

GOVERNMENT OF ZAMBIA

ACT

No. 8 of 1989

Date of Assent: 14th May, 1989

An Act to establish the Zambia Iron and Steel Authority;
to define the functions of the Zambia Iron and Steel
Authority and to provide for matters connected
with or incidental to the foregoing.

[19th May, 1989

ENACTED by the Parliament of Zambia.

Enactment

PART I

PRELIMINARY

1. This Act may be cited as the Zambia Iron and Steel
Authority Act, 1989. Title

2. In this Act unless the context otherwise requires— Interpretation

“ Authority ” means the Zambia Iron and Steel Authority
established by section *three*;

“ Chairman ” means the person designated chairman
under section *four*;

“ Director ” means the person appointed Director under
section *thirteen*;

“ Member ” means a member of the Authority;

“ Secretary ” means the person appointed Secretary of
the Authority under section *fourteen*;

“ Vice-Chairman ” means the person designated Vice-
Chairman under section *four*

PART II

ZAMBIA IRON AND STEEL AUTHORITY

Establishment of Authority

3. There is hereby established the Zambia Iron and Steel Authority which shall be a body corporate with perpetual succession and a common seal, capable of suing and 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 do or perform by law.

Composition of Authority

4. (1) The Authority shall consist of the following members—

- (a) the Permanent Secretary in the Ministry responsible for mines, who shall be the Chairman;
- (b) the Permanent Secretary in the Ministry responsible for industry, who shall be the Vice-Chairman;
- (c) the Permanent Secretary in the Ministry responsible for finance;
- (d) the Permanent Secretary in the Ministry responsible for development planning;
- (e) the Permanent Secretary in the Ministry responsible for power;
- (f) the Managing Director, Industrial Development Corporation;
- (g) the Secretary-General, National Council for Scientific Research; and
- (h) not more than four other members appointed by the Minister who in the opinion of the Minister have business or professional competence in areas related to the functions of the Authority.

(2) The members referred to in paragraph (h) of subsection (1) shall hold office for a period of three years, but shall be eligible for reappointment:

Provided that any member referred to in paragraph (h) of subsection (1) may resign upon giving one month's notice in writing to the Minister and may be removed by the Minister at any time.

Functions of Authority

5. (1) The functions of the Authority shall be to—

- (a) construct, operate and maintain an iron and steel plant in such place as the Government may require;
- (b) procure materials for the construction, operation and maintenance of an iron and steel plant;
- (c) develop and maximise uses of iron and steel and their by-products;
- (d) conduct research in the technology and other aspects of iron and steel production;

THE ZAMBIA IRON AND STEEL AUTHORITY ACT,
1989

ARRANGEMENT OF SECTION

PART I

PRELIMINARY

Section

1. Short title
2. Interpretation

PART II

ZAMBIA IRON AND STEEL AUTHORITY

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4. Composition of Authority
5. Functions of Authority
6. Proceedings of Authority
7. Seal of Authority
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9. Disclosure of interest
10. Immunity of members
11. Prohibition of publication or disclosure of information to unauthorised persons
12. Remuneration of member of Authority
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PART III

FINANCIAL AND OTHER PROVISIONS

17. Funds of Authority
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(e) formulate policies and plans for the Government relating to the development of an iron and steel industry and other related industries in Zambia; and

(f) carry out any other activities which are necessary or conducive to the better performance of the functions of the Authority under this Act.

(3) The Minister may give to the Authority such general or specific directions with respect to the discharge of its functions as he may consider necessary and the Authority shall give effect to those directions.

(4) The Authority may delegate to the Director, any member or the Secretary any of its functions under this Act by directions in writing and subject to such terms and conditions as it considers fit.

6. (1) Subject to the provisions of this Act, the Authority may regulate its own procedure.

Proceedings
of
Authority

(2) The Authority shall meet for the transaction of business at least once every three months at the places and at the times designated by the Chairman.

(3) Upon giving notice of not less than fourteen days, a meeting of the Authority may be called by the Chairman and shall be called if not less than five members so request in writing:

Provided that if the urgency of any particular matter does not permit the giving of that notice, a special meeting may be called upon giving of shorter notice.

(4) Six members shall form a quorum at any meeting of the Authority.

(5) The Chairman shall preside at every meeting of the Authority or in the absence of the Chairman, the Vice-Chairman shall preside, and in the absence of both the Chairman and Vice-Chairman, a member elected by the members present for the purpose of that meeting, shall preside.

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

(7) A member referred to under paragraphs (a) to (e) of subsection (1) of section *four*, who is for any reasonable cause unable to attend any meeting of the Authority, may, in writing, nominate another person to attend that meeting in his stead and that person shall be deemed to be a member for the purpose of that meeting.

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

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

(10) The Authority shall cause minutes to be kept of the proceedings of every meeting of the Authority and of every meeting of any Committee established by the Authority.

Seal of
Authority

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

(2) The Authority may use a wafer or rubber stamp instead of the seal.

(3) The affixing of the seal shall be authenticated by the Chairman or the Vice-Chairman, and the Secretary or one other person authorised in that behalf by a resolution of the Authority.

(4) 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 Authority by the Director or any other person authorised in that behalf by a resolution of the Authority.

(5) Any document purporting to be a document under the seal of the Authority or issued on behalf of the Authority 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.

Committees
of
Authority

8. (1) The Authority may, for the purpose of performing its functions under this Act, establish committees and delegate to any such committee such of its functions as it thinks fit.

