

SUBSIDIARY LEGISLATION

LANDS AND DEEDS REGISTRY THE LANDS AND DEEDS REGISTRY REGULATIONS

ARRANGEMENT OF REGULATIONS

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Act No.
2 of 1961
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1. These Regulations may be cited as the Lands and Deeds Registry Regulations.

Title

2. In these Regulations, unless the context otherwise requires-

Interpretation

"Registry" means the Registry of Deeds at Lusaka established under section *three* of the Act.

(As amended by No. 213 of 1954 and No. 79 of 1963)

3. No document relating to land other than a State Grant of land shall be registered by the Registrar unless it is presented for registration by some person interested thereunder or by a legal practitioner practising in Zambia and having an office or place of business there.

Presentation of documents relating to land

(As amended by No. 65 of 1965)

3A. No document purporting to grant, convey, assign or dispose of land or any interest therein (other than a State Grant or State Lease) shall be accepted for registration by the Registrar unless it is accompanied by a form (in duplicate) set out in the Fourth Schedule hereto duly

Documents to be accompanied by a form in duplicate

completed by the person interested under the document or by a legal practitioner practising in Zambia and having an office or place of business there.

(As amended by S.I. No. 100 of 1973)

4. No document relating to land shall be registered unless all documents necessary for deducing title to such land have been previously registered.

Documents for deducing title

5. No document relating to land shall be registered unless and until the person on whose behalf the document is presented for registration has produced to the Registrar such of the prior registered documents concerning the title to the land as he is entitled by law to possess or their absence has been accounted for to the satisfaction of the Registrar.

Prior registered documents

6. (1) The original and one copy or, in the case of documents to be registered in the Township Lands Register or Lands Register, the original and two copies, shall be handed to the Registrar when a document is presented for registration. The original shall be returned to the person presenting it but the copy or copies shall be retained by the Registrar for filing.

Form of documents

(2) The Registrar shall refuse to register any document of which the proper number of copies is not handed to him and may refuse to register any document which does not comply with the following requirements:

- (a) the document shall be plainly written, printed or typed on foolscap paper and shall not be a carbon copy;
- (b) the copies for filing shall be plainly written, printed or typed;
- (c) all alterations on the document or copies for filing shall be initialed by the persons executing the document and by the witnesses to such execution;
- (d) the upper half of the first page of any document shall be left blank for the purpose of registry endorsements.

(As amended by No. 127 of 1943 and No. 247 of 1968)

7. When two or more pieces of land, which have no common boundary line, are transferred to one and the same transferee, a separate diagram or sketch plan, as the case may be, shall be prepared of every one of such

Sketch plans of several pieces of land

pieces of land, but in case of partition among joint owners, such pieces of land may be shown on one diagram or sketch plan, as the case may be, when the following conditions are simultaneously fulfilled:

- (a) the several pieces of land transferred must all be parts of a property represented on one and the same original diagram or sketch plan; and
- (b) the figures representing the several pieces of land transferred must be shown in their true relative positions, and the size of the paper on which the diagram or sketch plan is drawn must not be excessively increased thereby.

(No. 213 of 1954)

8. When a document relating to land is presented for registration, such document, if it relates to part of a piece of land to which a prior registered document relates, shall not be registered unless and until such prior registered document has been produced to the Registrar and endorsed by him with a memorandum containing short particulars of the document presented for registration, and the geometrical figure representing such part of the piece of land has been defined by the Surveyor-General upon the diagram annexed to the prior registered document showing the boundaries of the part of the piece of land to which the document presented for registration relates and the numerical extent of such part.

Subdivisions to be endorsed on prior documents

(As amended by No. 86 of 1957, No. 71 of 1962 and No. 79 of 1963)

9. All documents for registration shall be lodged in the Registry on any day except Saturday or Sunday or a public holiday between the hours of 9:00 a.m. and 12:30 p.m.

