

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 100 OF 2011

The Local Government Act  
(Laws, Volume 16, Cap. 281)

The Local Government (Solid Waste Management)  
Regulations, 2011

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IN EXERCISE of the powers contained in section *eighty-four* of the Local Government Act, the following Regulations are hereby made:

## PART 1

## PRELIMINARY

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|--------------------|---|
| Title              | 1. These Regulations may be cited as the Local Government (Solid Waste Management) Regulations, 2011.   |
| Interpretation     | 2. In these Regulations, unless the context otherwise requires—   |
| Act No. 12 of 2011 | <p>“ Agency ” means the Zambia Environmental Management Agency established under the Environmental Management Act, 2011;</p> <p>“ area ” means the area within the jurisdiction of a Council;</p> <p>“ conveyance ” means an aircraft, ship, vessel, train, vehicle, carriage, cart or other conveyance;</p> <p>“ Council ” means a City Council, Municipal Council or District Council established under section <i>three</i> of the Act;</p> <p>“ solid waste ” means any waste substance that is not fluid;</p> <p>“ Unit ” means a Waste Management Unit established under regulation 6;</p> <p>“ waste ” means garbage, refuse, sludges and other discarded substances resulting from industrial and commercial operations and domestic and community activities, which may be hazardous or non-hazardous in nature, but does not include waste water;</p> <p>“ waste disposal facility ” means an area of land licensed by the Agency for the disposal of solid waste;</p> <p>“ waste management ” includes solid waste collection, transportation, sorting, recycling, treatment, composting, energy recovery, incineration and disposal;</p> <p>“ waste management district ” means an area so zoned by a Council for the purposes of waste management and for which the Council may engage a waste manager;</p> <p>“ waste manager ” means a person who is engaged by a Unit to provide waste management services; and</p> <p>“ waste producer ” means a person who generates waste as a result of that person’s activities.</p> |
| Application        | 3. (!) These Regulations apply to the management of solid waste generated in, imported into or transferred through an area and other waste which is managed together with, or in, the same facility' as the solid waste.  |

(2) These Regulations shall bind all waste producers, waste managers, collectors, transporters and recyclers of solid waste residing or conducting business in a Council,

4. If any inconsistency arises between the provisions of these Supremacy Regulations and those of any other by-laws made by a Council, the provisions of these Regulations shall prevail to the extent of the inconsistency.

PART II

WASTE MANAGEMENT

Responsibilities of Councils

5. For purposes of the enforcement of these Regulations, a Council shall—

- (a) monitor service delivery by waste managers;
- (b) set minimum standards for levels of service;
- (c) designate waste disposal facilities in accordance with the Environmental Management Act, 2011;
- (d) operate waste disposal facilities in compliance with the Environmental Management Act, 2011;
- (e) monitor the management and use of waste disposal facilities; and
- (f) ensure compliance with these Regulations by waste producers and waste managers within the area.

Act No. 12 of 2011

Act No. 12 of 2011

6. (1) There shall be a Waste Management Unit in every Council which shall be responsible for, and coordinate activities relating to, solid waste arrangement within the area.

Establishment of Waste

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(2) Notwithstanding the generality sub regulation (1), a Unit " shall—

- (a) on behalf of the Council, appoint waste managers, through the use of appropriate procurement procedures, on a competitive basis, in accordance with the Public Procurement Act, 2008;
- (b) advise the Council in relation to the preparation and conclusion of a solid waste management contract with a waste manager;
- (c) publish in the *Gazette* and in a daily newspaper of general circulation in the area, for three consecutive days, the fees which are to be charged by waste managers as solid waste management fees;
- (d) undertake inspections of waste management districts and waste management zones in which waste managers have been appointed;

Act No. 12 of 2008

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(e) operate a waste disposal facility in accordance with the requirements of a licence issued by the Agency:

Provided that the Unit may, for purposes of this paragraph, engage agents to operate solid waste disposal facilities; and

(f) collect fees from persons who dispose of solid waste at the waste disposal facilities referred to in paragraph (e).

(3) A Unit may, for purposes of performing its functions under these Regulations, on behalf of the Council, divide the Council into waste management districts and further into waste management zones.

(4) A Council may, for the purposes of performing its functions under these Regulations, engage waste managers for waste management districts.

Appointment of inspectors

7. (1) A Council shall appoint qualified persons as inspectors to monitor, inspect and enforce the provisions of these Regulations.

