

LAND ALIENATION  
PROCEDURE

**LANDS CIRCULAR NO.1  
OF  
1986**



REPUBLIC OF ZAMBIA

MINISTRY OF LANDS AND NATURAL RESOURCES

## **Procedure on Land Alienation**

LAND CIRCULAR

No. 1 of 1985

## CONTENTS

	<i>Page</i>
Introduction .. .. .	1
Preparation of Layout Plans .. .. .	1
Allocation of Stands .. .. .	1
Unscheduled Agricultural Lands .. .. .	2
Reserves and Trust Lands .. .. .	2
Applications for Land by Non-Zambians .. .. .	2
Consultations .. .. .	2
Decentralisation of the Lands Department .. .. .	2
Reserve Powers .. .. .	2

## INTRODUCTION

This Circular is intended to lay down general policy guidelines regarding the procedure all District Councils are expected to follow in the administration and allocation of land.

2. Your attention is drawn to the fact that all land in Zambia is vested absolutely in His Excellency the President who holds it in perpetuity for and on behalf of the people of Zambia. The powers of His Excellency the President to administer land are spelt out in the various legislations some of which are; The Zambia (State Land and Reserves) Orders, 1928 to 1964, the Zambia (Trust Land) Orders, 1947 to 1964, the Zambia (Gwembe District) Orders, 1962 and 1964 and the Land (Conversion of Titles) Act No. 20 of 1978 as amended. His Excellency the President has delegated the day-to-day administration of land matters to the public officer for the time being holding the office or executing the duties of Commissioner of Lands. Under Statutory Instrument No. 7 of 1964 and Gazette Notice No. 1245 of 1976, the Commissioner of Lands is empowered by the President to make grants or dispositions of land to any person subject to the special or general directions of the Minister responsible for land matters.

3. Pursuant to the policy of decentralisation and the principle of participatory democracy it was decided that District Councils should participate in the administration of land. To this effect, all District Councils will be responsible, for and on behalf of the Commissioner of Lands, in the processing of applications, selecting of suitable candidates and making recommendations as may be decided upon by them. Such recommendations will be invariably accepted unless in cases where it becomes apparent that doing so would cause injustice to others or if a recommendation so made is contrary to national interest or public policy.

4. Accordingly, the following procedures have been laid down and it will be appreciated if you shall ensure that the provisions of this Circular are strictly adhered to.

### A. PREPARATION OF LAYOUT PLANS

- (i) The planning of stands for various uses is the responsibility of the appropriate planning authority of the area concerned. Once a chosen area has been properly planned, the planning authority shall forward the approved layout plans to the Commissioner of Lands for scrutiny as to the availability of the land.
- (ii) Upon being satisfied that the layout plans are in order, the Commissioner of Lands shall request the Surveyor-General to number and survey (or authorise private survey) the stands.
- (iii) Thereafter, a copy of the layout plan showing the order of numbering, shall be sent back to the District Council and the planning authority concerned.

### B. ALLOCATION OF STANDS

- (i) Stands recommended for allocation to the Commissioner of Lands will be assumed to have been fully serviced by the District Council concerned. If the stands are not serviced, the District Council shall give reasons for its inability to provide the necessary services before the recommendations can be considered.
- (ii) Before stands are recommended, the District Council concerned may advertise them in the national press inviting prospective developers to make applications to the District Council in the form appended hereto and numbered as Annexure A.
- (iii) On receipt of the applications the District Council concerned shall proceed to select the most suitable applicants for the stands and make its recommendations in writing to the Commissioner of Lands giving reasons in support of the recommendations in any case where there may have been more than one applicant for any particular stand, or where an applicant is recommended for more than one stand.
- (iv) On receipt of the recommendation(s) from the District Council(s), the Commissioner of Lands shall consider such recommendation(s) and may make offer(s) to the successful applicant(s), sending copies of such offer(s) to the District Council(s) concerned.

