

The Laws of Zambia

REPUBLIC OF ZAMBIA

THE MANAGEMENT SERVICES BOARD ACT

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CHAPTER 264

MANAGEMENT SERVICES BOARD

An Act to provide for the establishment of the Management Services Board; to define the functions and powers of the Board; and to provide for matters connected with or incidental to the foregoing.

Act No.
8 of 1981
13 of 1994
Statutory Instrument
71 of 1981

[1st June, 1981]

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PART I

PRELIMINARY

1. This Act may be cited as the Management Services Board Act. Short title

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

"Board" means the Management Services Board established by section *three*;

"Chairman" means the person designated Chairman of the Board under section *four*;

"Deputy Director" means the person appointed Deputy Director of the Board under section *ten*;

"Director" means the person appointed Director of the Board under section *ten*;

"member" means a member of the Board;

"Secretary" means the person appointed Secretary to the Board under section *eleven*;

"Vice-Chairman" means the person elected Vice-Chairman of the Board under section *four*.

PART II

ESTABLISHMENT OF MANAGEMENT SERVICES BOARD

3. There is hereby established the Management Services Board which shall be a body corporate with perpetual succession and a common seal, capable of suing and of being sued in its corporate name, and with power, subject to the provisions of this Act, to do all such acts and things as a body corporate may by law do or perform and as are necessary for, or incidental to, the carrying out of its functions and powers as set out in this Act. Establishment of Board

4. (1) The Board shall consist of the following members- Composition of Board

(a) the Secretary to the Cabinet, who shall be the Chairman;
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- (b) the Permanent Secretary in the Ministry responsible for legal affairs;
- (c) the Permanent Secretary in the Ministry responsible for finance;
- (d) the Permanent Secretary in the Ministry responsible for development planning;
- (e) the Permanent Secretary in the Ministry responsible for commerce and industry;
- (f) the Permanent Secretary in the Ministry responsible for labour;
- (g) obsolete;
- (h) obsolete;
- (i) the Dean of the School of Management of the Copperbelt University;
- (j) a representative of the Zambia Federation of Employers;
- (k) a representative of the Zambia Congress of Trade Unions;
- (l) two representatives from the industrial sector appointed by the Minister after consultation with the Zambia Association of Chambers of Commerce and Industry.

(2) The Board shall elect a Vice-Chairman from amongst its members who shall discharge the functions of the Chairman whenever the office of Chairman is vacant or the Chairman is absent or is for any other cause prevented from discharging the functions of his office.

5. (1) It shall be the function of the Board to foster sound management and organisational development in the parastatal and other sectors of the economy. Functions of Board

(2) Without prejudice to the generality of subsection (1), it shall be the function of the Board to-

- (a) assist organisations through the provision of professional consultancy services to improve their management systems and performance;

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- (b) design and carry out management training programmes in various fields for upgrading skills and improving managerial performances;
- (c) encourage the development of managerial skills within client organisations;
- (d) develop management information and communication systems;
- (e) assist in strengthening the management training capacity of educational and training institutions through joint programmes;
- (f) conduct such surveys and research relating to managerial manpower or training as may be required to develop effective national policies;
- (g) assist in developing management capabilities in the small-scale business sector by providing services relating to entrepreneurial selection, training, consulting and counselling;
- (h) act as the national medium for co-ordinating the management development efforts and activities of various training and educational institutions in Zambia or elsewhere; and
- (i) participate in regional management development activities in collaboration with other institutions outside Zambia.

6. Subject to the provisions of this Act, the Board shall have power to do all or any of the things specified in the Schedule. Powers of Board

7. (1) Subject to the provisions of this section, the Board may regulate its own procedure. Proceedings of Board

(2) The quorum of the Board shall be five.

(3) For the transaction of its business, the Board shall hold meetings at such places and at such times as the Chairman may determine, but not less than three times a year.

(4) There shall preside at any meeting of the Board-

- (a) the Chairman; or
- (b) in the absence of the Chairman, the Vice-Chairman; or

- (c) in the absence of the Chairman and the Vice-Chairman, such member as the members present may elect for that meeting.

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

(6) Where any member is, for any reasonable cause, unable to attend any meeting of the Board, he may, by notice in writing addressed to the Chairman, authorise his next subordinate officer to attend a meeting in his stead and such officer shall be deemed to be a member only during the absence of the substantive member and shall, during such absence, have all the powers of such member.

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

(8) The validity of any proceedings, act or decision of the Board shall not be affected by any vacancy in the membership of the Board 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 Board shall cause minutes to be kept of the proceedings of every meeting of the Board and of every meeting of any committee established by the Board, and a copy of such minutes shall be furnished by the Board-

- (a) to the Minister;
- (b) to such other person as the Board may determine.

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

(2) The Board may use a wafer or rubber stamp in lieu of an embossed seal.

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

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

(5) Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal, may be entered into or executed without seal on behalf of the Board by the Secretary or any other person generally or specifically authorised by the Board in that behalf.

