

The Laws of Zambia

REPUBLIC OF ZAMBIA

THE NATIONAL ARTS COUNCIL OF ZAMBIA ACT

CHAPTER 170 OF THE LAWS OF ZAMBIA

CHAPTER 170 THE NATIONAL ARTS COUNCIL OF ZAMBIA ACT

THE NATIONAL ARTS COUNCIL OF ZAMBIA ACT

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CHAPTER 170

NATIONAL ARTS COUNCIL OF ZAMBIA

Act No.
31 of 1994
13 of 1994

An Act to establish and define the functions and powers of the National Arts Council of Zambia; to provide for the registration of, and affiliation to, the National Arts Council of Zambia of all national arts associations; to provide for the establishment of the Arts Development Fund; and to provide for matters connected with or incidental to the foregoing.

[21st October, 1994

PART I PRELIMINARYPART I

PRELIMINARY

1. This Act may be cited as the National Arts Council of Zambia Act. Short title
2. (1) The Societies Act shall not apply to an association or a body registered under this Act. Application
- (2) An association or a body registered under the Societies Act shall register under this Act within six months of the coming into force of this Act. Cap. 119
3. In this Act, unless the context otherwise requires- Interpretation
- "associate body" means an associate body referred to in section *fifteen*;
- "Chairperson" means the person elected as chairperson of the Council under sub-paragraph (2) of paragraph 2 of Part I of the Schedule;
- "Council" means the National Arts Council of Zambia established by section *four*;
- "Director" means the person appointed as Director of the Council in accordance with sub-paragraph (1) of paragraph 9 of Part II of the Schedule;
- "member" means a member of the Council;
- "registrar" means the Registrar of national arts associations appointed under section *sixteen*;
- "registered body" means a national arts association registered under section *seventeen*;

"Vice-Chairperson" means the person elected as Vice-Chairperson of the Council under sub-paragraph (2) of paragraph 2 of Part I of the Schedule.

PART II NATIONAL ARTS COUNCIL OF ZAMBIA

NATIONAL ARTS COUNCIL OF ZAMBIA

4. (1) There is hereby established the National Arts Council of Zambia 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 other provisions of this Act, to do all such acts and things as a body corporate may by law do or perform.

Establishment of
Council

(2) The provisions of the Schedule shall apply as to the composition of the Council and otherwise in relation thereto.

- 5.** Subject to the other provisions of this Act the functions of the Council shall be to:
- Functions of Council
- (a) keep itself fully appraised of the policy of the Government in matters concerning arts and to disseminate that policy;
 - (b) serve as the supreme advisory body at national level on policy and decisions on all forms of arts in the country;
 - (c) provide quality artistic leadership in performing and visual arts;
 - (d) develop, promote, regulate and encourage all forms of amateur and professional arts on a national basis in conjunction with the associations and the Government;
 - (e) assist the formation of associations or organisations and encourage them to register as national arts associations so as to represent different groups of associations in Zambia and to encourage the affiliation of those associations to the appropriate international organisations;
 - (f) assist, financially or otherwise, any group or individual in representing Zambia in any artistic activity within or outside Zambia;
 - (g) assist, financially or otherwise, in conjunction with the Government, any citizen of Zambia in obtaining relevant training within or outside Zambia;
 - (h) raise and maintain a fund from such sources and by such means as the Minister may approve to enable the Council to carry out its functions;
 - (i) stimulate, through the registered bodies, the provision, development and maintenance of equipment, instruments and facilities for all kinds of arts and ensure their equitable distribution and proper use;
 - (j) ensure that arts groups at all levels maintain proper accounts and, where considered necessary, to supervise and direct the maintenance of these accounts;
 - (k) regulate and provide modalities for the award of national honours for artistic merit;
 - (l) exercise disciplinary powers in cases of breach of the provisions of this Act;
 - (m) regulate and monitor all national arts programmes presented in Zambia;
 - (n) promote the development and organisation of the arts; and
 - (o) do and perform such other functions as may be conducive to the development and promotion of the arts and to the enforcement of this Act.
- 6.** Subject to the other provisions of this Act, the powers of the Council shall be-
- Powers of Council
- (a) to employ, control and direct such staff as it may consider necessary;
 - (b) to investigate the accounts and affairs of a registered body; and
 - (c) to make such orders as the Council considers necessary where a report on a matter relating to the affairs of the Council is made to it.
- 7.** The Council shall have power to appoint a committee to inquire into the activities of a registered body or into the conduct of an office-bearer or a member, as the case may be.
- Power to appoint committee to inquire into activities of registered body

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8. Where the Council has reason to believe that the activities of a registered body are prejudicial to the interests of the arts or to the public interest, the Council has power to order the suspension of the activities of that body.

Power to order suspension of activities of registered body

9. Where the Council has reason to believe that any office-bearer or a member of a registered body is or has been acting in a manner, or his further continuance as an office-bearer or member is, likely to be prejudicial to the interests of the arts or the public interest, the Council has power to order the suspension of that office-bearer or member.

