

Zambia

Zambia Youth Service Act, 1964

Chapter 143

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Zambia Youth Service Act, 1964

Chapter 143

Commenced on 28 August 1964

[This is the version of this document at 31 December 1996.]

[39 of 1964; 37 of 1970; Government Notice 497 of 1964]

An Act to establish and provide for the constitution of a Zambia Youth Service Board; to specify the functions of the Board; to regulate its proceedings and to make provision for matters relating to its finances; to provide for the appointment of a Director of the Zambia Youth Service; and to provide for matters incidental to or connected with the foregoing.

1. Short title

This Act may be cited as the Zambia Youth Service Act.

2. Interpretation

In this Act, unless the context otherwise requires—

"**Board**" means the Zambia Youth Service Board established under section four;

"**chairman**" means the chairman of the Board;

"**deputy chairman**" means the deputy chairman of the Board;

"**Director**" means the Director of the Zambia Youth Service appointed under section three;

"**functions**" includes powers and duties;

"**member**" means a member of the Board;

"**members of the Service**" means persons recruited to and undergoing education and training in the Service;

"**Service**" means the Zambia Youth Service.

3. Appointment and powers of Director

- (1) The Minister shall appoint a Director of the Zambia Youth Service who shall have executive control of the Service and shall perform such functions as the Board may from time to time determine.
- (2) In the event of the Director being absent for any cause whatsoever, the Board may appoint a person to act as Director during such period of absence and the person so acting shall perform the functions of the Director provided for by or under this Act.
- (3) The Director shall be paid such salary and allowances out of the funds of the Service as the Minister may from time to time approve.

4. Appointment of Board

- (1) There is hereby established a Board which shall be known as the Zambia Youth Service Board.
- (2) The Board shall consist of the Director and six other members appointed by the Minister.
- (3) The Minister shall appoint annually from amongst the members a chairman and a deputy chairman of the Board, and they shall hold such office for a period of one year.

5. Tenure of office of Board

- (1) Subject to the provisions of this section, members, other than the Director, shall hold office for a period of two years, but a retiring member shall be eligible for reappointment.
- (2) Any member may be removed from office by the Minister for disability, insolvency, neglect of duty or misconduct proved to the satisfaction of the Minister, or may at any time resign his office by notice in writing addressed to the Minister.

6. Remuneration of members, etc.

There shall be paid out of the funds of the Board to a member such remuneration and allowances as are approved by the Minister in respect of that member or the class of member to which he belongs.

7. Incorporation

- (1) The Board shall be a body corporate with perpetual succession and a common seal, with power to hold land and to sue and be sued under its corporate name and to do such acts and things as bodies corporate may by law do.
- (2) The application of the seal of the Board shall be authenticated by the signature of the chairman or the deputy chairman, and by the signature of one other member.

8. Chief office and branch offices of Board

- (1) The chief office of the Board shall be at such place as the Minister may approve.
- (2) The Board may have branch offices in Zambia.

9. Procedure of Board

- (1) Subject to the provisions of this section, the Board may determine its own procedure.
- (2) The Board shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such places and times and on such dates as the Board may determine.
- (3) The chairman may at any time call a special meeting of the Board, and shall do so at the request in writing made to him in that behalf by any two members.
- (4) The chairman or, in his absence, the deputy chairman shall preside at all meetings of the Board.
- (5) The chairman or, in his absence, the deputy chairman and two other members shall form a quorum.
- (6) Decisions of the Board shall be made according to the majority of the votes of the members present and voting at a meeting of the Board at which a quorum is present, and in the event of an equality of votes, the chairman or, in his absence, the deputy chairman, presiding at the meeting, shall have a casting vote.
- (7) Decisions taken in accordance with subsection (6) shall be valid, notwithstanding any vacancy among the members or that some person who was not entitled so to do voted or otherwise acted as a member.
- (8) The Board shall cause minutes to be kept—
 - (a) of all resolutions, proceedings and meetings of the Board; and
 - (b) of the names of the members present at each meeting of the Board.

- (9) The Board may co-opt any one or more persons to attend any particular meeting of the Board for the purpose of assisting or advising the Board, but no such co-opted person shall have any right to vote.
- (10) The Board may by resolution declare the remuneration and allowances of any co-opted person and such sums shall be properly payable out of the funds of the Board.

10. Member to declare connection with companies and firms dealing with Board

- (1) If a member of the Board, or of a committee appointed under section eleven, or his spouse—
 - (a) tenders for or acquires or holds a direct or indirect pecuniary interest in a contract with the Board; or
 - (b) knowingly acquires or holds a direct or indirect interest in a company or firm applying or negotiating for a contract with the Board; or
 - (c) owns immovable property or a right in immovable property or has a direct or indirect pecuniary interest in a company or firm which results in his private interests coming into or appearing to come into conflict with his duties as a member;the member shall forthwith disclose the facts to the Minister and the Board.
- (2) A member referred to in subsection (1) shall not take part in the consideration or discussion of, or vote on, any question before the Board or a committee which relates to a contract, right, immovable property or interest referred to in that subsection.

