

**THE ZAMBIA CHARTERED INSTITUTE OF LOGISTICS AND
TRANSPORT BILL, 2014**

MEMORANDUM

The objects of this Bill are to —

- (a)* provide for the establishment of the Zambia Chartered Institute of Logistics and Transport and provide for its powers and functions;
- (b)* constitute the National Council for the Institute and provide for its functions and powers;
- (c)* provide for the qualifications for membership of the Institute;
- (d)* provide for the registration of members to practice as logisticians or transportants;
- (e)* provide for the constitution of the Disciplinary Committee and other committees of the Institute; and
- (f)* provide for matters connected with, or incidental to, the foregoing.

M. MALIHA,
Attorney-General

**THE ZAMBIA CHARTERED INSTITUTE OF LOGISTICS
AND TRANSPORT BILL, 2014**

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GOVERNMENT OF ZAMBIA

A BILL

ENTITLED

An Act to provide for the establishment of the Zambia Chartered Institute of Logistics and Transport and provide for its powers and functions; constitute the National Council for the Institute and provide for its functions and powers; provide for the qualifications for membership of the Institute; provide for the registration of members to practice as logisticians or transportants; provide for the constitution of the Disciplinary Committee and other committees of the Institute; and provide for matters connected with, or incidental to, the foregoing.

ENACTED by the Parliament of Zambia.

Enactment

PART I
PRELIMINARY

1. This Act may be cited as the Zambia Chartered Institute of
5 Logistics and Transport Act, 2014, and shall come into operation
on such date as the Minister may, by statutory instrument, appoint.

Short title and
commence-
ment

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

Interpretation

“allied discipline” means a discipline prescribed as such by
rules of the Council;

10 “Affiliate Member” means a person admitted as an Affiliate
Member of the Institute in terms of section *twenty-seven*;

“Board” means the Logistician and Transportants
Registration Board constituted under section *twenty*;

15 “Chairperson” means the Chairperson of the Disciplinary
Committee provided for under section *forty-four*;

N.A.B. 1, 2014

- “Chartered Fellow” means a person admitted as a Chartered Fellow of the Institute in terms of section *twenty-four*;
- “Chartered Member” means a person admitted as a Chartered Member of the Institute in terms of section *twenty-five*;
- “Code of Ethics” means the code of professional conduct of the Institute provided for under section *forty-nine*;
- “committee” means a committee of the Institute;
- “Council” means the National Council of the Institute constituted under section *twelve*;
- “Disciplinary Committee” means the Disciplinary Committee of the Institute constituted under section *forty-four*;
- “Honorary Secretary” means the person elected as Honorary Secretary of the Institute at an annual general meeting of the members;
- “Institute” means the Zambia Chartered Institute of Logistics and Transport established under section *four*;
- “logistician or transportant” means a person who has undertaken a course of study to become a logistician or transportant, or both, and includes a logistics or transport consultant and logistics or transport advisor, or a combination of both;
- “Member” means a person who is a Member of the Institute in terms of section *twenty-six*;
- “practising certificate” means a certificate issued under section *thirty-four* authorising a member to practice as a logistician or transportant;
- “President” means the person elected as President of the Institute;
- “Register” means the Register provided for under section *forty*;
- “special resolution” means a resolution passed by not less than a two-third majority of the total membership of the Council or annual general meeting duly convened with the intention to propose such a resolution; and
- “Vice-President” means the person elected as the Vice-President of the Institute.

3. Subject to the Constitution, where there is an inconsistency between the provisions of this Act and the provisions of another written law relating to logisticians or transportants, the provisions of this Act shall prevail to the extent of the inconsistency.

Superiority
of Act
Cap. 1

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PART II

THE ZAMBIA CHARTERED INSTITUTE OF LOGISTICS AND TRANSPORT

4. There is established the Zambia Chartered Institute of Logistics and Transport which shall be a body corporate with perpetual succession and a common seal, capable of suing and being sued in its corporate name and shall, subject to the provisions of this Act, have power to do all such acts and things as a body corporate may, by law, do or perform.

Establishment
of Zambia
Chartered
Institute of
Logistics and
Transport

5. (1) The seal of the Institute shall be such device as may be determined by the Council and shall be kept by the Honorary Secretary.

Seal of
Institute

(2) The affixing of the seal shall be authenticated by the President or the Vice-President and the Honorary Secretary or one other person authorised in that behalf by a resolution of 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 Institute by the Honorary Secretary or any other person generally or specifically authorised in that behalf by the Council.

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

6. (1) There shall be as many branches and sub-branches of the Institute as the Council may approve, and each branch and subbranch shall be composed of members whose major interests lie in the particular discipline with which the branch or sub-branch is concerned.

Branches and
subbranches
of Institute

(2) The management and control of each branch or sub-branch shall vest in a committee of Chartered Members elected annually by that branch or sub-branch.

(3) A committee of a branch or subbranch shall be responsible for all matters affecting the branch or subbranch including the receipt and expenditure of monies relating to its activities, other than membership subscriptions.

(4) Subject to the general directions of the Council, a branch 5 or subbranch may regulate its own procedures.

(5) A branch or subbranch may be dissolved only after obtaining the prior approval of the Council.

Functions of
Institute

7. (1) The functions of the Institute are to promote, encourage and co-ordinate the study of the science and art of logistics and 10 transport in all branches.

