



REPUBLIC OF ZAMBIA

REPORT

OF THE

COMMITTEE ON NATIONAL ECONOMY, TRADE AND LABOUR MATTERS

ON THE

PETITION BY MR GEORGE CHINTANKWA MALIPILO TO

INITIATE THE REPEALING OF THE SALE OF GOODS ACT, 1893

AND ENACT NEW LEGISLATION ON THE SALE OF GOODS

FOR THE

FIRST SESSION OF THE THIRTEENTH NATIONAL ASSEMBLY

Published by the National Assembly of Zambia

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REPORT OF THE COMMITTEE ON NATIONAL ECONOMY, TRADE AND LABOUR MATTERS ON THE PETITION BY MR GEORGE CHINTANKWA MALIPILO TO INITIATE THE REPEALING OF THE SALE OF GOODS ACT, 1893 AND ENACT NEW LEGISLATION ON THE SALE OF GOODS FOR THE FIRST SESSION OF THE THIRTEENTH NATIONAL ASSEMBLY

1.0 Membership of the Committee

Mr B Mpundu, MP (Chairperson); Ms S K Sefulo, MP (Vice Chairperson); Mr E Kamondo, MP; Mr D Chisopa, MP; Mr M Mubika MP; Mr R K Chitotela, MP; Mr D Mabumba, MP; Mr M L Kafwaya, MP; Mr G S Sialubalo, MP; and Mr N Simutowe, MP

The Honourable Madam Speaker
National Assembly
Parliament Buildings
LUSAKA

Madam,

The Committee has the honour to present its Report on the Consideration of the Petition by Mr George Chintankwa Malipilo to Initiate the Repealing of the Sale of Goods Act, 1893 and Enact New Legislation on the Sale of Goods, for the First Session of the Thirteenth National Assembly.

2.0 Functions of the Committee

Pursuant to Standing Order No 125(2) of the National Assembly Standing Orders, 2021, a petition that has been laid on the Table of the House shall be referred to an appropriate committee for consideration. The Committee was mandated to receive submissions and make recommendations to the House on the Petition to Initiate the Repealing of the Sale of Goods Act, 1893 and Enact New Legislation on the Sale of Goods (hereinafter referred to as “the Petition”).

3.0 Meetings of the Committee

The Committee held eight (8) meetings to consider the Petition.

4.0 Procedure adopted by the Committee

The Committee requested for written submissions from various stakeholders. The stakeholders were also requested to appear before the Committee to orally brief it on the contents of their written memoranda, and to clarify issues that arose from the oral briefs. The witnesses who appeared before the Committee are listed at Appendix II of this Report.

5.0 BACKGROUND

Like most Commonwealth jurisdictions, the Sale of Goods Act, 1893 was the cornerstone of sale of goods law in Zambia. The law relating to the sale of goods in Zambia was codified in the Sale of Goods Act and supplemented by common law principles, where these had not been expressly altered by statute. The Sale of Goods Act, 1893 had been in force in Zambia since the colonial days. Post-independence, its application was extended by the *English Laws (Extent of Application) Act, Chapter 11 of the Laws of Zambia*, which stipulated that certain

statutes which were in force in England on the 17th August, 1911, were enforceable in Zambia.

Mr. George Chintankwa Malipilo (hereinafter referred to as “the Petitioner”), petitioned the National Assembly of Zambia in line with Article 88(1) of the *Constitution of Zambia, (Amendment Act) No 2 of 2016*, and pursuant to Standing Order No 123(1) of the National Assembly Standing Orders, 2021. He requested the National Assembly to initiate the repealing of the Sale of Goods Act, 1893 and further to enact new sale of goods legislation that was reflective of the modern commercial sector in Zambia.

