

**THE ZAMBIA LAW DEVELOPMENT COMMISSION
(AMENDMENT) BILL, 2019**

MEMORANDUM

The object of this Bill is to amend the Zambia Law Development Commission Act so as to—

- (a) revise the composition of the Commission;
- (b) provide for the qualifications of the members of the Commission;
- (c) provide for the appointment of experts and assessors; and
- (d) provide for matters connected with, or incidental to, the foregoing.

A. MWANSA,
Solicitor-General

N.A.B. 4, 2019
13th February, 2019

A BILL

ENTITLED

An Act to amend the Zambia Law Development Commission Act.

ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the Zambia Law Development Commission (Amendment) Act, 2019, and shall be read as one with the Zambia Law Development Commission Act.

Short title

Cap. 32

5 2. Section 2 of the principal Act is amended by the—

Amendment
of section 2

(a) deletion of the definitions of “Commissioner”, “Deputy Chairperson” and “Deputy Director”;

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

10 “associate” has the meaning assigned to the word in the Anti-Corruption Act, 2012.

Act No. 3 of
2012

“Emoluments Commission” means the Emoluments Commission established by the Constitution;

Cap. 1

15 “member” means a person appointed as a member of the Commission under section 5;

“private higher education institution” has the meaning assigned to the words in the Higher Education Act, 2013;

Act No. 4 of
2013

“public higher education institution” has the meaning assigned to the words in the Higher Education Act, 2013;

Act No. 4 of
2013

20 “private university” means a private higher education institution registered under the Higher Education Act, 2013, as a university;

Act No. 4 of
2013

25 “public university” means a public higher education institution established or declared under the Higher Education Act, 2013, as a university;

Act No. 4 of
2013

“relative” has the meaning assigned to the words in the Anti-Corruption Act, 2012;

Act No. 3 of
2012

N.A.B. 4, 2019

	“ Vice-Chairperson ” means the person elected as Vice-Chairperson under section 5; and	
Act No. 13 of 2011	“ Zambia Qualifications Authority ” means the Zambia Qualifications Authority established under the Zambia Qualifications Authority Act, 2011.	5
Amendment of section 4	<p>3. Section 4(2) of the principal Act is amended by the deletion of paragraphs (a) and (b) and the substitution therefor of the following:</p> <p>(a) recommend the revision and reform of the law in Zambia; and</p> <p>(b) recommend the codification of unwritten laws in Zambia.</p>	10
Repeal and replacement of section 5	4. The principal Act is amended by the repeal of section 5 and the substitution therefor of the following:	
Composition of Commission	<p>5. (1) The Commission consists of the following part-time members appointed by the Minister:</p> <p>(a) a judge nominated by the Chief Justice, as Chairperson;</p> <p>(b) a representative each of the—</p> <p>(i) Attorney-General with expertise in legislative drafting;</p> <p>(ii) Permanent Secretary responsible for legal matters in the Ministry responsible for justice;</p> <p>(iii) Ministry responsible for finance;</p> <p>(iv) Ministry responsible for national guidance;</p> <p>(v) Law Association of Zambia;</p> <p>(vi) School of Law at a public university; and</p> <p>(vii) School of Law at a private university;</p> <p>(c) three representatives of research institutions; and</p> <p>(d) two other persons with experience and knowledge in matters relevant to this Act.</p> <p>(2) A person qualifies for appointment as a member if that person —</p> <p>(a) has a grade twelve school certificate or its equivalent;</p> <p>(b) holds a degree, or an equivalent qualification, which is accredited or recognised and validated by the Zambia Qualifications Authority; and</p>	15 20 25 30 35

- (c) has relevant knowledge and experience in—
- (i) law;
 - (ii) social work;
 - (iii) finance;
 - 5 (iv) administration; or
 - (v) economics.
- (3) The members shall elect the Vice— Chairperson from among themselves.
- 10 (4) The ministries, institutions or organisations referred to in subsection (1)(b) and (c) shall nominate their representatives for appointment by the Minister.
- 5.** Section 6 of the principal Act is amended by the insertion of the following new subsections immediately after subsection (3): Amendment of section 6
- 15 (4) A member shall, on expiry of the period for which a member is appointed, continue to hold office until a successor is appointed, but in no case shall the further period exceed three months.
- 20 (5) The Minister may, where the office of a member becomes vacant before the expiry of the term of office, appoint another person to be a member in place of the member who vacates the office for the unexpired term of that office.
- 6.** The principal Act is amended by the repeal of sections 11, 12 and 13, and the substitution therefor of the following: Repeal and replacement of sections 11, 12 and 13
- 25 **11.** (1) A person who is present at a meeting of the Commission or a committee of the Commission at which any matter is the subject of consideration, and in which that person or that person=s relative or associate, is directly or indirectly interested in a private capacity shall, as soon as practicable after the commencement of the meeting, disclose that interest and shall not, unless the Commission or the committee otherwise directs, take part in any consideration or discussion of, or vote on, any question relating to that matter. Disclosure of interest
- 30 (2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which the disclosure is made.
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	(3) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both.	
Director, Research officers and other staff	12. (1) The Commission shall appoint a Director who shall be the chief executive officer of the Commission, on the terms and conditions determined by the Commission with the approval of the Emoluments Commission.	5
	(2) The Director is—	
	(a) responsible for the day-to-day administration of the Commission; and	10
	(b) the secretary to the Commission.	
	(3) The Commission shall appoint, on the terms and conditions determined by the Commission with the approval of the Emoluments Commission, research officers and other staff of the Commission that the Commission considers necessary for the performance of its functions of the Commission.	15
Assessors and experts	13. The Commission may, on the terms and conditions determined by the Commission with the approval of the Emoluments Commission, appoint suitably qualified persons as experts or assessors to assist the Commission in the performance of its functions under this Act.	20
General amendment	7. The principal Act is amended by the deletion of the words “Commissioner” and “Commissioners” wherever the words appear and the substitution therefor of the words “member” and “members”, respectively.	25