(2) Without prejudice to the generality of subsection (1), the Institute shall---

(a) initiate and promote investigation and research into the means and methods of, and appliances for, logistics, 15 transport, transit and locomotion;

(b) disseminate knowledge and exchange information and ideas with regard to logistics, transport, transit and locomotion and assist in the development and improvement of logistics, transport, transit and 20 development in the best interest of the public;

(c) design, prepare and conduct, in collaboration with other national institutions, local or foreign universities, local examining bodies, professional examinations in logistics and transport and award certificates to graduates and 25 elevate members to higher membership classes;

(d) provide educational programmes with examinations leading to professional grades including continuous professional development programmes;

(e) co-operate with other professional institutions in the 30 educational sector so as to raise standards in the training of logisticians and transportants;

(f) hold regular meetings and exchange of ideas for persons interested in logistics and transport through conferences, discussion groups, lectures, seminars, presentation of 35 papers, visits to specific logistic and transport installations and other professional activities;

(g) promote and develop any scheme to elevate the status and advance the interests of the Institute;

- (h) provide means for considering problems affecting the logistics and transport profession and take any action in the interest of the profession in relation to legislative or other measures affecting the profession;
- 5 (i) liaise and co-operate with government departments and other educational and appropriate institutions or bodies, both national and otherwise, concerned with or interested in the development of logistics and transport; and
- (j) do all such other things as are necessary or incidental to the carrying out of its functions under this Act.
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(3) The Institute may charge and collect fees in respect of programmes, publications, seminars, consultancy services and other services provided by the Institute.

8. (1) The Institute shall, by a vote of at least two-thirds of the members voting at a general meeting of the Institute, adopt the rules of the Institute to be prescribed under section *fifty-nine* and may, in like manner, amend the rules.
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Rules of
Institute

- (2) The rules referred to in sub-section (1) shall, subject to the other provisions of this Act, regulate the conduct of the affairs of the Institute.
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9. (1) The President and Vice-President of the Institute shall be elected at an annual general meeting of the Institute in accordance with the rules of the Institute.

Election of
President and
Vice-
President of
Institute

- (2) The President and the Vice-President shall be Chartered Fellows of the Institute.
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10. (1) Subject to the other provisions of this Act, the Institute shall conduct its meetings in accordance with the rules of the Institute.

Meetings of
Institute and
procedure at
meetings

- (2) There shall preside at a meeting of the Institute—
- 30 (a) the President;
- (b) in the absence of the President, the Vice-President; or
- (c) in the absence of the President and the Vice-President, such member as the members present may elect for the purpose of that meeting.
- (3) The Institute shall hold an annual general meeting within three months of the end of each financial year in accordance with the rules of the Institute.
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(4) The Institute may call a special general meeting, in accordance with the rules of the Institute, on the request of twenty members of the Institute of whom at least five members shall be Chartered Fellows and seven shall be from any other class of members, and the agenda of the meeting shall be communicated to the Council at the time of the request. 5

(5) Notwithstanding sub-section (4), ten percent or more of the Chartered Members may call for an extraordinary general meeting upon giving of a shorter notice, in writing, signed by a Chartered Member, in accordance with the rules of the Institute. 10

(6) The Honorary Secretary shall cause to be kept minutes of all proceedings and resolutions of a meeting of the Institute, in accordance with the rules of the Institute, which shall be circulated to members within twentyone days from the date of the meeting to which they relate. 15

(7) The validity of any proceedings, act or decision of the Institute shall not be affected by any person's absence from any meeting of the Institute or by reason that a person not entitled to do so took part in the proceedings.

Director and
staff of
Institute

11. (1) The Council shall appoint the Director of the Institute on such terms and conditions as the Council may determine. 20

(2) The Director shall be the Registrar for the Institute and shall be responsible for the administration of the day-to-day affairs of the Institute under the general supervision of the Council.

(3) The Council may, on such terms and conditions as it may determine, appoint such other staff of the Institute as it considers necessary for the performance of the functions of the Institute. 25

PART III

THE NATIONAL COUNCIL OF THE INSTITUTE

National
Council

12. (1) There is constituted the National Council of the Institute. 30

(2) The Council shall be responsible for the management and control of the affairs of the Institute.

Composition
of Council

13. (1) The Council shall consist of the following members:

(a) the President;

(b) the Vice-President;

(c) the immediate past President;

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- (d) the Honorary Secretary, elected at an annual general meeting of the Institute;
- (e) the Honorary Treasurer, who shall be a Chartered Member, elected at an annual general meeting of the Institute;
- 5 (f) two Trustees, who shall be Chartered Fellows or Chartered Members, elected at an annual general meeting of the Institute;
- (g) four Chartered Fellows or Chartered Members elected at an annual general meeting of the Institute; and
- 10 (h) the chairpersons of each branch of the Institute.

(2) A person is not qualified to be elected as a member of the Council, under subsection (1), if the person—

- (a) has committed any professional misconduct within a period of five years preceding the election;
- 15 (b) is in lawful custody or the person's freedom of movement is restricted under any law in force in or outside Zambia on the date of the election;
- (c) has not been on the Register for at least three years preceding the election; or
- 20 (d) becomes mentally incapable of performing duties as a member.

14. (1) A member of the Council shall, unless the member vacates office earlier, hold office for a period of three years from the date of election and may be re-elected for a further term of three years, except that the two members of the Council who are Trustees shall hold office for a period of five years.

Tenure of
office of
Council
members

(2) A member of the Council shall not serve for more than two consecutive terms.

30 (3) A member of the Council may resign upon giving one month's notice to the Institute through the Honorary Secretary.

(4) The Council shall, where there is a vacancy on the Council, appoint another member who shall serve as a member of the Council until the date of the next annual general meeting of the Institute.

(5) The office of a member of the Council shall be vacated—

- 35 (a) upon the member's death;
- (b) if the member is disqualified under subsection (2) of section thirteen;

- (c) if the member's registration is cancelled;
- (d) if the member becomes mentally incapable of performing duties as a member;
- (e) if the member is adjudged bankrupt;
- (f) if the member is convicted of an offence under this Act or 5
an offence involving fraud or dishonesty under any written law;
- (g) if the member is absent, without reasonable excuse, from three consecutive meetings of the Council of which the member has had notice without the prior approval of the 10
Council; or
- (h) upon the expiry of one month's notice of the member's intention to resign, given by the member, in writing, to the Council.

