Statutory Instrument of 2022 **CAP. 29:15**

Manyame Rural District Council Land Management By-laws, 2022

**ARRANGEMENT OF SECTIONS**

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IT is hereby notified that the Minister of Local Government and Public works has, in terms of section 90 of the Rural District Councils Act [29:13] 1996, approved the following by-laws made by the Manyame Rural District Council: -

***Title***

1. These by-laws may be cited as the Manyame Rural District Council Land Management and Stands Allocation By-laws, 2022.

***Application***

1. These by-laws shall apply to all areas under the jurisdiction of the Manyame Rural District Council.

***Interpretation***

1. In these by laws-

“approved” means approved by Manyame Rural District Council

“building inspector” means the officer for the time being lawfully acting in the capacity for the Manyame Rural District Council

“new building” includes alteration of a building after the date of commencement of the by-laws by which the cubic content of the building is increased by an amount of a third or more of the original cubic content of the building, or any building erected for the temporary purpose or period of new building;

“owner” means in relation to any stand or premises, the person in whose name the lease or title to such stand or premises is registered, and includes an agent of the owner receiving or entitled to receive rent in respect of such property or premises;

‘original villagers/settler’ means persons resident in Seke by decent and recorded in the original village register lodged with Council and those formally accepted in the area by a Council resolution.

“property” means any land, including a stand;

“stand” means a lot or plot shown on an approved general plan or diagram relating to any area within the jurisdiction of the Manyame Rural District Council;

“Chief Executive Officer” means Chief Executive Officer appointed in terms of The Rural District Councils Act.

‘Communal land lease’ means a document issued by Council authorising occupation and development in communal areas in terms of section 10 of the Communal Lands Act.

‘Communal land Lease” means a document issued by Council authorising occupation and use of land under the jurisdiction of Council.

‘Adult’ every person above the age of eighteen years

‘Teminable Lease” means a document issued by Council authorising occupation and use of open spaces and servitudes under the jurisdiction of Council.

‘Authorised person ‘ means the officer for the time being lawfully acting in the capacity for the Manyame Rural District Council

“Approved” means approved by the Council or Department of Spatial Planning and Development;

“Fixed date” means the date of commencement of these bylaws;

“Designated officer” means an officer designated by the Council for the purposes of these by-laws;

“Property Cession” Is the transfer of ones’s rights in a property to another

“Waiting list” A list of applicants who have applied for allocation of stands or houses from Council

***Land Management***

1. (1) The whole land under the jurisdiction of the Council shall be managed by the relevant department of Council headed by a qualified Head of Department

(2) The land shall be managed through Master, Local, Concept, Layout and Site plans approved by the Chief Director of the Department of Spatial Planning and Development and/or any other authorized official.

(3) All development proposals shall comply with the provisions of the relevant plans in subsection (2) above.

***Layout Preparation and Approval***

1. (1) The plans referred to in section 3 subsection (2) shall be prepared after obtaining a Council Resolution ;

(2) No person shall prepare such plans without the authority of the Council.

(3) Layout plans shall be approved by the Chief Director of the Department of Spatial Planning and Development and/or any other authorized official.

(4) Any person wishing to access a site plan for plan draughting purposes shall pay a fee prescribed in the approved Council Budget

1. ***Occupation and use of urban state land***

***Application***

6 (a) Any person intending to be allocated a stand, erect any new buildings and/or perimeter walls or engage in any development or project shall lodge with the Chief Executive Officer—

1. An application form specifying the intended use and location for each centre
2. A notice of such intention in the form of plans or subdivision permit; and
3. Applicants shall pay a fee to join the waiting list and thereafter renew yearly (calendar year) after payment of the prescribed fee as prescribed in the approved Council budget
4. Submit a project proposal
5. Prospective applicants shall be interviewed after paying the requisite interview fees prescribed in the approved Council budget.
6. Within thirty days of the receipt of an application lodged with the Chief Executive Officer in terms of section 1, the Council shall, in writing, notify the applicant of the outcome of their application.

***Occupation and use of urban state land***

6 ( b) The Council shall allocate stands to applicants on the waiting list through the Land Management Committee set by council subject to payment of the requisite allocation fees set in the approved Council budget.

1. Any individual who wishes to engage in any development shall be issued with a lease with option to purchase, terminable lease, homeownership lease or development permit authorising such development subject to payment of a fee prescribed in the Council’s approved budget.
2. On allocation, the allotee shall pay all the applicable fees prior to commencement of development.
3. Any individual who engages in any development without an approved plan and a lease or development permit shall be guilty of an offense and liable to a fine as prescribed in the Council’s approved budget.
4. Any individual who engages in any development without an approved plan and a lease or development permit shall be removed from the land and have the developments demolished without compensation.
5. Every person intending to erect temporary structure shall apply to Council in writing, the intention to erect such a temporary building subject to payment of a fee and complying to other such conditions as may be imposed;
6. No person shall use or lease his or her property or building for purposes other than those authorised by Council or for the period in excess of that prescribed by the Council;
7. Any person who contravenes subsection (6b (i to v) above shall be guilty of an offence and liable to a fine as prescribed in the Council’s approved budget.

***6 ( c ) Development levies and Rates***

(1) The stand shall commence accruing yearly development levies from the moment it is allocated

1. Yearly development levy shall be payable for every stand in the district at the prescribed rate fixed by Council in the approved Council Budget
2. The stand owner or occupier shall pay Lease rentals/ rates for his property at the prescribed rate fixed by Council in the approved Council Budget
3. All applicants must comply with conditions set out in the Manyame Rural District Council Stands allocation Policy
4. **Occupation and use of communal land**

6 (a) Any person intending to erect any new buildings and/or perimeter walls or engage in any development or project shall lodge with the Chief Executive Officer—

(i) A notice of such intention; and

(ii) Village assembly minutes supporting the application; and

(iii) Village assembly consultation certificate; and

(iv) Recommendation from the ward Councillor.