The Petitioner pointed out that the Sale of Goods Act came into effect in the United Kingdom at a time when the commercial sector was biased towards the sale of goods. The economic and commercial sector had since grown and advanced and consequently, the 1893 Sale of Goods Act was no longer adequate. The Petitioner, therefore, requested the National Assembly to ensure that the new proposed legislation:

- i) took into consideration the important role that electronic communication and transactions played in the buying and selling of goods in Zambia;
- ii) expanded the rights and duties of the seller and the buyer;
- iii) was harmonised with the provisions of Part VIII of the *Electronic Communications and Transactions Act No 4 of 2021*; and Part VII of the *Competition and Consumer Protection Act No 24 of 2010*;
- iv) made provision for reporting consumer related matters related to the sale of goods to the Competition and Consumer Protection Commission (CCPC);
- v) provided for a comprehensive dispute resolution mechanism that took into account the Small Claims Court and alternative dispute resolution mechanisms; and
- vi) took into account the various international treaties and conventions to which Zambia was party.

6.0 SALIENT PROVISIONS OF THE SALE OF GOODS ACT, 1893

The Sale of Goods Act, 1893, was the principal Act that provided for the buying and selling of goods between a buyer and a seller. The Act provided for:

- i) what amounted to goods;
- ii) what amounted to the sale of goods;
- iii) the requirements of the sale of goods;
- iv) what types of contracts would amount to the sale of goods;
- v) when the property in the goods should pass from the buyer to the seller;
- vi) the instances when the rights in the title should pass from the buyer to the seller; and
- vii) the rights of the buyer and seller.

The Sale of Goods Act, therefore, strictly focused on physical commercial transactions with regard to the sale of goods between the buyer and seller, or any matters incidental to or concerned with the sale of goods. Some of the salient features of the Sale of Goods Act, 1893 are as outlined hereunder.

- i) Part 1 of the Act provided for modalities for the formation of the contract. These included contract of sale, formalities of contract, subject matter of contract, the price, conditions and warranties and sale by sample.

- ii) Part II provided for effects that could arise from a contract of sale. These were transfer of property as between seller and buyer; and transfer of title.
- iii) provided for terms and conditions in the performance of the contract of sale.
- iv) Part IV provided for rights of the unpaid seller against the goods, the unpaid seller's lien, stoppage in transit and resale by the buyer or the seller.
- v) Part V provided for the remedies available to either the seller or buyer for the breach of the contract of sale.
- vi) Section 55 provided that where any right, duty or liability arose under a contract of sale by implication of law, it may be negated or varied by express agreement.
- vii) Section 58 provided for modalities of an auction sale.
- viii) Section 62 provided various definitions including sale, contract of sale, buyer, seller, bailee, goods, specific goods, property, document of title to goods, delivery, quality of goods, deliverable state, in good faith, warranty and lien, among others.

7.0 SUMMARY OF SUBMISSIONS FROM STAKEHOLDERS

All the stakeholders who appeared before the Committee expressed gratification at the action taken by the Petitioner in view of the fact that the Sale of Goods Act, 1893 was a pre-independence statute. Most stakeholders expressed the view that there was an urgent need to repeal the Act and replace it with a new law that reflected the prevailing commercial situation in Zambia. However, a number of stakeholders submitted that while there were some weaknesses in the Act, there had not been indication from any segment of the society that it was a matter that needed urgent attention and as a result it could either be repealed, or left to operate as it was. One stakeholder strongly opposed the basis for the Petition, stating that the Sale of Goods Act of 1893 was relevant and adequate. Consequently, there was no need for a complete overhaul of the Act. Instead, aspects of consumer rights could be addressed through other legislative interventions.

Below is a summary of the submissions from stakeholders.

