

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

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SCHEDULE

GOVERNMENT OF ZAMBIA

ACT

No. 12 of 2018

Date of Assent: 23rd December, 2018

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.

[26th December, 2018

ENACTED by the Parliament of Zambia.

Enactment

PART I

PRELIMINARY PROVISIONS

1. This Act may be cited as the Border Management and Trade 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—

(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;

“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;

“border” means the boundary that demarcates the territory between Zambia and an adjoining State;

“border agreement” means an agreement relating to the establishment of one-stop border post or a simplified trading arrangement, entered into by the Government and an adjoining State in accordance with section 15;

“border authority” means a public authority exercising border controls at a port of entry;

“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;

“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;

“control zone” means that part of the territory of an adjoining State or Zambia within which officers are empowered to effect border controls;

Cap. 322 “customs port” has the meaning assigned to the words 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;

“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;

“Immigration Department” means the Department in the Ministry responsible for matters of immigration as provided in the Immigration and Deportation Act, 2010;

Act No. 18 of
2010

“Law enforcement agency” means any person or agency empowered to enforce the law, by the Laws of Zambia or of a law of an adjoining State;

“lead agency” means the authority designated as lead agency in accordance with section 5;

“officer” means an officer of an adjoining State or a public officer of Zambia who is responsible for exercising border controls and other functions in accordance with this Act, any other law in Zambia or an adjoining State;

“one-stop border post” means a border post established under an agreement between two countries sharing a border;

“Partner State” means a State Party to a border agreement;

“simplified trading arrangement” means a border arrangement to simplify clearing procedures and reduce the cost of trading for small scale cross border traders;

“single window system” means a facility that allows persons involved in trade and transport to lodge standardised information and documents at a single entry point to fulfill import, export and transit related regulatory requirements; and

“trade facilitation” means the simplification, standardisation and harmonisation of activities, practices, procedures and formalities involved in the movement, clearance and release of goods, including goods in transit, at a port of entry.

3. The applicable laws of Zambia and of an adjoining State apply in the control zone for the purpose of enabling officers of Zambia, and those of an adjoining State which is a party to an agreement, to carry out border controls at a one-stop border post.

Application

4. (1) The legislation listed in the Schedule relates to a one-stop border post and is the basis for border control operations by the institution specified in that legislation.

Legislation related to one-stop border post

(2) Where the provisions of an applicable law are inconsistent with this Act, the provisions of this Act prevail to the extent of the inconsistency.

(3) The Minister may, by statutory notice, add or remove an applicable law from the Schedule.