

**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*;

- “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 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 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, 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 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 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 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 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
10 the carrying out of its functions under this Act.

(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
15 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.

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
20 the Institute.

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
25 Fellows of the Institute.

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.

35 (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.

(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. 15

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; 35

(c) the immediate past President;

- (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
25 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.

(3) A member of the Council may resign upon giving one
30 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*;