Time for lodging documents

(No. 219 of 1969)

10. Upon every registration, entry, cancellation, certification or act done under the Act and these Regulations, or upon the issue of any certified copy or duplicate of any deed or other document, or for any certificate of official search or for any unofficial inspection of the registers, the fees set out in the First Schedule shall be payable:

Prescribed fees

Provided that-

- (a) fees shall not be payable in respect of-

- (i) transactions and dealings attracting fees which, if paid, would be paid out of the general revenues of the Republic;
- (ii) mortgages to the State and discharges of such mortgages;
- (iii) transactions and dealings attracting fees in respect of land acquired by the Government of the United Kingdom;
- (b) where the Minister so authorises, any fees payable in respect of any document required to be registered to effect the amalgamation of any company or association or body of persons, whether corporate or unincorporate, with any other company or association or body of persons, whether corporate or unincorporate, shall be reduced by fifty per centum or such greater per centum as the Minister may specify in the said authority.

(No. 225 of 1959 as amended by No. 71 of 1962, No. 274 of 1964 and No. 65 of 1965)

11. (1) If any deed conferring title to land or any mortgage deed is lost or destroyed and a copy thereof certified by the Registrar is required for any purpose, the holder of the title to such land under such deed or the mortgagee, as the case may be, or a duly authorised agent of such title-holder or mortgagee, may make written application to the Registrar for such copy. The application must be accompanied by an affidavit describing the deed and stating that it is not being held by some other person but that it has been lost or destroyed and that diligent search has been made for it without success, and, where possible, setting out the circumstances of its loss or destruction. Lost documents

(2) The Registrar may, if he is of opinion that corroborative evidence of the loss or destruction is necessary, request such evidence either from the applicant or from any person in whose custody the deed may have been prior to its loss or destruction.

(3) The applicant shall also insert once in the *Gazette* and once in a newspaper circulating in Zambia a notice in the form set out in the Second Schedule.

(4) The applicant shall lodge with the Registrar the application, the affidavit and a copy of the issue of the newspaper in which the notice

appeared and shall inform the Registrar of the number and date of the *Gazette* in which the notice was published.

(5) After the expiration of the time mentioned in the notice, the Registrar shall, if he is satisfied that no good reason to the contrary exists, issue the certified copy required:

Provided that no such copy shall be issued until the Registrar has searched the registers and ascertained that there is no record of the alienation of the property by the person by whom or on whose behalf the application is made.

(6) If a copy of any deed issued to serve as an original is itself lost or destroyed, the Registrar may, subject to the fulfilment of the conditions prescribed in this regulation, issue a further copy to serve as the original:

Provided that the notice prescribed by sub-regulation (3) shall be headed "Lost Copy of Lost (here describe the deed)".

(7) In the event of the title-holder or mortgagee of land under the lost or destroyed deed being deceased, bankrupt or a lunatic, or in the event of his having made an assignment of his estate for the benefit of his creditors, the application and affidavit may be made by the person legally entitled to administer the estate.

(As amended by No. 65 of 1965)

12. (1) Copies of deeds conferring any title to land or to any interest in land or of mortgage deeds, which are required for information only or for judicial purposes, may be issued on the application of any person and the words "Issued for information only" or "Issued for judicial purposes only", as the case may be, shall be written or stamped on the face of every copy so issued.

Copies for
information

(2) If a certified copy of any document other than the documents specified in sub-regulation (1) is required by any person, the same may be obtained on application to the Registrar.

(As amended by No. 225 of 1959)

13. (1) Every requisition for an official search shall be in the form set out in the Third Schedule, and every certificate of an official search shall contain the following information concerning every entry appearing in the register in respect of which the search is being made: Official search

- (a) the date of the document;
- (b) the names of the parties;
- (c) the nature of the document;
- (d) the registered number;
- (e) the date of registration;
- (f) a description of the property.

(2) A record of every certificate of official search issued shall be kept in the office of the Registrar.

(3) No requisition for an official search shall refer to more than one piece of land and no certificate of official search shall be issued in respect of more than one piece of land.

(As amended by No. 21 of 1941, No. 225 of 1959 and No. 71 of 1962)

14. Any document which has been registered in Zambia prior to the commencement of these Regulations, in accordance with the provisions of any written law in force in Zambia at the time of such registration, shall be deemed to have been properly registered in accordance with these Regulations. Saving

(As amended by No. 65 of 1965)

FIRST 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, sub-leases 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 one hundred and eleven fee units and the maximum fee payable shall not be more than three thousand fee units.

