

The Laws of Zambia

REPUBLIC OF ZAMBIA

**THE LAW ASSOCIATION OF ZAMBIA ACT**

**CHAPTER 31 OF THE LAWS OF ZAMBIA**

**CHAPTER 31 THE LAW ASSOCIATION OF ZAMBIA ACT**

**THE LAW ASSOCIATION OF ZAMBIA ACT**

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**CHAPTER 31**

**An Act to establish the Law Association of Zambia and to dissolve the Law Society of Zambia**

(23rd March, 1973)

PART I

PRELIMINARY

1. This Act may be cited as the Law Association of Zambia Act. Short title
  
2. In this Act, unless the context otherwise requires- Interpretation

"the Association" means the Law Association of Zambia established by section *three*;

"the Law Society" means the Law Society of Zambia established by the Law Society of Zambia (Private) Act. Cap 47 of the repealed Edition of the Laws of Zambia;

"lawyer" includes student of law;

"ordinarily resident" includes temporarily resident for the purpose of the performance of a contract.

PART II

LAW ASSOCIATION OF ZAMBIA

3. There is hereby established the Law Association of Zambia which shall by that name be a body corporate with perpetual succession and a common seal and which shall be capable of suing and being sued and, subject to the provisions of this Act, of doing or performing such acts or things as a body corporate may by law do or perform. Establishment of Association

4. The objects for which the Association is established are- Objects
- (a) to further the development of law as an instrument of social order and social justice and as an essential element in the growth of society;
  - (b) to provide a means by which all lawyers, whatever their particular field of activity, can participate together fully and effectively in the development of society and its institutions;
  - (c) to encourage lawyers as individuals to join actively in the life of, and identify themselves with, the people, and to utilise their skills and training in their service;
  - (d) to promote the education of lawyers at all stages and levels, with particular emphasis on the broadening of such education;
  - (e) to consider the qualifications of lawyers and to make recommendations to the Government thereon;
  - (f) to maintain and improve the standards of conduct of all members of the legal profession;
  - (g) to consider the legislation relating to legal aid and other ways of securing representation for persons who for any reason are unable to secure it, and to make recommendations to the Government thereon; and to establish machinery for the provision of legal aid in addition to that provided by the Government;
  - (h) to co-operate with the representative bodies of other professions and other institutions;
  - (i) to promote research in the development of the law in general and particularly in relation to-
    - (i) the applicability and suitability of received law;
    - (ii) the character and content of customary law;
    - (iii) the influence of industrial, commercial and technological development on society and social institutions;
  - (j) to promote the reform of the law, both by the amendment of and the removal of imperfections in existing law, and by the re-formulation, codification or restatement of particular branches of the law;
  - (k) to participate when called upon in draft legislation, and to strengthen the machinery for the critical examination of its legal quality;
  - (l) to seek the advancement of the rule of law and of the rights and liberties of the individual;
  - (m) to promote the improvement and reform of the judicial and administrative systems, including tribunals and their procedure;
  - (n) to represent, protect and assist members of the legal profession in regard to their conditions of practice, remuneration and otherwise;
  - (o) to protect and assist the public in all matters touching, ancillary or incidental to the legal profession;
  - (p) to do all such other things as may be conducive to the attainment of the foregoing objects or any of them.

PART III

MEMBERSHIP

5. (1) Every person who immediately before the commencement of this Act is a member of the Law Society shall, on that date, become a member of the Association without payment of any entrance fee. Qualifications for membership

(2) Any of the persons referred to in subsections (3) and (4) who applies for membership in the prescribed manner and pays the prescribed fees shall be admitted as an ordinary member or an associate member, as the case may be, of the Association:

Provided that-

- (i) a person who has been expelled from the Law Society or the Association shall not be admitted or re-admitted as a member without the approval, at a meeting of the Council, of not less than two-thirds of the total membership thereof;
- (ii) no person who, whether in Zambia or elsewhere, has been suspended from practice or whose name has been struck off a roll of practitioners (by whatever name called) shall be qualified to become a member unless the period of his suspension has expired or his name has been restored to such roll.

(3) Ordinary membership shall be open to any person who is ordinarily resident in Zambia and who-

- (a) is admitted to the roll of practitioners in Zambia or is qualified to practise elsewhere as a lawyer; or
- (b) has been awarded the degree of Bachelor of Law by the University of Zambia or has obtained a degree or other qualification acceptable to the Association for purposes of membership.

(4) Associate membership shall be open to any person who-

- (a) is in regular attendance at the School of Law at the University of Zambia, or is a full-time student at a university elsewhere engaged in a programme leading directly to a degree acceptable to the Association for purposes of membership; or
- (b) is an articled clerk serving under articles of clerkship in accordance with the Legal Practitioners Act; or

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- (c) is engaged in a programme of study acceptable to the Association for purposes of associate membership; or
- (d) is a managing clerk employed by a legal practitioner in Zambia.

**6.** Members of the Association shall pay into the funds of the Association such periodical subscriptions as may from time to time be prescribed. Subscriptions

**7.** A member of the Association may be expelled or suspended therefrom upon such grounds and in such manner as may from time to time be prescribed: Expulsion and suspension of members

Provided that no member shall be expelled or suspended unless he has been afforded a reasonable opportunity of answering any allegations made against him.

**8. (1)** Any member of the Association may resign therefrom in such manner as may be prescribed. Resignation and cessation of membership

(2) Any member of the Association who ceases to be qualified for membership under section *five* shall thereupon cease to be a member.

**9.** Members of the Association shall have such rights, privileges and obligations as may be prescribed. Rights, etc., of members

PART IV

MANAGEMENT

**10. (1)** For the proper management of the affairs of the Association there shall be an executive committee (herein referred to as "the Council") consisting of a chairman, a vice-chairman, a secretary and a treasurer (herein referred to as "officers") and not more than twelve other persons. Constitution of the Council

(2) The members of the Council shall be members of the Association and shall be elected by the Association in general meeting;

Provided that a casual vacancy on the Council may be filled by the election by the remaining members of the Council of a substitute, who shall hold office until the expiration of office of the Council.

(3) (a) Associate members shall not be eligible for election as officers of the Association.

(b) The number of associate members on the Council shall not exceed one-quarter of the total membership thereof.

**11.** (1) Except as otherwise expressly provided by this Act, the Council may exercise all the powers of the Association. Powers of the Council

(2) No rules made under this Act or resolution passed by the Association in general meeting shall invalidate any prior act of the Council which would have been valid if such rules or resolution had not been made or passed, as the case may be.

**12.** The Council may engage employees and remunerate them in such manner as it may decide. Employees

**13.** (1) The Council may from time to time appoint committees consisting of members of the Association and may, except as otherwise expressly provided by this Act, delegate to any such committee all or any of the powers of the Council. Committees

(2) The Council may invite any person to serve on any such committee in an advisory capacity.

