

**GOVERNMENT OF ZAMBIA**

**STATUTORY INSTRUMENT NO. 31 OF 1993**

**The Local Government Act  
(Act No. 22 of 1991)**

**The Local Government Service Regulations, 1993**

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IN EXERCISE of the powers contained in section ~~ninety-three~~ of the Local Government Act, the following Regulations are hereby made:

PART I  
PRELIMINARY

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|--|-----------------------|
| <p>1. These Regulations may be cited as the Local Government Service Regulations, 1993.</p>  | Title                 |
| <p>2. In these Regulations, unless the context otherwise requires—</p> <p>"appointing authority" means the council and includes any person to whom the council may have delegated its powers under section <i>ninety-one</i> of the Act;</p> <p>"basic salary" means salary exclusive of all allowances (including any inducement allowance) and of any direct payment made under any assistance scheme;</p> <p>"chief officer" means—</p> <p style="padding-left: 40px;">(a) a Director of Administration, Director of Finance, Director of Engineering Services, Director of Housing and Social Services, Director of Legal Services and Director for Public Health;</p> <p style="padding-left: 40px;">(b) a Treasurer, Director of Works and Deputy Secretary; or</p> <p style="padding-left: 40px;">(c) such other person as the Minister may, by notice in the <i>Gazette</i>, declare to be a chief officer;</p> <p>"Commission" means the Local Government Service Commission established under section <i>ninety-four</i> of the Act;</p> <p>"contract officer" means a person employed on a contract of service with a council;</p> <p>"Local Government Service" has the same meaning as in section <i>ninety</i> of the Act;</p> <p>"officer", in relation to a council, means a person appointed to an office on the permanent establishment of a council and includes a person appointed on probation on such establishment; and "local government officer" shall be construed accordingly;</p> <p>"permanent establishment" means the list of offices determined from time to time by the council, after approval of the Minister, as being the permanent establishment of the Local Government Service;</p> <p>"principal officer" means, in relation to a city council or municipal council, the Town Clerk, and in relation to a district council the Secretary;</p> | <p>Interpretation</p> |

" secretary " means the person appointed secretary to the Commission under section *ninety-six* of the Act.

**Application** 3. These Regulations shall apply to all local government employees except the classes of persons specified in the First Schedule to these Regulations.

**Contracts of service** 4. With effect from 6th September, 1991, any contract of service entered into prior to that date between a contract officer and a local authority shall be deemed to have been made between such contract officer and the local authority concerned and the provisions of these Regulations shall apply to such contract:

Provided that any such contract officer shall not be subject to any condition of service which is less favourable to him than any corresponding condition which applied to him immediately before the said date.

## PART II

### ADMINISTRATION

**Qualifications for appointment** 5. A person shall not be appointed to an office specified in Column 1 of the Second Schedule or be a deputy to any such office unless he holds the qualifications indicated adjacent thereto in Column 2.

**Establishment of offices** 6. (1) The Minister shall have power to create offices in the Local Government Service following an application by a council.

(2) An application for the establishment of an office under sub-regulation (1) shall state—

- (a) the title of the office;
- (b) the salary or salary scale to be attached to such office;
- (c) whether the proposed office is to be permanent;
- (d) the reason why the establishment of such office is considered necessary or desirable;
- (e) the qualifications which will be required for a holder of the proposed office;
- (f) the duties which a holder will be required to perform;
- (g) whether or not funds to service the post are available; and
- (h) such other details as the Minister may request.

**Abolition of offices** 7. (1) The Minister shall have power to abolish offices in the Local Government Service following an application by a council.

(2) An application for the abolition of an office under sub-regulation (1) shall state—

- (a) the reason why it is considered desirable that the office be abolished; and
- (b) such other details as the Minister may request.

8. Once in every year, the council shall publish a list of all its local government offices.

List of  
offices

9. (1) Where a vacancy occurs or is expected to occur in any local government office, the principal officer shall notify the council and shall state whether in his opinion the vacancy should be filled by the promotion or transfer of an officer serving in the local authority in which such office exists.

Notification  
of vacancies

(2) Where a principal officer makes a recommendation under sub-regulation (1), he shall furnish the council with the record of service in Zambia of the officer recommended for appointment.