- 7.1 The Committee was informed that before the Sale of Goods Act was codified in 1893, the English law relating to sale of goods was governed almost entirely by common law principles. Having been one of the earliest jurisdictions to codify the law on the sale of goods, most Commonwealth jurisdictions worldwide adopted the English Act with minor modifications, if any.
- 7.2 Stakeholders submitted that the sale of goods did not only constitute physical transactions as was provided for in the Sale of Goods Act. In the modern era, it also extended to matters relating to electronic transactions involving buying and selling goods, using the online market, among other channels. The Committee was further informed that a comprehensive law of sales should take into consideration the various modes of selling and purchasing of goods and services. In Zambia, like most jurisdictions, there was a steady rise in online platforms providing for the sale of goods including digital content. However, the Sale of Goods Act did not take into account these various types of transactions.
- 7.3 The Committee was informed that in terms of applicability, the Sale of Goods Act would mainly be used by individuals. This was because corporate entities had the

capacity to engage lawyers whenever they entered into buying and selling transactions and as a result these transactions were backed by well drafted contracts.

- 7.4 The Committee was informed that the Sale of Goods Act, 1893 was a historic codification of rules derived from earlier case law on the sale of goods. Being a historic Act, it did not have a simplified drafting style.
- 7.5 Stakeholders submitted that a law pertaining to sale of goods should adequately protect consumers of goods and services.
- 7.6 Stakeholders pointed out that the Act contained various provisions that were of no application to the Zambian jurisdiction, such as the multiple references to England, Ireland or Scotland.
- 7.7 The Committee was informed that many Commonwealth jurisdictions had enacted their own sale of goods legislation. These countries had mostly maintained the framework of the Sale of Goods Act of 1893, with reform directed at the problematic provisions identified. In these different jurisdictions, the development of the law had to a large extent followed a uniform trend due to the fact that they had their genesis in the 1893 Act. These countries included Kenya, Uganda, Australia, New Zealand, Canada and India, among others.
- 7.7 With regard to Uganda, for example, the Committee was informed that the country had enacted the Sale of Goods and Supply of Services Act in 2017, whose backbone was the British Sale of Goods Act of 1893. However, one of the major differences was that the Uganda Sale of Goods and Supply of Services Act had encompassed provisions relating to the supply of services, unlike the 1893 Act which only regulated the sale of goods.
- 7.9 Stakeholders submitted that in the United Kingdom, the Sale of Goods Act had been amended several times since its enactment and these amendments were consolidated into the Sale of Goods Act, 1979. Further, they submitted that additional legislation dealing with the sale of goods and services had since been enacted in the United Kingdom to supplement the 1979 Act. Unlike in the United Kingdom, Zambia had not amended the Sale of Goods Act. Therefore, all the shortcomings of 1893 Act that had been identified in the United Kingdom still existed in Zambia.
- 7.10 The Committee was informed that apart from the various amendments to the 1893 Sale of Goods Act, the United Kingdom had also enacted the Consumer Rights Act 2015. This piece of legislation set out a framework that consolidated in one place, key consumer rights covering contracts for goods, services, digital content and the law relating to unfair terms in consumer contracts. In addition, the said Act introduced easier routes for consumers and small and medium sized enterprises to challenge anti-competitive behaviour through the Competition Appeal Tribunal.
- 7.11 The Committee was informed that while the Petition called for the expansion of the rights and duties of the buyer and the seller, Parliament's role was to provide

the basic rights and duties of the buyer and the seller and make prescription for the crucial implied terms and conditions to a contract for the sale of goods. The law of contract as a basic principle allowed the parties to determine the rights and obligations they would be bound by and for this reason, the role of legislation should be to provide the basic rights and duties without taking away the freedom to contract.