Functions of
Council

15. (1) The functions of the Council are to— 15

- (a) exercise and perform the functions of the Institute;
- (b) promote an understanding of professional ethics amongst the members of the Institute;
- (c) ensure that the Code of Ethics and guidelines for professional ethics developed by the Institute are 20
responsive to the expectations of business institutions and persons who rely on logisticians' and transportants' work;
- (d) participate in the development of international practice standard setting for logisticians and transportants; 25
- (e) determine the need for, and the nature and level of, professional indemnity insurance or fidelity insurance to be taken out by logisticians and transportants registered to practice under this Act;
- (f) do all such things and acts as the Institute may do under 30
this Act; and
- (g) perform any other functions as may be prescribed in the rules of the Institute or any other law.

(2) The Council shall maintain a Register of the names of all persons who are members of the Institute and the classes of 35
membership applicable to the members.

Meetings
and
proceedings
of Council

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

(2) The Council shall meet for the transaction of business at least once in every three months at such place and time as the
5 President may determine.

(3) A meeting of the Council may be called by the President upon giving notice of not less than seven days, and may be called if not less than five members of the Council so request in writing, except that if the urgency of a particular matter does not permit
10 the giving of such notice, a special meeting may be called upon giving a shorter notice.

(4) Five members of the Council shall form a quorum at any meeting of the Council.

(5) There shall preside at a meeting of the Council—

15 (a) the President;

(b) in the absence of the President, the VicePresident; or

(c) in the absence of the President and Vice-President, such member of the Council as the members present may elect from amongst themselves for the purpose of that
20 meeting.

(6) A decision of the Council on any question shall be by a simple 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, in addition to a deliberative vote, a casting vote.

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

(8) The validity of any proceedings, act or decision of the Council or any committee of the Council shall not be affected by
30 any vacancy in the membership of the Council or committee or by any defect in the appointment of any member or by reason that a person not entitled to do so, 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
35 any committee of the Council.

17. (1) The Council may, for the purpose of performing its functions under this Act, establish such other committees as it may determine and may delegate to any committee any of its functions as it considers necessary.

Committees
of Council

(2) A committee established under subsection (1) shall consist of members of the Council or members of the Institute, or representatives of both.

(3) Subject to the rules of the Institute, a member of a committee established under subsection (1) shall hold office for 5 such period as the Council may determine.

(4) Subject to any specific or general direction of the Council and the rules of the Institute, a committee established under this section may regulate its own procedure.

Disclosure of
interest

18. (1) If any person is present at a meeting of the Board or 10 any committee at which any matter is the subject of consideration, and in which matter that person or that person's spouse, relative, friend or associate is directly or indirectly interested in a private capacity, that person shall, as soon as is practicable after the commencement of the meeting, declare such interest and shall not, 15 unless the Board or the committee otherwise directs, take part in any consideration or discussion of, or vote on, any question relating to that matter.

(2) A disclosure of interest made under sub-paragraph (1) shall be recorded in the minutes of the meeting at which it is made. 20

Immunity of
members of
Council

19. An action or other proceedings shall not lie or be instituted against a member of the Council, Board or a committee of the Council for, or in respect of, anything done or omitted to be done in good faith in the exercise of that member's functions under this Act. 25

PART IV

LOGISTICIANS AND TRANSPORTANTS REGISTRATION BOARD

Logisticians
and
Transportants
Registration
Board

20. (1) There is constituted the Logistician and Transportant Registration Board.

(2) The Board shall consist of nine Chartered Members elected 30 at an annual general meeting, at least one of whom shall be a logistics and transport consultant holding a practising certificate.

(3) The members of the Board shall hold office for a term of three years and shall, on the expiration of the term, be eligible for re election, except that a member shall not serve on the Board for 35 more than two terms.

Board
meetings

21. (1) Subject to the other provisions of this Act, the Board may regulate its own procedures.

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

(3) Five members of the Board shall form a quorum.

5 (4) There shall preside at every meeting of the Board —

(a) the chairperson;

(b) in the absence of the chairperson, the vicechairperson; or

10 (c) in the absence of the chairperson and vice-chairperson, such member of the Board as the members present may elect from amongst themselves for the purpose of that meeting.

(5) A decision of the Board shall be passed by a simple 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
15 have a casting vote in addition to a deliberative vote.

22. Except as otherwise provided in this Act, the functions of the Board are to perform all the registration functions of the Institute.

Functions of
Board

PART V

MEMBERSHIP, REGISTRATION AND PRACTISING CERTIFICATE

20 23. (1) There shall be five classes of membership of the Institute as follows—

Membership
and
membership
fee

(a) Chartered Fellow;

(b) Chartered Member;

(c) Member; and

25 (d) Affiliate Member;

as specified in sections *twenty-four to twenty seven*, respectively.

(2) Each class of membership shall have such rights, privileges and obligations as may be prescribed in the constitution of the Institute.

30 (3) A logistician or transportant who makes an application to the Council for election to a class of membership shall submit such evidence on which that person relies, as the Council may require.

(4) The Institute may charge such fees for its membership as may be specified in the rules of the Institute and different fees may
35 be prescribed for different classes of membership.