(3) Where the principal officer is unable to make recommendation under sub-regulation (1), he shall report to the council the names of the officers serving in the grade from which promotion or transfer would normally be made, together with his reason for not recommending any of those officers for promotion or transfer.

10. (1) Subject to the other provisions of this regulation, applications for appointments to vacant offices shall be invited by public advertisement in such manner as the council may determine.

Advertise-  
ments

(2) A vacant office shall not be advertised where the council is satisfied that the office should be filled by the promotion, transfer or re-engagement of an officer serving in the local authority in which the vacancy exists or the continued employment of an officer on temporary basis.

(3) Where a council is unable under sub-regulation (2) to fill a vacancy and it is satisfied that a qualified and suitable candidate can be found within Zambia, it shall advertise in Zambia.

(4) Where—

(a) a council is unable to fill a vacancy following an advertisement made under sub-regulation (3); or

(b) a council, even before advertising, is of the opinion that a qualified and suitable candidate is not, or is unlikely to be, available in Zambia;

it shall, after the approval of the Minister, advertise in and outside Zambia, that is to say, where there has been a previous advertisement in Zambia further advertisement in Zambia shall be made.

11. (1) The council shall determine the procedure to be followed in dealing with applications for appointment to the Local Government Service and shall also determine the forms to be used in this connection.

Procedure  
and forms

(2) The council, in exercising its powers under the Act and these Regulations, may—

(a) consult with any other person or organisation;

(b) seek the advice of any person considered by the council to be an expert on any subject on which it wishes to be advised.

Criteria for  
appoint-  
ments

12. In exercising its powers in connection with the confirmation of appointments and promotions of officers in the Local Government Service, the council shall primarily have regard to the necessity of maintaining a high standard of efficiency and professional conduct in the service and, in so far as is compatible with that objective, shall give due consideration to qualified officers currently in the service of a local authority and to citizens of Zambia.

(2) Notwithstanding sub-regulation (1), the Minister may, after consultation with the council, in the interests of the Local Government Service waive the requirements of that sub-regulation.

Recruitment  
from outside  
Zambia

13. Where an advertisement is to be made outside Zambia under sub-regulation (4) of regulation (10), the council shall cause to be prepared an advertisement on the appropriate form, which shall be transmitted to such Diplomatic or Consular Missions of Zambia in such foreign countries as the council may determine, for publication in any newspapers of those or neighbouring countries, prior to the actual selection of candidates for appointment.

Integrity of  
candidates

14. (1) No person who has been convicted of an offence involving moral turpitude or any other offence which may affect his integrity or who has been dismissed from the civil service or the local government service shall be appointed to an office in the Local Government Service except with the prior approval, in writing, of the Minister.

(2) Any person who has a family relationship (in the full blood or half blood but excluding the extended family) with either a member of the council or any of its staff shall disclose such relationship at the time of making an application to the council and if he fails to do so he shall be disqualified from holding any office in the Local Government Service.

Probation

15. (1) Where any person is appointed to any office in the Local Government Service otherwise than by promotion or transfer on permanent terms, he shall, before being confirmed in such office, serve on probation for a period of six months or for such longer period as the Minister may determine for a particular class of office.

(2) Where any person who is required to serve on probation under sub-regulation (1) has previously been employed in the civil service or a local authority or in such other service as the council

may determine, the period of such previous service may, in the discretion of the appointing authority, be regarded as service on probation for the purposes of sub-regulation (1).

(3) Notwithstanding anything contained in sub-regulation (1) or (2), a local government officer shall remain on probation until he is informed in writing by the appointing authority that—

- (a) he is confirmed in his office; or
- (b) his appointment is terminated.

16. (1) Where any local government officer is appointed to any local government office on promotion, the effective date of his promotion shall, subject to the provisions of sub-regulation (2), be determined by the appointing authority.

Date of  
promotion

(2) The appointing authority shall not fix as the date of promotion a date which is earlier than the last of the following dates:

- (a) the date on which the vacancy occurred;
- (b) the date upon which the officer became qualified for promotion; or
- (c) the date upon which the officer assumed the functions of the office:

Provided that the appointing authority may, having regard to the special circumstances of any particular case, fix as the date of promotion a date earlier than the date referred to in paragraph (c).

