

REPUBLIC OF ZAMBIA

THE AFRICAN WAR MEMORIAL FUND ACT

CHAPTER 178 OF THE LAWS OF ZAMBIA

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CHAPTER 178

AFRICAN WAR MEMORIAL FUND

An Act to make new provision for the administration of the African War Memorial Fund; and to provide for matters incidental to and connected therewith.

37 of 1954
31 of 1956
18 of 1961
Statutory Instrument
53 of 1965

[14th December, 1954]

1. This Act may be cited as the African War Memorial Fund Act.

Short title

2. In this Act, unless the context otherwise requires-

Interpretation

"the Board" means the African War Memorial Fund Board of Trustees established under section *three*;

"the Fund" means the African War Memorial Fund.

3. (1) For the purposes of managing the Fund and for the other purposes of this Act, there shall be established a Board of Trustees which shall be a body corporate with the name of "The African War Memorial Fund Board of Trustees", with perpetual succession and power to acquire and hold and sell or otherwise dispose of land.

Establishment of
Board of Trustees

(2) The Fund shall consist of-

(a) the moneys and investments forming part of the Fund at the commencement of this Act;

(b) such other sums as may, from time to time, be credited to the Fund by the Government or any person for the purposes of this Act.

(As amended by No. 31 of 1956 and No. 18 of 1961)

4. (1) The Board shall consist of nine members appointed from time to time by the Minister. At least five of the members shall be ex-servicemen.

Constitution of Board

(2) Any member of the Board (hereinafter referred to as "a trustee") shall remain a trustee unless and until-

(a) he becomes bankrupt; or

(b) he leaves Zambia and remains out of it for a continuous period of more than twelve calendar months; or

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- (c) his period of office expires; or
- (d) he resigns from the Board having given two months' notice of his intention so to do to the Minister; or
- (e) he is dismissed by the Minister.

(3) The trustees shall hold office for such period as the Minister may direct.

(4) If any vacancy occurs by death, resignation, effluxion of time, or otherwise in the office of any trustee, the vacancy shall be filled by appointment by the Minister who may also appoint an alternate to any trustee who is, by reason of absence from Zambia, illness or other cause, unable for the time being to serve as a trustee.

(5) Any person ceasing to be a trustee shall be eligible for reappointment.

(6) The powers of the Board may be exercised notwithstanding any vacancy in its number.

(7) The Board may appoint one of its members to be the chairman of the Board, who, if present, shall preside at all its meetings. In the absence of the chairman, the trustees present at a meeting shall elect one of their number to preside for the time being in his place.

(8) A quorum of the Board shall consist of five trustees for the purposes of any meeting.

(As amended by No. 31 of 1956, No. 18 of 1961 and S.I. No. 53 of 1965)

5. The Board may, with the approval of the Minister, by statutory instrument, make rules for regulating the proceedings of the Board. Proceedings of Board

(As amended by S.I. No. 53 of 1965)

6. The Board may take such steps as it considers necessary to provide for the management of any building erected on land which is vested in the Board or of any building erected with funds allocated by the Board under the provisions of this Act. Management of buildings

(No. 18 of 1961)

7. The Board shall have the general control and management of the Fund and for that purpose shall hold the moneys and investments forming part of the Fund and may- Powers and duties of Board

- (a) permit the moneys referred to to remain in the present state of investment or at its absolute discretion sell, call in or convert into money the same or any part thereof; and
 - (i) subject to the provisions of section *eight*, expend the net proceeds or any part thereof thereby produced for all or any of the purposes referred to in section *eight*; or
 - (ii) invest the net moneys or any part thereof thereby produced in accordance with the provisions of section *ten*;
- (b) expend the twenty thousand kwacha previously allocated for the provision of an Old Soldiers' Home for elderly indigent African ex-servicemen on the provision of one or more such homes as may be considered desirable by the Board:

Provided that, with the consent of the Minister, such allocation may be increased if the Board considers the increase necessary;

- (c) hold the moneys allocated for the Old Soldiers' Home in investment until such a home is required, meanwhile devoting the income thereof-
 - (i) to meet any costs incidental to the management of buildings under section *six*;
 - (ii) to the provision of bursaries under the provisions of section *eight*.