(3) There shall be elected at the first general meeting of the Association a Practitioners' Committee consisting of not less than five nor more than seven members of the Association who are holders of current practising certificates issued under the provisions of Part V of the Legal Practitioners Act and are in practice in Zambia. Cap. 30

(4) The members of the Practitioners' Committee shall hold office until the next ensuing annual general meeting of the Association, and shall have power to nominate, from amongst their number, a convenor, a secretary and such other officers as they may determine.

(5) Only those members of the Association present at an annual general meeting of the Association who are the holders of current practising certificates issued pursuant to the provisions of Part V of the Legal Practitioners Act and are in practice in Zambia shall be entitled to vote on the election of members of the Practitioners' Committee. Cap. 30

(6) The Practitioners' Committee shall have power to co-opt any person qualified to be a member of the Practitioners' Committee to fill a casual vacancy and any person so co-opted shall hold office until the next ensuing annual general meeting of the Association.

(7) The functions of the Practitioners' Committee shall be-

- (a) to exercise on behalf of and in the name of the Association the powers of the Association relating to the issue of practising certificates pursuant to the provisions of Part V of the Legal Practitioners Act; Cap. 30
- (b) to exercise on behalf of and in the name of the Association the powers of the Association relating to the Compensation Fund in accordance with the provisions of Part VI of the Legal Practitioners Act; Cap. 30
- (c) to exercise on behalf of and in the name of the Association the powers conferred upon the Association by section *sixty-nine* of the Legal Practitioners Act; Cap. 30
- (d) to exercise the functions vested in the Remuneration Committee established pursuant to section *seventy* of the Legal Practitioners Act; Cap. 30
- (e) to exercise the functions vested in the Association pursuant to the Legal Practitioners (Disciplinary Proceedings) Rules and the Legal Practitioners (Disciplinary Proceedings) (Practitioners' Clerks) Rules; Cap. 30
- (f) to exercise on behalf of and in the name of the Association the functions of the Association pursuant to Part VIII of the Legal Practitioners Act; Cap. 30
- (g) to exercise any functions vested in the Association by regulations made pursuant to section *ninety* of the Legal Practitioners Act; Cap. 30
- (h) to exercise such other functions as may from time to time be delegated to the Practitioners' Committee by the Council or by the Association in general meeting.

**14.** Whenever it becomes necessary or desirable for the Association to appoint a representative to serve on any board, committee or other body, such representative may be appointed by the Council or by the Association in general meeting. Representatives on other bodies

**15.** The proceedings of the Council and of every committee appointed pursuant to section *thirteen* shall be regulated in such manner as may be prescribed. Procedure

(As amended by No. 36 of 1973)

## PART V

### LAW SOCIETY

**16.** The Law Society of Zambia (Private) Act, Chapter 47 of the Revised Edition, is repealed. Repeal

**17.** (1) After the commencement of this Act and until the Council, committees and officers of the Association are elected or appointed thereunder, the Council, committees and officers of the Law Society operating or holding office immediately before the commencement shall operate and hold office as the Council, committees and officers of the Association as if they had been elected or appointed under this Act. Transitional

(2) The rules of the Law Society in force immediately before the commencement of this Act shall thereafter remain in force as the rules of the Association *mutatis mutandis* as if they had been made under section *twenty-four* until such time as any rules are so made.

(3) Any representative appointed by the Law Society to serve on any board, committee or other body shall be deemed to be a representative appointed by the Association.

(As amended by No. 36 of 1973)

**18.** (1) Upon the commencement of this Act all property, assets, rights, liabilities and obligations of the Law Society shall vest in the Association by virtue of this Act and without further assurance. Transfer of assets and liabilities

(2) All agreements, instruments, appointments, notices, applications, acts or deeds giving rise or otherwise relating to any rights, liabilities, duties or obligations of the Law Society which were subsisting immediately prior to the commencement of this Act shall on or after the commencement have effect and be enforceable as if instead of the Law Society the Association had been named therein or had been a party thereto.

(3) Any proceedings or cause of action pending or existing immediately prior to the commencement of this Act may be continued or enforced by or against the Association as it might have been continued or enforced by or against the Law Society as if this Act had not been enacted.

(4) In respect of any property, transfer, mortgage, lease, agreement, certificate or other instrument which is the subject of registration by virtue of any written law the proper officer of the appropriate registration authority shall upon the request of the Association without charge make such entry, memorial or endorsement or issue such new certificate or take such other action as may be necessary to give effect to the provisions of this section.

## PART VI

### FINANCIAL AND GENERAL PROVISIONS

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- 19.** The Association shall have power, for the advancement of its objects or any of them-
- Power to hold property and raise money
- (a) to acquire, hold, develop, sell, mortgage, charge, lease or otherwise deal with or dispose of property of all kinds, whether real or personal;
  - (b) to raise or borrow money in such manner and upon such security as may be determined by the Council.
- 20.** (1) The funds of the Association shall consist of-
- Funds of Association
- (a) such sums as may be paid to the Association by way of entrance fees and subscriptions of members and fees payable on admission to the roll of practitioners and the issue of practising certificates;
  - (b) such sums as may be paid to the Association by way of grant or donation;
  - (c) such other moneys as may accrue to the Association in the exercise of its functions.
- (2) The Council may invest in such manner as it shall think fit any moneys held by the Association which are not immediately required for the performance of its functions.
- (3) Nothing contained in this Part shall permit the distribution or payment of any moneys or other assets or income of the Association to or for the benefit of any member of the Association.
- 21.** The income of the Association from whatever source shall be exempt from any tax payable under any written law for the time being in force relating to taxes on income and profits.
- Income of Association exempt from tax
- 22.** (1) The Association shall keep proper books of account and other records relating thereto and shall prepare in respect of each financial year a statement of account and balance sheet showing, in all necessary detail, the income and expenditure and the assets and liabilities of the Association.
- Accounts
- (2) The accounts of the Association shall be audited annually by an auditor appointed by the Council.
- 23.** The common seal of the Association shall be kept in such custody and used in such manner as may be prescribed.
- Common seal

**24.** Subject to the provisions of this Act, the Council may, by statutory instrument, make rules prescribing anything required or permitted by this Act to be prescribed, including, but without derogating from the generality of the foregoing, rules relating to-

Rules

- (a) entrance fees and periodical subscriptions;
- (b) applications for membership;
- (c) the grounds for, and procedure relating to, expulsion or suspension of members;
- (d) the resignation of members;
- (e) the regulation and delegation of powers exercisable by the Council;
- (f) the functions and powers of committees;
- (g) meetings of the Association, the Council and committees;
- (h) the election, removal and replacement of the officers of the Association, members of the Council and of committees of the Association, and representatives of the Association on any other bodies;
- (i) the accounts of the Association;
- (j) the custody and use of the common seal.

