

GOVERNMENT OF ZAMBIA

ACT

No. 12 of 2003

Date of Assent: 16th September, 2003

An Act to amend the Weights and Measures Act

[16th September, 2003

ENACTED by the Parliament of Zambia.

Enactment

1. (1) This Act may be cited as the Weights and Measures (Amendment) Act, 2003 and shall be read as one with the Weights and Measures Act, in this Act referred to as the principal Act.

Short title and
~~enactment~~
Cap. 403

(2) This Act shall come into operation on such date as the Minister may, by statutory instrument, appoint.

2. Section two of the principal Act is amended—

Amendment
of
section 2

(a) by the deletion of the definitions “article” and “assizer”;

(b) by the deletion of the definition—

(i) “authorised unit of measurement” and the substitution therefor of the following new definition:

“authorised unit of measurement” means the international system of measurement by reference to which a trading transaction is authorised to be conducted under this Act;

(ii) “Bureau of Weights and Measures” and the substitution therefor of the following new definition:

“Bureau of Weights and Measures” means the International Bureau of Weights and Measures established under the Metre Convention at Sevres in Paris”;

(iii) "General Conference" and the substitution therefor of the following new definition:

"General Conference" means the General Conference of Weights and Measures established under the Metre Convention;

(iv) "national standard" and the substitution therefor of the following new definition:

"national standard" means a set of standard weights or measures which is made or manufactured by or on behalf of the Agency for the verification of any secondary standard;

(v) "quantity" and the substitution therefor of the following new definition:

"quantity" means any measurement of distance, length, width, height, area, size, volume, capacity, mass, number, electricity or temperature;

(vi) "secondary standard" and the substitution therefor of the following new definition:

"secondary standard" means a set of standard weights or measures which is used for the verification of any working standard;

(vii) "standard" and the substitution therefor of the following new definition:

"standard" means an international standard, national standard, secondary standard or working standard;

(viii) "verify" and the substitution therefor of the following new definition:

"verify" means to weigh, measure, compare, check, test or adjust a weight or measure in order to ensure that it conforms to standards established by or under the Standards Act, and cognate expressions shall be construed accordingly;

(ix) "weight" and the substitution therefor of the following new definition:

“weight” means a material measure of mass regulated in regard to its physical and metrological characteristics, shape, dimension, material, surface, quality, nominal value or maximum permissible error; and

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

- “Agency” means the Zambia Weights and Measures Agency established by section *two A*;
- “appointed date” means the date appointed by the Minister under section *one*;
- “Board” means the Zambia Weights and Measures Agency Board constituted under section *two C*;
- “Chairperson” means the person appointed as Chairperson of the Board under section *two C*;
- “committee” means a committee of the Board established under paragraph 5 of the Thirteenth Schedule;
- “commodity” means goods for sale or goods which have been sold or are being carried or delivered for sale;
- “Director” means the person appointed as Director under section *two D*;
- “International Standard” means the prototype standard sanctioned by the First General Conference of Weights and Measures held in Paris in 1889 and deposited at the International Bureau of Weights and Measures;
- “licence” means a service licence issued under section *thirty-eight*;
- “member” means a member of the Board appointed under section *two C*;
- “metrologist” means a person appointed as metrologist under section *two E*;
- “pre-packaged commodity” means a commodity which is packed or made up in advance ready for sale or a commodity which is kept or stored for retail sale in a wrapper or container or which is sealed in any way; and
- “stamp” means a mark which is made on or in relation to any weight or measure to—

- (a) certify that such weight or measure conforms to the standards specified by this Act; or
- (b) indicate that any mark which was previously made on the weight or measure certifies such weight or measure as conforming to the standards established by or under the Act.

Insertion of new Part IA 3. The principal Act is amended by the insertion before Part II of the following new Part:

PART IA

THE ZAMBIA WEIGHTS AND MEASURES AGENCY

Establish-
ment of
Agency

2A. (1) There is hereby established the Zambia Weights and Measures Agency which shall be a body corporate with perpetual succession and a common seal, capable of suing and of being sued in its corporate name, and with power, subject to the provisions of this Act, to do all such acts and things as a body corporate may by law do or perform.

(2) The Thirteenth Schedule shall apply to the Agency.