(2) The Authority may appoint as members of a committee established under subsection (1), persons who are or are not members of the Authority and those persons shall hold office for a period determined by Authority.

(3) Subject to any specific or general direction of the Authority any committee established under subsection (1), may regulate its own procedure.

Disclosure
of interest

9. (1) If a person is present at a meeting of the Authority or any committee of the Authority at which any matter is the subject of consideration in which matter the person or his

spouse is directly or indirectly interested in a private capacity, he shall disclose that interest, as soon as practicable after the commencement of the meeting and shall not take part in any consideration or discussion of, or vote on, any question touching that matter, unless the Authority otherwise directs.

(2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which it is made.

10. No action or other proceedings shall lie or be instituted against any member for or in respect of any act or thing done or omitted to be done in good faith in the exercise or purported exercise of his functions under this Act.

Immunity of members

11. (1) No person shall, without the consent in writing given by or on behalf of the Authority, publish or disclose to any person, otherwise than in the course of his duties, the contents of any document, communication or information, which relates to, and which has come to his knowledge in the course of, his duties under this Act.

Prohibition of publication or disclosure of information to unauthorised persons

(2) Any person who knowingly contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding five thousand kwacha or to imprisonment for a term not exceeding three years, or both.

(3) If any person having information which to his knowledge has been published or disclosed in contravention of subsection (1) unlawfully publishes or communicates that information to any other person, he shall be liable, upon conviction, to a fine not exceeding five thousand kwacha or to imprisonment for a term not exceeding three years or both.

12. A member of the Authority shall be paid such remuneration or allowance as the Minister may determine.

Remuneration of member of Authority

13. (1) The Authority shall appoint a Director who shall be the chief executive officer of the Authority on terms and conditions determined by the Authority.

Director and Deputy Director

(2) The Authority may appoint a Deputy Director to assist the Director on terms and conditions determined by the Authority.

(3) The Director or in his absence the Deputy Director, shall attend meetings of the Authority and may address the meetings but shall not vote on any matter:

Provided that the person presiding at any meeting of the Authority may, for good cause, require the Director or Deputy Director, as the case may be, to withdraw from such meeting.

(4) Section *nine* and *ten* shall apply, with necessary modifications, to the Director and Deputy Director.

Secretary
and
other staff

14. (1) The Authority shall appoint a Secretary to the Authority on terms and conditions determined by the Authority.

(2) The Secretary shall be responsible, under the general supervision of the Director, for the administration of the day-to-day affairs of the Authority.

(3) The Authority may appoint other staff as it considers necessary for the performance of its functions under this Act, on terms and conditions determined by the Authority.

Secondment
of staff from
public
service

15. (1) Where the Authority requests the Public Service Commission to second to it a public officer, the Public Service Commission may second the public officer for the period and on the conditions agreed between the Authority and the Public Service Commission.

(2) The period of secondment shall be regarded as service in the public service for the purposes of contribution, entitlement and computation of pension and other retirement benefits in the public service.

Transfer of
staff from
public
service

16. (1) A public officer seconded under section *fifteen* with the consent of the Public Service Commission may transfer from the public service to the service of the Authority and his previous service in the public service shall be treated as service with the Authority for the purposes of determining his rights to, or eligibility for pension, gratuity, leave or other benefits.

(2) A public officer who transfers to the service of the Authority under subsection (1) may retire under section *eighteen* of the Civil Service (Local Conditions) Pensions Act with the consent of the Public Service Commission:

Provided that if on retirement the officer resigns from the Authority without completing three years of service, his retirement from the public service shall be deemed to have been under section *thirteen* of the Civil Service (Local Conditions) Pensions Act and not under section *eighteen* of that Act.

(3) Where a public officer has transferred to the service of the Authority and has not retired in accordance with subsection (2), all his accrued benefits relating to gratuity, pension, earned leave and the like, shall be transferred to the Authority for the benefit of the officer.

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PART III

FINANCIAL AND OTHER PROVISIONS

Funds of
Authority

17. (1) The funds of the Authority shall consist of such moneys as may—

(a) be appropriated by Parliament for the purposes of the Authority;

- (b) be paid to the Authority by way of grants or donations;
or
- (c) vest in or accrue to the Authority.

(2) The Authority 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 performance of its functions.

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

- (a) the salaries, allowances and loans of the staff of the Authority;
- (b) reasonable travelling, transport and subsistence allowances for members or members of any committee of the Authority when engaged on the business of the Authority at rates determined by the Minister; and
- (c) any other expenses incurred by the Authority in the performance of its functions.

18. The Authority shall hold on behalf of the Government all the equity ownership in any iron and steel plant established under this Act. Equity ownership

19. The financial year of the Authority shall be the period of twelve months ending on the 31st December in each year. Financial year

20. The Authority shall cause to be kept proper books of account and other records relating to its accounts. Accounts

21. (1) The Authority shall appoint auditors to examine the accounts of the Authority at the end of each financial year. Audit of accounts

(2) The expenses of any audit shall be borne and paid by the Authority out of its funds.

22. (2) As soon as practicable, but not later than six months after the expiry of each financial year, the Authority shall submit to the Minister a report concerning its activities during that financial year. Annual report

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

- (a) an audited balance sheet;
- (b) an audited statement of income and expenditure; and
- (c) any other information the Minister may require.

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

Regulations

23. The Minister may, by statutory instrument, make regulations for the better carrying out of the purposes of this Act.