## **SUBSIDIARY LEGISLATION**

### LAW ASSOCIATION OF ZAMBIA

#### THE LAW SOCIETY OF ZAMBIA (PRIVATE) RULES

### ARRANGEMENT OF RULES

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*Rule*

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SECTION 17(2)-THE LAW SOCIETY OF ZAMBIA (PRIVATE) RULES

**Rules made under Section 18 of the Law Society of Zambia (Private) Act, Chapter 47 of the Revised Edition, and continued in force by virtue of Section 17 (2) of the Law Association of Zambia Act.**

*Government Notices*  
148 of 1962  
497 of 1964  
*Act*  
13 of 1994

1. These Rules may be cited as the Law Society of Zambia (Private) Rules. Title
  
2. In these Rules unless, the context otherwise requires- Interpretation  
  
"member" means a full or associate member of the Society.  
  
"month" means calendar month;  
  
"rules" or "regulations" means these Rules or any other rules or regulations made by the Council;  
  
"the secretary" means the secretary of the Society and includes any deputy or person temporarily fulfilling the duties of the office.

3. (1) A candidate for admission as a full member must possess one of the qualifications required by paragraph (a) or (b) of subsection (2) of section six of the Act. Membership

(2) A candidate for admission as an associate member must be ordinarily resident in Zambia and either-

(a) a qualified person as defined by section six of the Legal Practitioners Act; or Cap. 30

(b) a person qualified to practise as a solicitor, attorney, barrister or advocate in any country which is a member of the Commonwealth of Nations.

(3) Every candidate for membership shall be proposed by a full member in writing addressed to the secretary in such form as the Council shall from time to time require and signed by the proposer and by the candidate, who shall thereby undertake, if elected, to conform to the Act and the rules of the Society.

(4) A candidate who is qualified in accordance with sub-rule (1) and every candidate who is qualified in accordance with sub-rule (2) and whom the Council shall, in its uncontrolled discretion, think fit to admit to membership shall, subject to payment of the prescribed entrance fee, be admitted by the Council as a full member or as an associate member, as the case may be, and such membership shall continue until the member ceases to be so qualified, resigns from the Society or is expelled therefrom in the prescribed manner.

(5) An associate member shall be entitled to receive all notices of and to attend meetings of the Society and to enjoy all other privileges of membership, except that he shall not have any right to vote at any meeting of the Society or to serve on the Council or on any committee of the Society or as a representative of the Society on any board, committee or other body.

4. (1) The entrance fee payable by a full member shall be sixty three fee units or, if he is already an associate member, thirty two fee units. Entrance fees and periodical subscriptions

(2) The entrance fee payable by an associate member shall be thirty two fee units.

(3) The subscription payable by each full or associate member shall be such sum as may from time to time be recommended by the Council and approved by the Society in general meeting.

(4) The first subscription shall become payable upon admission to membership, and subsequent subscriptions shall become payable in advance upon the 1st January in every year:

Provided that the first subscription of a full member who, immediately before his admission as a full member, was an associate member, shall be reduced by the amount of the subscription already paid by him in respect of the year in which he becomes a full member.

*(As amended by Act No. 13 of 1994)*

5. (1) If it shall be represented to the Council by a requisition in writing signed by three or more full members that there is reason to believe that any member has been guilty of conduct which, in the absence of satisfactory explanation, would render him unfit to remain a member, the Council shall send to such member a statement in writing of the conduct imputed to him and shall afford him an opportunity of giving an explanation in writing or in person, as he may elect. Expulsion

(2) If, on the consideration of such explanation or in the absence of any explanation, the Council shall be of opinion that such member ought to be expelled from the Society, they shall state their opinion in the form of a report to be laid before a general meeting of the Society, and such member shall be liable by special resolution to be excluded from the Society, and if such resolution be so passed he shall thereupon cease to be a member thereof.

(3) The Council may in their discretion exclude from the Society any member who is a bankrupt or who has made any arrangement or composition with his creditors.

6. The Council may suspend any member from the exercise of all rights and privileges of a member during such period as they may think fit, not extending beyond the next annual general meeting, for any cause which shall in their opinion render such suspension necessary or expedient: Suspension

Provided that-

- (i) at least five members of the Council must be present at the meeting at which the suspension shall be resolved on;
- (ii) the Council shall have afforded to such member an opportunity of giving an explanation to the Council in writing or in person, as he may elect.

7. A member may retire from the Society by sending in his resignation in writing to the Council. Resignation

8. (1) The Council may meet together for the despatch of business, adjourn and otherwise regulate their meetings as they think fit. Questions arising at any meeting shall be decided by a majority of votes. In case of an equality of votes, the chairman of the meeting shall have a second or casting vote. Any member of the Council may, and the secretary on the requisition of a member of the Council shall, at any time, summon a meeting of the Council.

The Council

(2) The president or, failing him, the vice-president of the Society shall be chairman of all meetings of the Council at which he is present, but if at any meeting neither the president nor vice-president is present within fifteen minutes after the time appointed for holding the same, the members of the Council present may choose one of their number to be chairman of the meeting.

(3) The quorum necessary for the transaction of the business of the Council shall be three.

(4) The Council shall meet at such place as shall from time to time be determined by them or, failing any such determination, at the office of the secretary.

9. (1) The Council may delegate any of their powers to committees consisting of such full members of the Society as they think fit; any committee so formed shall, in the exercise of the powers so delegated, conform to any regulations that may be imposed on them by the Council.

Committees

(2) A committee may elect a chairman of their meetings, but if no such chairman is elected or if at any meeting the chairman is not present within ten minutes after the time appointed for holding the same, the members present may choose one of their number to be chairman of the meeting.

(3) A committee may meet and adjourn as they think proper. Questions arising at any meeting shall be determined by a majority of votes of the members present, and, in case of an equality of votes, the chairman shall have a second or casting vote.

(4) Any member of a committee may at any time summon a meeting thereof. Meetings of the committee shall be held in such place as shall from time to time be determined by the members thereof or, failing such determination, by the convenor of the meeting.

(5) The quorum necessary for the transaction of the business of a committee may be fixed by that committee, and unless so fixed shall be two.

10. (1) The annual general meeting shall be held at such time (not being more than fifteen nor less than nine months after the holding of the last preceding annual general meeting) and place as may be determined by the Council. In default of the annual general meeting being so convened, an annual general meeting shall be held in the month next following the last day upon which the annual general meeting should have been held and may be convened by any two full members of the Society in the same manner as nearly as possible as that in which meetings are to be convened by the Council.

(2) The Council may, when they think fit, convene a special general meeting, and shall, on the requisition in writing of not less than three full members of the Society, forthwith proceed to convene a special general meeting of the Society. Any such requisition must state the objects of the meeting and must be signed by the requisitionists and deposited at the office of the secretary. If the Council do not proceed to cause a meeting to be held within thirty days from the date of the requisition being so deposited, the requisitionists or a majority of them may themselves convene the meeting.