Functions of
Agency

2B. The functions of the Agency shall be to—

- (a) administer the Act and all matters relating to weighing or measuring instruments used in trade;
- (b) keep and maintain secondary and working standards and other measuring standards;
- (c) verify measuring instruments used in domestic and international trade;
- (d) test and approve new types of weighing and measuring instruments used for trade which comply with international or national standards;
- (e) investigate any alleged breach of the provisions of this Act;
- (f) collect and disseminate information on the work of the Agency through publications, seminars, workshops and the print or electronic media;
- (g) liaise with regional and international metrological organisations and institutions on matters relating to the promotion of metrology in Zambia;
- (h) provide a uniform system of trade measurements to ensure traceability to international standards;

- (i) establish laboratories and other facilities to improve maintenance, storage and testing of trade measurement standards;
- (j) examine candidates for a licence to repair, service or install weighing and measuring instruments;
- (k) initiate policy formulation and keep under review the working of this Act and, when so required by the Minister or if the Agency otherwise thinks it necessary, draw up and submit to the Minister proposals for amending it; and
- (l) undertake such other activities as are conducive or incidental to its functions under this Act.

2C (1) There is hereby constituted the Zambia Weights and Measures Agency Board which shall, subject to the provisions of this Act, perform the functions of the Agency under this Act.

Constitution
of Board

(2) The Board shall consist of part-time members appointed by the Minister as follows:

- (a) one representative of the Zambia Association of Manufacturers;
- (b) one representative from the Zambia National Farmer's Union;
- (c) one representative from the Truckers Association;
- (d) one representative from the Zambia Consumer Association;
- (e) one representative from the Zambia Bureau of Standards;
- (f) one representative from the Law Association of Zambia;
- (g) the Executive Director of the Energy Regulation Board; and
- (h) one representative from—
 - (i) the ministry responsible for finance; and
 - (ii) the ministry responsible for commerce, trade and industry.

(2) The Chairperson shall be appointed by the Minister.

(3) The Vice-Chairperson shall be elected by the members of the Board from among their number.

(4) A person shall not be appointed as a member of the Board if the person—

- (a) is an undischarged bankrupt;
- (b) has been convicted of an offence involving fraud or dishonesty; or
- (c) has been convicted of an offence under any other written law and sentenced to a term of imprisonment of not less than six months, without the option of a fine.

| | |
|---------------------------|---|
| Director | <p>2D. (1) The Board shall, with the approval of the Minister, appoint a Director who shall be the chief executive officer of the Agency and, subject to the control of the Board, be responsible for the day to day administration of the Agency.</p> <p>(2) The Board shall, with the approval of the Minister, determine the terms and conditions of service of the Director.</p> <p>(3) The Director shall attend meetings of the Board and may attend meetings of any committee of the Board and may address the meetings, but shall have no vote.</p> |
| Secretary and other staff | <p>2E. (1) The Director shall be the Secretary to the Board.</p> <p>(2) The Board may appoint metrologists and such other staff of the Agency as it considers necessary for the performance of its functions under this Act.</p> <p>(3) The Board shall determine the terms and conditions of service of the staff of the Agency.</p> |
| Duties of metrologists | <p>2F. The duties of a metrologist shall be to—</p> <p>(a) carry out verification of weights, measures and weighing and measuring instruments;</p> <p>(b) care for, and maintain, any standard equipment which may be entrusted to the metrologist's care;</p> <p>(c) keep records and make such reports as the Director may require;</p> <p>(d) give effect to the directions of the Director; and</p> <p>(e) generally exercise and perform such powers and duties as may be conferred or imposed on a metrologist by this or any other written law.</p> |
| Amendment of section 4 | <p>4. Section <i>four</i> of the principal Act is amended—</p> <p>(a) by the deletion of subsection (1) and the substitution therefor of the following:</p> <p style="padding-left: 40px;">(1) The Agency shall authorise the use of such standards of weights and measures as the Agency considers necessary;</p> <p>(b) in subsection (3) by the deletion of the word " Minister " after the words " as the " and the substitution therefor of the word " Agency ";</p> <p>(c) by the deletion of subsection (4) and the substitution therefor of the following:</p> |

(4) Where a standard of weight or measure is about to be brought into use in Zambia the Minister shall, on the recommendation of the Board, by notice published in the *Gazette* or a newspaper with daily circulation, declare that such standard of weight or measure is about to be brought into use in Zambia and specify in that notice the date on which that standard of weight or measure shall become operative; and

(d) by the insertion immediately after subsection (4) of the following new subsection:

(4A) The standard of weight or measure referred to in subsection (4) shall, upon publication, of the notice referred to in that subsection, become a national standard of weight or measure and shall, for all purposes, be conclusively deemed to be true and accurate.