- (v) Where the District Council is not the planning authority, an applicant whose recommendation has been approved by the Commissioner of Lands shall be directed, in a letter of offer in principle, to apply for and obtain planning permission from the relevant planning authority before a lease can be granted.
- (vi) If the District Council is aggrieved by the decision of the Commissioner of Lands, the matter shall be referred to the Minister of Lands and Natural Resources within a period of thirty days from the date the decision of the Commissioner of Lands is known, who will consider and decide on the appeal. The Minister's decision on such an appeal shall be final.
- (vii) No District Council shall have authority in any case to permit, authorise or suffer to permit or authorise any intending developer to enter upon or occupy any stand unless and until such developer shall have first received the letter of offer, paid lease fees and the development charges, and has obtained planning permission from the relevant planning authority.
- (viii) Prior to the preparation of the direct lease, the District Council concerned shall inform the Commissioner of Lands the minimum building clause to be inserted in the lease.
- (ix) Prompt written notification of the relevant particulars upon the issue of a certificate of title shall be given by the Commissioner of Lands to the District Council concerned.

#### C. UNSCHEDULED AGRICULTURAL LANDS

- (i) Any State Land required for agricultural use shall be notified to the Commissioner of Lands so that its status and availability can be determined. Once the Commissioner of Lands is satisfied that the land in question is available the Department of Agriculture in consultation with the District Council shall be requested to plan the area into suitable agricultural units. The layout plans duly approved by both the Department of Agriculture and the District Council concerned shall be submitted to the Commissioner of Lands for survey and numbering.
- (ii) Once the District Council is in possession of information from the Commissioner of Lands regarding the numbered farms or small-holdings the procedure outlined in paragraph 4B (ii) (iii) (iv) and (vi) above shall apply. And the application form to be completed by the applicants shall be as per Annexure 'C'.
- (iii) No District Council shall have authority in any case to permit, authorise, or suffer to permit, or authorise any intending developer, to enter upon or occupy any agricultural farm or small-holding unless and until such developer shall have first received the letter of offer and has paid the lease fees.

#### D. RESERVES AND TRUST LANDS

- (i) In the Reserves and Trust Lands, the powers of the President, in making grants or dispositions of land, are limited by the requirement to consult the local authorities affected by such grants or dispositions of land.
- (ii) Local authority, in the Orders, has been administratively understood to mean the Chief and the District Council. This means, therefore, that the consents of the Chiefs and District Councils shall continue to be the basis for any approval of applications for land in the Reserves and Trust Lands.
- (iii) As has been the practice before, to ensure that a local authority has been consulted, the Commissioner of Lands will insist that each recommendation is accompanied by the following:
  - (a) written consent of the chief under his hand;
  - (b) extracts of the minutes of the Committee of the Council responsible for land matters embodying the relevant resolution and showing who attended, duly authenticated by the Chairman of the Council and the District Executive Secretary;
  - (c) extracts of the minutes of the full Council with the relevant resolution and showing who attended, duly authenticated by the Chairman of the Council and the District Executive Secretary;

- (d) four copies of the approved layout plan showing the site applied for, duly endorsed and stamped by the Chief, Chairman of the Council and the District Executive Secretary.
- (iv) The preparation of the layout plan showing the area applied for, should be done by persons possessed with the catographic know-how. At Annexure 'B' of this circular is a model layout plan which provides the necessary details for an acceptable layout plan.
- (v) It has been decided, for the time being, not to allocate more than 250 hectares of land for farming purposes in the Reserves and Trust Land areas. The District Councils are, therefore, advised not to recommend alienation of land on title in such areas in excess of 250 (two hundred and fifty) hectares as such recommendations would be difficult to consider.
- (vi) In each case recommended to the Commissioner of Lands, the recommending authority shall certify that it has physically inspected the land applied for and confirm that settlements and other persons' interests and rights have not been affected by the approval of the application.

#### E. APPLICATIONS FOR LAND BY NON-ZAMBIANS

- (i) You are now aware that under the Land (Conversion of Titles) (Amendment) (No. 2) Act of 1985 no land can be alienated to a person who is not a Zambian. However, under the same Amendment, a non-Zambian can be granted a piece of land if his application has been approved in writing by His Excellency the President.
- (ii) To obtain the approval of His Excellency the President, a non-Zambian wishing to own a piece of land will be required, in the first place, to submit his application to the District Council concerned for scrutiny. In considering the application, the District Council will be at liberty to solicit for as much information as possible from the applicant about the intended development.
- (iii) When recommending the application to the Commissioner of Lands, the District Council shall be required to give full back-up information in support of or against the applicant in addition to the following:
- (a) extracts of the minutes of the Committee of the Council responsible for land matters, embodying the relevant resolution and showing who attended the meeting duly authenticated by the Chairman of the Council and the District Executive Secretary;
  - (b) extracts of the minutes of the full Council, with the relevant resolution and showing who attended the meeting, duly authenticated by the Chairman of the Council and the District Executive Secretary; and
  - (c) four copies of the approved layout plan, showing the site applied for, duly stamped and endorsed by the Chairman of the Council and the District Executive Secretary where the site has not been numbered.