Power to order suspension of office-bearer

10. (1) The Council shall appoint a provincial arts advisory committee in each province to advise and assist the Council in matters concerning the promotion, development and organisation of the arts within the province.

Provincial arts advisory committee

(2) Each committee shall consist of a chairperson elected by the committee and not more than one member from each registered body.

11. (1) The provincial arts advisory committee in each province shall appoint members of district arts advisory committees which shall consist of a chairperson and not more than one member from each registered body.

District arts advisory committees

(2) The functions of a district arts advisory committee shall be to advise the provincial arts advisory committee on matters concerning the promotion, development and organisation of the arts within the district.

12. The Council shall determine, with the prior approval of the Minister-

Conditions applicable to members of committees

- (a) the tenure of office of the members of a committee of the Council, a provincial arts advisory committee and a district arts advisory committee;
- (b) the allowances payable, and other terms and conditions applicable, to committee members; and
- (c) the frequency of meetings of provincial arts advisory committees and district arts advisory committees, their procedure and all other matters affecting or incidental to the functioning of those committees.

13. (1) A person shall not, without the consent in writing given by or on behalf of, the Council, publish or disclose to any other person, otherwise than in the course of that person's duties, the contents of any document, communication or information whatsoever, which relates to, and which has come to that person's knowledge in the course of, that person's duties under this Act.

Prohibition of publication or disclosure of information to unauthorised persons

(2) A person who knowingly contravenes subsection (1) shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding thirty thousand penalty units or to imprisonment for a term not exceeding three years, or to both.

(3) If any person having information which to that person's knowledge has been published in contravention of subsection (1) unlawfully publishes or communicates the information to any other person, that person shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding thirty thousand penalty units or to imprisonment for a term not exceeding three years, or to both.

(As amended by Act No. 13 of 1994)

14. The Council shall, with the approval of the Minister, determine-

General matters
relating to committees

- (a) the tenure of office of the members of a provincial arts advisory committee, a district arts advisory committee and a committee that may be appointed under paragraph 8 of Part I of the Schedule;
- (b) the allowances payable to the members of the committees;
- (c) the conditions applicable to the committees;
- (d) the procedure at a meeting of a committee; and
- (e) all other matters affecting the committees.

15. The following shall be associate bodies of the Council:

Associate bodies

- (a) all institutional arts associations; and
- (b) all provincial arts advisory committees.

PART III REGISTRATION OF NATIONAL ARTS ASSOCIATIONSPART III

REGISTRATION OF NATIONAL ARTS ASSOCIATIONS

16. There shall be a Registrar of National Arts Associations who shall be a public officer and appointed by the Minister.

Registrar

17. (1) The Registrar shall establish and maintain in the prescribed form a register where he shall register an association or organisation as a national arts association.

Registration of
national arts
associations

(2) An association or organisation shall be registered as a national arts association under this section within thirty days of its formation.

18. (1) An association or organisation which is not registered under section *seventeen* shall not be recognised as a national arts association.

Effect of
non-registration

19. (1) An application for registration as a national arts association shall be submitted to the Registrar in the prescribed form.

Application for
registration

(2) On receipt of an application under subsection (1), the Registrar may, within thirty days, carry out any investigation, or require any further information to be submitted to him, as he considers necessary.

(3) An application for registration as a national arts association shall be accompanied by-

- (a) a registration fee;
- (b) a copy of the constitution of the association or organisation which shall contain among other particulars-
 - (i) the objectives and functions of the association or organisation;
 - (ii) the names and address of its office-bearers;
 - (iii) the funds available to it and its sources of revenue; and
 - (iv) its principal and other places of operation.

(4) Upon registration, the Registrar shall issue an association or organisation with a certificate of registration.

20. (1) The Registrar shall refuse to register any association or organisation as a national arts association if he is satisfied-

Grounds for refusing
to register national arts
association

- (a) that the association or organisation does not exist;
- (b) that the registration of the association or organisation would be against the public interest;
- (c) that the name under which the association or organisation wishes to be registered is identical, or similar, to the name of any existing national arts association or any society or body registered, or exempted from registration, under the Societies Act; or
- (d) the constitution or rules of the association or organisation are in his opinion repugnant to, or inconsistent with, the provisions of any law for the time being in force in Zambia.

Cap. 119

21. (1) Where the Registrar refuses to register an association or organisation as a national arts association the Registrar shall make and furnish to the association or organisation concerned a notice giving the reasons for such refusal.

Notification of grounds

22. Subject to section *twenty-three* the Registrar may, at any time, cancel the registration of any registered body if the Registrar is satisfied that it is expedient to do so on the ground that-

Cancellation of registration

- (a) the constitution or rules of the registered body are, in the opinion of the Registrar repugnant to, or inconsistent with, the provisions of any law for the time being in force in Zambia;
- (b) the registered body is operating in a manner contrary to the public interest;
- (c) the Registrar has reason to believe that the registered body has ceased to exist as a national arts association; or
- (d) the registered body has changed its name and the new name it has adopted-
 - (i) is identical to that of any other existing national arts association;
 - (ii) so nearly resembles the name of the registered body as, in the opinion of the Registrar, is likely to deceive the public or the members of either association; or
 - (iii) is, in the opinion of the Registrar, repugnant to, or inconsistent with, the provisions of any law in force in Zambia or is otherwise undesirable.