Section *five* of the principal Act is amended—

Amendment
of section 5

(a) in subsection (1) by the deletion of the word “Minister” after the word “the” at the beginning of the sentence and the substitution therefor of the word “Agency”; and

(b) in subsection (2) by the deletion of the word “Minister” after the word “the” and the substitution therefor of the word “Agency”.

Section *seven* of the principal Act is amended in paragraph (a) subsection (1) by the deletion of the word “prepared” and the substitution therefor of the word “procured”.

Amendment
of section 7

Section *eight* of the principal Act is amended in subsection (1) by the deletion of the words “assizing or re-assizing” after the words “for” and the substitution therefor of the words “verifying or certifying”.

Amendment
of section 8

The principal Act is amended by the repeal of Part III.

Repeal of Part
III

The principal Act is amended in Part IV by the deletion of the words “INSPECTION OF WEIGHTS AND MEASURES” and the substitution therefor of “TYPE APPROVAL AND REGULATION OF WEIGHING AND MEASURING INSTRUMENTS”.

Amendment
of Part IV

Section *seventeen* of the principal Act is amended—

Amendment
of section 17

(a) by the insertion immediately after subsection (1) of the following new subsection:

(1A) Notwithstanding subsection (1), a metrologist shall, subject to the direction of the Agency, at least twice in every twelve months by notice in writing request any person who has in their possession or charge any fuel dispenser, bulkflow meter or fuel master meter for use in trade to submit to the metrologist, at such time and place as the metrologist may specify, such fuel dispenser, bulk flow meter or fuel master meter for re-verification;

(b) in subsection (2) by the insertion of the words “ or subsection (1A) ” after the words “ subsection (1) ”;

(c) in subsection (3)—

(i) by the insertion of the words “ or subsection (1A) ” after the words “ subsection (1) ” and

(ii) in subparagraph (i) of paragraph (a) by the deletion of the word “ affixed ” and the substitution thereof of the word “ fixed ”;

(d) in paragraph (b) of subsection (4) by the deletion of the words “ the stamp of assize ” and the substitution thereof of the words “ the verification stamp; ” and

(e) by the insertion immediately after subsection (4) of the following new subsections:

(5) A metrologist may request any person producing or submitting an instrument for re-verification under this section to—

(a) cause it to be taken sufficiently apart to enable the metrologist to examine it;

(b) provide auxillary material necessary for the re-verification of any instrument;

(c) provide transport or labour for the proper and expeditious handling of the standards or any material which is to be used for the re-verification of the instrument; or

(d) cause it to be cleaned where necessary.

(6) Where a metrologist makes a request under subsection (5) and the person so requested fails or declines to comply with the request, the metrologist may refuse to re-verify the instrument and shall submit a report on the matter to the Director.

-
11. Section *eighteen* is amended in the proviso to paragraph (c) by the deletion of the word “ direction ” and the substitution therefor of the word “ discretion ”. Amendment of section 18
12. Section *nineteen* of the principal Act is amended— Amendment of section 19
- (a) by the re-numbering of that section as subsection (1); and
- (b) by the insertion immediately after subsection (1) of the following new subsections:
- (2) A person who mends or repairs a verified or rejected instrument shall obliterate permanently the verification stamp or the rejection mark on that instrument and shall, before such instrument is used for trade, cause it to be verified by a metrologist within fourteen days of such mending or repair.
- (3) Where the metrologist is unable to verify the repaired or mended instrument submitted to the metrologist under subsection (2) within the period specified in that subsection the person who has in their possession or charge the mended or repaired instrument may apply to the metrologist for written authority to use the unverified instrument for trade.
- (4) The metrologist may, on application being made under subsection (3) and upon payment of the prescribed fee and submission of a report on the instrument by the applicant, issue a written authority for the use of such unverified instrument for a period of twenty-one days pending verification of such instrument.
13. The principal Act is amended in Part V by the deletion of the heading “ TRADE MEASUREMENTS ” and the substitution therefor of “ SALE OF PACKAGED COMMODITIES AND USE OF TRADE MEASURES ”. Amendment of Part V
14. Section *twenty-two* of the principal Act is amended in the proviso — Amendment of section 22
- (a) by the insertion of a full-stop after the word “ sold ”; and
- (b) by the deletion after the word “ sold ” of the words “ and the price specified in paragraph (b) of this section. ”
15. The principal Act is amended by the insertion immediately after section *twenty-four* of the following new sections: Insertion of new section 24A, 24B