Chartered
Fellow

24. A logistician or transportant may, on application to the Council, be admitted as a Chartered Fellow or by the post nominal letters FCILT, if that person—

- (a) is a Chartered Member or has fulfilled the conditions for such membership; 5
- (b) has attended an appropriate university, college or school and holds a degree or other qualification acceptable to the Council for this class of membership and has served as a member for at least five consecutive years; and
- (c) not more than one year before the time of making an application for admission as a Chartered Fellow, that person is or has been— 10
 - (i) engaged for not less than seven years in the administration, design or execution of work that is part of the practice of professional logistics and transport or an allied discipline; 15
 - (ii) in practice as a consultant on that person's own account for not less than seven years;
 - (iii) lecturing or teaching at such university or institute or holds such responsible position and for such length of time of not less than seven years at such university or institute; or 20
 - (iv) engaged in research of an approved nature for not less than five years. 25

Chartered
Member

25. (I) A logistician or transportant may, on application to the Council, be admitted as a Chartered Member or by the post nominal letters CMILT, if that person— 25

- (a) has passed both the Diploma and Advanced Professional Diploma of the Institute or a chartered institute of logistics and transport in another country; 30
- (b) has attended an approved university, college or school and holds a degree or other qualifications acceptable to the Council for this class of membership;
- (c) has been in the profession for such period and passed such examinations as may be determined by the Council; 35

(d) has proved that person's educational attainment by the submission to the Council of a thesis, report or technical essay of a standard acceptable to the Council, coupled with oral discussion on the subject matter to the satisfaction of the members of the Council;

(e) at or not more than one year before the time of making the application for admission as a member, that person is or has—

- (i) engaged in research of an approved nature;
- (ii) engaged in the administration, design, execution or operation of professional logistics and transport work;
- (iii) undergone training acceptable to the Council for a period of two years under an approved professional person; and
- (iv) after such training, acquired relevant experience of five years at a senior management level in logistics and transport.

(2) Notwithstanding subsection (1), a university graduate with a degree approved by the Council for the purpose of subsection (1) of section *twenty-six* may apply to be admitted as a Chartered Member if that person has at least five years of practical experience in logistics and transport.

26. (1) A person may, on application to the Council, be admitted as a Member or by the post nominal letters MILT if that person has been awarded a Certificate in Logistics and Transport and has had three years experience at supervisor or junior management level in logistics and transport.

(2) The membership class under subsection (1) is nonchartered.

27. (1) A person may, on application to the Council, be admitted as an Affiliate Member if that person—

- (a) is interested in logistics and transport;
- (b) is a *bona fide* student at an approved higher education institution and is studying for a certificate in logistics and transport or an allied discipline;
- (c) has undergone a period of training, after graduation in industry connected with logistics or transport or an allied discipline; or
- (d) has been accepted as an Affiliate Member of the chartered institute of logistics and transport in another country.

(2) The membership class under subsection (1) is nonchartered.

Member's
vote

28. A Chartered Fellow, Chartered Member, Member or Affiliate Member shall have a vote on any matter relating to the Institute, except that any recommendation for the amendment of this Act shall only be proposed and voted on by Chartered Fellows 5 and Chartered Members.

Designations
by
members,
professional
relations and
member's
certificate

29. (1) A person may use the designation, depending on the class of membership, as follows—

(a) "Chartered Fellow" as "Fellow of the Chartered Institute of Logistic and Transport" or by the post nominal letters "FCILT"; 10

(b) "Chartered Member" as "Member of the Chartered Institute of Logistics and Transport" or by the post nominal letters "CMILT"; or

(c) "Member" as Member of the Chartered Institute of 15 Logistics and Transport or by the post nominal letters "MILT".

(2) A person using or designating the title or description of Chartered Fellow, Chartered Member or Member or the authorised post nominal letters "FCILT", "CMILT" or "MILT", respectively, 20 when not entitled to do so commits an offence and is liable, upon conviction, to a fine not exceeding four thousand penalty units or to imprisonment for a period not exceeding six months, or to both.

(3) Members shall, in all professional relations, be governed by the Code of Ethics, the constitution and directives of the Council. 25

(4) The Institute shall issue to each member a certificate stating that member's full name, class of membership and the date upon which the member was admitted to that class of membership.

(5) A certificate issued under subsection (4) shall bear the crest of the Institute and shall be signed by the President or 30 VicePresident and the Honorary Secretary.

Commence-
ment of
membership

30. (1) Where the Council approves an application for membership, such membership shall commence when the applicant pays to the Institute, within sixty days of being notified of the approval, the membership fees set in the rules of the Institute for 35 the class of membership to which the applicant is admitted.

(2) Where a successful applicant fails to pay the membership fee within the period specified in the subsection (1), the application for membership and the Council's approval shall lapse.

31. (1) A member may be expelled from the Institute by special resolution of the Council in accordance with this Act and the rules of the Institute.

Expulsion
and
resignation
of member

5 (2) A person who is expelled from membership of the Institute shall not be readmitted as a member without the authority of a special resolution passed by an annual general meeting.

10 (3) A member of any class of the Institute may resign from the membership of the Institute upon giving notice of that member's intention to resign, in writing, through the Honorary Secretary, to the Council.

(4) The resignation of a member shall not take effect until the member has paid all arrears of subscription due to the Institute up to and including the date of resignation, and no refund of subscription already paid shall be made to a member who resigns.

15 (5) A person who has resigned from the membership of the Institute shall forward that person's certificate of membership to the Honorary Secretary who, upon receipt of the certificate, shall strike off the name of the person from the register of members.

20 (6) A fully paidup member who resigns from the membership of the Institute shall be recorded as having resigned in good standing.

32. (1) A member shall, before the 1st January of each year, pay to the Institute an annual subscription applicable to the class of membership to which the member belongs as specified in the rules of the Institute.

Annual
subscription
fee

25 (2) A person who is admitted to any class of membership or any member who is transferred from one class of membership to another after the 30th June in any financial year shall pay to the Institute one half of the annual subscription for that class of membership for that financial year.

30 (3) A member over the age of 55 years who satisfies the Institute that the member has ceased to be engaged in gainful employment may elect to pay, each year, only onehalf of the subscription for that year, or in the alternative, may pay an average sum equivalent to five annual subscriptions in lieu of all future annual
35 subscriptions.