23. (1) Before the Registrar cancels the registration of a registered body, the Registrar shall make and furnish the registered body concerned with a notice giving reasons for the intended cancellation and require the association to show cause as to why the registration should not be cancelled.

Notification of intended cancellation

(2) If the Registrar is not satisfied with the explanation given by the affected registered body he shall cancel the registration.

24. (1) An association or organisation which has been served with the notice referred to in section *twenty-one* or a registered body whose registration is cancelled under section *twenty-two* may appeal to the Minister within thirty days of the receipt of the notice against the refusal or cancellation, and the Minister shall hear the appeal within thirty days.

Appeal against refusal to register association or cancellation of registration

(2) Where an appeal is made under subsection (1), the Minister may give such directions to the Registrar as the Minister considers necessary to enable him to determine the appeal.

(3) Where an appeal is made under subsection (1), the Minister may confirm, set aside or vary the decision of the Registrar.

(4) Any association or organisation which is aggrieved by the decision of the Minister may appeal to the High Court.

25. (1) A registered body may be affiliated to the Council through such procedure as may be prescribed by the Council. Affiliation to Council of registered body

(2) A registered body may form subsidiary bodies in provinces and these bodies shall be affiliated to the Council by virtue of the affiliation of the registered body.

PART IV GENERAL PROVISIONSPART IV

GENERAL PROVISIONS

26. Except as provided in this Act, the Council shall not interfere with the day-to-day administration or internal affairs of a registered body or an associate body. Independence of registered and associate bodies

27. (1) A registered body or any person aggrieved by a decision of the Council may, not later than thirty days from the receipt of that decision, appeal to the Minister. Appeals to Minister

(2) Where a registered body or a person appeals to the Minister under subsection (1), the Minister may confirm, reverse or vary the decision, or make such other order as the Minister considers fit, and the Minister shall decide within thirty days.

28. Subject to the other provisions of this Act, the Minister may give directions to the Council in matters of policy to be followed in pursuance of its objects and the performance of its functions. Directions by the Minister

29. (1) In order to allow orderly dissolution, a registered body shall not dissolve itself except with the written approval of the Registrar. Dissolution of registered body

(2) A registered body shall apply to the Registrar for approval to dissolve the association and shall-

- (a) state in the application the reason for the proposed dissolution; and
- (b) submit to the Council the application together with the agenda and minutes of the meeting of the body at which the decision to dissolve the body was taken.

(3) Where a registered body is dissolved, the assets and liabilities of the body shall be disposed of in accordance with the direction of the Council.

30. The Council may after the approval of the Minister, and in consultation with the relevant registered body, make rules concerning-

Rules

- (a) the activities of the registered bodies;
- (b) the conduct of the members and office bearers of the registered bodies;
- (c) the maintenance of proper accounts and records by the registered bodies;
- (d) the annual subscription fees to be paid to the Council by the registered bodies;
- (e) the standards to be attained and the method and procedure to be followed by a body of persons desirous of entering a competition in Zambia; or
- (f) the procedure to be followed by a registered body or individual from outside Zambia for entering a competition or undertaking any artistic activity in Zambia.

31. The Minister may, by statutory instrument, and in consultation with the Council, make Regulations for the better carrying into effect of the provisions of this Act, and, in particular and without prejudice to the generality of the foregoing power, such Regulations may-

Regulations

- (a) prescribe the fees, allowances or remuneration to be paid under any provision of this Act;
- (b) prescribe the role of cultural officers and the relationship between those officers and the Director;
- (c) provide for the management of the affairs of a registered body when it is under suspension;
- (d) prescribe the forms to be used for the purpose of this Act;
- (e) prescribe the books, registers, accounts and other documents to be kept by a registered body, and provide for the inspection of the books, registers, accounts and other documents;
- (f) prescribe the particulars to be included in the contracts of service of professional artistes;
- (g) provide for the status of national and representative groups;
- (h) prescribe the manner and form in which application for the award of national artistic honours shall be made; and
- (i) provide for the procedure for becoming an associate body of the Council.

SCHEDULE

(Section 4 (2))

PART I

THE COUNCIL

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

(2) The affixing of the seal shall be authenticated by the Chairperson or the Vice-Chairperson and one other person authorised in that behalf by the Council.

(3) Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under seal may be entered into or executed without seal on behalf of the Council by the Registrar or any other person authorised in that behalf by the Council.

(4) 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 deemed to be a document so executed or issued, as the case may be, without further proof, unless the contrary is proved.

2. (1) The Council shall consist of-

Composition of
Council

- (a) two members appointed by the Minister;
- (b) the Director of Cultural Services;
- (c) one member to be appointed by each registered body; and
- (d) one member appointed by the Ministry responsible for-
 - (i) education;
 - (ii) information and broadcasting;
 - (iii) science, technology and vocational training; and
 - (iv) tourism.