| | |
|--|--|
| Sale of commodity by weight or net content | <p>24A. (1) Subject to the other provisions of this section a person who sells any commodity by weight shall sell it by net weight or net content.</p> <p>(2) A person who sells any commodity referred to in subsection (1) shall not deliver, or cause to be delivered, the commodity to a purchaser unless there is in respect of such commodity an invoice or delivery note showing the net weight or measure of such commodity:</p> <p style="padding-left: 40px;">Provided that where a weight has been prescribed for a sack, bag or pocket, it shall be sufficient for the invoice or delivery note to contain only the number of sacks, bags or pockets sold.</p> |
| Sale of prepackaged commodity by weight or measure | <p>24B. (1) A person shall not sell any pre-packaged commodity by weight or measure unless the net weight or measure is marked on the wrapper or container of the commodity in the prescribed manner in accordance with an authorised measure.</p> <p>(2) A person who purchases a pre-packaged commodity which is sold by weight or measure may require the seller to verify, in the presence of the purchaser, the net weight or measure of the commodity.</p> <p>(3) A person who fails to comply with a request made under subsection (2) commits an offence and is liable, on conviction, to a fine not exceeding ten thousand penalty units or to imprisonment for a term not exceeding twelve months, or to both.</p> <p>(4) The provisions of this section shall apply to any commodity in respect of which weight or measure is used to designate the grade or class of such commodity.</p> |
| Amendment of section 26 | <p>16. Section <i>twenty-six</i> of the principal Act is amended in subsection (2) by the deletion of the words "certificate of competence" and the substitution of the word "service licence".</p> |
| Insertion of new section 26A | <p>17. The principal Act is amended by the insertion immediately after section <i>twenty-six</i> of the following new section:</p> |
| Prohibition of employment of foreign technician, fitter, contractor etc. | <p>26A. Any person who employs a local or foreign technician, fitter or contractor, who does not have a service licence issued by the Director under section <i>thirty-eight</i>, to carry out any installation works or to service or repair any weighing or measuring instrument, commits an offence and is liable, on conviction, to a fine not exceeding one hundred thousand penalty units, or in default to imprisonment for a term not exceeding five years.</p> |

18. Section *twenty-eight* of the principal Act is amended in paragraph (b) of subsection (2) by the deletion of the words " certificate of competence " after the words " holder of " and the substitution therefor of the word " service licence ".

Amendment
of section 28

19. The principal Act is amended by the insertion immediately after section *thirty-two* of the following new section:

Insertion of
new section
32A

32A. (1) Where in respect of an offence under this Act—

(a) any person is informed by the Director or a metrologist that there is intention to institute criminal proceedings against that person for a particular offence; and

Payment of
fine without
appearing in
court

(b) the Director or a metrologist has reasonable grounds to believe that the court which shall try the person referred to in paragraph (a) for the offence shall, on conviction, impose a fine not exceeding two thousand penalty units;

the person may sign and submit to the Director or metrologist a document admitting guilt to the offence and pay to the Director or metrologist such amount as the Director or metrologist may determine but not exceeding two thousand penalty units.

(2) The document referred to in subsection (1) when signed and submitted under that subsection shall forthwith be transferred to the clerk of the court before which such person would otherwise have been charged and tried and shall be entered into the records of the court.

(3) Any Director or metrologist who fails to remit the admission of guilt fees to the court commits an offence and shall be liable, on conviction, to imprisonment for a term not less than six months but not exceeding three years without the option of a fine.

Amendment
of section 37

20. Section *thirty-seven* of the principal Act is amended—

(a) in paragraph (a) of subsection (1) by the insertion of the word "any" after the word "into";

(b) by the insertion immediately after subsection (2) of the following new subsections:

(2A) A metrologist may, if requested to do so by any person on whose premises or property the metrologist has entered in exercise of powers under this section, produce to such person a written authority to enter the premises or property duly issued by the Director for purposes of this section.

