

Zambia

Fees and Fines Act, 1994

Chapter 45

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Fees and Fines Act, 1994

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Zambia

Fees and Fines Act, 1994

Chapter 45

Published

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An act to provide for the amounts of fees and fines to be expressed in terms of the fee units and penalty units; to provide for the amounts of existing fees and fines to be converted into fee units and penalty units; and to provide for matters connected with or incidental to the foregoing.

Part I – Preliminary

1. Short title and commencement

- (1) This Act may be cited as the Fees and Fines Act.
- (2) This Act shall be deemed to have commenced on the 29th January, 1994.

2. Interpretation

- (1) In this Act, unless the context otherwise requires—

"**fee**" includes tax, levy, charge and any other impost, whether or not a service is provided in exchange for the payment thereof;

"**fine**" means any pecuniary penalty that may be imposed by a court for an offence.
- (2) For the purposes of the application of this Act to other Acts—
 - (a) a reference in any other Act to a number of ngwee shall be read as a reference to the appropriate fraction of a kwacha; and
 - (b) a reference to another Act does not include a reference to any statutory instrument made under that Act.

Part II – Fees and fee units

3. Fee units

In any written law, unless the context otherwise requires, "fee unit" means one hundred and eighty kwacha.

4. Fees expressed in kwacha amounts are to be converted to fees expressed in fee units

Where a provision in any Act imposes a fee and the fee is expressed as—

- (a) a specified number of kwacha; or
- (b) a rate whereby a specified number of kwacha is payable for a specified quantity of any thing, or a specified period of time;

the provision shall be read as if the fee were expressed instead as—

- (i) the number of fee units calculated in accordance with section five; or
- (ii) a rate whereby the number of fee units calculated in accordance with section five is payable for the specified quantity, or specified period of time;

as the case may require.

5. Method of conversion

- (1) The number of fee units that corresponds, for the purposes of section four, to the amount in kwacha of a fee shall be calculated as follows:
 - (a) the number of kwacha shall be multiplied by the appropriate multiplier;
 - (b) the result shall be divided by one hundred;
 - (c) the required number of fee units shall be—
 - (i) the quotient obtained under paragraph (b), if it is a whole number; or
 - (ii) the next highest whole number, if that quotient is not a whole number.
- (2) In this section, "appropriate multiplier", in relation to the amount of a fee prescribed by an Act, means the number specified in the Schedule that corresponds to—
 - (a) the year in which the fee was last varied by amendment of the provision concerned; or
 - (b) if it has never been so varied, the year in which that provision came into force.

Part III – Fines and penalty units

6. Penalty units

In any written law, unless the context otherwise requires, "penalty unit" means one hundred and eighty kwacha.

7. Fines expressed in kwacha amounts are to be converted to fines expressed in penalty units

Where any Act provides that a fine may be imposed for an offence and the amount of the fine, or the maximum amount of the fine, that may be so imposed is expressed as—

- (a) a specified number of kwacha; or
- (b) a rate whereby a specified number of kwacha is payable in respect of a specified quantity of any thing, or in respect of a specified period of time;

the provision shall be read as if the amount, or maximum amount, of the fine were expressed instead as—

- (i) the number of penalty units calculated in accordance with section eight; or
- (ii) a rate whereby the number of penalty units calculated in accordance with section eight is payable in respect of the specified quantity, or specified period of time;

as the case may require.

8. Method of conversion

- (1) The number of penalty units that corresponds, for the purposes of section seven, to the amount in kwacha of a fine shall be calculated as follows:
 - (a) the number of kwacha shall be multiplied by the appropriate multiplier;
 - (b) the result shall be divided by one hundred;
 - (c) the required number of penalty units shall be—
 - (i) the quotient obtained under paragraph (b), if it is a whole number; or
 - (ii) the next highest whole number, if that quotient is not a whole number.
- (2) In this section, "appropriate multiplier", in relation to a fine imposed by a provision of any Act, means the number specified in the Schedule that corresponds to—
 - (a) the year in which the fine was last varied by amendment; or
 - (b) if it has never been so varied, the year in which that provision came into force.

Schedule (Sections 5 and 8)
Multipliers for fees and fines in Acts

| Year in which fee or fine was last varied | Multiplier |
|---|------------|
| 1970 or earlier | 1500 |
| 1971-1975 | 1000 |
| 1976-1980 | 500 |
| 1981-1985 | 250 |
| 1986 | 125 |
| 1987 | 75 |
| 1988 | 50 |
| 1989 | 25 |
| 1990 | 15 |
| 1991 | 8 |
| 1992 | 4 |
| 1993 | 2 |
| 1994 | 1 |