- 7.12 The Committee was further informed that the Petition requested that the sale of goods legislation should provide for reporting consumer related matters concerning the sale of goods to the Competition and Consumer Protection Commission. The Petition also requested for a comprehensive dispute resolution system that took into account the Small Claims Court and alternative dispute resolution mechanisms. Stakeholders, however, pointed out that the sale of goods was still subject to contract between parties and the courts were sufficiently competent to deal with disputes where there had been a breach of contract. Further, the *Competition and Consumer Protection Act*, with respect to consumer protection, had adequate mechanisms to deal with consumer protection provisions in the supply of goods and services.
- 7.13 The Committee was informed that the Zambia Law Development Commission was created by the *Zambia Law Development Commission Act Chapter 32 of the Laws of Zambia*. One of the functions of the Commission was to recommend the revision and reform of the law in Zambia. However, funding to the Commission had not been adequate for a number of years and this affected the effective performance of its functions. However, despite the financial challenges, the Commission had been instrumental in initiating law reform on legislation such as the *Penal Code, Chapter 87 of the Laws of Zambia; the Criminal Procedure Code Chapter 88 of the Laws of Zambia; and the English Law(Extent of Application) Act, Chapter 11 of the Laws of Zambia*, which the Commission was in the process of reviewing.
- 7.14 The Committee was informed that the law relating to the sale of goods was not limited to the Sale of Goods Act. There were various local statutes and international treaties to which Zambia was a party, which were applicable to the sale of goods in Zambia, as outlined hereunder.
- 7.15
- a) The Sale of Goods Act of 1893 was the main piece of legislation governing the sale of goods in Zambia by virtue of the *English Law (Extent of Application) Act, Chapter 11 of the Laws of Zambia*. This Act generally provided for the formation of contracts, effects of the contract, performance of the contract, rights of the seller and actions for breach of contract.
 - b) The *Competition and Consumer Protection Act No 24 of 2010* made provision for among other things, the protection of consumers against unfair trade practices. It also established a Competition and Consumer Protection Commission whose functions included investigating unfair trade practices and unfair contract terms. Part VII of the *Competition and Consumer Protection Act* made provisions for prohibiting unfair trading practices, false misleading misrepresentation and price display. The Act also made it an offence for any

person or enterprise to supply a consumer with defective and unsuitable goods and services and prohibited clauses providing disclaimer of liability.

- c) Part VIII of the *Electronic Communications and Transaction Act No 4 of 2021* governed, inter alia, certain consumer rights and protections in respect of goods and services offered by a supplier on electronic media platforms.
- d) The *Misrepresentation Act, Chapter 69 of the Laws of Zambia* made provision for the alteration and amendment of the law relating to innocent misrepresentations and amended sections 11 and 35 of the Sale of Goods Act. The *Misrepresentation Act* made specific provision for avoidance of certain provisions excluding liability for misrepresentation in a contract.
- e) The *Hire Purchase Act Chapter 399 of the Laws of Zambia* provided for hire purchase agreements and instalment sales.
- f) The *Food Safety Act No 7 of 2019* provided for the protection of the public against health hazards and fraud in the manufacture, sale and use of food. The *Food Safety Act* prohibited the sale of unsafe, contaminated, adulterated and unfit for human consumption foodstuff. It further prohibited the sale of articles not of the nature, substance or quality of the article required by the purchaser.
- g) Under Part IV of the *Environmental Management Act No 12 of 2011*, provision was made for the protection of the atmosphere by prohibiting persons from selling or offering for sale, any substance likely to deplete the ozone layer.
- h) The *Standards Act No 4 of 2017* empowered the Zambia Bureau of Standards to set the minimum standard to which certain products had to adhere.
- i) The *Control of Goods Act, Chapter 421 of the Laws of Zambia* enabled the President to provide, by regulation, for the control of the distribution, disposal, purchase and sale, and the wholesale and retail prices of any manufactured or unmanufactured commodity or of any animal or poultry, or of any class of any such commodity, animal or poultry, for the control of imports into and exports from Zambia whenever it appeared necessary to him or her.
- j) The Committee was informed that Zambia was party to a number of international and regional treaties that had a bearing on the international sale of goods. These included the Agreement Establishing the World Trade Organisation; the General Agreement on Tariffs and Trade; the United Nations Convention on Contracts for the International Sale of Goods; the 1974 Convention on the Limitation Period in the International Sale of Goods Treaty; the African Continental Free Trade Area Agreement; the Treaty Establishing the Common Market for Eastern and Southern Africa; and the Southern African Development Community Protocol on Trade, among others.

