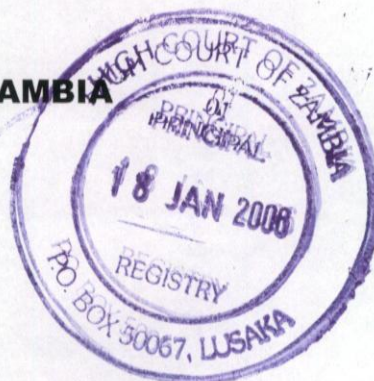


**IN THE HIGH COURT OF ZAMBIA
AT LUSAKA**

(Civil Jurisdiction)

BETWEEN:



2005/HP/1147

UNIVERSAL CHURCH OF THE KINGDOM OF GOD
(Registered Trustees)

1st Applicant

CARLOS HENRIQUE ANTUNES BARCELOS
(suing as a Trustee of the Universal Church
of the Kingdom of God)

2nd Applicant

JAMIR SOARES CRAVEIRO

3rd Applicant

and

THE REGISTRAR OF SOCIETIES

1st Respondent

THE CHIEF IMMIGRATION OFFICER

2nd Respondent

THE ATTORNEY GENERAL

3rd Respondent

Mr M. Lisimba, Lisimba & Co., Mr F H M Hamakando,
Batoka Chambers, for the applicants

Mr J. Simachela, Senior State Advocate and Mr M. Mukwasa,
State Advocate, for the respondents

Tamula Kakusa, J. January 18, 2006

JUDGMENT

This action has taken a shorter course, and, I believe, it would be accurate to say: "the action has come to an amicable conclusion by consent of parties." It was certainly a storm in a teacup.

Briefly put, the 1st applicant is an entity or body registered in Zambia in 1998 under the Societies Act. On 30th November 2005, the Registrar of Societies wrote advising that the registration of the organisation had been cancelled, a decision which was the subject of this application for review under **O 53 RSC 1999**.

The applicants sought for an order of certiorari or further or in the alternative, a declaration that the decision is null and void ab initio it being unfair, unreasonable and contrary to the rules of natural justice.

Leave was granted for reasons given in the ruling of December 29th 2005 and we adjourned to three consecutive days in January 2006. On the 12th of January, 2006 for the respondents, the Registrar of Societies filed an affidavit captioned: **"1st respondent's affidavit on the application for judicial review."**

The above caption, I would observe, was apt and well thought out as I hope what follows will support the observation. The affidavit, rightly so, does not purport to be an affidavit in opposition as paragraphs 2 through to 5 read as follows:

2. "That on the 30th November 2004, I wrote to the 2nd Applicant cancelling the registration of the 1st applicant.

3. That I made the decision to cancel the registration **on my own and without the involvement of or being influenced by the Minister of Home Affairs.**
4. That I also made the decision without prior legal advice of the Attorney General's Chambers and I have subsequently been advised by the Attorney General's chambers through the Solicitor General that the procedure I employed in arriving at my decision to cancel the 1st applicant's registration **was improper."**

With this sort of affidavit there is virtually nothing left for the record to continue adding to the congestion on the court's diary. It would be wrong to fail to acknowledge the court's indebtedness to the Attorney General's chambers for the bold and magnanimous manner in which everybody's time has been spared. This is, as it ought to be.

How does one put it? It would be correct to say the respondents have promptly acknowledged an error and promptly rectified it or, and that is what I would prefer, it is equally true to say that, by consent of parties the purported cancellation of 30th November, 2005 by the Registrar of Societies is hereby declared to be null and void and of no legal effect whatsoever. I would borrow the Registrar's own terminology in the affidavit; the cancellation was improper.

Costs. Costs follow the event and ought not to be denied without reason but are also discretionary. The Attorney General's Chambers have taken a proper course which instantly restores the applicants to the position or status they are seeking. Leave for judicial review was granted and the same operated as a stay and the respondents complied promptly. I propose to make no order as to costs.

Thus – the decision of the Registrar of Societies is quashed. Costs in the cause.



pdfelement

Tamula Kakusa, J.

January 18, 2006