17 (1) For contract officers, the principal officer shall, not less than six months before the expiry of the contract, inform the council as to whether the person concerned wishes to have his contract renewed.

Renewal of  
contracts

(2) A contract officer shall, whether or not he wishes to have his contract renewed inform, in writing, the principal officer accordingly and in good time so as to allow the principal officer enough time to comply with sub-regulation (1).

(3) A contract officer who does not, for the purpose of sub-regulation (2), indicate one way or the other not later than six months before the expiry of the contract shall be deemed to have expressed an intention not to have his contract renewed.

(4) Where a contract officer indicates an intention to have his contract renewed, the intention shall be treated as an application for re-appointment and, for that purpose, be governed by these Regulations.

Retirement  
of officers  
Cap. 476

18. (1) Where the council proposes to retire any local government officer (which requirement shall be on any of the grounds provided for in the Local Authorities Superannuation Fund Act) it shall inform the officer that—

- (a) it intends to retire him from the service; and
- (b) the officer is entitled to make a representation to the Commission through his principal officer, within such period as may be specified by the Commission, against his proposed retirement.

(2) Where any such representation is made under sub-regulation (1), the principal officer shall forward the same to the Secretary together with his own comments thereon.

Duties and  
responsibili-  
ties of  
officers

19. Every officer shall faithfully serve the local authority under which he holds office or to which he is attached or transferred and shall carry out and obey all lawful orders of that authority and perform the functions of his office impartially, efficiently and expeditiously.

(2) An officer shall at all times conduct himself in a manner respectful to superior officers.

(3) An officer shall report to the principal officer any misconduct or negligence of a subordinate which comes to his notice.

(4) An officer may accept and retain any fees duly authorised and lawfully payable to him by a local authority in respect of any services performed by him in connection with elections or other services for which fees are lawfully payable if he has been duly appointed or authorised by the council to render those services in addition to his normal duties.

(5) A candidate, before his being appointed, or an officer, before his being posted to the service of a local authority, shall disclose to the council the particulars of any investment or shareholding which he owns or any other direct or indirect interest which he has in any business or industrial concern.

(6) If, on the basis of any facts disclosed to it the council is of the view that the private interests of an officer or candidate might conflict with his duties or in any way unduly influence him in the discharge of his duties, the council may require the candidate or officer to divest himself of all or any part of those investments, shareholdings or interest.

(7) An officer shall not, without the permission of the council, have access to council documents relating to himself personally.

(8) Even where council documents do not relate to an officer personally and the officer has access to them in the course of his duties, he shall not, except in the legitimate course of duty, take copies of any such documents nor disclose their contents to any person without the authority of the council.

20. (1) A council shall keep and maintain in respect of officers such registers and records, furnish the Minister with such returns or reports relating to such officers, as may be determined by the Minister, and shall communicate to the Minister such other information as he may from time to time require.

Documents,  
reports, etc

(2) A council shall permit any member of the council or officer authorised by the council in that behalf to enter its office and to inspect and take copies of any books, accounts, records or other documents kept therein.

21. The appointing authority may, owing to the exigencies of service, transfer officers:

Transfer

Provided that—

- (i) the transfer of a local government officer involving increase of salary or promotion to a higher grade or class shall be directed only by the council and after consultation with the Minister, and
- (ii) the Minister may, in special circumstances, transfer or direct the transfer of any officer.

### PART III

#### DISCIPLINE

22. Where disciplinary proceedings are to be taken or may be taken against an officer, the appropriate procedures shall be commenced as soon as possible.

Disciplinary  
proceedings  
to be prompt

23. (1) Whenever an officer other than a principal officer has been guilty of any such misconduct as may warrant disciplinary proceedings, the principal officer shall inform the council forthwith.

Instituting  
disciplinary  
proceedings

(2) Where the council is informed under sub-regulation (1) or otherwise that an officer may be guilty of misconduct, it shall, after considering the circumstances of the case, decide whether or not disciplinary proceedings shall be instituted against the officer and direct accordingly.