(2B) A metrologist may when entering upon any place or property be accompanied by such assistants as the metrologist may require and shall carry such equipment and tools as the metrologist may require for the performance of functions under this section; and

(c) by the deletion of subsection (4) and the substitution therefor of the following subsection:

(4) Any person who—

(a) fails to comply with any order or requirements under this section;

(b) hinders or obstructs a metrologist in the exercise of the metrologist's functions under this section; or

(c) impersonates a metrologist;

commits an offence and is liable, on conviction, to a fine not exceeding twenty thousand penalty units or in default to imprisonment for a term not exceeding two years.

Amendment
of section 38

21. Section *thirty-eight* of the principal Act is amended—

(a) in subsection (1) by the insertion of the word "been" after the words "to have";

(b) by the insertion immediately after subsection (1) of the following new subsection:

(1A) A foreign technician, fitter or contractor shall not carry out any installation, service or repair work of any weighing or measuring instrument unless such technician, fitter or contractor holds a valid service licence issued by the Director; and

(c) by the insertion immediately after subsection (2) of the following new subsection:

(2A) Any person who contravenes subsection (1) or (1A) commits an offence and is liable on conviction to a fine not exceeding twenty thousand penalty units or in default to imprisonment for a term not exceeding two years.

Insertion of
new sections
43A to 43D

22. The principal Act is amended by the insertion immediately after section *forty-three* of the following new sections:

Vesting of
assets of
Assize
Department

43A. (1) On or after the appointed date, there shall be transferred to, and vest in, or subsist against, the Agency by virtue of this Act and without further assurance—

(a) the affairs of the Assize Department; and

(b) subject to this Act, all property, rights and obligations which immediately before the appointed date were the property, rights and obligations of the Assize Department.

(2) Except as provided in this Act, every deed, bond and agreement (other than an agreement for personal service) to which the Government was a party immediately before the commencement of this Act in respect of the Assize Department, whether in writing or not, and whether or not of such a nature that rights, liabilities and obligations thereunder could be assigned, shall, unless its subject-matter or terms make it impossible that it should have effect as modified in the manner provided by this subsection, have effect as from the date of the assignment thereof, as if—

- (a) the Agency had been a party thereto;
- (b) for any reference to the Government there were substituted, as respects anything falling to be done on or after the appointed date, a reference to the Agency; and
- (c) for any reference to any officer of the Assize Department not being a party thereto and beneficially interested therein there were substituted, as respects anything falling to be done on or after the commencement of this Act, a reference to such officer of the Agency as the Agency shall designate.

(3) Subject to the provisions of subsection (2), documents, other than those referred to therein, which refer specifically or generally to the Assize Department shall be construed in accordance with subsection (2) as far as applicable.

43B. (1) Where under this Act, any property, rights, liabilities and obligations of the Government through the Assize Department are deemed transferred to the Agency in respect of which transfer a written law provides for registration, the Agency shall make an application in writing to the appropriate authority for registration of the transfer.

Registration
of property to
be
transferred
by
Government

(2) The registration authority referred to in subsection (1) shall make such entries in the appropriate register as shall give effect to such transfer and, where applicable, issue to the transferee concerned a certificate of title in respect of the property or make necessary amendments to the register, as the case may be, and shall make endorsement on the deeds relating to the title, right or obligation concerned, and no registration fees, stamp duty or other duties shall be payable in respect thereof.

43C. (1) Without prejudice to the other provisions of this Act, where any right, liability or obligation vests in the Agency by virtue of this Act, the Agency and all other persons shall, as

Legal
proceedings

from the commencement of this Act, have the same rights, powers and remedies (and in particular the same rights as to the instituting or defending of legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting that right, liability or obligation as they would have had if it had at all times been a right, liability or obligation of the Agency.

(2) Any legal proceedings or application of any authority pending immediately before the commencement of this Act by or against the Government in respect of the Assize Department may be continued by or against the Agency.

(3) After the commencement of this Act, proceedings in respect of any right, liability or obligation which was vested in, held, enjoyed, incurred or suffered by the Government in respect of the Assize Department may be instituted by or against the Agency.