( b ) Shall be issued with a communal land lease or communal land lease authorising such development.

(c) Within thirty days of the receipt of an application lodged with the Chief Executive Officer in terms of section 1, the Council shall, in writing, notify the applicant of the outcome of their application.

(d) Any individual who engages in any development without a lease or lease shall be guilty of an offense and liable to a fine as prescribed in the Council’s approved budget.

(e) Any individual who engages in any development without a lease or lease shall be removed from the land and have the developments demolished.

(f)Subsection (i to iv) shall not apply to developments by original villagers who were ordinarily recognised by Council before the enactment of these by laws.

**7( b ) Development levies and Rates**

1. Yearly communal development levy shall be payable for every adult in the district at the prescribed rate fixed by Council in the approved Council Budget
2. The stand shall commence accruing yearly development levies from the moment it is allocated
3. Yearly development levy shall be payable for every stand in the district at the prescribed rate fixed by Council in the approved Council Budget
4. The stand owner or occupier shall pay Lease rentals/ rates for his property at the prescribed rate fixed by Council in the approved Council Budget
5. All applicants must comply with conditions set out in the Manyame Rural District Council Stands allocation Policy
6. **Powers of inspection**

(1) The building inspector may enter any property at any reasonable time—

(a) to ascertain whether any works which require the approval of Council are carried out; or

(b) to inspect any work at any stage of its progress after paying the requisite fees as prescribed in the budget.

(c) to inspect any building or structure to ascertain whether it is in such condition as to be ruinous, dangerous or likely to be prejudicial to the safety or health of the occupants;

(2) Any person who obstructs a building inspector from entering any property at any reasonable time shall be guilty of an offence and liable to a fine as prescribed in the Council’s approved budget.

1. ***Repossession***

9 (1 ) Manyame Rural District Council shall repossess stands:

1. That have not been paid for in the agreed time.
2. That have arrears.

(C) That are below footing level and have exceeded the development period.

( d ) That have not been developed to slab level within the specified time period but have passed footing level. Consideration shall be given to exceptional cases in the following manner:

* For developments at footing and below slab level, a client might be pardoned subject to paying a penalty equivalent to 15% of the total purchase price and be required to complete developments within 2 years.
* For developments at box level, a client might be pardoned subject to paying a penalty equivalent to 10% of the total purchase price and be required to complete developments within 2 years.

**9 (2 ) Late Development penalty**

* For developments above slab level and which have stalled after the prescribed time in the lease agreement, a client shall be charged a late development penalty equivalent to 5% of the total purchase price and be required to complete developments within 2 year.

***Appeal against repossession***

1. (3) Appeals against repossession shall be considered on merit.

***Cessions***

1. . (1) Any stand owner who wishes to transfer ownership of their stand must have constructed the principal building on that property to at least slab level and must comply with conditions set out in the Manyame Rural District Council Stands allocation Policy

(2) the stand owner shall pay the prescribed fees fixed in the approved Council Budget prior to processing of the cession.

***Surveys***

1. (1) The Council shall engage the services of a qualified land surveyor for title land surveys and the Department of Spatial Planning and Development or any other qualified land surveyor or technician for non-title surveys
2. No person shall remove any beacon (peg) or beacons erected by Council or any of its delegated agents without due authority
3. Any person who removes or tempers with beacons erected by Council or any of its agents shall pay a fine at the prescribed rate fixed in the approved Council’s Budget
4. Any person who wishes to be shown the beacons of his or her stand shall pay the prescribed fee fixed in the approved Council Budget
5. Any person who wishes to have his or her stand re-planned shall pay the prescribed fee fixed in the approved Council Budget

***Change of Use and Subdivision Applications***

1. (1)Any person wishing to change use of a portion of land or make a subdivision of land shall apply using the prescribed form at the prescribed fee fixed in the Council Budget

(2) Council will receive the application and process the same as per the Regional Town and Country Planning Act [CAP 29:12]

(3) No person shall change the land use of any land or subdivide any portion of land without authority or a subdivision permit

***Offences and penalties***

1. Any person who contravenes any of the provisions of these by-laws shall be guilty of an offence and liable to a penalty as prescribed in the approved Council Budget and set out in the First Schedule.

**FIRST SCHEDULE**

FEES

|  |  |  |  |
| --- | --- | --- | --- |
| **Item** | **Section** | **Description** | **Fee $** |
| 1 | 4(4) | Site plan retrieval fees | As per budget |
| 2 | 5(2) | Waiting list application fees | As per budget |
| 3 | 5(2) | Waiting list renewal application fees | As per budget |
| 4 | 5(4) | Annual development fees | As per budget |
| 5 | 6 | Property lease rental | As per budget |
| 6 | 8(2) | Cession fees | As per budget |
| 7 |  | Title survey fees | As per budget |
| 8 | 7(3) | Showing of beacons (peg) | As per budget |
| 9 | 10(1) | Change of use application | As per budget |
| 10 | 10(1) | Subdivision of land application | As per budget |

**SECOND SCHEDULE**

**OFFENCES AND PENALTIES**

|  |  |  |  |
| --- | --- | --- | --- |
| **ITEM** | **SECTION** | **Description of offence** | **Penalty** |
| 1 | 6(1) | Failure to complete building construction within stipulated period | As per budget |
| 2 | 7(1) | Removal of beacons (peg) erected by council | As per budget |
| 3 | 10(3) | Change of land use of any land without Council approval | As per budget |
| 4 | 10(3) | Subdivision of any portion of land without authority | As per budget |