8.0 SUMMARY OF CONCERNS RAISED BY STAKEHOLDERS

In agreeing with the views of the Petitioner, stakeholders raised a number of concerns and expressed hope that these concerns would be taken into consideration when considering the repeal of the Sale of Goods Act of 1893. Some of the concerns are outlined below.

- 8.1 Stakeholders lamented that the Sale of Goods Act, 1893 had technical and complex terms, some of which had not been defined. The Act also used long sentences, which made it difficult for an ordinary person to understand. Some of the provisions of the Act were archaic and not suited to the modern economy and consumer society. For instance, the Act provided that where goods were sold in the course of business, they should be of ‘merchantable quality’. This was clearly not a phrase of common usage and was rooted in the nineteenth century. Another example was the term the ‘market overt’ which term meant an open public and legally constituted market between sunrise and sunset. This was relevant back in an era where trading in goods occurred in open markets and sought to represent interests of owners of goods and traders at such markets. However, in the twenty-first century, the application of this exception was restrictive as goods would not always be sold in an open public market, or between sunrise and sunset.
- 8.2 The Committee was informed that the interpretation section did not comprehensively define all the relevant terms and phrases. For example the terms merchantable quality; title; and unascertained goods, among others, were not defined and only inferences could be drawn from the way the terms had been used.
- 8.3 Stakeholders submitted that the Sale of Goods Act made reference to other archaic pieces of legislation such as the Factors Act of 1889 and the law of horses, which may themselves require reform.
- 8.4 Stakeholders submitted that there were certain provisions that did not address modern trends. For example, the Sale of Goods Act provided for sale of goods by sample. The provision was inadequate as it did not cover the challenges of online trading as they related to the sale by sample. For example, even though the contract could stipulate that it was a contract of sale by sample, the buyer may not have an opportunity to inspect the sample.
- 8.5 Stakeholders pointed out that another inadequacy of the Act was the failure to adequately protect the sale of goods in an identified bulk. The Act presumed that no title passed where there was a contract for sale of unascertained goods. Although adequate at the time of drafting, this failed to reflect the state of the 21st century commerce. The Committee was informed that the reality was that with the growth of international commerce and trade, these statutory provisions were failing to protect the buyer particularly in circumstances where the buyer bought goods as part of the bulk.
- 8.6 Stakeholders lamented that while the sale of goods legislation enacted in the United Kingdom in 1893 had since evolved to capture the provision of services and supply of digital services in other jurisdictions, including the United Kingdom, Zambia was still relying on an archaic piece of legislation. There was,

therefore, a need to repeal and replace the Sale of Goods Act so as to have a law relating to sale of goods in Zambia that was in line with 21st century commerce.

8.7 The Committee was informed that the Sale of Goods Act restated the fundamental *nemo dat quod non habet* rule of property law which meant that no one can give what they do not have, thereby protecting security of ownership. However, over a long period of time, a number of common law and statutory exceptions to the rule had been developed in order to protect bona fide purchasers and thereby encourage commercial activity by reinforcing the security of sale transactions. It would, therefore, be appropriate to amend the Act so as to reflect this development.

8.8 Stakeholders pointed out, while the legal tender for Zambia was Kwacha, the Sale of Goods Act made reference to the Pound.

9.0 COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS

Following the interactions with stakeholders, the Committee from the outset agrees with the Petitioner and with the submissions from various stakeholders that although the Sale of Goods Act of 1893 is a relevant piece of legislation, it is archaic and some provisions are not fully responsive to the prevailing commercial environment. It is against this background that the Committee makes the observations and recommendations discussed hereunder.

- 1) The Committee observes that the Sale of Goods Act is 128 years old. Although the Act has a significant level of relevance, it may not be fully relevant as certain provisions do not address the demands of the current economic environment. The Committee further observes that most countries that have enacted indigenous legislation pertaining to the sale of goods have by and large maintained the core structure of the 1893 Act.