(2) A Council shall issue an identity card to each inspector.

Powers of inspectors

8. (1) An inspector may, on production of an identity card issued to the inspector under subregulation (2) of regulation 7, enter upon and inspect any premises, other than the inside of a dwelling house, of any waste producer in order to ensure that the provisions of these Regulations are complied with.

(2) An inspector shall ensure that a waste manager has made adequate arrangements for the provision of waste management services in accordance with a contract signed between the waste manager and the Council.

(3) An inspector may order any waste producer who has piled waste in contravention of these Regulations to remove the waste at the waste producer's own expense, to a waste disposal facility within such period as the inspector may specify.

(4) An inspector shall, where a waste producer referred to in sub-regulation (3) fails to remove the waste within the period specified by the inspector in that sub-regulation, remove the waste, and the costs of the removal may be recouped from the waste producer by the Council as a civil debt,

Determination of fees

9. (1) A Council may charge different waste management for different waste management districts and zones.

(2) Waste managers shall, in consultation with the Council, determine and charge fees for the collection, transportation and disposal of solid waste. ■ \*\*

(3) A Council or a waste manager may, for the purposes of these Regulations, contract any person within the area to collect fees on behalf of the Council or a waste manager.

(4) A Unit shall collect the waste management fees from households at such pay points as the Council may designate and shall issue an official receipt for each payment:  
Provided that the Unit may engage community-based organisations or other agents for purposes of collecting waste management fees from household waste producers.

10. (1) A Unit shall, for purposes of notifying waste producers of the waste management fees referred to in sub regulation (2) of regulation 9, twice in every year, publish a notice in a daily newspaper of general circulation in the area, for three consecutive days, and on the notice board at the offices of the Council, specifying the fees to be paid by waste producers as waste management fees. Notification of fees

(2) A Unit shall, every time a Council alters the waste management fees, notify waste producers of the alteration in the waste management fees, within fourteen days of the Council's resolution, by notice published in the *Gazette* and a daily newspaper of general circulation in the area for three consecutive days.

11. (1) A waste producer shall use such waste bin or other waste receptacle as the Unit may determine for the storage of waste and such bin or receptacle shall be fitted with a lid. Use of waste bin or receptacle

(2) A waste producer shall ensure that a waste receptacle which is in the form of a bag or bin and is meant to be emptied manually into a waste collection vehicle does not, when filled, exceed a maximum weight of forty-five kilograms.

- (3) A waste producer shall not
- (a) place waste next to, or on top of, a waste bin, or waste receptacle; or
  - (b) burn waste in a waste bin or waste receptacle.

12. (1) A waste producer shall ensure that the waste producer's surroundings are kept free of waste at all times. Duties of waste producers

(2) Subject to regulation 16, a waste producer shall use the solid waste management system established by a Council, where such system is in operation, upon payment of a solid waste management fee.

(3) A waste producer shall facilitate the removal of solid waste from the waste producer's premises by placing the waste bin or receptacle in a place near the entrance to the premises on the day that the waste manager shall collect the waste.

26th August 2011

*Statutory Instruments*  
(4) A waste producer who resides or operates a business in a waste management district shall, on such terms and conditions as the waste producer and the waste manager may agree upon, conclude a contract with the waste manager contracted to provide solid waste management services in such waste management district.

Duties of  
waste  
managers

13. (1) A waste manager shall

- (a) operate in accordance with a licence to transport waste issued by the Agency;
- (b) operate within the boundaries of the waste management district in respect of which the waste manager has concluded a solid waste management contract with the Council;
- (c) use only equipment approved by the Agency;
- (d) provide a waste receptacle as a term of the contract entered into with the waste producer;
- (e) secure waste during collection and transportation to prevent any waste spills from the waste collection vehicles; and
- (f) provide all employees engaged in solid waste management services with appropriate protective clothing.

(2) A waste manager who contravenes sub regulation (1) commits an offence and is liable, upon conviction, to a fine not exceeding eighty penalty units or to imprisonment for a period not exceeding six months, or to both.

(3) The Council may, in addition to the penalty specified under subregulation (2), cancel the contract entered into with the waste manager.

Ownership  
of waste

14. (1) The ownership of any solid waste presented by a waste producer to a waste manager for disposal or recycling shall, upon such presentation, vest in the waste manager:

Provided that where the waste producer is able to show that it was not the waste producer's intention to dispose of the item in question, the waste manager shall, where practicable, return the item to the waste producer.

