

**THE BORDER MANAGEMENT AND TRADE
FACILITAION BILL, 2018**

MEMORANDUM

The objects of this Bill are to—

- (a) provide for co-ordinated border management and control for the efficient movement and clearance of goods;
- (b) give effect to the provisions of agreements on one-stop border posts;
- (c) provide for simplified arrangements with adjoining States relating to the movement and clearance of goods;
- (d) establish control zones and provide for powers of officers in control zones;
- (e) provide for the development, management and maintenance of border infrastructure;
- (f) authorise the application of the Laws of Zambia and the laws of adjoining States in onestop border posts;
- (g) repeal and replace the One Stop Border-Control Act, 2009; and
- (h) provide for matters connected with, or incidental to, the foregoing.

A. MWANSA,
Solicitor-General

N.A.B. 10, 2018
19th October, 2018

**THE BORDER MANAGEMENT AND TRADE
FACILITATION BILL, 2018**

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY PROVISIONS

Section

1. Short Title
2. Interpretation
3. Application
4. Legislation related to one-stop border post

PART II

BORDER MANAGEMENT

5. Lead agency for co-ordinating operations
6. Functions of lead Agency
7. Constitution and composition of National Committee on Trade Facilitation
8. Functions of National Committee on Trade Facilitation
9. National Committee on Trade Facilitation Secretariat
10. Free movement of officers in control zones
11. Number of officers, names and designations
12. Identification of officers
13. Carrying of weapons
14. Protection and assistance to officers and compensation

PART III

BORDER AGREEMENTS

15. Border agreements
16. Publication of border agreement

PART IV

CONTROL ZONES AND FACILITIES IN CONTROL ZONES

17. Establishment and designation of control zones
18. Exclusive use areas within control zones
19. Traffic control
20. Operating days and hours
21. Equipment for official use
22. Communication equipments in control zones

PART V

CONDUCT OF BORDER CONTROLS

23. Border controls in control zones by officers of adjoining State
24. Joint controls
25. Use of single window system

PART VI

FACILITATION AGENTS

26. Simplified trading arrangements
27. Access to control zones by facilitation agents
28. Performance of functions in control zones
29. Communication with offices

PART VII

APPLICATION OF BORDER CONTROL LAWS AND CRIMINAL LAWS

30. Laws of adjoining State to apply in control zones
31. Criminal acts for nonborder control laws

PART VIII

GENERAL PROVISIONS

32. Transitional provisions
33. Temporary measures
34. Regulations
35. Rules by lead agency
36. Repeal of Act No. 8 of 2009

SCHEDULE

A BILL

ENTITLED

An Act to provide for co-ordinated border management and control for the efficient movement and clearance of goods; give effect to the provisions of agreements on one-stop border posts; provide for simplified arrangements with adjoining States relating to the movement and clearance of goods; to establish control zones and provide for powers of officers in control zones; to provide for the development, management and maintenance of border infrastructure; to authorise the application of the Laws of Zambia and the laws of adjoining States in one-stop border posts; to repeal and replace the One -stop Border-Control Act, 2009; and to provide for matters connected with, or incidental to, the foregoing.

ENACTED by the Parliament of Zambia

Enactment

PART I

PRELIMINARY PROVISIONS

1. This Act may be cited as the Border Management and Trade
5 Facilitation Act, 2018.

Short title

2. In this Act, unless the context otherwise requires—
“adjoining State” means a State that shares a common border
with Zambia;

Interpretation

“applicable laws” means, in relation to

- 10
- (a) Zambia, the laws listed in the Schedule; and
 - (b) an adjoining State, the laws listed in a border agreement or any law of the adjoining State which corresponds to this Act;

N.A.B. 10, 2018

6 No. of 2018] *Border Management and Trade Facilitation*

- “appropriate authority” means a border authority or statutory body with functions related to, or impacting on, the importation, exportation, clearance, control or regulation of goods, control of persons entering or exiting Zambia and regulation of services relating to the movement and clearance of goods and persons to, from and across ports of entry; 5
- “border” means the boundary that demarcates the territory between Zambia and an adjoining State;
- “border agreement” means an agreement relating to the establishment of onestop border post or a simplified trading arrangement, entered into by the Government and an adjoining State in accordance with section 15; 10
- “border authority” means a public authority exercising border controls at a port of entry; 15
- “border control” means any border related measure, check, notification, requirement, clearance or authorisation provided in the relevant laws;
- “border infrastructure” means offices, other buildings and facilities at a port of entry and in a control zone; 20
- “Committee” means the National Committee on Trade Facilitation established under section 7;
- “competent authority” means an authority named in a border agreement that is entitled to issue and receive authorisations, notifications or act in a particular matter on behalf of Zambia or an adjoining State, as the case may be; 25
- “control zone” means that part of the territory of an adjoining State or Zambia within which officers are empowered to effect border controls; 30
- Cap. 322 “customs port” has the meaning assigned to the word in the Customs and Excise Act;
- Cap. 322 “Customs Services Division” means the Customs and Excise Division of the Zambia Revenue Authority, as provided for in the Customs and Excise Act; 35
- “exclusive use area” means an area in a control zone dedicated for the exclusive use of an adjoining State or Zambia;
- “facilitation agent” means a person, other than an officer, who is registered in accordance with any law to provide services for the completion of border controls by passengers or freight, or provides a service related to facilitation of international trade and travel, in accordance with this Act, and any other law; 40