In this regard, the Committee recommends that the Government, through the Ministry of Commerce Trade and Industry, should initiate the process of repealing the Sale of Goods Act, 1893 and replacing it with an indigenous, home grown sale of goods legislation that will address modern economic trends, while taking into consideration the foundation laid by the 1893 Act.

- 2) The Committee observes that there are various pieces of legislation that have a bearing on the sale of goods. These include, but are not limited to, the *Competition and Consumer Protection Act* and the *Electronic Communications and Transactions Act*. The Committee further observes that stakeholders broadly presented two schools of thought regarding the approach that should be taken to amend the Act. One school of thought is that a single piece of legislation that encompasses all the aspects of sale of goods that are found in the various pieces of legislation should be enacted. This will entail amending all these various pieces of legislation to remove the relevant provisions pertaining to sale of goods so that these can be incorporated into the single legislation. A second school of that is that the new law should merely reference the relevant provisions in the various Acts of Parliament.

The Committee recommends that a comprehensive review of the Sale of Goods Act, 1893 and the entire legal and regulatory framework guiding sale of goods in Zambia

should be carried out in order to come up with a law which will address all aspects of the sale of goods. The Committee is of the view that that approach that will be adopted in coming up with the new legislations can only be arrived at after a comprehensive review. Further, the new law must take into account new developments in trade such as the 24/7 market place; e-commerce and online businesses; the informal sector; and the emergence of casual or part time sellers.

- 3) The Committee observes that the Sale of Goods Act was codified in an era when a certain style of drafting was used. This style is different from the current Zambian drafting style and has language that may not be understood by an ordinary Zambian consumer. The Committee is of the view that it is important that a law should take cognisance of the language used by its people so as make it more accessible.

The Committee, therefore, recommends that new law relating to the sale of goods must be written in simple and plain language. Further, it must contain a comprehensive definition section so as to limit disputes that stem from ambiguities and misunderstandings of the law.

- 4) The Committee observes that whereas Zambia has ratified several international treaties that may have an impact on the sale of goods framework in Zambia, a number of these treaties are yet to be domesticated. The Sale of Goods Act does not reflect Zambia's commitments under these international trade treaties to which Zambia is a party.

The Committee recommends that these treaties should be operationalised through a modern law on the sale of goods which takes into consideration local and international developments in trade and industry. This will help strengthen the legislative and regulatory framework pertaining to sale of goods in Zambia.

- 5) The Committee observes that the Sale of Goods Act, 1893 pertains only to goods and does not provide for services.

In view of the above, the Committee recommends that the new law should regulate the sale of both goods and services, as is the case in Uganda. The Committee further recommends that the new law should regulate both business-to-consumer and business-to-business transactions for the sale of goods and provision of services.

- 6) The Committee is of the view that the Petition is well founded. The Committee is however of the view that the Sale of Goods Act, 1893 is not the only piece of legislation that has been sitting on the statute book since before Zambia gained her independence in 1964. The Committee is also of the view that any exercise aimed at bringing about change is intricate and should be preceded by a systematic study.

In light of the above, the Committee recommends that a holistic approach should be taken to the repeal or amendment of legislation applicable to Zambia by virtue of the *English Laws (Extent of Application) Act Chapter 11 of the Laws of Zambia* and the *British Acts Extension Act Chapter 10 of the Laws of Zambia*. The Committee further recommends that this process should be conducted by the Zambia Law Development Commission which carries a statutory mandate to study and make recommendations to upgrade laws which are no longer suitable to changed circumstances of Zambia. The

Committee further recommends that the Zambia Law Development Commission should be adequately resourced so as to be able to effectively carry out its mandate.

