

Zambia

Council of Law Reporting Act, 1967 Chapter 46

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Zambia

Council of Law Reporting Act, 1967

Chapter 46

Commenced on 15 December 1967

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

[58 of 1967; 22 of 1970]

An Act to establish a Council of Law Reporting; to specify its functions and for purposes connected with the aforesaid matters.

1. Short title

This Act may be cited as the Council of Law Reporting Act.

2. Interpretation

In this Act, unless the context otherwise requires—

"**Council**" means the Council of Law Reporting constituted by section three;

"*ex officio* member" includes a member who is a Judge of the Supreme Court or a Judge, but does not include the General Editor of the Zambia Law Reports;

"**financial year**" means the period of twelve months ending on the 31st December in each year:

Provided that the financial year of the Council commencing on the 1st July, 1969, shall be the period of eighteen months ending on the 31st December, 1970.

[As amended by No. 22 of 1970]

3. Constitution of Council

There is hereby constituted a Council of Law Reporting which shall under that name be a body corporate with perpetual succession and a common seal, capable of suing and being sued, acquiring, holding and disposing of property, entering into agreements and performing all such acts as are necessary for or connected with the carrying out of its objects and the exercise and performance of its functions under this Act or any law.

4. Membership and proceedings of Council

(1) The Council shall consist of—

- (a) the Chief Justice;
- (b) a Judge of the Supreme Court or High Court Judge nominated by the Chief Justice;
- (c) the Attorney-General, the Solicitor-General and the Director of Public Prosecutions;
- (d) two legal practitioners nominated by the Law Society of Zambia and appointed by the Minister;
- (e) two members of the academic staff of the School of Law of the University of Zambia nominated by the Vice-Chancellor of the University on the recommendation of the School and appointed by the Minister; and

- (f) the General Editor of the Zambia Law Reports appointed under section six if he is not a member by virtue of any of the preceding paragraphs.
- (2) The chairman of the Council shall be the Chief Justice.
- (3) Members of the Council shall hold office as such—
 - (a) in the case of *ex officio* members, as long as they hold the office by virtue of which they are members of the Council;
 - (b) in the case of the member who is the General Editor, as long as he holds the appointment of General Editor; and
 - (c) in the case of any other member, for a period of three years from the date of his appointment:

Provided that any member referred to in paragraph (c) may by writing addressed to the Council resign his office as such at any time.

- (4) A member vacating his office as a member of the Council shall be eligible for reappointment.
- (5) The quorum of a meeting of the Council shall be five.
- (6) Subject to this Act, the Council shall determine and regulate its own procedure.

5. Objects and functions of Council

The objects and functions of the Council are—

- (a) to organise, regulate and control the reporting of decisions of the courts and of such tribunals and inquiries as it may determine;
- (b) to arrange for the production, publication and distribution, whether by sale or otherwise, of the Zambia Law Reports at such regular periods of time as it may determine;
- (c) to provide assistance in the production of the University Law Review.

6. Appointments by Council

The Council shall appoint—

- (a) an Editorial Board, whether from its own members or not, for the purpose of assisting the Council in the carrying out of its objects and functions;
- (b) a General Editor of the Zambia Law Reports whose functions shall be such as the Council may from time to time determine;
- (c) such number of reporters as it may determine;
- (d) such staff as it considers necessary for the exercise and performance of its functions.

[As amended by No. 22 of 1970]

7. Contracts and other instruments

An agreement, contract or instrument may be entered into, or executed on behalf of the Council by the chairman and one other member of the Council generally or specially authorised by the Council for the purpose.

8. Remuneration and allowances payable

- (1) Subject to subsection (2), there shall be paid out the funds of the Council—
 - (a) to the members of the Council and members of the Editorial Board who are not also members of the Council, allowances to cover expenses reasonably incurred by them in respect of their attendance at meetings of the Council or the Editorial Board but not otherwise;
 - (b) to the General Editor, an honorarium of such amount as the Council may determine in addition to any allowances payable under paragraph (a);
 - (c) to the reporters appointed by the Council, such fees as the Council may determine; and
 - (d) to staff appointed by the Council, such salaries as it may determine.
- (2) *Ex officio* members of the Council and public officers holding any appointment under or by virtue of this Act shall not be entitled to any allowances, honorarium, fees or salary by virtue of this section.

9. Funds of Council

The funds of the Council shall consist of—

- (a) such moneys as may be payable to the Council out of moneys appropriated by Parliament for the purpose;
- (b) such other moneys and assets as may vest in or accrue to the Council in the discharge of its functions or otherwise.

10. Accounts, audit and report

- (1) The Council shall cause to be kept proper books of account which shall be audited annually by auditors approved by the Minister.
- (2) The Council shall, not later than six months after the termination of each financial year, submit to the Minister the audited accounts.
- (3) The Minister shall lay the audited accounts before the National Assembly not later than seven days after the first sitting of the National Assembly next after the receipt thereof.

11. Validation of appointment of General Editor made before constitution of Council

- (1) If, before the constitution of the Council, the Minister has, on behalf of the Council, appointed any person to be the General Editor of the Zambia Law Reports, then the appointment shall have effect and operate as if the Council had been in existence at the date of the appointment and had itself appointed the person to be the General Editor of the Zambia Law Reports, notwithstanding that this Act may not have been enacted at the time the appointment was made.
- (2) As from the date of the constitution of the Council, the Minister shall be released from any liability arising out of an appointment to which subsection (1) relates.