(2) The Chairperson and the Vice-Chairperson shall be elected by members of the Council from amongst themselves, subject to ratification by the Minister.

3. (1) A member shall hold the office of member for a period of four years from the date of appointment, but shall be eligible for reappointment.

Tenure of office and
vacancies

(2) Notwithstanding subsection (1) the office of member shall become vacant-

- (a) upon the death of a member;
- (b) if a member is adjudged or otherwise declared to be of unsound mind;
- (c) if a member is adjudged or otherwise declared bankrupt;
- (d) if a member is lawfully detained or the member's freedom of movement is restricted under any law in force in Zambia;
- (e) if a member is sentenced to a term of imprisonment exceeding six months;
- (f) if a member is absent from three consecutive meetings of the Council without reasonable cause; or
- (g) upon the expiry of not less than one month's notice in writing of that member's intention to resign given by the member to the Chairman.

(3) Notwithstanding subsection (1) the Minister may, at any time, remove a person from the office of member if the Minister is satisfied that the continuance of that person in the office of member will be prejudicial to the interests of the arts.

4. (1) Subject to subsection (2), whenever the office of a member becomes vacant before the expiry of the term of office specified in paragraph 3, the Minister, or, if the member who vacated the office was appointed by any of the bodies referred to in paragraph 2, that body, may appoint another person to be a member in place of the member who vacates the office.

Filling of casual vacancy

(2) The person appointed under subsection (1) shall hold office only for the unexpired term of office of the person who vacated that office.

5. (1) Subject to the other provisions of this Act, the Council may regulate its own procedure.

Proceedings of Council

(2) The Council shall, for the transaction of business, meet at least twice in every calendar year at such places and times as the Chairperson may determine.

(3) One half of the total number of members shall constitute a quorum at any meeting of the Council.

(4) Subject to paragraph 5 the Chairperson shall, upon giving notice of not less than fourteen days, call a special meeting of the Council if not less than five members so request in writing.

(5) If the urgency of any particular matter does not permit the giving of the notice referred to in sub-paragraph (4), a special meeting may be called upon giving shorter notice.

(6) There shall preside at a meeting of the Council the Chairperson or, in the absence of the Chairperson, the Vice-Chairperson or, in the absence of both the Chairperson and the Vice-Chairperson, such member as the members present may elect for the purpose of that meeting.

(7) A decision of the Council on any question shall be by a 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 that person's deliberative vote.

(8) Where any member referred to in paragraph (a) to (d) of paragraph 2 is unable to attend any meeting of the Council, the Ministry or organisation, as the case may be, which that member represents may, in writing, nominate another person to attend that meeting in that member's stead and that person shall be deemed to be a member for the purpose of that meeting.

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

(10) 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.

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

6. The Council may appoint such committees as it may consider necessary for the performance of its functions. Committees of Council

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

Disclosure of interest

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

8. An action or other proceeding shall not lie or be instituted against any member, member of a committee of the Council or of the Board or member of staff of the Council for, or in respect of, any act or thing done or omitted to be done in good faith in the exercise or purported exercise of his duties under this Act.

Immunity of members and staff

PART II

ADMINISTRATION

9. (1) There shall be a Director of the Council who shall be appointed by the Council after the approval of the Minister.

Director and Deputy Director

(2) The Director shall be the Chief Executive Officer of the Council and shall be responsible for the administration of the affairs of the Council.

(3) The Council may appoint a Deputy Director to assist the Director.

(4) The Director may, by directions in writing and subject to such terms and conditions as the Director thinks fit, delegate to the Deputy Director any of the functions of the Director under this Act.

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

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

10. The Council may appoint, on such terms and conditions as it may determine, such other staff and agents as it considers necessary for the performance of the functions of the Council. Staff

PART III

FINANCIAL AND OTHER PROVISIONS

11. (1) The funds of the Council shall consist of- Funds of Council

- (a) such sums as may be appropriated by Parliament for the purpose of the Council;
- (b) such sums as may be paid to the Council as donations, contributions, subscriptions, fees or gifts, but the Council shall not raise money from outside Zambia without the prior approval of the Minister; or
- (c) such other moneys or assets as may accrue to, or vest in, the Council as a result of the investments made, or transactions entered into, in the course of its operations.

(2) The Council-

- (a) shall cause to be kept full and correct books of account of all moneys received and expended by it;
- (b) may invest its funds in such manner and to such extent as the Council may consider fit;
- (c) shall after the approval of the Minister and subject to such conditions as the Minister may impose, borrow money from any source within Zambia.

12. The Council shall establish and administer a fund to be known as the Arts Development Fund from which it may lend funds to any registered body. Arts development fund

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

14. The Council shall cause to be kept proper books of account and other records relating to its accounts. Accounts

15. (1) The Council may, at any time, by notice of the Director, order a registered body to submit to the Council, within such time as the Council may specify in the order, duly audited accounts of the body. Power to call for accounts

(2) The notice referred to in subsection (1) shall be for a period of not less than thirty days from the date on which the notice is served on the registered body.