Terms of
service of
employees of
Department

43D. (1) On or after the appointed date, the Agency shall on such terms and conditions as it may, with the approval of the Minister, determine, appoint as officers of the Agency such public officers from the Assize Department as may be necessary for the performance of the functions of the Agency.

(2) Where an officer from the Public Service is appointed to the service of the Agency—

(a) the terms and conditions of service with the Agency shall not be less favourable than those the officer enjoyed in the Public Service; and

(b) the officer shall be deemed to have retired under section *thirty-nine* of the Public Service Pensions Act.

Act No. 35 of
1996

(3) On or after the appointed date employees of the Assize Department who are not engaged by the Agency under subsection (2) shall be retained by the Government and shall —

(a) be redeployed in the service of the Government; or

(b) be retired under section *thirty-nine* of the Public Service Pensions Act.

Act No. 35 of
1996

Amendment
of section 44

23. Section *forty-four* of the principal Act is amended by the insertion of a comma and the words “ on the advice of the Board ”, after the word “ Minister ”.

Amendment
of principal
Act

24. The principal Act is amended—

(a) by the deletion of the word “ article ” wherever it appears and the substitution therefor of the word “ commodity ”;

(b) by the deletion of the word "Assizer" wherever it appears and the substitution therefor of the word "Metrologist"; and

(c) by the deletion of the words "Superintendent Assizer" wherever they appear and the substitution therefor of the word "Director".

25. The principal Act is amended by the repeal of the Thirteenth Schedule and the substitution therefor of the Thirteenth Schedule set out in the Appendix to this Act.

Repeal and replacement of Thirteenth Schedule

APPENDIX
(Section 25)

THIRTEENTH SCHEDULE
(Section 2A)

THE ZAMBIA WEIGHTS AND MEASURES AGENCY

1. (1) The seal of the Agency shall be such device as may be determined by the Board and shall be kept by the Secretary.

Seal of Agency

(2) The affixing of the seal shall be authenticated by the Chairperson or the Vice-Chairperson and the Secretary or any other person authorised in that behalf by a resolution of the Board.

(3) Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under seal, may be entered into or executed without seal on behalf of the Board by the Secretary or any other person generally or specifically authorised by the Board in that behalf.

(4) Any document purporting to be a document under the seal of the Agency or issued on behalf of the Agency shall be received in evidence and shall be deemed to be so executed or issued, as the case may be, without further proof, unless the contrary is proved.

2. (1) Subject to the other provisions of this Act, a member of the Board shall hold office for a period of three years from the date of appointment and shall be eligible for re-appointment for one further term of three years:

Tenure of office and vacancy

Provided that the first members shall be appointed for periods ranging from two to three years in order to facilitate retirement by rotation.

(2) A member may resign upon giving one month's notice, in writing, to the organisation which nominated the member and to the Minister.

- (3) The office of the member shall become vacant —
- (a) upon the member's death;
 - (b) if the member is absent without reasonable excuse from three consecutive meetings of the Board of which the member has had notice;
 - (c) on ceasing to be a representative of the organisation which nominated the member;
 - (d) if the member becomes mentally or physically incapable of performing the duties of a member of the Board; or
 - (e) if the member is declared bankrupt.

(4) On the expiration of the period for which a member is appointed the member shall continue to hold office until a successor has been appointed but in no case shall the further period exceed four months.

Filling of
casual
vacancy

3. Whenever the office of a member becomes vacant before the expiry of the term of office, the Minister may appoint another member in place of the member who vacates office but that member shall hold office only for the unexpired part of the term.

Proceedings
of
Board

4. (1) Subject to the other provisions of this Act, the Board may regulate its own procedure.

(2) The Board shall meet for the transaction of business at least once every three months at such places and times as the Chairperson may determine.

(3) The Chairperson may, upon giving notice of not less than fourteen days, call a meeting of the Board and shall call a special meeting to be held within fourteen days of receipt of a written request to the Chairperson by at least five members of the Board.

(4) If the urgency of any particular matter does not permit the giving of such notice as is required under subsection (3), a special meeting may be called by the Chairperson, upon giving a shorter notice.

(5) Five members of the Board shall form a quorum at any meeting of the Board.

(6) There shall preside at any meeting of the Board—

- (a) the Chairperson;
- (b) in the absence of the Chairperson, the Vice-Chairperson; or
- (c) in the absence of the Chairperson and the Vice-Chairperson such member as the members present may elect for the purpose of that meeting.