Provided that where such misconduct amounts to a criminal offence, the council shall ascertain from the Director of Public Prosecutions whether any criminal proceedings in respect of such offence will be or have been instituted, and if either be the case, the council shall not direct the institution of any disciplinary proceedings until the result of the criminal proceedings becomes known, the Director of Public Prosecutions decides not to institute a prosecution, or decides to permanently discontinue the prosecution.

(3) Whenever criminal proceedings are instituted against an officer other than a principal officer, the principal officer shall forthwith submit a report to the council, setting out the facts of the case.

Suspension  
of officers

24. (1) A principal officer may suspend a chief officer and a chief officer may suspend an officer directly falling under him from the exercise of the powers and functions of his office if he is satisfied that the public interest so requires and—

(a) if criminal proceedings are about to be or have been instituted against such officer; or

(b) if disciplinary proceedings entailing possible dismissal have been instituted or are about to be instituted against such officer.

(2) Whenever a principal officer or a chief officer suspends an officer under these Regulations, he shall, at the same time as he informs him of his interdiction, notify such officer in writing of the reasons therefor and shall deliver a copy of such notification to the Secretary.

(3) Any officer who is suspended under sub-regulation (1) shall, during the period of his suspension, receive such proportion of his salary, not being less than half, as the council may direct.

(4) Where criminal proceedings or disciplinary proceedings have been instituted against an officer suspended under sub-regulation (1) and such officer—

(a) is not convicted as a result of such criminal proceedings;

(b) is not subject to any punishment under these Regulations as a result of such disciplinary proceedings;

the whole amount of his salary withheld under sub-regulation (3) shall, upon the expiry of the period of his suspension, be paid to him.

(5) Where criminal proceedings or disciplinary proceedings have been instituted against an officer under interdiction and such officer—

(a) is or is not convicted as a result of such criminal proceedings; and

(b) is subjected to any punishment under these Regulations other than dismissal as a result of such disciplinary proceedings;

he shall, upon the expiry of the period of his suspension, be paid such proportion of his salary withheld under sub-regulation (3) as the Commission may direct.

(6) Subject to the provisions of sub-regulation (3), the suspension of an officer shall have effect during such period and in accordance with such conditions as the council shall specify in writing to such officer:

Provided that, where the council thinks fit, it may at any time during such period abridge or extend the period by notice in writing to the officer concerned.

(7) Any officer who is suspended under this regulation shall not, during the period of his suspension, leave Zambia without the permission of the council.

(8) For the purpose of this regulation "salary" includes any personal allowance, inducement allowance and direct payments made under assistance schemes.

25. Where any criminal proceedings are instituted against an officer, no disciplinary proceedings shall be instituted against him upon any ground which is the subject of such criminal proceedings and, where disciplinary proceedings have already been commenced, the proceedings shall, on the institution of criminal proceedings, be suspended until the conclusion of such criminal proceedings and the determination of any appeal arising therefrom.

Where  
criminal  
proceedings  
are instituted

26. (1) Where an officer other than a principal officer is convicted of an offence such as would warrant his dismissal, the principal officer shall, by notice in writing to the officer, suspend him from the exercise of the powers and functions of his office and shall cause a copy of such notice to be delivered to the Secretary.

Suspension  
after  
conviction

(2) Where disciplinary proceedings are instituted against an officer suspended under sub-regulation (1), the principal officer shall direct that the salary of such officer be withheld as from the date of his suspension, pending the determination of such disciplinary proceedings.

(3) Where disciplinary proceedings instituted against any officer suspended under sub-regulation (1) do not result in his dismissal, he shall be paid such proportion of his salary withheld under sub-regulation (2) as the council may direct.

(4) Subject to the provisions of this regulation, the suspension of an officer shall have effect for such period, and in accordance with such conditions, as the council may specify by notice in writing to such officer but, where it is expedient, the council may, at any time during such period, reduce or extend such period by like notice.

27 (1) Where an officer is convicted of an offence such as would warrant disciplinary proceedings against him, such disciplinary proceedings shall, subject to regulation 26, be instituted and determined in accordance with this regulation.