(3) Where a registered body fails to comply with the notice referred to in subsection (1), or the Council discovers any irregularities in the accounts of the body, the Council may take such action against the body as the Council may consider fit.

16. (1) The Council shall, after 31st December in each year, but not later than six months from that date, submit to the Minister a report of its activities during the previous year and containing such other information as the Minister may direct. Annual report

(2) The annual report of the Council shall, among other things, include a report on the financial affairs of the Council.

(3) There shall be appended to the report referred to in subsection (2)-

- (a) an audited balance sheet;
- (b) an audited statement of income and expenditure during the year; and
- (c) a report of the auditors on the accounts.

(4) 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.

SUBSIDIARY LEGISLATION

CHAPTER 170

THE NATIONAL ARTS COUNCIL OF ZAMBIA REGULATIONS

ARRANGEMENT OF REGULATIONS

Regulation

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3. Cultural officers
4. Suspended registered body
5. Books of account
6. Register of Members
7. Contracts of service
8. Tours
9. Application for affiliation
10. Administrative and scrutiny charge

FIRST SCHEDULE

SECOND SCHEDULE

THIRD SCHEDULE

FOURTH SCHEDULE

SECTION 31-NATIONAL ARTS COUNCIL OF ZAMBIA REGULATIONS

Statutory Instrument
128 of 1995

Regulations by the Minister

PART I PRELIMINARYPART I

PRELIMINARY

1. These Regulations may be cited as the National Arts Council of Zambia Regulations. Title

2. (1) A member of the Council or of any committee established under the Act shall be paid the allowances set out in the First Schedule for each sitting. Allowances

(2) The allowances referred to in sub-regulation (1) shall be paid from the funds of the Council and shall accrue to each member with effect from the date of appointment as member.

The Laws of Zambia

3. (1) The Department of Cultural Services shall recruit, as cultural officers, persons who are professionally qualified and competent in various specialised aspects of the arts. Cultural officers

(2) The role of a cultural officer shall be to-

- (a) complement the efforts of the Council in carrying out its functions under the Act; and
- (b) provide such necessary data and information on all aspects of the arts as may be required by the Council and facilitate research into the arts.

(3) A provincial cultural officer shall facilitate the work of the Council in the provinces where provincial arts advisory committees have not been established, and after these committees have been established, the provincial cultural officers shall become ex-official members of the committee.

4. (1) Where an executive committee of a registered body is suspended, the Council shall immediately appoint, in writing, an interim committee to take over the management of the registered body so suspended. Suspension of registered body

(2) The chairman of the interim committee shall be a member of the Council, but shall not be a member of the Executive Committee of the registered body suspended.

(3) The Council shall prescribe in the appointment the powers of the interim committee and duration of the appointment.

5. (1) A registered body shall keep and maintain such books of account as shall be necessary to maintain correct records of all its financial matters, so as to enable auditors to audit the books. Books of account

6. A registered body shall keep and maintain a register containing information relating to all its members and affiliated members and the register shall be available for inspection by the Council. Register of members

7. A registered body shall send, for approval by the Council, draft contracts of service of professional artists in its specialised art form. Contracts of service

8. (1) A registered body shall, with the approval of the Council, determine the manner in which national or representative arts groups shall represent Zambia on tours or at international gatherings. Tours

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(2) A registered body shall apply to the Council for any financial assistance, or otherwise, for a national or representative arts group to undertake any artistic activity within or outside Zambia.

(3) An application under sub-regulation (2) shall be lodged with the Council at the beginning of each year and shall outline the financial requirements of the registered body for that year.

9. (1) An associate body other than a provincial arts advisory committee shall apply to the Council for affiliation in the form prescribed in the Second Schedule. Application for affiliation

(2) An associate body shall when applying for affiliation pay the affiliation fees prescribed in the Third Schedule.

10. Every associate body making an application under sub-regulation (1) of regulation 10 shall pay an administrative and scrutiny charge prescribed in the Fourth Schedule. Administrative and scrutiny charge

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FIRST SCHEDULE

(Regulation 2 (1))

Allowances per sitting

Chairman -K25,000

Member -K20,000

The Laws of Zambia

SECOND SCHEDULE

(Regulation 9 (1))

National Arts Council of Zambia

Application for affiliation as associate body

The Director
P.O. Box
Lusaka

1. We hereby apply for affiliation as an associate body of: (full names of institutional arts association)
2. Full address, telephone and tele numbers
3. Founded: (Day, Month and Year)
4. We attach hereto the following documents:
 - (a) two copies of the current constitution of the association;
 - (b) A memorandum duly signed by the Chairman and the Secretary giving the following:
 - (i) full names and addresses of the office-bearers;
 - (ii) the funds available and sources of revenue;
 - (c) list of names and addresses of any arts institutions or organisations already affiliated to;
 - (d) minutes of the previous meeting at which the association resolved to apply for affiliation.