(3) Ten days' notice at the least (exclusive of the day on which the notice is served or deemed to have been served but inclusive of the day for which notice is given) specifying the place, the day and the hour of the meeting and business to be brought before the meeting shall be given to every member of the Society, but the non-receipt of the notice by any member shall not invalidate the proceedings at any general meeting.

(4) No business shall be transacted at any general meeting unless a quorum of full members is present at the time when the meeting proceeds to business; save as herein otherwise provided, ten full members personally present shall be a quorum. If within half an hour from the time appointed for the meeting a quorum is not present, the meeting if convened upon the requisition of full members shall be dissolved; in any other case it shall stand adjourned to the same day in the next week at the same time and place, and if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting, the full members present shall be a quorum. The president or, failing him, the vice-president shall be the chairman at every general meeting of the Society, but if neither of them shall be present at any meeting within fifteen minutes after the time appointed for holding the same, the full members present shall choose some one of their number to be chairman of that meeting.

(5) The chairman may, with the consent of any meeting at which a quorum is present (and shall if so directed by the meeting), adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place. It shall not be necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.

(6) Except where otherwise provided by the Act or by these Rules, all questions shall be decided by a majority of the full members present in person or by proxy and voting, and in all cases, including the case of a contested election, the chairman shall, in the event of an equality of votes, have a second or casting vote.

(7) A resolution put to the vote of the meeting shall be decided on a show of hands of full members unless a poll is (before or on the declaration of the result of the show of hands) demanded by at least three full members.

(8) If a poll is duly demanded it shall be taken forthwith and in such manner as the chairman directs, and the result of the poll shall be deemed to be the resolution of the meeting.

(9) Every full member present in person or by proxy shall have one vote, whether on a show of hands or on a poll.

(10) No person shall act as a proxy unless he is entitled on his own behalf to be present and vote at the meeting at which he acts as a proxy. The instrument appointing a proxy shall be in writing under the hand of the appointer and shall be delivered to the secretary not later than the time fixed for holding the meeting at which the person named in the instrument proposes to vote.

**11.** At the annual general meeting in every year the chairman thereof shall present the report of the Council upon the general affairs of the Society for the previous year, and the secretary shall present the accounts of the Society for the same year for the approval of the meeting.

Reports and accounts

**12. (1)** The president and vice-president and the five other members of the Council shall be elected at the annual general meeting in each year and shall continue in office until the close of the next annual general meeting, or if from any cause their successors shall not be elected at such meeting, then until the election of their successors.

Council and officers

(2) The Society in general meeting may from time to time appoint a secretary, treasurer and such other officers of the Society, paid or unpaid, for such period and upon such terms and conditions as the Society shall determine and may in general meeting at any time remove any such person from his appointment.

(3) The secretary, treasurer and any other officer of the Society shall, notwithstanding such appointment, be eligible for election as a member of the Council.

(4) Any officer or member of the Council desirous of vacating his office may send in his resignation in writing to the Council and, on the acceptance of such resignation by the Council, his office shall become vacant and not before.

(5) The office of a member of the Council shall be vacated if he becomes of unsound mind, suffers a receiving order in bankruptcy to be made against him, ceases to be a full member of the Society or abstains without leave from attending three consecutive meetings of the Council, and a resolution of the Council declaring his office to have been vacated upon any such ground as aforesaid shall be conclusive as to the facts.

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(6) A casual vacancy on the Council may be filled by the election of a substitute by the remaining members of the Council, and such substitute shall hold office until the expiration of office of the Council.

**13.** The Council may at any time appoint and the Society may at any time in general meeting elect a full member of the Society to be the representative of the Society upon any board, committee or other body and shall, upon his appointment or election, determine the period of his office as such representative, and any such representative may at any time be removed from such office and another full member of the Society may be appointed or elected in his place by the Council or the Society, as the case may be.

Representatives of  
Society

**14.** The Society shall have a common seal which shall be kept in the custody of the secretary and shall not be affixed to any instrument except by the authority of a resolution of the Council and in the presence of at least two members of the Council and of the secretary, or such other person as the Council may appoint for the purpose, and those two members of the Council and the secretary or other person as aforesaid shall sign every instrument to which the seal of the Society is so affixed in their presence.

The seal

**15.** If any question or difference shall arise between members of the Society upon any matter of professional conduct, etiquette or practice, the parties to such question or difference may refer the same to the Council, who shall thereupon appoint two of their number to be arbitrators of the matter in difference, and such arbitrators shall have power to take the opinion of such counsel as they may think fit upon any question of law that may arise and at their discretion to adopt any opinion so taken and to obtain the assistance or advice of the Incorporated Law Society in England, and every such reference shall be deemed to be made in accordance with the provisions of the Arbitration Act and every statutory modification thereof for the time being in force, and each of the parties shall do all acts and things and execute all deeds and instruments necessary to give effect to the award to be made pursuant to such reference.

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**16.** Any notice required to be given by these Rules may be given to any member either personally or by sending it by post to him at his usual or last known place of business or to the Society by delivering it or sending it by post to the secretary, and when a notice is sent by post it shall be deemed to be duly given on the day after that on which it was posted.

Notices

**17.** These Rules may be amended from time to time by the Council by resolution of the Council, but no such amendment shall come into force until the same has been approved by a special resolution of the Society in general meeting.

Amendment of Rules

## THE LAW ASSOCIATION OF ZAMBIA (ELECTORAL) RULES

### ARRANGEMENT OF RULES

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*Rule*

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SECTION 24-LAW ASSOCIATION OF ZAMBIA (ELECTORAL) RULES

Statutory Instrument  
156 of 1996

*Rules by Council*

PART I

PRELIMINARY

1. These Rules may be cited as the Law Association of Zambia (Electoral) Rules. Short title

2. (1) In these rules, unless the context otherwise requires-

Interpretation

"ballot box" means a ballot box provided to a Returning Officer for taking of a Poll;

"ballot paper" means the document prescribed in the Schedule to these Rules;

"candidate" means a person who, in relation to an election has lodged or intends to lodge his nomination papers;

"Committee" means the Electoral Committee established under Rule 3;

"election officer" means a person appointed by the Council under Rule 6;

"membership card" means a membership card issued to a full or associate member by the Association;

"member" means a full or associate member of the Association;

"nomination paper" means the document prescribed under Rule 10;

"Presiding Officer" means the Returning Officer appointed by the Council under Rule 4;

"Proxy form" means the form prescribed under Rule 17;

"Register of voters" means a register of full members compiled by the Association;

"Returning Officer" means a person appointed under Rule 4;

"Voters Roll" means the register of members compiled by the Association.