Disciplinary  
proceedings  
after  
conviction

(3) Upon the conviction of an officer, the principal officer shall obtain—

- (a) a true copy of the charge;
- (b) a true copy of the judgment of the court by whom such officer was convicted;
- (c) in the case of any appeal, a true copy of the judgment of any court by whom such appeal was determined; and
- (d) a true record of the proceedings in any such court, if available.

(4) The principal officer shall institute proceedings against an officer to whom this regulation applies by delivering to such officer a written statement setting out particulars of the charge or charges and the grounds upon which such disciplinary proceedings are instituted, together with a notice requiring such officer to submit to him; within such period as the principal officer shall specify, an exculpatory statement in writing.

(5) The principal officer shall submit to the council the documents referred to in sub-regulations (3) and (4), together with his written comments.

(6) When the council is considering what action to take, it shall consider not only the documents referred to in sub-regulations (3), (4) and (5) but may also anything that constitutes part of the proceedings under regulations 30, 31 and 33.

Procedure  
after  
acquittal

28. An officer acquitted of a criminal charge in any court shall not be dismissed or otherwise punished for any charge upon which he has been so acquitted, but he may be dismissed or otherwise punished on any other administrative charge arising out of his conduct in the matter.

Institution of  
disciplinary  
proceedings

29. (1) Disciplinary proceedings under these regulations may be instituted by—

(a) the Establishment Committee of the Council, in case of the principal officer and for this purpose all the provisions of this Part which refer to the principal officer shall, to the extent possible, be read and construed as referring to the Committee aforesaid; or

(b) a chief officer, in relation to an officer serving within his jurisdiction, unless the misconduct is such that it calls for a punishment greater than that which a chief officer is competent to impose under regulation 3 (3);

Provided that the principal officer may institute disciplinary action even in cases where a chief officer is competent to do so.

(2) Except as provided in regulation 27—

(a) any disciplinary proceedings shall be formal disciplinary proceedings to be conducted in accordance with the provisions of regulation 30—

(i) if the officer affected by the proceedings (hereinafter referred to as “the officer concerned”) is a chief officer; or /

(ii) if, as a result of such proceedings, the officer concerned is likely to be subject to the punishment of dismissal, discharge, reduction of rank or reduction in salary; and

(b) all other disciplinary proceedings are to be conducted in accordance with regulation 31.

30 (1) Where any formal disciplinary proceedings are to be instituted against an officer, the principal officer shall commence the proceedings after such investigations and such consultation with the Director of Public Prosecutions as he considers necessary, by delivering or causing to be delivered to the officer concerned a written statement setting out the particulars of the charge or charges and the grounds upon which such disciplinary proceedings are instituted, together with a notice requiring the officer concerned, to submit to the principal officer within such period, not being less than five days, as the principal officer shall specify, a statement giving therein the grounds on which the officer concerned relies to exculpate himself.

(2) Upon the expiry of the period specified in the notice given under sub-regulation (1), the principal officer shall consider the exculpatory statement, if any, of the officer concerned and may—

- (a) either exonerate the officer concerned and inform him accordingly in writing;
- (b) submit the case to the council, together with a statement of the charge or charges, the exculpatory statement, and the written comments of the principal officer;
- (c) submit the case to the council, together with a statement of the charge or charges, the exculpatory statement, and the written comments of the principal officer.

(3) The council shall consider any case submitted to it under paragraph (c) of sub-regulation (2) and the documents referred to therein and may—

- (a) either exonerate the officer concerned and direct the principal officer to inform the officer concerned accordingly in writing; or
- (b) subject to the provisions of regulation 32, impose such punishment on the officer concerned as may be appropriate having regard to all the circumstances of the case.

(4) Where it appears to the council, upon consideration of the report of the principal officer and the exculpatory statement, if any, of the officer concerned and all other documents submitted to it under sub-regulation (4) that further investigation is necessary, the council shall, subject to the provisions of sub-regulation (5), appoint a committee to carry out such further investigations as the council may direct.

