

CHAPTER 249

THE TSETSE CONTROL ACT

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Declaration of tsetse fly areas
4. Orders in respect of tsetse fly areas
5. Regulations

6. Powers of Minister in respect of private land; and compensation for damage
7. Arrest without warrant of person suspected of offence
8. Powers of search and seizure
9. Indemnity
10. Penalties

CHAPTER 249

TSETSE CONTROL

An Act to make better provision for the control and prevention of the spread of tsetse flies; and to provide for matters incidental thereto.

[30th December, 1941]

35 of 1941
 32 of 1954
 11 of 1956
 41 of 1959
 46 of 1963
 25 of 1969
 13 of 1994
 Government
 Notices 3
 319 of 1964
 497 of 1964

1. This Act may be cited as the Tsetse Control Act.

Short title

2. In this Act, unless the context otherwise requires-

Interpretation

"Director" means the Director of Veterinary Services;

"domestic animal" includes any horse, mare, gelding, bull, cow, ox, heifer, steer, calf, mule, ass, sheep, lamb, hog, pig, sow, goat, fowl, ostrich, dog, cat, or any other domesticated animal, fowl or bird, and any wild animal, fowl, bird or reptile in a state of captivity;

"licence" means a pass book issued in accordance with the provisions of this Act and regulations made thereunder;

"licensing authority" means such officers as are authorised in writing by the Director to issue licences;

"occupier" means any person in actual lawful occupation of land without regard to the title under which he occupies such land, and includes the owner, or any manager or other person who is authorised to represent the owner of land, who actually resides on such land;

"officer" means the Director, any officer of the Department of Veterinary Services, any police officer not below the rank of Assistant Inspector or any person authorised in writing by the Director;

"owner", used with reference to immovable property, includes any person receiving rent or profits from any tenant or occupier thereof or who would receive such rent or profits if the premises were let, whether on his own account or as agent for any other person;

"private land" means any land, other than Reserves and Trust Land, the ownership of which has by law, grant or title deed become vested in any person other than the President, and includes any land held by any person under any agreement whereby such person is entitled to obtain from the President title thereto on the fulfilment by him of the conditions prescribed by such agreement;

"produce" includes fish, meat, and crops;

"tsetse control picket" means any barrier erected on any road or recognised footpath in terms of section *five* (2) (g);

"tsetse fly area" means any area defined and declared in terms of section *three* to be a tsetse fly area;

"tsetse fly control area" means an area defined and declared in terms of section *three* to be a tsetse fly control area;

"vehicle" means any carriage or conveyance for use upon land or water, or any aircraft.

*(As amended by No. 11 of 1956, No. 41 of 1959
and No. 25 of 1969)*

3. The Minister may, by statutory notice, declare any defined area to be tsetse fly area or a tsetse fly control area.

Declaration of
tsetse fly areas

*(As amended by No. 32 of 1954, No. 41 of 1959
and G.N. No. 319 of 1964)*

4. The Minister may, by statutory order, provide for the introduction of any of the following measures in respect of any tsetse fly area or part thereof and may confer powers and impose duties on any officer or any

Orders in respect of
tsetse fly areas
Cap. 197

owner or occupier of private land in connection with the carrying out and enforcement of such measures:

- (a) the destruction of any or all animals not being domestic animals;
- (b) the cutting, clearing or removal by any means of any trees, timber or vegetation where the continued existence of tsetse flies is, in the opinion of the Minister, shown to be dependent on the presence of such trees, timber or vegetation;
- (c) the control of bush fires in terms of the Environments Laws for the time being in force;
- (d) the removal of any persons or domestic animals from the area or any part thereof where, in the opinion of the Minister, such removal is considered necessary for the application of any scheme for the eradication or effective control of tsetse flies;
- (e) the application of insecticides to clear an area of tsetse flies:

Provided that, subject to the provisions of section *six*, no such order shall apply to private land without the consent of the owner or occupier thereof.

(As amended by No. 11 of 1956, G.N. No. 319 of 1964 and No. 25 of 1969)

5. (1) For the purposes of this Act, the terms "persons" "domestic animals" and "vehicles" shall include any baggage or other articles whatsoever carried by or on such persons, domestic animals or vehicles.

Regulations

(2) The Minister may, by statutory instrument, make regulations for the following purposes, namely:

- (a) prohibiting the travel or movement of persons, domestic animals and vehicles to, from or within a tsetse fly area or a tsetse fly control area;
- (b) restricting such travel or movement to certain defined routes;
- (c) restricting such travel or movement to fixed periods of the day or night;
- (d) providing that no such travel or movement shall take place unless it is interrupted at certain intermediate points for prescribed

periods;

(e) providing for the inspection by officers of persons, domestic animals and vehicles upon such travel or movement taking place, for the purpose of detecting the presence of tsetse flies, and for the introduction and enforcement of measures for ridding such persons, domestic animals and vehicles of tsetse flies;