(4) A member who fails to pay that member's annual subscription for twelve months ceases to be a member in good standing and the membership shall lapse, except that the Council may reinstate the member upon payment by the member of all
40 arrears of subscription.

Application
for
registration to
practice as
logistician or
transportant

33. (1) A person is eligible to apply to register to practice as a logistician or transportant if that person—

(a) is a Chartered Fellow or Chartered Member;

(b) is resident or has an established office or appointment in Zambia as a logistician or transportant; and

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(c) pays a fee prescribed in the rules of the Institute.

(2) A member shall apply to the Honorary Secretary for registration to practice as a logistician or transportant.

(3) A member who wishes to apply for registration as a logistician or transportant shall submit such documents as shall be specified in the rules of the Institute and as may be required by the Board to support that applicant's registration.

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(4) The Honorary Secretary shall, upon receipt of an application made under subsection (1), submit the application to the Board for consideration.

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(5) The Board shall, within seven days of the receipt of an application made under subsection (3), make a decision approving or rejecting the application which decision shall be submitted to the Council for confirmation or variation.

(6) The Honorary Secretary shall communicate the decision of the Council to the applicant within twentyone days of the receipt of the application.

20

Grant of
practising
certificate

34. (1) The Institute shall, where the Council approves the registration of a member to practice as a logistician or transportant, issue that member with a practising certificate to practise as a logistician or transportant.

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(2) A practising certificate shall remain the property of the Institute.

(3) A logistician or transportant holding a practising certificate issued under this section shall be entitled to use the title "Registered Logistician or Transportant".

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(4) Every practising certificate, issued under subsection (1), shall bear the crest of the Institute and shall be signed by the President or the Vice President and the Honorary Secretary.

(5) A practising certificate shall be displayed at the place of practice of the logistician or transportant.

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(6) A practising certificate shall take effect on the day it is issued and shall continue in force until the 31st December next following, except that a practising certificate issued between the 1st January and the 1st February shall have effect for all purposes from the 1st January in that year.

35. (1) A person who is not registered to practise as a logistician or transportant under this Act shall not— Holding out

10 (a) practise as, teach, be employed as, offer services as or hold out to be, a qualified logistician or transportant, or a logistician or transportant consultant or adviser;

(b) adopt, use or exhibit the terms “logistician or transportant”, “registered logistician or transportant”, “consulting logistician or transportant” or any other term of like description; or

15 (c) do anything likely to lead persons to infer that the person is a logistician or transportant registered to practice under this Act.

20 (2) A person, firm, company or government agency shall not employ or engage any person as a logistician or transportant who is not a member of the Institute or registered to practice as a logistician or transportant under this Act.

25 (3) A person who contravenes this section commits an offence and is liable, upon conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

30 (4) Where an offence under this section is committed by a body corporate, every director or senior officer of the body corporate shall be liable, upon conviction, as if the director or senior officer had personally committed the offence, unless the director or senior officer proves to the satisfaction of the court that the act constituting the offence under this section was done without the knowledge, consent or conviction of the director or senior officer or that the director or senior officer took reasonable steps to prevent the commission of the offence.

35 36. (1) A person shall not—

(a) make or cause to be made an unauthorised entry, alteration or erasure in the Register or a certified copy of an entry in the Register, a certificate of registration or other certificate issued under this Act;

Offences
regarding
registered
transportants
and
logisticians

- (b) impersonate or use the title of a Chartered Fellow, Chartered Member, Member or Affiliate Member, while not a member;
- (c) procure, or attempt to procure, registration under this Act by fraud, misrepresentation or the non-disclosure of a material fact; or 5
- (d) forge a certificate of registration or other certificate issued under this Act.

(2) A person who contravenes subsection (1) commits an offence and is liable, upon conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a period not exceeding ten years, or to both. 10

Recognition
of foreign
qualifications

37. (1) The Minister may, on the recommendation of the Council, by statutory instrument, recognise any foreign qualifications accredited by the Council for purposes of membership under this Act. 15

(2) The Council may register a person as a member under subsection (1) of section *twenty-three* who is not a citizen of Zambia or is not practising or working as a logistician or transportants in Zambia prior to the application, if that person 20

(a) is engaged to work as a logistician or transportant under an international agreement entered into by the Government of the Republic of Zambia; or

(b) undertakes such number of courses as the Council may determine and passes the final examination for the courses. 25

Act No. 18
of 2010

(3) Notwithstanding anything to the contrary in the Immigration and Deportation Act, an immigration officer shall not, without the approval of the Council, issue an employment or entry permit to a person who intends to practise or be employed as a logistician or transportant. 30

(4) A person who contravenes this section commits an offence and is liable, upon conviction, to a fine not exceeding three hundred thousand penalty units or to imprisonment for a period not exceeding three years, or to both. 35

Renewal of
practising
certificate

38. A practising certificate shall be renewed annually upon the payment of such fees as may be prescribed in the rules of the Institute.

39. (1) A practising certificate may be cancelled by the Council
if—

Cancellation
of practising
certificate

- 5 (a) it is proved to the satisfaction of the Council that the
registration was obtained through fraud,
misrepresentation or non-disclosure of any material
facts; or
- (b) a person ceases to be a Chartered Fellow or Chartered
Member.

10 (2) The Council shall, before cancelling a practising certificate
under subsection (1), give a registered logistician or transportant
thirty days notice of the intention to cancel the practising certificate
and give the registered logistician or transportant an opportunity to
show cause why the practising certificate should not be cancelled.

15 (3) The cancellation of a practising certificate under subsection
(1) shall be published in the *Gazette*.