5. *Consultations*—Development projects of great significance both to the District and the nation, shall be referred to the Provincial Authority for guidance before communicating the decision to the Commissioner of Lands.

6. *Decentralisation of Lands Department*—Necessary plans to further decentralise the various aspects of land administration and alienation to the Provincial Headquarters have been made. These plans will be operational as soon as funds are available.

7. *Reserved Powers*—The Minister responsible for lands shall have the right in any case or cases or with respect to any category or categories of land, to modify, vary, suspend or dispense with the procedure outlined above or any aspect of same as he may see fit in the circumstances.

F. CHELA,  
*Minister of Lands and Natural Resources*

cc The Rt Hon. Prime Minister.  
cc Hon. Chairman of the Rural Development Committee.  
cc Administrative Secretary, Freedom House.

cc All Hon. Members of the Central Committee in charge of provinces.  
cc Hon. Minister, Ministry of Decentralisation, Lusaka.  
cc Hon. Minister, Ministry of Agriculture and Water Development, Lusaka.  
cc Hon. Minister, Ministry of Legal Affairs, Lusaka.  
cc All Chairmen of District Councils.

ANNEXURE 'A'

Government of the Republic of Zambia

LANDS DEPARTMENT

Application for Residential/Commercial/Industrial/Special User Stand in the.....  
..... council area.

(To be completed in duplicate and both copies submitted to the District Executive Secretary,  
..... District Council).

1. First choice: Stand No.....Town.....
2. Other choices: Stand No.....
3. If more than one stand is required because of the scale of the proposed development give details here.....
4. If the area applied for is not numbered, provide four copies of the approved layout plan.

A. APPLICATIONS BY INDIVIDUALS

1. Name (in block letters).....
2. Address.....
3. Age..... birth place.....
4. Nationality.....
5. National Registration Card Number.....
6. Date and place of issue.....
7. Residence in Zambia (non-Zambians) from.....
8. Passport No. (non-Zambians).....
9. Date and place of issue.....
10. The name of the mortgagees.....
11. If you do not intend to borrow, state your sources of income with which to finance development. (Provide evidence).....
12. Occupation.....
13. Full description of type of development proposed on the stand applied for.....
14. Will the proposed building be owner occupied?.....
15. Estimated cost of proposed development: K.....