11. Committees

- (1) The Board may from time to time appoint such committees consisting of two or more persons to inquire into and report to the Board on such matters within the scope of its functions as are referred to them by the Board, or to perform on behalf of the Board any of its functions and may delegate to any such committee the performance of any of its functions.
- (2) A committee may consist of members, or of members and non-members.
- (3) Every committee appointed under this section shall be subject to the control of the Board and may at any time be altered, reconstituted or discharged by the Board.
- (4) Every committee purporting to act pursuant to any delegation under this section shall be presumed to be acting in accordance with the terms of the delegation, in the absence of proof to the contrary.
- (5) Where persons, not being members of the Board, are members of a committee appointed under this section, the Board may by resolution declare the remuneration and allowances of such persons, and such sums shall properly be payable out of the funds of the Board.

12. Functions of Board

- (1) The Board shall control and manage the activities of the Service and for such purposes it shall—
 - (a) provide suitable facilities for the education and training of members of the Service and ensure that a proper portion of the time of the members of the Service is spent on such education and training;
 - (b) provide employment by establishing, equipping, managing and maintaining establishments in Zambia where members of the Service shall work and be accommodated;
 - (c) provide for the proper organisation of the Service;
 - (d) recruit members of the Service; and
 - (e) be responsible for the welfare, control and direction of members of the Service.

- (2) In particular and without prejudice to the generality of the provisions of subsection (1), the activities of the Board shall have relation to agricultural undertakings, rural development and other development projects.

13. Staff

- (1) The Board may appoint staff for the conduct of its affairs and business on such terms and conditions of service as the Minister may approve.
- (2) The Board may provide benefits for and in respect of those of its staff who retire or die, or the surviving dependants, upon such conditions as it may determine, by way of pension funds or other means, but the management and investment of any funds set up under this subsection shall not be part of the business of the Board within the meaning of this Act.
- (3) Every person appointed under this section shall, subject to the provisions of this Act, perform such functions as the Director may determine.

14. Secondment of public officer

The Public Service Commission may, at the request of the Board and with the consent of the person concerned, second to the employment of the Board, any public officer.

15. Funds of Board

The funds of the Board shall consist of—

- (a) all moneys accruing to the Board from the Government by way of grant in aid or endowment or otherwise;
- (b) all charges due or moneys recovered by the Board;
- (c) all interest on moneys invested by the Board;
- (d) all donations accruing to the Board for the general purposes of the Board from sources other than sources specified under this Act; and
- (e) any other moneys accruing to the Board in the course of its operations.

16. Payment into bank

Subject to the provisions of section seventeen, all moneys received on account of the Board shall, unless the Minister otherwise directs, be paid into any bank approved by the Board for the credit of the general, current or deposit account of the Board.

17. Investments and loans to staff

- (1) The Board may invest moneys not required for current use in securities approved by the Minister.
- (2) Subject to the general or special directions of the Minister, the Board may make loans out of the funds of the Board to persons appointed under section thirteen for the purpose of assisting any such person to purchase a motor vehicle for his own use, and any such loan may be made subject to such terms and conditions as the Board may determine.

[No. 37 of 1970]

18. Accounts and audit

- (1) The Board shall keep proper accounts and other records in relation thereto and shall prepare in respect of each financial year a statement of account.

- (2) The accounts of the Board shall be audited by auditors appointed by the Board with the approval of the Minister, and such accounts shall be produced to the auditors within six months of the end of the financial year to which they relate.
- (3) As soon as the accounts of the Board for each financial year thereof have been audited, the Board shall cause a copy of the statement of accounts prepared in respect of that year to be sent to the Minister, together with a copy of any report made by the auditors on the statement or on the accounts.
- (4) The Minister shall cause a copy of every statement received by him in pursuance of subsection (3) to be laid before the National Assembly within fourteen days after it has been received by him, if the National Assembly is then sitting, or, if the National Assembly is not then sitting, within seven days of the commencement of its next ensuing meeting.

19. Annual report

- (1) The Board shall, as soon as may be after such date as the Minister may determine in each year, prepare a report of its activities during the year and cause the report to be sent to the Minister and to be published in such manner as the Minister may direct.
- (2) The annual report shall include a report on the activities of the Service.
- (3) The Minister shall cause a copy of every report received by him in pursuance of subsection (1) to be laid before the National Assembly within fourteen days after it has been received by him, if the National Assembly is then sitting, or, if the National Assembly is not then sitting, within seven days of the commencement of its next ensuing meeting.

20. Exemption of Board

- (1) The profits of the Board shall not be liable to any tax imposed on income and profits.
- (2) The Board shall be exempt from stamp duties and registration fees.

21. Directions of Minister

The Board shall in the performance of its functions be subject to the directions of the Minister.

22. Regulations

The Minister, after consultation with the Board, may, by statutory instrument, make such regulations as he considers necessary or expedient for the due administration of this Act.

23. Validity of contracts made before establishment of Board

- (1) Where, before the commencement of this Act, any contract has been entered into between any person or body authorised by the Minister to do so and any other person—
 - (a) for the employment of that other person in any capacity relating to the Service;
 - (b) for the provision of housing or offices and other accommodation to be used for the purposes of the Service;
 - (c) for any purpose otherwise relating to the Service;

then, on and after the commencement of this Act, the contract shall be enforceable by or against the Board in every respect as if it had been entered into by the Board, and any person employed as aforesaid shall be deemed to have been employed by the Board.

- (2) On and after the commencement of this Act, any contract referred to in subsection (1) shall not be enforceable against the person or body who entered into the contract with the authority of the Minister.