

GOVERNMENT OF ZAMBIA

ACT

No. 4 of 2019

Date of Assent: 11th April, 2019

**An Act to amend the Zambia Law Development
Commission Act.**

[11th April, 2019

ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the Zambia Law Development Commission (Amendment) Act, 2019, and shall be read as one with the Zambia Law Development Commission Act.

Short title

Cap. 32

2. Section 2 of the principal Act is amended by the—

Amendment
of section 2

(a) deletion of the definitions of “Commissioner”, “Deputy Chairperson” and “Deputy Director”;

(b) insertion of the following new definitions in the appropriate places:

“associate” has the meaning assigned to the word in the Anti-Corruption Act, 2012.

Act No. 3 of
2012

“emoluments” has the meaning assigned to the word in the Constitution;

Cap. 1

“Emoluments Commission” means the Emoluments Commission established by the Constitution;

Cap. 1

“Examinations Council of Zambia” means the Examinations Council of Zambia established under the Examination Council of Zambia Act;

Cap. 137

“member” means a person appointed as a member of the Commission under section 5;

“private higher education institution” has the meaning assigned to the words in the Higher Education Act, 2013;

Act No. 4 of
2013

Act No. 4 of 2013	“public higher education institution” has the meaning assigned to the words in the Higher Education Act, 2013;
Act No. 4 of 2013	“private university” means a private higher education institution registered under the Higher Education Act, 2013, as a university;
Act No. 4 of 2013	“public university” means a public higher education institution established or declared under the Higher Education Act, 2013, as a university;
Act No. 3 of 2012	“relative” has the meaning assigned to the words in the Anti-Corruption Act, 2012;
Act No. 13 of 2011	“School Certificate” means the certificate awarded by the Examinations Council of Zambia to a candidate who passes such subjects, in the grade twelve examinations conducted by the Examinations Council of Zambia, as the Examinations Council of Zambia requires for the award of the certificate;
Amendment of section 4	<p>“Vice-Chairperson” means the person elected as Vice-Chairperson under section 5; and</p> <p>“Zambia Qualifications Authority” means the Zambia Qualifications Authority established under the Zambia Qualifications Authority Act, 2011.</p> <p>3. Section 4(2) of the principal Act is amended by the deletion of paragraphs (a) and (b) and the substitution therefor of the following:</p> <p style="padding-left: 40px;">(a) recommend the revision and reform of the law in Zambia; and</p> <p style="padding-left: 40px;">(b) recommend the codification of unwritten laws in Zambia.</p>
Repeal and replacement of section 5	4. The principal Act is amended by the repeal of section 5 and the substitution therefor of the following:
Composition of Commission	<p>5. (1) The Commission consists of the following part-time members appointed by the Minister:</p> <p style="padding-left: 40px;">(a) a judge nominated by the Chief Justice, as Chairperson;</p> <p style="padding-left: 40px;">(b) a representative each of the—</p> <p style="padding-left: 80px;">(i) Attorney-General with expertise in legislative drafting;</p>

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- (ii) Permanent Secretary responsible for legal matters in the Ministry responsible for justice;
 - (iii) Ministry responsible for finance;
 - (iv) Ministry responsible for national guidance;
 - (v) Law Association of Zambia;
 - (vi) School of Law at a public university; and
 - (vii) School of Law at a private university;
- (c) three representatives of research institutions; and
- (d) two other persons with experience and knowledge in matters relevant to this Act.
- (2) A person qualifies for appointment as a member if that person —
- (a) has a School Certificate or its equivalent;
 - (b) holds a degree, or an equivalent qualification, which is accredited or recognised and validated by the Zambia Qualifications Authority; and
 - (c) has relevant knowledge and experience in—
 - (i) law;
 - (ii) social work;
 - (iii) finance;
 - (iv) administration; or
 - (v) economics.
- (3) The members shall elect the Vice-Chairperson from among themselves.
- (4) The ministries, institutions or organisations referred to in subsection (1)(b) and (c) shall nominate their representatives for appointment by the Minister.
5. Section 6 of the principal Act is amended by the insertion of the following new subsections immediately after subsection (3):
- (4) A member shall, on expiry of the period for which a member is appointed, continue to hold office until a successor is appointed, but in no case shall the further period exceed three months.
 - (5) The Minister may, where the office of a member becomes vacant before the expiry of the term of office, appoint another person to be a member in place of the member who vacates the office for the unexpired term of that office.

Amendment
of section 6

Repeal and replacement of sections 11, 12 and 13

6. The principal Act is amended by the repeal of sections 11, 12 and 13, and the substitution therefor of the following:

Disclosure of interest

11. (1) A person who is present at a meeting of the Commission or a committee of the Commission at which any matter is the subject of consideration, and in which that person or that person's relative or associate, is directly or indirectly interested in a private capacity shall, as soon as practicable after the commencement of the meeting, disclose that interest and shall not, unless the Commission or the committee otherwise directs, take part in any consideration or discussion of, or vote on, any question relating to that matter.

(2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which the disclosure is made.

(3) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

Director, Research officers and other staff

12. (1) The Commission shall appoint a Director who shall be—

(a) the Chief Executive officer of the Commission;

(b) the secretary to the Commission; and

(c) responsible for the day-to-day administration of the Commission.

(2) The Commission shall appoint research officers and other staff of the Commission that the Commission considers necessary for the performance of the functions of the Commission.

(3) The Emoluments Commission shall, on the recommendation of the Commission, determine the emoluments of the Director, research officers and other staff of the Commission.

(4) The Commission shall determine the terms and conditions of service, other than emoluments, of the Director, research officers and other staff of the Commission.

13. (1) The Commission may appoint suitably qualified persons as assessors or experts to assist the Commission in the performance of its functions. Assessors and experts

(2) The Emoluments Commission shall, on the recommendation of the Commission, determine the emoluments of assessors and experts.

7. The principal Act is amended by the deletion of the words “Commissioner” and “Commissioners” wherever the words appear and the substitution therefor of the words “member” and “members”, respectively. General amendment