(5) A committee appointed under sub-regulation (4) (hereinafter referred to as "the committee") shall consist of not less than three members—

- (a) one of whom shall be an Advocate of the High Court for Zambia; and

(b) the other two shall be appointed having due regard to the rank and responsibility of the officer concerned.

(6) The committee shall as soon as practicable but in any case before it takes any further step in the matter, give notice, in writing, to the officer concerned stating that at a date, place and time specified in such notice, it intends to conduct a hearing into such matters as shall be specified in such notice and that the officer concerned is permitted to appear before the committee during such investigation.

(7) Whenever any person other than the officer concerned is questioned by the committee in the course of an investigation under this regulation, the officer concerned shall be given the opportunity of being present and of putting questions on his behalf to witnesses and any document used by the committee in the course of the hearing shall be made available for scrutiny by the officer concerned at his request.

(8) If the officer concerned so requests, the committee shall permit the officer concerned, to be represented by a legal practitioner or any other person nominated by the officer concerned or, with the consent of the officer concerned, by the committee, and the provisions of sub-regulation (7) shall apply in relation to such legal practitioner or other person as they apply to the officer concerned.

(9) Where it appears to the committee, as a result of its hearing under this regulation, that there are other grounds for instituting disciplinary proceedings, other than those in respect of which the committee is appointed, the committee shall so inform the council in writing.

(10) On completion of its hearing under this regulation, the committee shall prepare and submit to the council a written report setting out the matters considered by the committee and such report shall include—

(a) a statement whether, in the opinion of the majority of the members of the committee, the officer concerned is guilty of the charge alleged against him and considered by the committee, and a brief statement of the reasons for that opinion;

(b) particulars of any matters which, in the opinion of the majority of the members of the committee, tend to aggravate or mitigate the infraction; and

(c) a clear summary of the findings of the committee or, in the case of dissent among the members thereof, of a majority of the members thereof, on the matters investigated by

the committee, but the committee shall not make any recommendation as to, or otherwise comment on, the form of punishment that may be imposed on the officer concerned.

(11) The council may, after considering the report submitted to it under sub-regulation (10), refer the report back to the committee for clarification of such matters arising therefrom or for such further investigation and report as the council may direct and the committee shall comply with any such direction.

(12) The council shall consider all matters submitted to it for consideration and determination under this regulation, including any report submitted under sub-regulation (10) or (11) and, subject to regulation 32, determine whether any punishment is to be imposed on the officer concerned and give directions accordingly.

(13) Any punishment imposed under this regulation shall be communicated to the officer concerned by the principal officer by means of a notice in writing and, except in the case of a punishment imposed by the council, such notice shall also state that the concerned officer has a right of appeal under regulation 34.

31. (1) Where any summary disciplinary proceedings are to be instituted against an officer, the principal officer shall do so after such investigations as he considers necessary, by delivering or causing to be delivered to the officer concerned a written statement setting out the particulars upon which such disciplinary proceedings are instituted, together with a notice requiring the officer concerned to submit to the principal officer, within such period as the principal officer shall specify, an exculpatory statement in writing of the grounds on which the officer concerned relies to exculpate himself.

Summary  
disciplinary  
proceedings

(2) Upon the expiry of the period specified in the notice delivered under sub-regulation (1), the principal officer shall consider the exculpatory statement, if any, of the officer concerned and shall—

(a) exonerate the officer concerned and inform him accordingly in writing; or

(b) subject to the provisions of regulation 32, impose such punishment on the officer concerned as may be appropriate having regard to all the circumstances of the case.

(5) The principal officer shall also inform the officer concerned of his right to appeal under regulation 34.

(6) The provisions of this regulation shall apply to any disciplinary proceedings instituted by a chief officer and, in its application to such proceedings, this regulation shall be read as if the words "chief officer" were substituted for the words "principal officer", wherever they occur.

**Punishments**

32. (1) The council may impose any one or more of the following punishments:

- (a) dismissal;
- (b) discharge, by due notice or by payment of salary in lieu thereof;
- (c) reduction in salary;
- (d) reduction in rank;
- (e) reduction in seniority;
- (f) deferment of increment;
- (g) stoppage of increment;
- (h) withholding of increment;
- (i) severe reprimand; or
- (j) reprimand.