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 or mortgaged; and as evidence of such value the Registrar may require a statement in writing signed by the applicant or the applicants 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 one hundred and eleven fee units and the maximum fee shall not exceed three thousand fee units.

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 one hundred and eleven fee units and the maximum fee shall not exceed three thousand fee units.

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 an appurtenant	58

7. Correction of a register in accordance with subsection (2) of section *eleven*, 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 280
 - (b) intending mortgagee, trust, beneficiaries and any other interest not included in (a) above 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	280
(b) Copy of each page of a document attached to the Certificate of Title referred to in paragraph (a)	28
9. Issuance of certified copy of any document in accordance with regulation II, for a copy of each page of such document	28
10. Personal search and examination of entries	

in a specified folio	28
11. names	Personal search and examination of index of 28
12. entries in a specified folio	Making available a computer printout of 100
13. specified folio including certificate of the result of search	Official search in respect of entries in a 140
14. the certificate of the official search	For every entry in the register recorded on 10
15. including certificates of the result of such search	Official search in the index of names, 28
16. certificate of act done in the Registry, or a District Registry, not being any of the matters or things mentioned above	For every registration, entry, cancellation, 56

PART III

<i>Transaction</i>	<i>Fee 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:

Fee Units

- (a) for each registration 114
- (b) making 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.

(As amended by Act No. 13 of 1994)

SECOND SCHEDULE

(Regulation 11)

APPLICATION FOR CERTIFIED COPY OF LOST DEED

LOST (*here insert description of the deed*)

NOTICE IS HEREBY GIVEN that I intend applying for a certified copy of (*here insert description of the deed*) No. dated passed by (*here insert the name of the person, if any, passing the deed, and if none omit the word "by"*), in favour of (*here insert the name of the person in whose favour the deed was passed*) in respect of certain (*here insert a description of the property*). All persons having objection to the issue of such copy are hereby required to lodge the same in writing with the Registrar of Deeds within thirty days from the date of the publication of this notice.

Dated at this day of
..... 19.....

Applicant or his attorney or agent

THIRD SCHEDULE

(Regulation 13)

REQUISITION FOR OFFICIAL SEARCH

I require an official search to be made in the Deeds Registry for all entries of any matters or documents whereof entries are required or allowed to be made in the Registry, relating to the following:

- (a) A piece of land
- (b) In the name of

Such search to give entries appearing in the (c) Register commencing with a document dated the day of 19..... made between (d)

Dated the day of19.....

REQUISITION
NO.

Fully describe the property. (a) and (b) strike out as may be necessary. (c) insert which Register. (d) here state parties.

Applicant

(As amended by No. 65 of 1965)

FOURTH SCHEDULE

(Regulation 3A)

To be submitted in duplicate

The Lands and Deeds Registry Act

IMMOVABLE PROPERTY TRANSACTION FORM

1. Type of Transaction: _____ 2. Date of Document :.....
Conveyance/Assignment/Lease*

3. Transferor:
Full Names:
Postal Address:
Residential Address:

4. Transferee:
Full Names:
Postal Address:
Residential Address:

5. Property:
Province: Town (or nearest Town):
.....
Farm/Stand/Plot/No.* Area: acres/hectares/sq. ft/sq.
metres*
Address: (Number, Street and Area of Town):
Brief Description (i.e. nature of improvements):

Total Rateable Value: K..... Land: K..... Improvements: K
(if any)

6. Interest Transferred or Created:
*(i) Freehold Conveyed
*(ii) Leasehold Assigned of Years from@ K.....
p.a.
*(iii) Lease Granted of Years from

7. Consideration for this Transaction:

*(i) Capital Payment now K..... (in words)

.....

*(ii) Mortgage Debt to Transferor Created K..... (in words).....

*(iii) Rent Reserved K..... p.a. (in words)

*(iv) Any other (debt released, terms surrendered, land exchanged, royalty, etc.)

8. Minor Interests:

9. Person or Solicitors Registering Transaction:

Name:

Address:

Capacity:

*Delete as applicable

For Official Use only
Lusaka,, 197

*Permanent Secretary ,
Ministry of Lands and Natural Resources*

(As amended by S.I. No. 100 of 1973)