Chairman

Full name:

Signature:

Date of application:

Secretary

Full name:

Signature:

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THIRD SCHEDULE

(*Regulation 9 (2)*)

<i>Affiliation fees</i>	<i>Fee units</i>
Primary Schools	50
Secondary Schools	100
Universities and Colleges	500

FOURTH SCHEDULE

(Regulation 10)

Affiliation and Scrutiny Charge
Fee units
All affiliated bodies:
100

CHAPTER 170

THE NATIONAL ARTS COUNCIL OF ZAMBIA RULES

ARRANGEMENT OF RULES

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PRELIMINARY

Rule

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REGISTRATION, FEES AND CHARGES

2. Application for registration
3. Fees and Charges

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4. Activities outside Council
5. Prohibition of provision of information to press
6. Prohibition of abuse of funds, etc, of Council
7. Prohibition of representation without authority
8. Standards
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COMPETITIONS, HONOURS AND AWARDS

10. Furnishing of rules to Council
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LICENCES

14. Prohibition of promotion of artistic activity without licence
15. Application for licence as promoter
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Rule

17. Licences not transferable
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20. Suspension or cancellation of licence
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FOREIGN ARTISTS UNDERTAKING ACTIVITIES IN ZAMBIA

25. Application for clearance
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27. Conditions of clearance
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SECTION 30-NATIONAL ARTS COUNCIL OF ZAMBIA RULES

Statutory Instrument
129 of 1995

Rules by the Minister

PART I PRELIMINARYPART I

PRELIMINARY

1. These Rules may be cited as the National Arts Council of Zambia Rules.

Title

PART II REGISTRATION, FEES AND CHARGESPART II

REGISTRATION, FEES AND CHARGES

2. An application for registration as a registered body shall be submitted to the Registrar in NAC Form 1 set out the First Schedule.

Application for
registration

3. Every registered body shall pay to the Council the fees or charges prescribed in the Second Schedule.

Fees and charges

PART III CODE OF CONDUCTPART III

CODE OF CONDUCT

4. A member of the Council shall not engage in any activities outside the Council which may cause discredit to the Council.

Activities outside
Council

5. A member of the Council shall not provide information to the press on the activities of the Council without obtaining prior authorisation from the Council.

Prohibition of provision
of information to press

6. A member of the Council shall not abuse funds, premises and property of the Council.

Prohibition of abuse of
funds, etc, of Council

7. A member of the Council shall not represent the Council at public artistic gatherings inside or outside Zambia, without prior authorisation from the Council.

Prohibition of
representation without
authorisation

- 8.** Every registered body shall maintain high standards in its respective speciality in the performing and visual arts. Standards

PART IV COMPETITIONS, HONOURS AND AWARDSPART IV

COMPETITIONS, HONOURS AND AWARDS

- 9.** The Council shall promote local and international artistic performances and exhibitions and assist registered bodies in training, research and publications. Promotion of artists
- 10.** Every registered body shall, within two months of registration and prior to the holding of any competition, furnish the Council, for approval, with the rules relating to the adjudication of competitive exhibitions and performance of members organisations within the registered body. Furnishing of rules
- 11.** The Council shall approve the person to preside as Judge in every adjudication of competitive exhibitions or performance by the registered bodies. Approval of presiding judge
- 12.** Every registered body shall give adequate publicity whenever it holds any competitions or adjudication in order to ensure that there is wide participation of all members of that registered body. Publicity for competition
- 13.** The Council shall in carrying out competitions under these Rules follow guidelines set out in the Third Schedule. Adjudicators guidelines

PART V LICENCESPART V

LICENCES

- 14.** A person shall not promote any activity unless he is licensed by the Council. Prohibition of promotion of artistic activity without licence
- 15.** An application for a licence, or renewal of a licence, as a promoter shall be in NAC Form 2 prescribed in the First Schedule and shall be lodged with the Council. Application for licence as promoter
- 16.** Every application for a licence or renewal of a licence shall be accompanied by the appropriate fee and a detailed account of the applicant's previous promotions, if any. Details on application

17. (1) A licence granted under these Rules shall be personal to the applicant and shall not be transferable. Licence not transferable

(2) A holder of a licence under these Rules shall give written notice to the Council of-

- (a) any proposed alteration to or
- (b) the occurrence of any event which he knows affects or may affect in any material respect any matter in respect of which he was required to supply information to the Council in the course of his application for that licence;

(3) A holder of a licence shall obtain the consent of the Council before-

- (a) implementing any alteration referred to in paragraph (a) of sub-rule (2).
- (b) taking an action resulting from any event referred to in paragraph (b) of sub-rule (2).

(4) A licensee shall not carry on, nor hold himself out, as carrying on any promotions other than that permitted by his licence.

18. Where the Council is satisfied that a licence has been inadvertently lost, destroyed or defaced, the Council shall replace the licence on payment by the licencee of the prescribed fee. Replacing of licence

19. Where the Council considers it appropriate in exceptional circumstances the Council may waive payment of all or part of the fee which would otherwise be payable under these Rules. Waive payment

20. (1) The Council may suspend, or cancel a promoter's licence if the promoter violates any of the provisions of the Act or these Rules or is in breach of the terms of the contract with the artist he is promoting, Suspension or cancellation of licence

(2) Where the Council suspends or cancels a promoter's licence, the Council shall outline the conditions of the suspension or cancellation in the letter communicating the suspension or cancellation to the promoter.