40. (1) The Board shall, under the general supervision of the
Council, keep and maintain a Register of logisticians and
transportants registered to practice under this Act.

Register of
logisticians
and
transportants

20 (2) The Register, referred to in subsection (1), shall contain
information relating to all members of the Institute in such manner
as may be prescribed in the rules of the Institute.

(3) The Institute may cause any corrections or alteration to be
made to the Register for purposes of fulfilling the requirements
under this Act.

25 (4) The Register shall be kept at the Institute and shall be
open to inspection on such conditions, including the payment of any
fee as may be prescribed in the rules of the Institute.

41. (1) A person who—

30 (a) makes or causes to be made, an unauthorised entry,
alteration or erasure in the register maintained under
this Act, certificate of membership or practicing
certificate or in any copy thereof; or

35 (b) procures or attempts to procure for that person or any
other person a certificate of membership or practising
certificate, by means of fraud, misrepresentation or non-
disclosure of any material fact;

Offences
related
to register
and
certificates

commits an offence and is liable, upon conviction, to a fine not
exceeding two hundred thousand penalty units or to imprisonment
for a term not exceeding three years, or to both.

Exemptions

42. (1) Except for heads of department at an institution approved by the Council, lecturers in logistics or transport subjects, trainee logistician or transportant or pupil logistician or transportant undergoing training programs approved by the Council who satisfy the academic qualification for Chartered Member and who are under the supervision of a registered logistician or transportant shall not be required to comply with the provisions of this Part. 5

(2) The exemption referred to in subsection (1) shall not apply to holders of appointments which include "logistics or transport" "logisticians and transportant" in their titles or functions. 10

Appeal to
High Court

43. A person aggrieved by a decision of the Council under this Part or Part IV may within thirty days of receipt of the decision of the Council, appeal to the High Court.

PART VI

DISCIPLINARY COMMITTEE

15

Constitution
of
Disciplinary
Committee

44. (1) There is constituted a Disciplinary Committee of the Institute whose members shall be elected at an annual general meeting of the Institute.

(2) The Disciplinary Committee shall consist of the following members— 20

- (a) the Chairperson;
- (b) the ViceChairperson;
- (c) a legal practitioner; and
- (d) not more than five other members.

(3) The members referred to in paragraphs (a), (b) and (d) of subsection (2) shall be members registered to practise as logisticians or transportants. 25

(4) A person shall not be elected as a member of the Disciplinary Committee if the person

- (a) has committed or been convicted of any professional misconduct; 30
- (b) is in lawful custody or the person's freedom of movement is restricted under any law in force within or outside Zambia;
- (c) has not been on the Register for at least ten years preceding the election; or 35
- (d) has been convicted of any offence involving fraud or dishonesty.

(5) A member of the Disciplinary Committee shall hold office for a term of two years and may be reelected for a further and final term of two years.

(6) There shall preside at a meeting of the Disciplinary
5 Committee—

(a) the Chairperson;

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

10 (c) in absence of the Chairperson and the Vice-Chairperson,
a member of the Disciplinary Committee as the members
present may elect from amongst themselves for the
purpose of that meeting.

45. The functions of the Disciplinary Committee are to hear
and determine—

Functions of
Disciplinary
Committee

15 (a) any complaint or allegation against a member of the
Institute;

(b) any complaint or allegation against a member registered
to practise as a logistician or transportant; and

20 (c) any complaint or allegation against the Council or any
committee established under this Act.

46. (1) A person who alleges that a member has contravened
the Code of Ethics or any provision of this Act may lodge a complaint
with the Disciplinary Committee against the member.

Lodging of
complaint or
initiation of
disciplinary
action

25 (2) The Institute may initiate disciplinary action under this
section where it has reasonable grounds to believe that a member
has contravened the Code of Ethics or any provision of this Act.

(3) A person may lodge a complaint with the Disciplinary
Committee, the Council or a Committee of the Council where the
person is aggrieved with a decision of the Council or Committee of
30 the Council.

(4) A complaint or allegation shall be made to the Honorary
Secretary in the manner and form prescribed in the rules of the
Institute.

47. The Disciplinary Committee may, for the purposes of any
35 hearing —

Powers of
Disciplinary
Committee

(a) hear and receive evidence;

(b) under the hand of the Chairperson of the Disciplinary
Committee, summon witnesses;

(c) require the production of any book, record, document, electronic record or anything required for the purposes of the proceeding; and

(d) through the Chairperson or Vice- Chairperson, administer an oath to any witness. 5

(2) A person summoned to appear before the Disciplinary Committee who, without reasonable excuse—

(a) refuses or fails to attend at the time and place specified in the summons, or having attended leaves without the permission of the Disciplinary Committee; 10

(b) having attended, refuses to be sworn or to affirm;

(c) refuses, without lawful excuse, to answer fully and satisfactorily to the best of that person's knowledge and belief any question lawfully put to that person; or

(d) refuses to produce any book, record, document or thing 15 which that person has been required by summons to produce;

commits an offence and is liable, upon conviction, to a fine not exceeding four hundred penalty units or to imprisonment for a period not exceeding six months, or to both. 20

(3) Notwithstanding subsection (2), a person shall not be compelled to answer any question or produce any book, record, document or thing which that person would not be compelled to answer or produce on the trial of an action in a court.

(4) In any hearing before the Disciplinary Committee, any 25 finding of fact, which is shown to have been made by any court in Zambia, shall be conclusive evidence of the fact so found.

(5) The Disciplinary Committee may, for the purposes of any proceedings, use such assessors or experts as it may determine.

(6) The Disciplinary Committee shall, as soon as practicable 30 after the completion of each hearing, submit to the Institute a report of the proceedings, together with a copy of the record kept in accordance with section *forty-eight*.