3. (1) There shall be an Electoral Committee which shall consist of a Chairman and two other members appointed by the Council from amongst the members of the Association, in respect of each election.

Electoral committee

(2) The Committee shall-

- (a) ensure that elections are conducted in accordance with these Rules;
- (b) issue necessary instructions to the Returning Officer, Presiding Officer and Election Officers to ensure compliance with the provisions of these Rules;
- (c) supervise and direct the elections; and
- (d) perform any other functions conferred on the Committee by these Rules.

## PART II

### GENERAL PROVISIONS

4. (1) The Returning Officer shall be appointed by the Council from amongst the members of the Association for the purpose of electing-

Returning Officer

- (a) officers;
- (b) members of the Council, and
- (c) members of the Legal Practitioners Committee.

- 5. The Returning Officer shall-** Functions of Returning Officer
- (a) perform the duties and functions of the presiding officer;
  - (b) ensure that elections are conducted impartially and in accordance with these Rules and any other Rules in force;  
and
  - (c) perform all such functions as may be conferred or imposed on him by these Rules.
- 6. The Council shall appoint in respect of each election, not more than three election officers from amongst the full members of the Association, who shall assist the Returning Officer in the performance of his functions.** Election Officers
- 7. (1) A candidate shall name his election agent in his nomination papers and such person shall be the candidate's election agent for those polls.** Election Agent
- (2) An election agent referred to in sub-rule (1), shall be a member of the Association.
- (3) A candidate may revoke the appointment of his election agent at any time by giving written notice to the election agent.
- (4) The election agent may resign by giving written notice to the candidate.
- 8. (1) The Council shall in respect of each election-** Nomination day
- (a) appoint the day on which, and the hours when the Returning Officer may receive nominations of candidates, under these Rules, not less than fourteen days from the date of holding the Annual General Meeting; and
  - (b) publish in two consecutive issues of one Newspaper circulating in Zambia the day and the hours within which the Returning Officer shall receive nominations.
- (2) Any nomination received after the day and hours appointed under sub-rule (1) shall be void.
- (3) All nomination papers shall be lodged with the Returning Officer at the secretariat within the time prescribed.
- (4) The Returning Officer shall receive nomination papers on the day and within the hours prescribed under sub-rule (1).

9. Any candidate standing for elections shall use the names appearing on the voters roll or members register, to identify himself. Identification of candidates

### PART III

#### PROCEDURE FOR NOMINATION

10. (1) The Returning Officer shall provide nomination papers to persons who qualify for nomination and who request for such papers. Nomination of candidates

(2) A candidate in an election shall lodge with the Returning Officer, his nomination papers in accordance with the provisions of this part.

(3) The nomination paper referred to in sub-rule (2) shall be in Form LAZ 1 set out in the Schedule.

(4) The candidate referred to in sub-rule (2) shall-

- (a) complete the form referred to in sub-rule (3);
- (b) personally sign the form or the person authorised in writing shall sign on his behalf and a copy of the written authority shall be attached to the nomination paper;
- (c) state the name and address of his election agent, if any;
- (d) lodge the nomination papers within the period appointed under Rule 8; and
- (e) pay the non-refundable nomination fee of-
  - (i) one hundred thousand Kwacha in the case of a candidate for the position of Chairman or Vice-Chairman; or
  - (ii) seventy-five thousand Kwacha in the case of a candidate for the position of Secretary or Treasurer; or
  - (iii) fifty thousand Kwacha in the case of a candidate for the position of a member of the Council or of the Legal Practitioners Committee.

(5) The candidate lodging a nomination paper or a person duly authorised by him, shall present himself to the Returning Officer.

(6) The Returning Officer shall sign the nomination paper signifying that the nomination is valid.

**11.** A nomination may be withdrawn by the candidate or the person authorised in that behalf at any time before the expiry of the period appointed for lodging nomination papers by giving written notice to the Returning Officer. Withdrawal of nomination

**12.** (1) The Returning Officer shall determine the validity of each nomination lodged under Rule 8, after the period for receiving nominations has expired. Validity of nomination

(2) The Returning Officer shall declare any nomination invalid if the nomination paper-

- (a) was not duly completed;
- (b) is not properly signed;
- (c) is not lodged as required by Rule 10;
- (d) is not accompanied by the declaration referred to in the nomination paper or the declaration is defective in any material particular; or
- (e) the appropriate fee was not paid.

(3) The Returning Officer shall endorse on the nomination paper his reason for declaring the nomination invalid and shall sign such endorsement.

**13.** (1) A Returning Officer shall, after determining the validity of the nominations lodged, inform the Committee of the names of the candidates validly nominated. Procedure after determining the validity of nomination

(2) Where the Returning Officer determines that no candidate has been validly nominated for any position, the Returning Officer shall inform the Committee accordingly.

(3) Where the Committee is informed under sub-rule (2) that no candidate has been validly nominated to any position the Committee shall, in respect of that position, call for further nominations.

(4) Where only one candidate has validly filed his nomination papers for any position or office, there shall be no election held for that position or office, and the Returning Officer shall declare such candidate to be duly elected and inform the Committee accordingly.

**14.** (1) Where two or more candidates have been validly nominated for election to a particular position or office, the Returning Officer shall give notice to the Council and the Committee that a poll shall be taken on the day appointed and such notice shall set out the names of such candidates in alphabetical order of surnames. Notice of polls

The Laws of Zambia

(2) The Committee shall publish information regarding nominations to the members of the Association.

**15.** (1) Any person may, at any reasonable time, inspect the nomination papers validly filed with the Returning Officer after the notice referred to in Rule 14 has been given. Inspection of nomination papers

(2) The inspection referred to in sub-rule (1) shall be conducted before the day of taking the poll.

PART IV

THE POLLS

**16.** (1) The polls for any position or office shall be conducted at the Annual General Meeting and shall constitute part of the business of the Annual General Meeting. The polls

(2) A person eligible to vote and is a fully paid up member shall cast his vote for any position or office.

(3) A member of the Association who is not fully paid up, shall not vote during any election.

(4) An eligible voter shall be identified by-

(a) his membership card; and

(b) evidence that he is a paid up member of the Association.

(5) Every poll taken under these Rules shall be by secret ballot and in accordance with the provisions of these Rules.

**17.** (1) A member eligible to vote may vote by proxy.

(2) A member voting by proxy shall complete the Form LAZ 2 set out in the Schedule. Voting by proxy

**18.** (1) The ballot paper for an election of members of the Council or Legal Practitioners Committee shall be in Form LAZ 3 set out in the Schedule. Ballot paper

The Laws of Zambia

(2) The ballot paper for an election to the office of Chairman, Vice-Chairman, Secretary or Treasurer, shall be in Form LAZ 4 set out in the Schedule.