(3) A promoter who is aggrieved with the Council's decision to suspend or cancel his licence may appeal to the Minister within seven days.

21. The Council may grant a temporary licence to a charitable organisation or a similar institution or to an individual for purposes of promoting an artistic activity for a specified period of time, if the Council is satisfied that such a promotion will not result into pecuniary gain to the promoter.

Temporary licence

22. The Council may, in granting a temporary licence under rule 21, attach to the licence the terms and conditions to be fulfilled by the promoter taking into account the nature and purpose of the promotion, and any fees to be paid, if any, and the monitoring of the promotion by the Council.

Conditions of temporary licence

23. An application for a temporary licence shall be in NAC Form 3 prescribed in the First Schedule.

Application for temporary licence

24. Where it appears to the Council that owing to the exceptional circumstances of a particular case, the retention by the Council of a fee which has been paid by a promoter would be inequitable, the Council may refund all or part of the fee to the promoter.

Refund

PART VI FOREIGN ARTISTS UNDERTAKING ARTISTIC ACTIVITIES IN ZAMBIA VI

FOREIGN ARTISTS UNDERTAKING ARTISTIC ACTIVITIES IN ZAMBIA

25. (1) Every promoter from outside Zambia who seeks to promote an artist or art dealer, in Zambia shall apply to the Council for clearance not less than three calendar months prior to the holding of any artistic activity.

Application for clearance

(2) The application referred to in sub-rule (1) shall be in NAC Form 4 prescribed in the First Schedule.

26. (1) An artist or art dealer from outside Zambia shall not undertake any artistic activity, or the public promotion of that activity, without a clearance certificate issued by the Council.

Artists from outside Zambia

(2) The artist or art dealer referred to in sub-rule (1) shall apply to the Council in NAC Form 4 prescribed in the First Schedule.

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- 27.** Where the Council decides to give clearance to a promoter, artist or art dealer, it may attach such conditions as it considers necessary and may include the following: Conditions of clearance
- (a) that a representative of the Council may be present at some public artistic activities;
 - (b) that a local artist or artistic group may accompany the artist from outside Zambia during the public artistic activities; and
 - (c) that the artist from outside Zambia may be requested to conduct workshops, clinics or training sessions for local artists to help promote the artistic excellence of local artists.
- 28.** Every application for clearance shall be endorsed by two representatives of the appropriate registered body supporting such application. Endorsement on application
- 29.** (1) On receipt of the application for clearance the Council shall without undue delay give or refuse to give clearance to the promoter. Reasons for refusal
- (2) Where a Council refuses to give clearance it shall furnish reasons for such refusal.
- 30.** An applicant whose application has been rejected by the Council may appeal to the Minister within twenty-one days. Appeal to Minister
- 31.** During the artistic activities of an artist from outside Zambia, the Council shall, in consultation with the appropriate registered body reserve the right to cancel the clearance of the artist if the continuation of the artistic activity is, in the opinion of the Council, repugnant to, or inconsistent with, the provision of any law for the time being in force in Zambia or that the artistic activity is contrary to public interest. Cancellation of clearance
- 32.** A promoter of the artist from outside Zambia shall pay a clearance fee to the Council calculated as ten per centum of the expected income or five thousand fee units whichever is the less before the clearance certificate is issued. Clearance fee
- 33.** All artistic activities which are non commercial and are promoted on a cultural exchange basis between the Government of the Republic of Zambia and foreign governments shall be cleared by the Council and no fee and such clearance shall be on condition that to the artist, or promoter does not realise any income as a result of the artistic activity. Cultural exchanges

PART VII GENERALPART VII

GENERAL

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34. Every member of the Council shall have one vote in all meetings of the Council or a committee created by the Council. Voting powers

35. All books of account and financial records of registered bodies shall be subject to inspection by the Council or any auditor appointed by the Council to carry out such inspection. Inspection of accounts

36. Every clearance certificate, licence or any authorisation given by the Council shall specify the period of validity. Validity period

37. Any person who contravenes any of the provisions of these rules shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding five thousand penalty units. Offences and penalties

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FIRST SCHEDULE

(Rule 2)

NATIONAL ARTS COUNCIL OF ZAMBIA NAC FORM 1

APPLICATION FOR REGISTRATION AS REGISTERED BODY

To: The Register of National Arts Associations

P.O. Box
Lusaka

1. We hereby apply for registration of: (Full names of Association)
2. Full address, telephone number and location of the headquarters of the Association:
3. Founded: Day, (Month and Year)
4. Current affiliated Provincial Associations:
5. Other affiliated Associations:
6. Current number of affiliated clubs:
7. We attach hereto the following documents:
 - (a) Two copies of the current constitution of the association or organisation;
 - (b) A memorandum duly signed by the Chairman and Secretary giving the following information:
 - (i) the names and addresses of the office bearers of the association or organisation;
 - (ii) the funds available and the sources of revenue;
 - (iii) the principal and other places of operation;
 - (iv) details of past activities, future plans and budgetary requirements for current and subsequent years.
 - (c) A list of names and addresses of all International arts federations to which the Association is affiliated.
 - (d) A list of names and addresses of all clubs affiliated to the Association.
 - (e) Minutes of the previous annual general meeting of the Association at which the association resolved to apply for registration.
 - (f) Statement on the programme of action, both short and long term.