16. Particulars of land owned by or leased to applicant or husband/wife of applicant.

Property	Stand No.	User Clause	District	Term of Lease

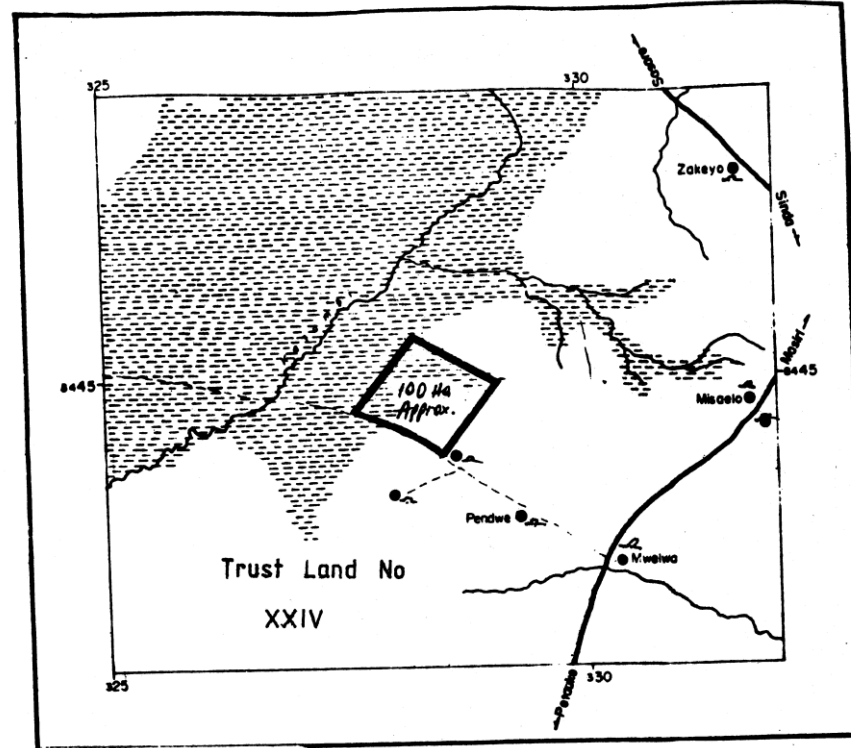
**B. APPLICATIONS BY COMPANIES AND ORGANISATIONS**

1. Name .....
2. Address .....
3. Is the company incorporated or organisation registered under Zambian laws?  
.....
4. Is the company or organisation legally competent to hold land in Zambia? .....
5. Issued and paid up capital: K .....
6. Name, usual country of residence and nationality of shareholders, trustees etc.
  - (i) .....
  - (ii) .....
  - (iii) .....
  - (iv) .....
  - (v) .....
7. Full description of type of development proposed on stands applied for .....
- .....
- .....
8. Particulars of land owned by or leased to company or organisation.

Property No.	Stand No.	User Clause	District	Term of Lease

9. Estimated cost of proposed development: K .....
10. Do you intend to sell or let the completed development? .....
- .....
- .....
11. If yes, have you a purchaser/tenant in mind? .....

ANNEXURE B MODEL LAYOUT PLAN





Scale 1:50,000



**LEGEND**

- Main road . . . . .
- Farm boundary . . . . .
- River or stream . . . . .
- Foot path . . . . .
- Village . . . . . ●
- Dambo . . . . .

C. APPLICATIONS BY NON-ZAMBIANS

(Additional information in support of the proposed development should be given here. The applicant is advised to write as much as possible about himself and the intended project. Additional paper may be used if this space is not adequate).

D. STATUTORY DECLARATION

I, .....do solemnly and sincerely declare that the particulars given in this application form are true and correct and that I have not withheld any information which might affect my application AND I make solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declaration Act, 1835.

Signature .....

E. FOR USE BY THE DISTRICT COUNCIL

1. The application under A/B is recommended for the following reasons:

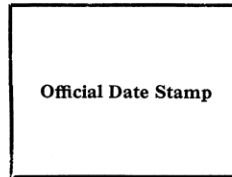
.....  
.....  
.....

2. The application under A/B is not recommended for the following reasons:

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

CERTIFICATE

I hereby certify that this application was approved by the full Council under item No. ....  
on the .....



.....  
*District Executive Secretary*  
*(The District Executive Secretary should sign the certificate personally)*

ANNEXURE 'C'

GOVERNMENT OF THE REPUBLIC OF ZAMBIA

LANDS DEPARTMENT

Application for a farm or small-holding in..... council area.

*(To be completed in duplicate and both copies submitted to the District Executive Secretary,*

*..... District Council).*

1. First choice: Farm/Lot No.....Town.....
2. Other choices: Farm/Lot No. ....
3. If more than one farm or small-holding is required because of the scale of the proposed development give details here.....  
.....  
.....
4. If the area applied for is not numbered, provide four copies of the approved layout plan.

A. APPLICATIONS BY INDIVIDUALS

1. Name (in block letters).....
2. Address.....
3. Age..... Birth place.....
4. Nationality.....
5. National Registration Card Number.....
6. Date and place of issue.....
7. Residence in Zambia (non-Zambians) from.....
8. Passport No. (non-Zambians).....
9. Date and place of issue.....
10. The name of the mortgagees.....
11. If you do not intend to borrow, state your sources of income with which to finance development (Provide evidence).....  
.....  
.....
12. Married or single.....
13. If married, number, sex and age of children.....
14. Present occupation.....
15. Full description of type of development proposed on the farm or small-holding applied for:  
.....  
.....

16. Will the farm or small-holding be owner occupied?  
 .....
17. Estimated cost of proposed development: K.....
18. Particulars of land owned by or leased to applicant of husband/wife of applicant.