**19.** A person referred to in Rule 17 shall be issued with a ballot paper if-

Issuance of ballot paper

- (a) he produces a membership card as a full member of the Association; and
- (b) he complies with the requirements under these Rules.

**20.** (1) The Committee shall ensure that there are sufficient ballot boxes and ballot papers and shall provide the Presiding Officer with copies of the Voters' Roll and all the election material used in the election.

Ballot boxes and election material

(2) The Committee shall make such arrangements to facilitate the taking of the Poll and to ensure that it is taken in the manner provided by these Rules.

**21.** (1) Before issuing a ballot paper to the voter, an election officer shall-

Procedure for casting votes

- (a) call out the name and number of the member as recorded in the voter's roll; and
- (b) stamp such ballot paper with the official mark.

(2) The voter, on receiving the ballot paper, shall signify his vote by secretly writing the name of the candidate and folding the ballot paper and placing it in the ballot box for that purpose.

**22.** (1) The Returning Officer shall ensure that the counting of votes cast takes place as soon as practicable after the close of the poll.

Counting of votes

(2) A candidate or his agent in any election shall be entitled to be present and observe the counting of votes cast.

(3) The votes cast shall be counted by the Returning Officer with the help of election officers.

**23.** (1) The Returning Officer shall not count any ballot paper if the ballot paper is-

Spoilt papers

The Laws of Zambia

- (a) not properly complete, or
- (b) unmarked or invalid for uncertainty.

(2) The Returning Officer shall write the word "rejected" on any spoiled ballot paper which is not to be counted and shall add "rejection objected to" if any objection to the Returning Officer's decision is made by a candidate, or his election agent.

**24.** Except on an election petition filed under these Rules, the decision of the Returning Officer on any question arising in respect of any ballot paper shall not be questioned. Questions arising on decision of Returning Officer

**25.** (1) Where a candidate or his election agent disputes the results of the votes counted, the candidate, or his election agent may, if present when the counting or any recounting of the votes is completed, require the Returning Officer to have the votes recounted or again recounted. Recounting of votes

(2) The Returning Officer, if not satisfied with the results of votes counted may, on his own initiative, have the votes recounted.

(3) The Returning Officer may refuse the request under sub-rule (1) if in his opinion, it is unreasonable to do so.

**26.** The poll shall be repeated if there is an equality of votes between two or more leading candidates. Equality of votes

**27.** The results of the poll shall be announced at the Annual General Meeting at which the Poll is conducted as soon as the votes are counted. Results of elections

**28.** The Presiding Officer shall keep order during voting and may require persons who are not eligible to vote to leave the Annual General Meeting during voting. Control of persons during polling

PART V

PROCEDURE AFTER COUNTING THE VOTES

**29.** On the completion of the counting of votes cast in an election, the Returning Officer shall seal separate marked packets of ballot papers counted in respect of each candidate, and shall place the rejected ballot papers in a single marked packet. Ballot papers to be sealed in packets after counting

**30.** (1) The ballot papers sealed in accordance with Rule 29 and all other election material shall be delivered to the secretariat of the Association and the Committee shall ensure that the ballot papers and all election materials are retained for a period of thirty days after the day on which the results of an election are declared, and shall cause them to be destroyed after thirty days.

Custody and  
destruction of election  
matter

(2) Where the Committee has been informed that an election petition has been presented in respect of such election the packets shall not be destroyed until such time as the trial for such election petition has been finally determined.

## PART VI

### MISCELLANEOUS

**31.** (1) Any election of a candidate or any decision made under these Rules shall be questioned by an election petition filed under these Rules.

Election petition

(2) An election petition under these Rules shall be filed in the High Court.

(3) The procedure and grounds for filing any election petition under these Rules shall be as provided under Part VI of the Electoral Act and the Rules made by the Chief Justice under that Act, but may be varied as circumstances and these Rules permit.

Cap. 13

**32.** These Rules may be amended by a resolution of the Council, but no such amendment shall come into force until the Rules are approved by a resolution of the Association at a general meeting.

Amendment of Rules

**33.** Members of the Committee, Returning Officers and Election Officers shall not be personally liable for anything done or omitted to be done in the performance of their duties under these Rules.

Indemnity

The Laws of Zambia  
 LAW ASSOCIATION OF ZAMBIA (ELECTORAL) RULES  
 (Rule 10)  
 NOMINATION PAPER

To: The Returning Officer

We the undersigned being full members of the Association do hereby nominate-

First Names (in BLOCK CAPITALS) .....

Surname (in BLOCK CAPITALS) .....

Name of Firm/Company/Employer .....

Postal Address .....

to stand as a candidate for election as\* .....

And I, the said (full name of candidate in BLOCK CAPITALS) .....

hereby declare that I accept the nomination.

Election Agent (full name).....

Membership Card/Reference Number.....

Postal Address.....

Date.....

Signature of Candidate

Received by me at (time).....on the.....

day of.....19.....

Signature of Returning Officer

\* Indicate Chairman/Vice-Chairman, Secretary, Treasurer, Council member or member of the Legal Practitioners Committee as the case may be.

**NOTES**

1. Candidates are advised to acquaint themselves with the provisions of the Rules before completing this nomination paper.
2. When this nomination paper is lodged it must be accompanied by the fee prescribed under paragraph (e) of sub-rule (4) of Rule 10.
3. A candidate may authorise another person to countersign a nomination paper on his behalf and to lodge it with the Returning Officer, but, in that event, the written authorisation of the candidate is required to be attached to the nomination paper.

	Full name BLOCK CAPITALS	Signature	Member's Card/Reference Number
Proposed by			
Seconded by			
Supported by			

LAW ASSOCIATION OF ZAMBIA (ELECTORAL) RULES  
(Rule 17)  
PROXY FORM

I.....of.....  
being a member of the Law Association of Zambia hereby appoint.....  
as my Proxy to vote for me on my behalf at the Annual General Meeting of the Law Association of Zambia to be held on.....  
Dated this.....day of.....19.....  
I.....will be/will not  
be attending the Annual General Meeting.  
Signed.....

*Member*

LAW ASSOCIATION OF ZAMBIA (ELECTORAL) RULES  
(Rule 18)  
BALLOT PAPER  
ELECTION OF COUNCIL MEMBERS/MEMBERS OF THE LEGAL PRACTITIONERS COMMITTEE\*

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NAMES OF CANDIDATES

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1.

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2.

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3.

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4.

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5.

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6.

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7.

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8.

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9.

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10.

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11.

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12.

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\* Delete whichever is not applicable.

Note- Write the names of the candidates for whom you wish to vote in BLOCK LETTERS. You may vote for up to 12 candidates in case of an election of Council members and up to 7 in case of an election of members of the Legal Practitioners Committee. To be valid each Ballot paper must be signed by the person voting or his/her proxy.

Signed.....