(2) A principal officer may impose any one or more of the following punishments:

- (a) deferment of increment;
- (b) stoppage of increment;
- (c) withholding of increment;
- (d) temporary reduction in salary, which may be a lower salary scale, but which in no case shall be a point lower than the point at which the officer concerned was appointed and which shall be a specific point in a recognised salary scale;
- (e) severe reprimand;
- (f) reprimand; or
- (g) suspension without salary for not more than three months.

(3) A chief officer may impose any one or more of the following punishments on an officer other than a chief officer or a deputy chief officer:

- (a) deferment of increment;
- (b) stoppage of increment;
- (c) withholding of increment;
- (d) severe reprimand; or
- (e) reprimand.

33. (1) A chief officer shall submit a report to the principal officer of all disciplinary proceedings instituted and determined by him, including disciplinary proceedings where no punishment was imposed.

Reports and records of disciplinary proceedings

(2) The principal officer shall review all disciplinary proceedings reported to him under sub-regulation (1) and he may, if he considers that the punishment imposed is too severe or too lenient, or that no punishment should have been imposed or that punishment should have been imposed where no punishment was imposed, refer the matter to the chief officer for such further report as the principal officer may direct.

(3) The principal officer shall, regularly or as the council may direct, make a report to the Secretary of every case where disciplinary proceedings are determined by him or by the chief officer and shall submit therewith any report made to him under the foregoing provisions of this regulation, together with the copy of the relevant exculpatory statement, if any, and a copy of any notice required to be given under regulation 30 and 31 and the result of such disciplinary proceedings.

34. (1) An officer may appeal to the Commission against any punishment other than severe reprimand or reprimand imposed on him under these Regulations.

Appeals

(2) Every appeal under this regulation shall be addressed to the Secretary and set out clearly the grounds of appeal, and shall be delivered to the principal officer or chief officer who conducted the disciplinary proceedings, not later than twenty-one days of the receipt by the officer concerned of the notice informing him of the punishment imposed on him.

(3) Every appeal received by a chief officer shall be submitted by him to the principal officer who shall without undue delay transmit the same, as well as every appeal received by him directly from an officer concerned, to the Secretary for consideration and determination by the Commission.

(4) In considering any appeal under this regulation, the Commission may give such directions as it thinks necessary for the purpose of determining the appeal:

Provided that the council shall not consider any appeal unless such appeal is submitted to the principal officer concerned.

(5) Every determination of the Commission under this regulation shall have effect in accordance with the directions of the Commission and notice in writing thereof shall be given to the appellant by the principal officer.

Application  
of Part III to  
contract  
officers

35. For the avoidance of doubt, it is hereby declared that the provisions of this Part apply to contract officers and any term or condition (in such contract or any agreement) providing for the termination of the services of such officer shall be construed to be in addition to, and not in derogation of, the provisions of this Part.

## PART IV

### MEETINGS OF THE COMMISSION

Presiding at  
meetings

36. Every meeting of the Commission shall be presided over by the Chairman and in the absence of the Chairman, by one of the members elected by the members present at the meeting.

Record of  
meetings

37. A record shall be kept of the members present and the business transacted at every meeting of the Commission.

Decisions by  
Commission

38. Decisions by the Commission shall be taken at a meeting by a majority vote of the members present and voting.

Dissent

39. A Member shall be entitled to dissent from a decision of the Commission and to have his dissent and the reasons therefor set out in the records of the Commission.

Quorum

40. Two-thirds of the total number of members of the Commission shall constitute a quorum for a meeting of the Commission.

## PART V

### MISCELLANEOUS

Production  
of relevant  
documents,  
etc

41. Any officer who submits any matter for the consideration of the Commission shall ensure that not less than seven fair copies of all relevant documents and papers are made available to the Commission and the Commission may request the production of any other document or information relevant to the matter under consideration.

Correspon-  
dence

42. All correspondence to the Commission shall be addressed to the Secretary unless otherwise directed by the Commission.