(f) providing for the protection of loads on vehicles by tarpaulins or similar coverings for the purpose of preventing the ingress of tsetse flies amongst the loads;

(g) providing for the establishment of tsetse control pickets and check points on roads and recognised footpaths;

(h) providing for the inspection by officers at such tsetse control pickets and check points of persons, domestic animals and vehicles, for the purpose of detecting the presence of tsetse flies, and for the introduction and enforcement of measures for ridding such persons, domestic animals and vehicles of tsetse flies;

(i) preventing the entry, introduction, or carrying of tsetse fly into a tsetse fly control area or areas and for matters incidental to such purposes;

(j) regulating or prohibiting, except under licence, the performance of any specified act or the carrying on of any operation (which may include trading), whether within or outside a tsetse fly control area, where such regulation or prohibition is reasonably required for the purpose of controlling the spread of tsetse fly to the danger of human beings or of livestock;

(k) providing for the issue and revocation of licences for the performance of any act or the carrying on of any operation which is mentioned in paragraph (j);

(l) providing that the issue and revocation of such licences shall be in the absolute discretion of the licensing authority;

(m) prescribing the form of such licences, the conditions attaching to them, the conditions precedent to their issue and the periods of their validity and providing for the production of licences to officers;

- (n) prescribing the fees payable for such licences;
- (o) providing for the carrying and production of pass books to officers;
- (p) requiring the holder of any pass book to prove, in such manner as may be specified by regulation, that he has complied with the provisions of any regulation made under this Act and any conditions in his pass book;
- (q) requiring any person found to be trading in any place in Zambia in any produce which there is reasonable ground to believe may have been obtained directly or indirectly from any tsetse fly control area to satisfy any officer, upon demand by such officer, that such produce was obtained in and transported from such area in accordance with the provisions of this Act and regulations made thereunder or was not obtained directly or indirectly from such area;
- (r) generally for the better carrying into effect of the provisions of this Act.

*(As amended by No. 11 of 1956, No.41 of 1959
and G.N. No. 319 of 1964)*

6. (1) The Minister may order any officer to take such steps as may be necessary for the introduction on private land of any measures that may be lawfully introduced under this Act, and require the owner or occupier of such land to permit the introduction of such measures and, if he shall think fit, may order the payment out of public funds of such sum as he shall consider adequate as compensation to any owner or occupier of such land. A Gazette notice that an owner or occupier is required to permit such measures shall be sufficient notice to any such owner or occupier that such order has been made.

Powers of Minister
in respect of
private land; and
compensation for
damage

(2) The Minister may, in like manner, pay compensation to any person who suffers any damage or loss as a result of any measures lawfully introduced under this Act on land other than private land.

*(As amended by No. 46 of 1963, G.N. No. 319 of 1964
and No. 25 of 1969)*

7. (1) Any officer may, without warrant, arrest any person reasonably suspected of having committed an offence against this Act or any regulations made thereunder, if such person refuses to give his name and address to such officer or gives a name and address which such officer has reason to believe is false, or if such officer has reason to believe that such person will abscond.

Arrest without
warrant of person
suspected of
offence

(2) Every officer making an arrest under subsection (1) shall, without unnecessary delay, take or have the person so arrested brought before a court of competent jurisdiction to be dealt with according to law.

(No. 41 of 1959)

8. (1) If any officer has reasonable grounds for believing that any person has committed an offence against this Act or any regulations made thereunder, he may-

Powers of search
and seizure

(a) require any such person to produce for inspection any produce in such person's possession in relation to or in connection with which an offence appears to such officer to have been committed;

(b) enter and search any vehicle or boat in the possession of such person and open and search any baggage or loads or any other thing in the possession of such person;

(c) seize and detain any produce in relation to or in connection with which an offence appears to such officer to have been committed, whether or not it is in the immediate possession of any person.

(2) Any produce seized and detained under the provisions of subsection (1) that is perishable shall be immediately sold.

(3) Any person from whom any produce was seized or detained and sold under the provisions of this section shall be forthwith taken before a competent court to be dealt with according to law.

(4) Such court may order that the produce seized and detained under the provisions of this section, or the proceeds of sale of such produce as has been sold, shall be forfeited to and become the property of the Government or be returned to the person from whom such produce was

seized, as the justice of the case requires.

(No. 41 of 1959)

9. Any person exercising the powers and doing the acts authorised or permitted under this Act or any regulations made thereunder shall not be liable to any action or other proceeding for or in respect of any damage or injury he may accidentally or inadvertently cause to any vehicle, boat or produce, or for or in respect of any act or matter done or omitted to be done in good faith in the exercise or supposed exercise of the powers of this Act or any order or rule made thereunder. Idemnity

(No. 41 of 1959)

10. Any person who contravenes any regulation made under this Act, or who fails to comply with any order lawfully issued hereunder, shall be guilty of an offence and liable to a fine not exceeding three thousand penalty units or, in default of payment, to imprisonment for a period not exceeding six months. Penalties

(As amended by No. 41 of 1959 and Act No. 13 of 1994)