LAW ASSOCIATION OF ZAMBIA (ELECTORAL) RULES  
(Rule 18)  
BALLOT PAPER  
ELECTION OF CHAIRMAN/VICE-CHAIRMAN/SECRETARY/  
TREASURER\* 1900/1900

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NAME OF CANDIDATE

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Note: Write the name of the candidate for whom you wish to vote in BLOCK LETTERS. You may vote for only one candidate. To be valid each Ballot paper must be signed by the person voting or his/her proxy.

Signed.....

\* Delete whichever is not applicable.

THE LAW ASSOCIATION OF ZAMBIA (GENERAL) RULES

ARRANGEMENT OF RULES

*Rule*

1. Short Title
2. Interpretation
3. Membership
4. Entrance Fees and Periodical Subscriptions
5. Expulsion
6. Suspension
7. Resignation
8. General Meetings
9. Reports and Accounts
10. Council Officers
11. Seal
12. Proceedings of Council
13. Committees
14. Disclosure of interest
15. Prohibition of publication or disclosure of information to unauthorised persons
16. Arbitration
17. Notices
18. Amendment of Rules
19. Revocation of the Law Society of Zambia (Private) Rules

THE LAW ASSOCIATION OF ZAMBIA

Cap. 31  
Statutory Instrument  
155 of 1996

SECTION 24-LAW ASSOCIATION OF ZAMBIA (GENERAL) RULES

*Rules by Council*

1. These Rules may be cited as the Law Association of Zambia (General) Rules. Short Title
2. In these Rules, unless the context otherwise requires- Interpretation  
  
"member" means a full or associate member of the Association;  
"month" means calendar month;  
"Rules" means these Rules or any other rules made by the Council;  
"Secretary" means the Secretary of the Association.
3. (1) A full member of the Association shall be a person qualified under paragraph (a) or (b) of subsection (2) of section five of the Act. Membership

(2) An associate member shall be a person ordinarily resident in Zambia who-

- (a) qualifies under section six of the Legal Practitioners Act; or
- (b) qualifies to practice as a solicitor, attorney, barrister or advocate in any country which is a member of the Commonwealth of Nations.

Cap. 30

(3) A person who qualifies to be proposed by a full member in writing addressed to the Secretary in the form prescribed in the Schedule to these Rules.

(4) A person proposed under sub-rule (3) shall undertake, if elected, to conform to the Act and the rules of the Association.

(5) A person who qualifies to be a member of the Association under these Rules shall apply to the Council to become a member after paying the prescribed fees.

(6) A person referred to in sub-rule 5 shall cease to be a member if-

- (a) he ceases to qualify as provided for under this Rule;
- (b) resigns from the Association; or
- (c) is expelled.

(7) An associate member shall subject to sub-rule (8) be entitled to receive all notices of, and to attend, meetings of the association and to enjoy all other privileges of membership.

(8) An associate member referred to in sub-rule (7) shall not vote at any meeting of the Association or serve as a representative of the Association on any Board, Committee or any other body.

4. (1) The Entrance fees and subscription fees to be paid by a full or associate member shall be as recommended by the Council and approved by the Association at a general meeting.

Entrance Fees and  
Periodical  
Subscriptions

(2) The first subscription fees referred to in sub-rule (1) shall be paid by a member on such member becoming a member.

(3) The subscription referred to in sub-rule (1) shall be paid by the 1st January of each year.

**5.** (1) Three or more full members may present a signed requisition to the Council in writing if there is reason to believe that any member has been guilty of any misconduct which, in the absence of satisfactory explanation, would render him unfit to remain a member. Expulsion

(2) The Council shall send to such member a statement in writing of the conduct imputed to him and shall afford him an opportunity of giving an explanation in writing or in person, as he may elect.

(3) If, on the consideration of such explanation or in the absence of any explanation, the Council is of the opinion that such member ought to be expelled from the Association, they shall state their opinion in the form of a report to be laid before a general meeting of the Association, and such member shall be liable by resolution to be excluded from the Association and if such resolution is passed, he shall thereupon cease to be a member.

(4) The Council may in their discretion exclude from the Association any member who is a bankrupt or who has made any arrangement or composition with his creditors.

**6.** (1) The Council may suspend any member from the exercise of all rights and privileges of a member during such period as they may thin fit, not extending beyond the next Annual General Meeting, for any cause which shall in their opinion render such suspension necessary or expedient: Suspension

Provided that-

- (a) at least nine members of the Council are present at the meeting at which it is resolved to suspend such member; and
- (b) the Council has afforded to such member an opportunity of giving an explanation to the Council in writing or in person, as he may elect.

**7.** A member may resign from the Association by sending his resignation letter to the Secretary of the Association. Resignation

**8.** (1) The Annual General Meeting shall be held at such time not later than fifteen and not less than nine months after holding the last annual general meeting at a place determined by the Council. General Meetings

(2) If the Annual General Meeting is not convened, an Annual General Meeting shall be held in the month next following the last day upon which the Annual General Meeting should have been held and may be convened by any two full members of the Association in the same manner in which meetings of the Council may be convened in accordance with these Rules.

The Laws of Zambia

(3) The Council may convene an extra ordinary general meeting, if three full members of the Association request for such meeting in writing.

(4) The request for such meeting referred to in sub-rule (3) shall be sent to the secretary of the Association and shall state the objects of the meeting and signed by the members requesting such meeting.

(5) If the Council fails to convene a meeting referred to in sub-rule (3) within thirty days, the members who requested such meeting may convene the meeting, provided that such members shall comply with these Rules in convening the meeting.

(6) The Council shall give ten days' notice, exclusive of the day on which the notice is served but inclusive of the day for which notice is given.

(7) The notice served under sub-rule (6) shall specify the place, the day and the hour of the meeting and business to be brought before the meeting and sent to every member of the Association.

(8) Any notice not received by any member shall not invalidate the proceedings of any general meeting.

(9) The quorum of a general meeting shall be fifty full members.

(10) If within half an hour from the time appointed for the meeting a quorum is not formed, the meeting if convened on request by full members shall be dissolved, in any other case it shall stand adjourned to the same day in the next week at the same time and place, and if at the adjourned meeting a quorum is not formed within half an hour from the time appointed for the meeting, the full members present shall be the quorum.

(11) The Chairman or, in the absence of the Chairman, the Vice -Chairman, shall preside at every general meeting of the Association.

(12) In the absence of both the Chairman and the Vice-Chairman, the full members present shall elect a Chairman from amongst themselves for that meeting.

(13) The Chairman may, with the consent of any meeting at which a quorum is formed and if so directed by the meeting, adjourn the meeting but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

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(14) A notice of an adjournment or of the business to be transacted at an adjourned meeting shall not be given.

(15) Except where otherwise provided by the Act or by these Rules, all questions shall be decided by a majority of the full members present in person or by proxy and voting, and in all cases, including the case of contested election, the Chairman shall, in the event of an equality of votes, have a deliberative and a casting vote.