Power to  
review staff  
complements  
and gradings

43. The Minister may request the council for such reviews or investigations into the Local Government Service staff appointments and gradings and manpower utilisation as it considers necessary for the better administration of personnel policies and the Minister may accept, respect or modify the recommendations contained in staff inspection reports and determine the extent to which such reports are to be made available for consideration by him.

44. (1) The Council shall conduct written examinations as provided for in approved schemes of service and for other purposes of the Local Government Service.

Examina-  
tions and  
training

(2) The procedure laid down in these Regulations for making appointments shall, to the extent possible, be followed in selecting an officer for a course of study or training which on completion will qualify the officer for promotion or appointment to a higher post.

45. Subject to the provisions of these Regulations, the Minister may from time to time issue general orders with regard to application and interpretation of these Regulations, or lay down the procedure to be followed in any particular matter or class of matters falling within the jurisdiction of the council but not provided for in these Regulations.

Standing  
Orders

46. Where under these Regulations—

Service by  
post in  
certain cases

(a) it is necessary—

(i) to deliver or serve any notice, charge or other document to or upon any officer; or

(ii) to communicate any information to any officer having absented himself from duty; and

(b) it is not possible to effect such service or to communicate such information to such officer personally;

it shall be sufficient if such notice, charge or other document or letter showing such information is served upon such officer by post to his last known postal or residential address.

47. Any case not covered by these Regulations shall be reported to the principal officer and the council shall determine the procedure to be adopted in relation thereto.

Cases not  
otherwise  
provided for

48. The Local Government Service (Revocation) Regulations, 1992, are hereby revoked.

Revocation  
of SI No.  
136 of 1992

#### FIRST SCHEDULE

##### (Regulation 3)

#### CLASSES OF PERSONS NOT SUBJECT TO THESE REGULATIONS

1. National Joint Council employees
2. Part-time junior employees

## SECOND SCHEDULE

*(Regulation 5)*

## QUALIFICATIONS FOR APPOINTMENT

<i>Column 1 Offices</i>	<i>Column 2 Qualifications</i>
1. Principal officer	He is admitted or is qualified to be admitted as an Advocate of the High Court for Zambia; or he is holder of a university degree in economics, political science, public administration or some other discipline acceptable to the Minister, with at least three years' experience in the general administration of a local authority or a comparable organisation; or he is a Fellow or an Associate Member of the Institute of Local Government Administrators of Zambia (ILGAZ).
2. Director of Administration	He is a Fellow or Associate Member of ILGAZ; or he is a holder of a university degree in economics, political science, public administration or some other discipline acceptable to the Minister, with at least three years' experience in the general administration of a local authority or a comparable organisation.
3. Director of Finance	He is a Member of the Chartered Institute of Public Finance and Accountancy; or he is a Fellow or Associate of the Zambia Institute of Certified Accountants (ZICA); or he is a Member of the Chartered Institute of Secretaries and Administrators, with at least three years' experience in a supervisory capacity in a treasury department of a local authority or other comparable organisation; or he is a holder of such other qualifications as the Council may, in any particular case, determine.
4. Director of Public Health	He is registered as a medical practitioner in accordance with the provisions of the Medical and Allied Professions Act; or he is a holder of a diploma in public health or such other qualification as the Council, may, after consultation with the Minister responsible for health, accept.
5. Director of Housing and Social Services	He is a holder of a university degree in one of the social sciences, with at least three years' experience in a supervisory capacity in a housing and social services department of a local authority or other comparable organisation.
6. Director of Legal Services	He is admitted or is qualified to be admitted as an advocate of the High Court for Zambia.
7. Director of Engineering	He holds a degree in civil engineering.
8. Director of Works	He holds a degree in civil engineering or a diploma in civil engineering.

9. Deputy Secretary	He is a Fellow or Associate Member of ILGAZ; or he is a holder of a university degree in economics, political science, public administration or some other discipline acceptable to the Minister.
10. Treasurer	He is a Fellow or Associate Member of ZICA; or he holds a Certificate of the Association of Accounting Technicians; or he holds an ATD certificate and has not less than three years' experience in a supervisory capacity of local authority.

LUSAKA  
17th February, 1993  
[LGH.102/14/3]

M. C. SATA,  
*Minister of Local Government  
and Housing*