Full name.....

Full Name

Signature

Signature

Chairman

Secretary

NATIONAL ARTS COUNCIL OF ZAMBIA NAC FORM 2

APPLICATION FOR A LICENCE AS A PROMOTER

(Rule 15)

To: The Director of the Council

P.O. Box
Lusaka

1. Full name and promotional name, if any, or promoter:
2. Full address, telephone number and telefax numbers of promoter:
3. Full physical address of business premises:
4. Full name and address of bankers (for reference purposes):
5. Type of artistic activity expected to be promoted during the validity of licence:
6. Venue or venues and proposed dates (where known) for artistic activity:
7. List of previous major promotions, if any, and dates when they took place;
8. Endorsement by two representatives of the appropriate registered body:
 - (a) Name of registered body;
 - (b) Name of official:
Designation:
Signature:
 - (c) Name of official:
Designation:
Signature:
 - (d) Date of endorsement:
9. Name of applicant:
10. Signature of applicant:
11. Date of application:

NATIONAL ARTS COUNCIL OF ZAMBIA NAC FORM 3

APPLICATION FOR A TEMPORARY LICENCE AS A PROMOTER
(Rule 21)

To: The Director of the Council

P.O. Box
Lusaka

1. Full name and promotional name, if any:
2. Full name, telephone and telefax numbers of promoter:
3. Full physical address of the business premises:
4. Type of artistic activity to be promoted:
5. Venue or venues and proposed dates for the artistic activity:
6. Endorsement by two representatives of the appropriate registered body:
 - (a) Name of registered body;
 - (b) Name of official:
Designation:
Signature:
 - (c) Name of official:
Designation:
Signature:
 - (d) Date of endorsement:
7. Name of applicant:
8. Signature of applicant:
9. Date of application:

NATIONAL ARTS COUNCIL OF ZAMBIA NAC FORM 4

APPLICATION FOR CLEARANCE FOR FOREIGN ARTISTS

(Rule 25)

(to be received not less than 3 months prior to the activity)

To: The Director of the Council

P.O. Box
Lusaka

1. Full names of foreign promoter:/artist/art dealer:
2. Full address, telephone and telefax numbers of foreign promoter: artist/art dealer:
3. Full names of local counterpart promoter:
4. Full address, telephone and telefax numbers of local counterpart promoter:
5. Full names and address of the main artist and promotional name, if any, of the artist to be promoted in Zambia and country or countries of origin:
6. Full names and address of agent or manager of the foreign artists:
7. Full list of all individual members of the entourage together with their individual details of passport numbers, issuing authorities and dates of expiry:
8. Proposed dates of entry into and exit from Zambia:
9. List of proposed venues for the artistic activity:
10. Full list of equipment, instruments, materials, to be temporarily imported into Zambia for the artistic activity and to be exported after the artistic activity has been completed:
11. List of items intended to be sold in Zambia, and their values during or after the artistic activity:
12. The application is to be accompanied with:
 - (a) a copy of a valid local counterpart promoter's licence.
 - (b) a copy of a contract between the artist/agent/manager and the promoters with details of payment arrangements.
 - (c) a non-refundable administrative and scrutiny charge. (N.B. The clearance fee of ten per cent of the estimated gross income of the artistic activity shall be paid when the Council approves the application).
13. Endorsement by two representatives of the appropriate registered body:
 - (a) Name of registered body:
 - (b) Name of official:
Designation:
Signature:
 - (c) Name of official:
Designation:
Signature:
 - (d) Date of endorsement:
14. Name of applicant:
15. Signature of applicant:
16. Date of application:

Please note that no promotion of the artistic activity, by advertisement or otherwise, outlined in this application is allowed to be undertaken in any manner before a clearance certificate is obtained from the Council, and failure to comply with this Council Rule may render the application invalid.

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SECOND SCHEDULE

(Rule 3)

FEES AND CHARGES

	<i>Fee Units</i>
1. Registered as a registered body	100
2. Replacement of a certificate of registration	50
3. Annual subscription to the Council	3500
4. Licence as a promoter (individual/promotional organisation)	3000
5. Replacement of licence	2000
6. Licence as a promoter (tourist establishments)	5000
7. Replacement of Licence	3000
8. Clearance certificate for foreign artists	10% of estimated gross income of artistic activity or 5000 fee units whichever is the less
9. Administrative and scrutiny charge for all applications to the Council	200

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THIRD SCHEDULE

NATIONAL ARTS COUNCIL OF ZAMBIA

(Rule 13)

ADJUDICATORS GUIDELINES

N.B. The NAC should look at the existing Adjudicators Guidelines and incorporate them in this Schedule with inclusions, if any, or those forms of the arts not already included.