Proceedings
of
Disciplinary
Committee

48. (1) Except as otherwise provided in this section, the Disciplinary Committee may regulate its own procedure. 35

(2) Five members of the Disciplinary Committee shall form a quorum.

(3) A decision of the Disciplinary Committee shall be by a simple majority of the votes of the members of the Disciplinary Committee 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 a deliberative vote.

(4) The proceedings of the Disciplinary Committee shall be held in camera.

(5) A hearing before the Disciplinary Committee shall, for all purposes, and in particular for the purposes of the Penal Code, be deemed to be a judicial proceeding. Cap. 87

(6) The Disciplinary Committee shall cause to be kept a record of all its proceedings.

(7) A party to the proceedings before the Disciplinary Committee has the right to be present throughout the hearing.

(8) A party to a hearing of the Disciplinary Committee may be represented by a legal practitioner, or with the leave of the Committee, by a person authorised by the party in that behalf, or in person.

(9) A party to the disciplinary proceedings or that party's legal practitioner may cross-examine any person giving evidence before the Disciplinary Committee.

(10) A decision of the Disciplinary Committee shall be in the form of a reasoned judgment and a copy thereof shall be supplied to each party to the proceedings and to the Council.

49. (1) A member shall be subject to the Institute's Code of Ethics as prescribed. Code of Ethics

(2) A member of the Institute shall, at all times—

- (a) uphold the integrity and professionalism of the logistics and transport industry;
- (b) act responsibly towards the welfare, health and safety of all members of the Institute and the impact of transport on the environment and the community in general;
- (c) continue their professional development throughout their careers and actively assist and encourage fellow members, as well as non-members, to advance their transport knowledge and expertise;
- (d) strive to serve the interests of their employers without compromising professional integrity or ethics;

- (e) promote the professional image of the Institute and the transport industry;
- (f) build their professional reputation on merit and compete fairly where competition is appropriate; and
- (g) promote international understanding, goodwill and 5 cooperation among logisticians and transportants.

Professional
misconduct

50. A member who is registered to practice as a logistician or transportant commits professional misconduct if, in the course of that member's practice as a logistician or transportant that member—

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- (a) allows a person, other than a registered logistician or transportant, trainee logistician or transportant, in that member's employ to practice in the name of the registered logistician or transportant;
- (b) unlawfully discloses or uses to that member's advantage 15 any information which was acquired in the course of a professional engagement with a client;
- (c) certifies or submits in that member's name or in the name of that member's firm a report document, drawings, statements and related records which have not been 20 made by that member, that member's partner or a logistician and transportant employed by that member's firm or company;
- (d) permits that member's name or the name of that member's firm or company to be used in connection with technical 25 specifications, designs or financial calculations contingent upon future transactions in the manner which may reasonably lead people to infer that the member vouches for the accuracy of such information;
- (e) charges fees for professional work, other than fees at the 30 scales approved by the Council;
- (f) in a report in which that person's client has interest, fails to disclose or knowingly conceals from that client statements of facts known to that member and the disclosure of which is necessary in order that the report 35 is not misleading;
- (g) fails to disclose or knowingly conceals facts from a client in a report and the disclosure of such facts is important to make the report accurate;

- (h) gives an opinion in a professional capacity without obtaining sufficient information thereof;
- (i) contravenes the provisions of this Act;
- (j) engages in conduct that is dishonest, fraudulent or deceitful;
- 5 (k) engages in any conduct that is prejudicial to the profession of logisticians and transportants or is likely to bring it into disrepute; or
- (l) breaches the Code of Ethics or encourages another member to breach or disregard the principles of the Code of Ethics.

10 **51.** (1) Where the Disciplinary Committee, after due inquiry, finds a member, logistician or transportant guilty of professional misconduct, the Disciplinary Committee may impose one or more of the following penalties:

Penalties for professional misconduct

- 15 (a) order the cancellation of the member's practising certificate or certificate of registration;
- (b) recommend to the Council the expulsion or suspension of any member;
- (c) censure the member;
- 20 (d) impose an administrative fine not exceeding eight hundred penalty units payable to the Institute;
- (e) order the member to pay to the Institute or to any other party to the hearing any costs of, or incidental to, the proceedings; or
- 25 (f) impose any reasonable conditions for the suspension for a period not exceeding two years of the member's certificate of registration or practising certificate.

30 (2) The cancellation of a member's certificate of registration or practising certificate ordered by the Disciplinary Committee, under subsection (1), shall not take effect until after the expiration of the time allowed for lodging an appeal against that decision.

52. (1) A member who is aggrieved by a decision of the Disciplinary Committee may, within thirty days of receiving the decision, appeal to the Council.

Appeal to Council

35 (2) The Council may, on appeal—

- (a) confirm, vary or set aside any findings made, penalty imposed or direction given by the Disciplinary Committee;

(b) remit the matter to the Disciplinary Committee for further consideration, in accordance with such directions as the Council may give; or

(c) make such other order as to costs or otherwise as it considers appropriate. 5

(3) Proceedings of the Disciplinary Committee shall not be set aside by reason only of some irregularity in those proceedings if such irregularity did not occasion a substantial miscarriage of justice.

Rules
relating to
disciplinary
proceedings

53. (1) The Chief Justice may, by statutory instrument, on the recommendation of the Council, make rules relating to — 10

(a) the manner and form for lodging of complaints under this Part;

(b) the mode of summoning persons before the Disciplinary Committee; 15

(c) the form and manner of service of summons requiring the attendance of a witness before the Disciplinary Committee and the production of any book, record, document or thing;

(d) the procedure to be followed and the rules of evidence to be observed in proceedings before the Disciplinary Committee; and 20

(e) the functions of the assessors to the Disciplinary Committee.