9. (1) The Board may establish committees for the purpose of performing any of its functions under this Act and may delegate to any such committee such of its functions as it deems fit. Committees of Board

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

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

10. (1) The Board shall, subject to the approval of the Minister, appoint a Director of the Board who shall be the chief executive officer of the Board. Director and Deputy Director of Board

(2) The Board may appoint a Deputy Director of the Board.

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

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

(4) The provisions of section *sixteen* shall apply to the Director and Deputy Director.

11. (1) There shall be a Secretary to the Board who shall be appointed by the Board on such terms and conditions as the Board may determine. Secretary and other staff

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

(3) The Board may appoint, on such terms and conditions as it may determine, such other staff as it may deem necessary for the performance of its functions under this Act.

PART III

FINANCIAL PROVISIONS

12. (1) The funds of the Board shall consist of such moneys as may- Funds of Board

- (a) be appropriated by Parliament for the purposes of the Board;
- (b) be paid to the Board by way of grants or donations;
- (c) vest in or accrue to the Board.

(2) The Board may-

- (a) accept moneys by way of grants or donations from any source in Zambia and, subject to the approval of the Minister, from any source outside Zambia;
- (b) subject to the approval of the Minister, raise by way of loans or otherwise such moneys as it may require for the discharge of its functions;
- (c) charge and collect fees in respect of programmes, seminars, consultancy services, and other services provided by the Board.

(3) There shall be paid from the funds of the Board-

- (a) the salaries and allowances of the staff of the Board;
- (b) such reasonable travelling, transport and subsistence allowances of members of the Board or of any committee when engaged on the business of the Board as the Board may determine;
- (c) any other expenses incurred by the Board in the discharge of its functions.

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(4) The Board may invest in such manner as it thinks fit such of its funds as it does not immediately require for the discharge of its functions.

13. The financial year of the Board shall be the period of twelve months ending on the 31st December in any year. Financial year

14. The Board shall cause to be kept proper books of account and other records in relation thereto. Accounts

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

(2) The report referred to in subsection (1) shall, among other things, include a report on the financial affairs of the Board and there shall be appended thereto-

- (a) a balance sheet;
- (b) an audited statement of revenue and expenditure during the year; and
- (c) such other information as the Minister may require.

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

PART IV

MISCELLANEOUS

16. (1) If a member of the Board or of any committee of the Board or his spouse is directly or indirectly interested, in his private capacity, in any matter and is present at a meeting of the Board or committee, as the case may be, at which such matter is the subject of consideration, he shall, as soon as practicable after the commencement of the meeting, disclose such interest, and shall not, unless the Board or committee, as the case may be, otherwise directs, take part in any consideration or discussion, 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.

17. (1) A person shall not, without the consent in writing given on behalf of the Board, publish or disclose to any person, otherwise than in the course of his duties, the contents of any document, 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 knowingly contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding twelve thousand five hundred penalty units or to imprisonment for a term not exceeding three years, or to both.

(3) If any person having information which to his knowledge has been published or disclosed in contravention of subsection (1) unlawfully publishes or communicates any such information to any other person, he shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding twelve thousand five hundred penalty units or to imprisonment for a term not exceeding three years, or so both.

(As amended by Act No. 13 of 1994)

18. The Minister may, after consultation with the Board, make regulations, by statutory instrument, for the better carrying out of the provisions of this Act.

Regulations

SCHEDULE

(Section 6)

POWERS OF BOARD

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1. To establish any fund for the acquisition of property.
2. To build, acquire, maintain or otherwise deal with any property.
3. To sell, exchange, lease, mortgage, dispose of, turn to account or otherwise deal with any property of the Board.
4. To do all such things as are necessary or expedient for the management and administration of the Board.
5. To draw, make, accept, endorse, discount, execute or issue for the purposes of the Board, promissory notes, bills of exchange, bills of lading, securities and other negotiable and transferable instruments.
6. To insure against loss, damage, risks and liabilities which the Board may incur.
7. To enter into contracts of suretyships, or to give guarantees, for the purposes of the Board.
8. To raise or make loans or to invest moneys of the Board.
9. To delegate any powers of the Board to the Director, Deputy Director or the Secretary.
10. To grant such leave of absence and pay such bonuses or make such awards to the staff of the Board as it thinks fit.
11. To provide pecuniary benefits for the staff of the Board on their retirement, resignation, discharge or other termination of service or in the event of their sickness or injury.
12. To effect policies of insurance, establish any pension or provident fund or make any provision to secure any benefit for the staff of the Board or their dependants.
13. To make loans to the staff of the Board for the purpose of purchasing vehicles, tools or other equipment to be used by the staff in carrying out their duties.
14. To make salary or wage advances, not exceeding three months' salary or wages, to the staff of the Board for such purposes and on such terms as the Board may determine.
15. To do all such things as are incidental or conducive to the exercise of the powers or the performance of the functions of the Board.