

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 12 OF 1997

The Lands and Deeds Registry Act
(Laws, Volume 12, Cap. 185)**The Lands and Deeds Registry (Amendment) Regulations, 1997**

IN EXERCISE of the powers contained in section *ninety-two* of the Lands and Deeds Registry Act, the following Regulations are hereby made:

1. These Regulations may be cited as the Lands and Deeds Registry (Amendment) Regulations, 1997, and shall be read as one with the Lands and Deeds Registry Regulations, in these Regulations referred to as the principal Regulations.

Short title

Cap. 185

2. The principal Regulations are amended by the revocation of the First Schedule and the substitution therefor of the First Schedule set out in the appendix to these Regulations.

Repeal and
replacement
of First
Schedule

APPENDIX

(Regulation 2)

SCHEDULE

(Regulation 10)

PRESCRIBED FEES

PART I

A person shall pay for each registration of a document made under section *four* or *eight* in—

(a) the Lands Register; or

(b) the Common Leasehold Register;

the fees payable in accordance with the following categories:

CATEGORY I

The Lands and Common Leasehold Register

The fees for documents relating to State leases, assignments, transfers, subleases for the whole term except for the last specified days in the sublease and other similar documents shall be at the rate of one per centum of the value of the property:

Provided that the minimum fee shall not be less than twenty thousand kwacha and the maximum fee payable shall not be more than five hundred thousand kwacha.

NOTE 1: VALUE

(a) The value of the property shall be ascertained by the Registrar at such sum as the property would in the opinion of the Registrar, fetch if sold

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or mortgage; and as evidence of such value the Registrar may require a statement in writing signed by the applicant or the applicant's or his lawyer or by any other person who, in the Registrar's opinion, is competent to make such a statement.

- (b) Where, in the case of a transfer, not made for valuable consideration by a registered owner, it is shown, to the satisfaction of the Registrar, that such registered owner held the property only as a trustee and that the transfer is to a person to hold as a new trustee, the fee on the transfer shall be the minimum fee.

NOTE 2: CO-OWNERS

- (a) In a transaction relating solely to the estate of a person entitled as a tenant in common or a joint tenant, the fee on that transaction shall be assessed on the value of the person's estate.
- (b) Where persons registered as co-owners of land transfer estates in land to themselves, the fee on such transfer shall be the minimum fee.
- (c) Where a registered owner transfers such owner's estate to himself or herself and another as co-owners, the fee on such transfer shall be assessed on the value of the property passing to the other person.

CATEGORY II

The fee for documents relating to mortgages, charges, further charges, guarantees, covenants, floating charges and similar documents shall be at the rate of one per centum of the amount of money secured or guaranteed:

Provided that the minimum fee shall not be less than twenty thousand kwacha and the maximum fee shall not exceed five hundred thousand kwacha.

NOTE: ADDITIONAL OR SUBSTITUTED SECURITY OR GUARANTEE

A fee for the registration of a charge or mortgage for payment of money by way of additional or substituted security or by way of guarantee shall be as specified in Category II on the amount secured or guaranteed.

CATEGORY III

The fee for documents relating to leases, subleases or agreement for leases or subleases and other similar documents for a short-term period shall be at the rate of one per centum of the annual rent:

Provided that the minimum fee shall not be less than twenty thousand kwacha and the maximum fee shall not exceed five hundred thousand kwacha.

NOTE:

- (a) A combined fee shall be payable under Category III, on the amount of the annual rent and under Category I on any money made by the lessees or sub-lessees as part of the same transaction by way of a fine, premium or otherwise.
- (b) The annual rent shall be the largest ascertainable amount of annual rent reserved.

CATEGORY IV

<i>Transaction</i>	<i>Fee Units</i>
1. Any entry or cancellation on a register made pursuant to a court order	58
2. Transmission on the death of a joint tenant	58
3. Entry of notice of death of a registered owner with particulars of representation	58

4. Entry or cancellation of any notice	58
5. Registration of any notice of the existence of any burden	58
6. Entry of appurtenant	58
7. Correction of a register in accordance with subsection (2) of section <i>eleven</i> , of the Act except where the correction relates to an incorrect entry or omission from the register in consequence of an error made in the Lands and Deeds Registry in which case no fee shall be payable	300
8. Entry or cancellation of a notice of deposit of certificate of title or sublease	58
9. Entry or withdrawal of a caveat where the interest shown is that of— (a) intending purchaser, transferee or other such similar interest; or (b) intending mortgagee, trust, beneficiaries and any other interest not included in (a) above	280 111
10. Any entry or cancellation on a register not otherwise provided for in this Schedule	58

PART II

The fees charged under this Part shall apply in respect of—

- (a) the Lands Register; and
- (b) the Common Leasehold Register.

<i>Transaction</i>	<i>Fee Units</i>
1. Preparation and issue of a certificate of title	111
2. Preparation and issue of a provisional certificate of title	84
3. Registration of a certificate of title	28
4. Registration of a provisional certificate of title	28
5. Certifying a copy of any printed state consent granted, printed surrender to the President or other similar document	28
6. Certifying a copy of any other document	28
7. Making a certified copy of any registered document, for a copy of each page of the document	28
8. (a) Issuance of duplicate certificate of title (b) Copy of each page of a document attached to the Certificate of Title referred to in paragraph (a)	280 28
9. Issuance of a certified copy of any document in accordance with regulation 11, for a copy of each page of such document	28
10. Personal search and examination of entries in a specified folio	28
11. Personal search and examination of index of names	28
12. Making available a computer printout of entries in a specified folio	100
13. Official search in respect of entries in a specified folio including certificate of the result of search	140
14. For every entry in the register recorded on the certificate of the official search	10
15. Official search in the index of names, including certificates of the result of such search	28
16. For every registration, entry, cancellation, certificate of act done in the Registry, or a District Registry, not being any of the matters or things mentioned above	56

PART III

<i>Transaction</i>	<i>Fees Units</i>
Registration of a Bill of sale	40

PART IV

The fee payable for each registration of document made under section *ten* of the Act relating to a transaction in the Miscellaneous Register shall be as follows:

	<i>Fee Units</i>
(a) for each registration	114
(b) making a certified copy of any registered document, for a copy of each page of the document	28
(c) for each registration of debentures and other similar documents, calculated in accordance with Category II of Part I of this Schedule	

LUSAKA

30th January, 1997

[ML.103/52/2]

D. LUPUNGA,
Minister of Lands