fees, stallage, rent or tolls in excess of the amount prescribed by the local authority by by-laws;
- (c) to abide to all regulations issued by the Minister responsible for local government, and all by-laws and regulations issued by a local authority, in respect of markets/bus stations;
- (d) to pay the local authority a deposit of .....Kwacha on the signature of this lease which deposit shall be forfeited to the local authority if the local authority is satisfied that the management lessee has been guilty of a breach or non-performance of any undertaking or condition to be observed or performed by the management lessee under this lease and the decision of the local authority shall be final;
- (e) to issue receipts in respect of sums collected and retained by the management lessee, such receipts to be of a form approved by the local authority which receipts must be identifiable by illiterate persons in respect of the amounts for which they are issued by reason of the colour or design of the receipts, to pay for all electricity, water, refuse collection and charges payable in respect of the demised premises;
- (f) to keep the interior of the demised building and bus stations and all additions including the windows and doors and sanitary and water apparatus thereof and the local authority fixtures therein in tenable repair except in respect of any injury or deterioration occasioned by ordinary wear and tear, other than by natural causes, such as fire, lightning, tempest or any inevitable accident or by any defects of repair in the main walls or structure;
- (g) to permit the local authority and its agents and inspectors with all necessary workmen and appliances, at all reasonable times, to enter upon the demised premises for the purpose of inspecting the market/bus station, books of account and other records of the management lessee in accordance with their powers under the Markets and Bus Stations Act;
- (h) to permit the local authority and its agents and inspectors with or without workers, at all reasonable times, twice a year, with the prior approval of the Minister responsible for local government, to enter upon and examine the condition of the demised premises and thereupon the local authority may serve upon the management lessee notice in writing specifying any repairs necessary to be done and require the management lessee forthwith to proceed diligently with the execution of repairs then to permit the local authority to enter upon the demised premises to ensure that the repairs have been carried out to the satisfaction of the local authority;

- (i) not to make any alterations or additions to the demised premises without the previous written consent of the local authority;
- (j) not to assign, underlet or part with the possession of the demised premises or any part of it;
- (k) promptly to pay all charges of a recurrent nature, including telephone bills;
- (l) not to use the demised premises for any purpose other than that of a market/bus station;
- (m) to insure and keep insured the demised premises and all fixtures therein in such state of repair and condition as shall be in accordance with the covenants of the management lessee with all locks, keys and fastenings complete; and
- (n) to take out a policy of insurance with a reputable insurer against all risk on the demised premises presented by the activities at the market/bus station and keep such insurance and pay all premium charges promptly as they fall due.

6. The local authority hereby covenants with the management lessee as follows:

- (a) that the management lessee, paying the rent and performing and observing the covenants on the part of the management lessee and the conditions in this lease, shall quietly enjoy the demised premises during the term created without any interruption by the local authority or any person rightfully claiming through, under or in trust for it; and
- (b) the local authority will, on the written request of the management lessee, made at least twelve calendar months before the expiration of the term created and if there is no breach of any contract at the date on which the term expires, grant to the management lessee a new lease for a period of two years from the expiration of the term created by this lease on conditions to be agreed between the parties or as contained in this lease.

7. PROVIDED ALWAYS and it is hereby agreed as follows:

- (a) If the rent hereby reserved or any part thereof shall be unpaid for 30 days after becoming payable (whether formally demanded or not) or if any covenants contained in this lease shall not have been performed or observed by the management lessee or if the management lessee goes into liquidation or fails to maintain and manage the demised premises then, in any of the said cases, it shall be lawful for the local authority, at any time, to enter upon the demised premises or any part thereof in the name of the whole and thereupon this demise shall absolutely determine but without prejudice to any right of action of the local authority in respect of any breach of the management lessee's covenants set out in this lease;
- (b) if the demised premises or any part of it shall at any time during the tenancy be destroyed or damaged by fire so as to be unfit for habitation and use and the policy or policies of insurance effected

by the management lessee shall not have been vitiated or payment of the policy moneys refused in whole or in part in consequence of any act or default of the management lessee, the rent hereby reserved or a fair proportion thereof, according to the nature and extent of the damage sustained, shall be suspended until the demised premises shall again be rendered fit for habitation and use and any dispute concerning this clause shall be referred to a single arbitrator and in case the parties can not agree upon one, two arbitrators, one to be appointed by each party and in either case in accordance with the provisions of the Arbitration Act of the Laws of Zambia;

- (c) any notice requiring to be served hereunder shall be sufficiently served upon the management lessee if left addressed to the management lessee on the demised property or sent to the management lessee at its registered office for the time being and shall be sufficiently served upon the local authority at the address of the local authority and a notice sent by post is deemed to be delivered at the time when it is delivered;
- (d) subject to the management lessees strict compliance with this lease in its entire duration the local authority shall give the management lessee the right of first refusal for a further tenancy for two years, subject to any amendments to this lease as may be mutually agreed; and
- (e) without prejudice to the provisions contained in this lease the term hereby created shall be determinable by either party hereto serving upon the other three (3) calendar months notice, in writing, such notice expiring on the last day of the three (3) months.

*delete where not applicable*

THE FIRST SCHEDULE

ALL THOSE premises comprising the market/bus station and their buildings being Stand..... in the ..... Province of the Republic of Zambia/  
OR ALL that area  
approximately .....square metres in extent and shown bordered green on Drawing No....., a copy of which is deposited in the office of .....city/municipal/district- council.

THE SECOND SCHEDULE

Name, location of market/bus station address.....

Date of commencement of term:  
....., 2006

Duration of term: Three (3) years  
Amount of rent and times and manner .....  
of payment:

THE THIRD SCHEDULE

- (a) a business plan of the management lessee; and
- (b) such other information as the local authority may request.

*\*delete where not applicable*

IN WITNESS, whereof the Parties have caused their respective common seals to be hereunto affixed the day and year first above written.

The Common Seal of

.....City/Municipal/District Council )

was hereunto affixed in the presence of )

\_\_\_\_\_ Mayor/Council Chairperson

\_\_\_\_\_ Town Clerk/Council Secretary

The Common Seal of

.....(name of Bus Station Market Management Board )

was hereunto affixed in the presence of )

\_\_\_\_\_ Chairperson

\_\_\_\_\_ Secretary

*\*delete where not applicable*

\_\_\_\_\_