Property	Farm/Lot No.	User Clause	District	Term of Lease

**B. APPLICATIONS BY COMPANIES AND ORGANISATIONS**

1. Name.....
2. Address.....
3. Is the company incorporated or organisation registered under **Zambian laws**?  
 .....
4. Is the company or organisation legally competent to hold land in **Zambia**?  
 .....
5. Issued and paid up capital: K.....
6. Name, usual country of residence and nationality of shareholders, trustees etc.  
 (i) .....  
 (ii) .....  
 (iii) .....  
 (iv) .....  
 (v) .....
7. Full description of type of development proposed on the farm or small-holding **applied for**.  
 .....  
 .....
8. Particulars of land owned by or leased to company or organisation.

Property No.	Farm/Lot No.	User Clause	District	Term of Lease

9. Estimated cost of proposed development: K.....
10. Do you intend to sell or let the completed development.....
11. If yes, have you a purchaser/tenant in mind?.....

C. APPLICATIONS BY NON-ZAMBIANS

(Additional information in support of the proposed development should be given here. The applicant is advised to write as much as possible about himself and the intended project. Additional paper may be used if this space is not adequate).

D. STATUTORY DECLARATION

I.....do solemnly and sincerely declare that the particulars given in this application form are true and correct and that have not withheld any information which might affect my application AND I make solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declaration Act, 1835.

Signature.....

E. FOR USE BY THE DISTRICT COUNCIL

1. The application under A/B; is recommended for the following reasons:

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

2. The application under A/B; is not recommended for the following reasons:

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

CERTIFICATE

I hereby certify that this application was approved by the full Council under item No..... on the.....

Official Date Stamp

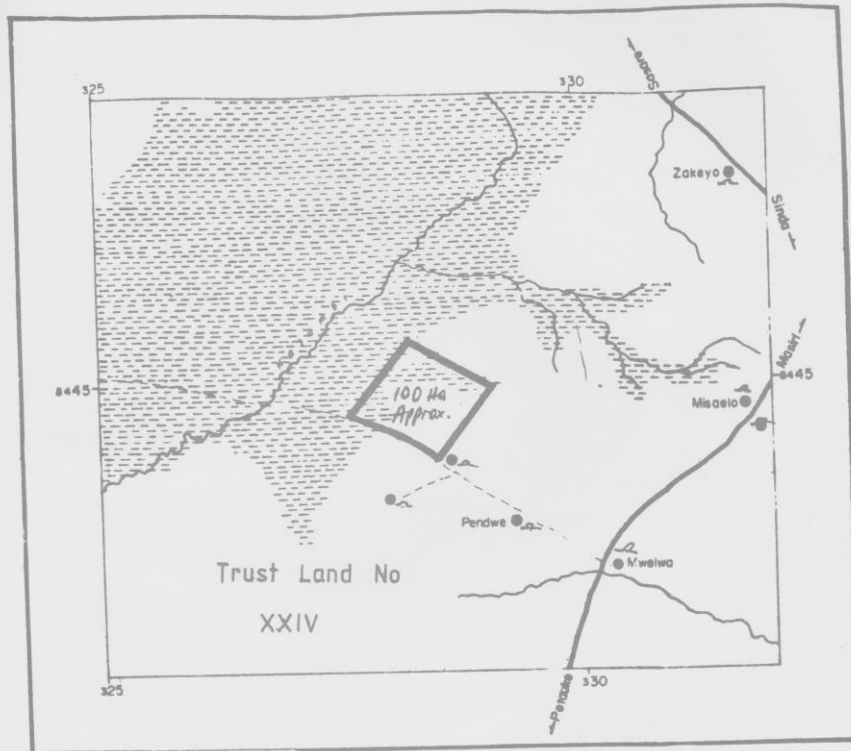
.....  
*District Executive Secretary*  
*(The District Executive Secretary should sign the certificate personally)*

091  
10320  
089  
0931  
21  
089  
02501  
898  
0241  
078



ANNEXURE B

MODEL LAYOUT PLAN



Scale 1:50,000



**LEGEND**

- Main road . . . . . ————
- Farm boundary . . . . . ————
- River or stream . . . . . ~~~~~
- Foot path . . . . . - - - - -
- Village . . . . . ●
- Dambo . . . . . [Hatched Box]

N

DATA SOURCE  
[Hatched Box]