(7) A decision of the Board on any question shall be by a majority of the members present and voting at the meeting and in the event of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to the deliberative vote.

(8) The Board may invite any person, whose presence is in its opinion desirable, to attend and to participate in the deliberations of the meeting of the Board but such person shall have no vote.

(9) The validity of any proceedings, act or decision of the Board shall not be affected by any vacancy in the membership of the Board or by any defect in the appointment of any member or by reason that any person not entitled to do so took part in the proceedings.

5. (1) The Board may, for the purpose of performing its functions under this Act, constitute such committees as it considers necessary and may delegate to any committee such of its functions as it considers fit.

Committees
of
Board

(2) The Board may appoint as members of a committee, persons who are, or are not, members of the Board, except that at least one member of a committee shall be a member of the Board.

(3) A person serving as a member of a committee shall hold office for such period as the Board may determine.

(4) Subject to any specific or general direction of the Board a committee may regulate its own procedure.

6. The members of the Board or any committee shall be paid such allowances as the Board may, with the approval of the Minister, determine.

Allowances
for
members

7. (1) If a member or person is present at a meeting of the Board or any committee of the Board at which any matter is the subject of consideration and in which matter the member or person or the member or person's spouse is directly or indirectly interested in a private capacity, the member or person shall as soon as is practicable after the commencement of the meeting, declare such interest and shall not, unless the Board or the committee otherwise directs, take part in any consideration or discussion of, or vote on, any question touching that matter.

Disclosure of
interest

(2) A declaration of interest made under subsection (1) shall be recorded in the minutes of the meeting at which it is made.

8. (1) A person shall not, without the consent in writing given by, or on behalf of, the Agency, publish or disclose to any person otherwise than in the course of duties, the contents of any document, communication, or information which relates to, and which has come

Prohibition of
disclosure of
information

to the person's knowledge in the course of the person's duties under this Act.

(2) Any person who knowingly contravenes the provisions of subparagraph (1) commits an offence and shall be liable, upon conviction, to a fine not exceeding ten thousand penalty units or to imprisonment for a period not exceeding three months, or to both.

PART II

FINANCIAL PROVISIONS

Funds of
Agency

9. (1) The funds of the Agency shall consist of such moneys as may—

- (a) be appropriated to the Agency by Parliament for the purposes of the Agency;
- (b) be paid to the Agency by way of fees, levy, loans, grants or donations; and
- (c) vest in or accrue to the Agency.

(2) The Agency may—

- (a) accept moneys by way of grants or donations from any source in Zambia and subject to the approval of the Minister, from any source outside Zambia; and
- (b) subject to the approval of the Minister, raise by way of loans or otherwise, such moneys as it may require for the discharge of its functions.

(3) There shall be paid from the funds of the Agency—

- (a) salaries, allowances, loans, gratuities and pensions of staff of the Agency and other payments for the recruitment and retention of staff;
- (b) such reasonable travelling and subsistence allowances for members and members of any committee of the Board when engaged in the business of the Board and at such rates as the Board may, with the approval of the Minister, determine; and
- (c) any other expenses incurred by the Agency in the performance of its functions.

(4) The Agency may, with the approval of the Minister, invest in such manner as it thinks fit such of its funds as it does not immediately require for the discharge of its functions.

10. The financial year of the Agency shall be the period of twelve months ending on 31st December of each year. **Financial year**

11. (1) The Agency shall cause to be kept proper books of account and other records relating to its accounts. **Accounts**

(2) The accounts of the Agency shall be audited annually by independent auditors appointed by the Agency, subject to the approval of the Minister.

(3) The auditor's fees shall be paid by the Agency.

12. (1) As soon as practicable, but not later than ninety days after the end of the financial year, the Agency shall submit to the Minister a report concerning its activities during the financial year. **Annual report**

(2) The report referred to in subsection (1) shall include information on the financial affairs of the Agency and there shall be appended to the report—

(a) an audited balance sheet;

(b) an audited statement of the income and expenditure; and

(c) such other information as the Minister may require.

(3) The Minister shall not later than seven days after the first sitting of the National Assembly next after receipt of the report referred to in subparagraph (1), lay the report before the National Assembly.