(16) A resolution put to the vote of the meeting shall be decided on a show of hands of full members, unless a poll is, before or on the declaration of the result of the show of hands, demanded by at least three full members.

(17) A poll referred to in sub-rule (16) shall be taken in such manner as the Chairman may direct and the result of the poll shall be by a resolution of the meeting.

(18) Every full member present in person or by proxy shall have one vote, whether on a show of hands or by a poll.

(19) A person shall not act as a proxy unless he is entitled on his own behalf to be present and to vote at the meeting at which he acts as a proxy.

(20) A person shall appoint a proxy in writing to the secretary not later than time fixed for holding the meeting at which the person named in the proxy proposes to vote.

**9.** (1) The Chairman shall present a report on the general affairs of the Association for the previous year at the Annual General Meeting. Reports and Accounts

(2) The Treasurer shall present the accounts of the Association for the year, for the approval of the meeting at the Annual General Meeting.

**10.** (1) The Chairman, Vice-Chairman, Secretary and Treasurer and twelve other members of the Council shall be elected at the Annual General Meeting in each year and shall continue in office until the close of the next Annual General Meeting. Council Officers

(2) Any officer or member of the Council may resign by writing to the Council and, on the acceptance of such resignation by the Council, his office shall become vacant.

(3) The office of a member of the Council shall become vacant if-

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- (a) he becomes of unsound mind;
- (b) an order in bankruptcy is made against him;
- (c) he ceases to be a full member of the Association or abstains without leave from attending three consecutive meetings of the Council, without good cause and a resolution of the Council is passed declaring his office to be vacant.

(6) A casual vacancy on the Council may be filled by the election of another full member by the remaining members of the Council, and such substitute shall hold office until the expiration of the term of office of the Council.

**11.** (1) The seal of the Council shall be such device as may be determined by the Council and shall be kept by the Secretary. Seal

(2) 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 Council.

(3) Any document purporting to be a document under the seal of the Council or issued on behalf of the Council shall be received in evidence and shall be executed or issued, as the case may be, without further proof, unless the contrary is proved.

**12.** (1) Subject to the other provisions of these rules the Council may regulate its own procedure. Proceedings of Council

(2) The Council shall meet for the transaction of business, at least once in every three months at such places and at such times as the Chairman may decide.

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

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

(4) The quorum at any meeting of the Council shall be seven.

(5) There shall preside at any meeting of the Council-

The Laws of Zambia

- (a) the Chairman;
- (b) in the absence of the Chairman, the Vice-Chairman;
- (c) in the absence of the Chairman and Vice-Chairman, such member as the members present may elect from amongst themselves for the purposes of that meeting.

(6) A decision of the Council on any question shall be by the majority of the members present and voting at the 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) The Council may invite any person, whose presence in its opinion is desirable, to attend and to participate in the deliberations of a meeting of the Council but such person shall have no vote.

(8) The validity of any proceedings, act or decision of the Council shall not be affected by any vacancy in the membership of the Council 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.

(9) The Council shall cause minutes to be kept of the proceedings of every meeting of the Council and every meeting of any committee established by the Council.

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

Committees

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

(3) Subject to any specific or general direction of the Council any committee established under sub-rule (1), may regulate its own procedure.

**14.** (1) If a member is present at a meeting of the Council or any committee of the Council at which any matter is the subject of consideration and in which matter the member is the subject of consideration and in which matter the member or a member's spouse is directly or indirectly interested in a private capacity, he shall, as soon as practicable after the commencement of the meeting, disclose such interest and shall not, unless the Council otherwise directs, take part in any consideration or discussion of, or vote on, any question touching such matter.

Disclosure of interest

(2) A disclosure of interest made under subsection (1) shall be recorded in the minutes of the meeting at which it is made.

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**15.** (1) A member of the Council shall not without the consent in writing given by, or on behalf of the Council, publish or disclose to any unauthorised person, otherwise than in the course of his duties, the contents of any documents, communication or information whatsoever, 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 contravenes the provisions of sub-rule (1) shall be guilty of professional misconduct in terms of the Legal Practitioners Act, and shall be liable to disciplinary proceedings in accordance with the Part IV of that Act.

Cap. 30

(3) Any Council Member liable to disciplinary proceedings under sub-rule (2) shall be suspended by the Council from performing his duties as a member of the Council.

(4) Nothing contained in this Rule shall supersede, lessen, or interfere with the powers vested in the Council and the Association to expel a member for misconduct.

**16.** Any question or difference between the Association and members or between members relating to professional conduct, etiquette or practice, shall be resolved in accordance with the Arbitration Act with such modifications as circumstances may permit.

Arbitration  
Cap. 40

**17.** Any notice required to be given under these Rules shall be given to any member either personally or by sending it by post at the person's usual or last known address.

Notices

**18.** These Rules may be amended by a Resolution of the Council, but no such amendment shall come into force until such Rules have been approved by a resolution of the Association at a general meeting.

Amendment of Rules

**19.** The Law Society of Zambia (Private) Rules are hereby repealed.

Revocation of the Law Society of Zambia (Private) Rules  
Cap. 30

The Laws of Zambia  
SCHEDULE  
(Rule 3 (3))  
LAW ASSOCIATION OF ZAMBIA  
MEMBERSHIP PROPOSAL FORM

To: The Secretary  
Law Association of Zambia

I propose.....  
Name of candidate

of.....  
.....  
.....

Business and Residential Address

Tel..... Fax.....

Whose Qualifications are: (see notes below)

.....  
.....  
.....

As a full/associate member\* of the Association.

\*delete whichever is not applicable.

PROPOSER'S NAME, ADDRESS.....

..... Tel..... Fax.....

SIGNED..... (PROPOSER) DATE.....

I, undertake, if elected to membership of the Association, to conform to the Law Association of Zambia Act Chapter 31 and the Rules of the Association.

SIGNED ..... (CANDIDATE) DATE.....

NOTES:

(1) A full member of the Association shall be a person qualified under paragraph (a) or (b) of subsection (2) of section five of the Law Association of Zambia Act.

(2) An associate member shall be a person ordinarily resident in Zambia who-

(a) qualifies under section six of the Legal Practitioners Act; or

(b) qualifies to practise as a solicitor, attorney, barrister or advocate in any country which is a member of the Commonwealth of Nations.

(3) A candidate who qualifies to be a member shall be proposed by a full member in writing i.e. by completing this form which should be addressed to the Secretary.

(4) A candidate being proposed shall undertake, if elected, to conform to the said Act and the rules of the Association.

(5) A person who has been duly proposed for membership and is qualified to be a member of the Association shall apply for such membership to the Council of the Association by lodging this proposal form with the Secretary of the Association after paying the prescribed fees.