(As amended by No. 31 of 1956, No. 18 of 1961 and S.I. No. 53 of 1965)

8. (1) The Board shall hold the balance of the Fund remaining, after any moneys set aside under paragraph (b) of section *seven* have been deducted, for the purposes- Bursaries and grants

- (a) of providing bursaries for African ex-servicemen and the sons, daughters or other dependants of African ex-servicemen, taking into consideration any recommendations made by the African Bursaries Committee or such other body as the Minister may from time to time appoint, and paying such other sums as, in the opinion of the Board, may be necessary for the educational advancement of any such African within or outside Zambia;
- (b) of providing from time to time such sums as the Board may think fit for grants to African ex-servicemen or their families as may to the Board appear justified;
- (c) of providing funds for any purpose whatsoever, whether similar to the foregoing or not, which, in the opinion of the Board, is for the benefit of African ex-servicemen or their families, whether severally or collectively.

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(2) If at any time, in the opinion of the Board, the reasonable requirements of all applicants for assistance under subsection (1) have been met, the Board may provide assistance of a nature similar to that mentioned in paragraph (a) of subsection (1) to Africans other than those mentioned therein.

(3) The Board may sell, call in or convert into money any investment made under the provisions of sub-paragraph (ii) of paragraph (a) of section *seven* and expend the net proceeds thereby produced for all or any of the purposes referred to in subsections (1) and (2):

Provided that the amount so expended, together with any amount expended under the provisions of sub-paragraph (i) of paragraph (a) of section *seven*, shall not exceed in total an amount of fifty thousand kwacha unless the Minister shall have given his consent to any expenditure in excess of such amount.

(As amended by No. 31 of 1956, No. 18 of 1961 and S.I. No. 53 of 1965)

9. The Board shall have absolute discretion in deciding whether, under the provisions of section *eight*, any person should or should not receive assistance from the Board. Discretion of Board

10. Any moneys liable to be invested under the terms of this Act may be invested in or upon any of the investments mentioned in the Schedule or may be placed on fixed deposit with the Standard Bank Limited or Barclays Bank D.C.O. or any other Bank operating within Zambia which may be approved by the Minister, and the Board may, from time to time at its absolute discretion, vary or transpose any such investments for or into such authorised investments. Investment of moneys

(As amended by S.I. No. 53 of 1965)

11. All moneys and investments, from time to time forming part of the Fund, shall be held and invested in the name of the Board. Investment of funds

12. The Board shall have the power to appoint a secretary or clerk to assist in its work and to record the minutes of its meetings, and to pay him reasonable remuneration and expenses from the Fund, and to dismiss him if and when necessary. It shall be lawful for the secretary or clerk to make such small disbursements of cash from the Fund as may from time to time be reasonably necessary for the conduct of the business and correspondence of the Board. Staff and expenses

13. In case the trustees shall not be unanimous upon any matter arising in or out of the business of the Board, the decision of the majority of the trustees present and voting, in the case of a matter to be decided at any meeting or in any other case, the decision of the majority of all the trustees shall bind the dissenting minority, and the acts of the majority in execution of the powers hereby given to and reposed in the Board shall be as valid as if they had acted in such matter unanimously. Opinion of majority of the trustees to be binding on the minority

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14. The Trust Deed numbered Miscellaneous 1044 in the Registry of Lands and Deeds, under the authority of which the Fund has hitherto been administered, is hereby annulled:

Annulment of Trust Deed and validation of acts

Provided that any act or thing validly and properly done under the provisions of the said deed shall be deemed to have been done under the provisions of this Act.

SCHEDULE

(Section 10)

INVESTMENT OF MONEYS

1. Any of the Parliamentary stocks or public funds or Government securities of the United Kingdom, the Republic of Zambia or any British Colony.
2. Any securities the interest of which is for the time being guaranteed by the Parliament of the United Kingdom.
3. Real or heritable securities within the Republic of Zambia.
4. Debentures, or debenture stock or shares of any railway or other company a fixed or minimum rate of interest or dividend on which is guaranteed by the Parliament of the United Kingdom or by the Government of the Republic of Zambia or any British Colony.
5. Stock of the Bank of England.
6. Stocks, funds or securities authorised under the Colonial Stock Act, 1900, of the United Kingdom, or any Act extending the same, but subject to any restriction thereby imposed.

(As amended by No. 18 of 1961 and S.I. No. 53 of 1965)