(2) Rules made under this section may, in particular, provide— 25

(a) that before any matters are referred to the Disciplinary Committee they shall, in such manner as may be provided by the rules, have been brought before, and investigated by, the Council in this respect;

(b) for securing notices for the proceedings and specifying the time and manner of the proceedings; and 30

(c) for securing that any party to the proceedings shall if that person requires, be entitled to be heard by the Disciplinary Committee.

PART VII

GENERAL PROVISIONS

54. (1) A member holding a practising certificate issued under this Act shall, for professional services rendered, charge fees as the Minister may, on the recommendation of the Council, prescribe by statutory instrument.

Fees for
professional
services
rendered

(2) A member shall be entitled to receive remuneration for that member's professional services in accordance with the scale of fees for professional services, services rendered or work done as may be prescribed by the Minister by statutory instrument, on the recommendation of the Council.

(3) A member who is a public officer may be paid for professional services under subsection (2) where the Council grants special authorisation for the payment.

(4) A member shall, before engaging in any professional advice, services or other work, draw the attention of the client to the scale of fees referred to in subsection (1).

55. (1) A person 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 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
disclosure or
publication
of
information

(2) Any person who contravenes subsection (1) commits an offence and is liable, upon conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a period not exceeding one year, or to both.

(3) A person who, having information which to that person's knowledge has been published or disclosed in contravention of subsection (1), unlawfully publishes or communicates the information to any other person commits an offence and is liable, upon conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a period not exceeding one year, or to both.

Administrative
justice

56. Subject to the other provisions of this Act, where the Institute, Council, Board or any committee makes any decision or takes a step of an administration nature under this Act which affects the rights and duties of any person, structure or body, or issues a newsletter or circular of general interest or to be acted on as guidelines, the Institute, Council, Board or committee shall— 5

(a) publish or otherwise make known the nature and effect of the decision made or step taken, in a written, printed or electronic manner to the affected person, structure or body in a manner designed to ensure that the person, structure or body acquires full knowledge of the decision made or step taken; and 10

(b) comply with the applicable requirement of just administrative action, including the furnishing of reasons for the decisions made or step taken. 15

False or
misleading
statements
by
member

57. (1) A member shall not knowingly or recklessly make a false or misleading statement, orally or in writing, to an investigating authority or the Institute.

(2) A person who contravenes subsection (1) commits an offence and is liable, upon conviction— 20

(a) if the offender is a natural person, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both; or

(b) if the offender is a body corporate, to a fine of nine hundred thousand penalty units. 25

General
offence
and penalty

58. A person who contravenes a provision of this Act for which no specific penalty is provided is liable, upon conviction, to a fine not exceeding three hundred thousand penalty units or to a period of imprisonment not exceeding six months, or to both.

Institute
rules

59. (1) Subject to the approval of the Minister, the Council may, subject to the other provisions of this Act, make statutory rules relating to — 30

(a) the Institute;

(b) the Council;

(c) the committees of the Council; 35

(d) members of the Institute;

(e) the staff of the Institute; and

(f) persons studying or intending to become logisticians and transportants.

(2) Without prejudice to the generality of subsection (1), the Council may make statutory rules prescribing all or any of the following—

- 5 (a) meetings of the Institute including the delivery and sufficiency of notice of meetings, quorum, voting, adjournments and other matters of procedure or conduct of meetings;
- (b) establishment, powers and functions of branches and subbranches of the Institute;
- 10 (c) the manner of application for membership to the Institute and transfer of any member from one class to another;
- (d) membership fees and annual subscriptions;
- (e) the manner of election, removal and replacement of the President, Vice-President, officers and other members
15 of the Institute, its committees and of representatives of the Institute or any other body;
- (f) the regulation of powers exercisable by the Council and its committees and other committees of the Institute;
- (g) provision for voting by proxy, post and otherwise;
- 20 (h) the manner of keeping accounts of the Institute and the rendering of reports and accounts;
- (i) resignation of members of the Institute;
- (j) the manner of application for registration to practice as a logistician or transportant and fees payable for such
25 registration;
- (k) the grounds and procedures for expulsion or suspension of members from the Institute;
- (l) the preservation of copyrights of papers, reports of proceedings and discussions of the Institute;
- 30 (m) the Code of Ethics to which all members of the Institute shall subscribe;
- (n) the fixing of fees for professional services and any other fees which are required to be subscribed under this Act; and
- 35 (o) any other matters that are necessary for the proper conduct and regulation of the affairs of the Institute.

(3) The Council shall cause the statutory rules made under subsection (1) to be published in the *Gazette* and the rules shall take effect from the date of publication.

Regulations

60. The Minister may, in consultation with the Council, by statutory instrument, make regulations for the carrying out of the provisions of this Act. 5

Savings and
transitional
provisions

61. (1) Notwithstanding section *twenty-three*, any person who, before the commencement of this Act, was a Fellow, Member, Associate Member, Affiliate, or Student of the Chartered Institute of Logistics and Transport, Zambia section, shall continue to be a Chartered Fellow, Chartered Member, Associate Member, Affiliate or student member for a period of twelve months after which the Chartered Fellow, Chartered Member, Associate Member, Affiliate or student member shall apply for registration in accordance with the provisions of this Act. 10 15

(2) The executive committee of the Institute elected before the commencement of this Act shall continue in office until the next general elections of the Institute conducted in accordance with this Act and the rules of the Institute.

(3) Any register maintained and subsisting immediately before the commencement of this Act shall, until replaced, continue to be a register maintained under this Act. 20

(4) A person who, immediately before the commencement of this Act, was an employee of the Chartered Institute of Logistics and Transport, Zambia section, shall continue to be an employee of the Institute as if employed under this Act. 25

(5) The service of persons referred to in subsection (4) shall be treated as continuous service.

(6) Nothing in this Act affects the rights and liabilities of any person employed or appointed by the Institute immediately before the commencement of this Act. 30