

**REPUBLIC OF ZAMBIA**

**IN THE HIGH COURT FOR ZAMBIA**

---

## **LAND LAW ESSENTIALS GUIDE**

Understanding Land Rights, Registration & Fraud in Zambia

**Prepared by:** \_\_\_\_\_, Legal Practitioner – 10 Years Experience

**Date:** \_\_\_\_ / \_\_\_\_ / 20\_\_\_\_

---

### **1. PURPOSE**

This guide provides an overview of the fundamental principles governing land ownership, registration, and protection against land fraud in Zambia. It is intended to assist landowners, prospective buyers, legal practitioners, and other stakeholders to navigate Zambia's land legal framework in compliance with statutory instruments and legal standards.

---

### **2. JURISDICTION**

This guide applies to all land matters within the Republic of Zambia and is governed primarily by the following legislation:

- Lands Act, Cap. 184
- Land and Deeds Registry Act, Cap. 185
- Penal Code, Cap. 87 (especially fraud and criminal trespass)
- Local Government Act, Cap. 281 (for customary land under chiefdoms)
- Environmental Management Act, No. 12 of 2011 (land use considerations)

- Other applicable subsidiary legislation and customary laws.
- 

### 3. KEY CONCEPTS IN LAND OWNERSHIP

#### 3.1 Types of Land Tenure in Zambia

- State Land: Owned by the government, managed under the Lands Act. Leased to individuals or entities for fixed terms.
- Customary Land: Held under customary tenure, administered by traditional leaders. Governed by customary law and local government regulations.
- Leasehold: Land held under a lease agreement, usually for 99 years or shorter terms, recorded in the Deeds Registry.
- Freehold: Full ownership title granted, subject to statutory restrictions.

#### 3.2 Land Registration

- All state land and leasehold interests must be registered at the Lands and Deeds Registry.
  - Registration confirms ownership rights and creates a public record for protection against fraud.
  - The Land and Deeds Registry Act, Cap. 185 sets procedures for registration, transfer, and caveats.
- 

### 4. LAND RIGHTS AND TRANSFER

#### 4.1 Acquiring Land

- Land may be acquired via lease, purchase, gift, inheritance, or grant from the government.

- Valid transfer requires written agreement, compliance with registration requirements, and payment of applicable fees.

## **4.2 Duties of Landowners**

- Comply with local land use planning laws.
  - Pay land rents and rates as prescribed.
  - Protect land from encroachment and unlawful occupation.
- 

## **5. PROTECTING AGAINST LAND FRAUD**

### **5.1 Common Land Fraud Practices**

- Forgery of title deeds or transfer documents.
- Illegal subdivision or sale of customary land without authority.
- Impersonation or unauthorized representation in land transactions.
- False registration of interests in land.

### **5.2 Legal Remedies and Reporting**

- Report suspected fraud to the Lands and Deeds Registry, Police, and Office of the Director of Public Prosecutions.
- Initiate civil suits for recovery and damages.
- Criminal prosecution under the Penal Code, Cap. 87 for forgery, fraud, and related offenses.
- Seek injunctions or court orders to prevent unlawful sales or transfer.

## **6. DISPUTE RESOLUTION**

- Land disputes may be resolved through mediation, arbitration, or the High Court.

- Customary land disputes often require engagement with traditional leaders and local authorities.
  - The Land Tribunal is a specialized body for adjudicating land issues.
- 

## 7. GOVERNING LAW AND REFERENCES

- Companies Act No. 10 of 2017 (for corporate land ownership)
  - Employment Code Act No. 3 of 2019 (for land use in employment contexts)
  - NGO Act No. 16 of 2009 (land owned or leased by NGOs)
  - Societies Act, Cap. 119 (land held by societies)
  - Penal Code, Cap. 87 (offenses related to land fraud and trespass)
- 

## 8. CONCLUSION

Land ownership in Zambia is protected through statutory registration and legal frameworks that balance state, customary, and private interests. Awareness of land laws and vigilance against fraud are essential for securing and defending property rights.

For detailed legal assistance, please consult a qualified Zambian legal practitioner.

---

**9. SIGNATURE**

**Prepared By:** \_\_\_\_\_

**Name:** [Your Full Name]

**Date:** \_\_\_\_ / \_\_\_\_ / 20\_\_\_\_

**Signature:** \_\_\_\_\_