

**THE MANAGEMENT SERVICES BOARD (REPEAL) BILL, 2011**

---

MEMORANDUM

The objects of this Bill are to—

- (a) repeal the Management Services Board Act, 1981; and
- (b) provide for matters connected with, or incidental to, the foregoing.

A. J. SHONGA,  
*Attorney-General*

**THE MANAGEMENT SERVICES BOARD (REPEAL)  
BILL, 2011**

-----  
ARRANGEMENT OF SECTIONS

*Section*

1. Short title and commencement
2. Interpretation
3. Winding up affairs of Board
4. Vesting of assets and transfer of liabilities
5. Registration of property
6. Transfer of staff of Board
7. Legal proceedings
8. Repeal of Cap. 264

# BILL

ENTITLED

## An Act to repeal the Management Services Board Act, 1981.

ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the Management Services Board (Repeal) Act, 2011, and shall come into operation on such date as the Minister may, by statutory instrument, appoint.

Short title and commencement

5 2. In this Act, unless the context otherwise requires—

Interpretation

“appointed date” means such date as the Minister shall appoint under section *one*;

“Board” means the Management Services Board established under section *three* of the repealed Act; and

Cap. 264

10 “repealed Act” means the Management Services Board Act, 1981.

Act No. 8 of 1981

15 3. The Minister shall, where the Minister is satisfied that all necessary agreements and arrangements have been made for the winding up of the affairs of the Board, by statutory instrument, order that the Board be dissolved on such date as may be appointed in the statutory instrument.

Winding up of affairs of Board

20 4. (1) There shall be transferred to, and vest in, or subsist against, the Government by virtue of this Act, without further assurance, the affairs of the Board and subject to this Act, all property, rights and obligations which immediately before the appointed date were the property, rights and obligations of the Board.

Vesting of assets and transfer of liabilities

25 (2) Subject to the provisions of this Act, every deed, bond and agreement which was subsisting immediately prior to the appointed date and was vested in the Board or to which the Board was a party, whether in writing or not, and whether or not of such a nature that rights, liabilities and obligations thereunder could not be assigned, shall, unless its terms and subject matter make it impossible that it should have effect as modified in the manner provided by this subsection, have effect from the appointed date, as if—

**N.A.B. 6, 2011**

- (a) the Government had been a party to any such deed, bond or agreement instead of the Board and in the same manner as if the Government had at all times been entitled to the benefit of any such deed, bond or agreement instead of the Board; 5
- (b) for any reference to the Board there were substituted, as respects anything falling to be done on, or after, the appointed date, a reference to the Government; and
- (c) for any reference to an officer of the Board not being a party thereto and beneficially interested therein there were substituted, as respects anything falling to be done on, or after, the appointed date, a reference for such officer of the Government as the Government shall designate. 10
- (3) Subject to subsection (2), documents, other than those referred to therein, which refer specifically or generally to the Board shall be construed in accordance with subsection (2), as far as applicable. 15
- Registration of property
- 5.** (1) Where in pursuance of this Act, any property, rights, liabilities or obligations of the Board are transferred by the Board to the Government in respect of which transfer any written law provides for registration, the Government shall make an application, in writing, to the appropriate registration authority for the registration of such transfer. 20
- (2) The registration authority referred to in subsection (1) shall make such entries in the appropriate register as shall give effect to such transfer and, where applicable, issue the Government with a certificate of title in respect of the property or make necessary amendments to the register, as the case may be, and shall make endorsement on the deeds relating to the title, right or obligation concerned and no registration or other fees shall be payable in respect thereof. 25 30
- Transfer of staff of Board
- 6.** (1) A person who—
- (a) on the appointed date was employed by the Board shall be transferred to the Government for re-deployment; or 35
- (b) is employed on contract and does not wish to be transferred to the Government shall have their employment terminated by the Government according to the terms and conditions of the contract.

(2) An employee of the Government who was seconded to the Board from the Government or who served with the Board but was not seconded by the Government shall —

5 (a) be retained by the Government and shall be re-deployed in the service of the Government; or

(b) be retired under section *thirty-nine* of the Public Service Pensions Act. Cap. 260

10 (3) Where an employee of the Board is transferred to the Government, the salary with the Government shall not be less favourable than that enjoyed by the person in the service of the Board and for purposes of determining any right to gratuity or any pension benefit, the service of the employee with the Government shall be rendered as continuous service.

15 (4) A person who is deemed to have retired under paragraph (b) of subsection (2) shall be entitled to be paid all retirement benefits which the person would have been paid if the person had voluntarily retired in accordance with the terms and conditions of service of the Board.

20 (5) The provisions of this section shall not apply to a person who is employed by the Board as a daily paid employee.

25 7. (1) Without prejudice to the other provisions of this Act, where any right, liability or obligation vests in the Government by virtue of this Act, the Government and all other persons shall, as from the appointed date, have the same rights as to the instituting or defending of legal proceedings or the making or resisting of applications to any authority for ascertaining or perfecting that right, liability or obligation as they would have if it had at all times been a right, liability or obligation of the Government. Legal proceedings

30 (2) Any legal proceedings or application pending immediately before the appointed date against the Board may be continued by, or against, the Government.

(3) Proceedings in respect of any right, liability or obligation which was vested in, held, enjoyed, incurred or suffered by the Board may be instituted by, or against, the Government.

35 8. The Management Services Board Act, 1981, is hereby repealed. Repeal of Cap. 264 Act No. 8 of 1981