(2) The ownership of any solid waste presented by a waste manager to the Council for disposal at a waste disposal facility operated by, or on behalf of, the Unit, shall upon such presentation, Vest in the Council unless the waste producer is able to show that it was not the waste producer's intention to dispose of any item in question, in which case the Council shall, where practicable, return the item to the waste producer,

(3) Where an item which is claimed under sub regulation (1) or (2) has already been disposed of by the waste manager, the waste manager or the Council shall not be obliged to search for such item:

Provided that the waste producer may, under the supervision of an officer from the Unit and at the waste producer's own expense, search for and retrieve the item if it is possible to search for and retrieve the item w'ithout risk to the health or safety of the waste producer or any other person.

### PART III

#### GENERAL PROVISIONS

15. (1) A person shall not, within the boundaries of a Council— Prohibitions
- (a) dispose waste in an open space or other place not designated as a waste disposal facility;
  - (b) dispose or burn waste in an open fire on any private or public land;
  - (c) bury waste on private or public land;
  - (d) accumulate or keep waste on any premises beyond the regular collection period stipulated by the waste manager concerned;
  - (e) deposit or place waste in any street, storm water drain, premises, whether vacant or not, water course, reservoir, forest or any place not intended for waste disposal as a means of permanently disposing of the solid waste;
  - (f) throw waste from any moving or stationery conveyance;
  - (g) for purposes of waste disposal, use any receptacles or other accessories other than those approved by the Council;

(h)dig a pit for purposes of waste disposal;

Exemptions

- (i) loiter or scavenge at any waste disposal facility; or
- (j) provide waste management services without a licence from the Agency and a solid waste management contract concluded with a Council.

16. (1) A person who has obtained a licence from the Agency, \*, on recommendation by the Council, to transport and dispose waste at a waste disposal facility and concluded a contract with a Council for the disposal of waste at a waste disposal facility operated by, or on behalf of a Unit, is exempt from sub regulation (2) of regulation 12.

(2) The composting of organic waste shall be exempt from paragraph (c) of regulation 15:

Provided that—

- (a) the composting of such waste does not cause a nuisance or pollute the environment; and
- (b) the waste producer has authorisation from the Council to manage such organic waste.

Complaints

17. (1) A person who is not satisfied with the quality of service provided by a waste manager may, in writing, complain to the Unit which shall register the complaint upon receipt.

(2) The head of the Unit shall, within thirty days of receiving a complaint under sub regulation (1), respond in writing to the complainant and shall, where appropriate, require the waste manager to take such measures to rectify the situation leading to the complaint and within such period as the head of the Unit shall direct.

(3) Where the head of the Unit does not respond to the complainant within the period stipulated in sub regulation (2), the waste producer may complain

to the Council which, upon receipt of the complaint, shall direct the head of the Unit to respond to the complaint in accordance with sub regulation (2).

(4) A waste manager against whom a complaint is brought under these Regulations and who is required, by the head of the Unit, to rectify the situation shall, upon rectifying the situation, in

writing, notify the head of the Unit of the steps taken to rectify the situation complained against.

(5) A waste producer or ~~waste manager~~ <sup>*instruments*</sup> may, ~~in writing,~~ <sup>26th August, 2011</sup> complain against the Unit to the Council which, upon receipt of the complaint, shall direct the Unit to respond to the complaint within thirty days of receiving the direction from the Council!

18. (J) A person who contravenes any provision of these Regulations commits an offence and is liable, upon conviction General penalty

(a) in the case of a first offence, to a fine not exceeding eighty penalty units or imprisonment for a period not exceeding six months, or to both; and

(b) in the case of a second or subsequent offence, to a fine not exceeding sixteen penalty units for each day during which the contravention continues.

(2) In addition to the penalty prescribed by subregulation (1), the court may order that any expenses incurred by the Council in consequence of any contravention be paid by the person committing the contravention.

(3) The payment of a fine or service of a sentence of imprisonment under subregulation (1) does not discharge the offender from paying the waste management service fees or redressing the violation.

LUSAKA  
20th July, 2011 [MLGH/1  
01/8/6]

BRIG-GEN DR B.  
CKITUWO, *Minister of Local  
Government, and Housing*