10.0 CONCLUSION

The Committee agreed with the Petitioner that the Sale of Goods Act of 1893 was an archaic piece of legislation that needed removed for the Zambian statute book. Repeal and replacement of the Act would be a welcome development as it would introduce a number of progressive provisions to better regulate the sale of goods in Zambia. The Committee was confident that the enactment of new legislation on the sale of goods would have far-reaching implications that would significantly change the manner in which transactions involving the sale of goods were conducted.

The Committee wishes to express its gratitude to all stakeholders who appeared before it and tendered both oral and written submissions; and to thank Madam Speaker, for affording it an opportunity to scrutinise the Petition. The Committee also appreciates the services rendered by the Office of the Clerk of the National Assembly.

We have the Honour to be, Madam, the Committee on National Economy, Trade and Labour Matters mandated to consider the Petition to Initiate the Repealing of the Sale of Goods Act, 1893 and Enact New Legislation on the Sale of Goods for the First Session of the Thirteenth National Assembly.

Mr B Mpundu, MP (Chairperson)

Ms S K Sefulo, MP (Vice Chairperson)

Mr E Kamondo, MP

Mr D Chisopa, MP

Mr M Mubika MP

Mr R K Chitotela, MP

Mr D Mabumba, MP

Mr M L Kafwaya, MP

Mr G S Sialubalo, MP

Mr N Simutowe, MP

Mr B Mpundu, MP
CHAIRPERSON

December 2021
LUSAKA

APPENDIX I - National Assembly Officers

Mr H Mulenga, Deputy Principal Clerk of Committees (FC)
Mr F Nabulyato, Deputy Principal Clerk of Committees (SC)
Mrs C K Mumba, Senior Committee Clerk (FC)
Mrs D C Mukwanka, Committee Clerk
Mrs G Chikwenya, Typist
Mr M Chikome, Committee Assistant
Mr M Kantumoya, Committee Assistant
Mr Daniel Lupiya, Parliamentary Messenger

APPENDIX II - List of Witnesses

MINISTRY OF COMMERCE TRADE AND INDUSTRY

Mrs Chawe Chulu, Permanent Secretary

Mr Chilufya Sampa, Executive Director - Competition and Consumer Protection Commission

Ms Peggy Kunda, Chief Executive Officer Director - Zambia Compulsory Standards Agency

Mrs Margaret M Chikuba, Chief Economist

Mr Mandel Mutale, Inspector - Zambia Compulsory Standards Agency

MINISTRY OF JUSTICE

Mrs M K Bwalya, Permanent Secretary

Ms Bubala Chibbonta, Acting Chief Parliamentary Counsel

Mr Lastone Banda, Senior Chief Parliamentary Counsel

ZAMBIA LAW DEVELOPMENT COMMISSION

Ms Hope M Chanda, Director

Mr Mwiba Mwenda, Research Coordinator

Mr Yamikami Ngoma, Research Officer

Mr Mordecai Mweene, Assistant Research Officer

PATENTS AND COMPANY REGISTRATION AUTHORITY

Mr Antony Bwembya, Chief Executive Office

Ms Belinda Siankumo, Board Secretary and Legal Counsel

ZAMBIA CHAMBER OF COMMERCE AND INDUSTRY

Mr Paul Chisunka, Legal & ADR Committee

Ms Shupi K Mweene, Vice Chairperson-Policy Committee

UNIVERSITY OF ZAMBIA

Professor Chama Himanja, Dean - School of Law

Dr Ernest Beele, Senior Lecturer - School of Law

Mr Arnold Kaluba, Lecturer - School of Law

UNIVERSITY OF LUSAKA

Mrs Chenela Mwale, Lecturer – School of Law

LAW ASSOCIATION OF ZAMBIA

Mr Conrad Sichande, Member

Ms Melisa Phiri, Member

BEN NGENDA ADVOCATES

Mr Ben Ngenda, Partner

CHIBESAKUNDA AND COMPANY

Ms Chishimba Kachasa, Senior Associate

Ms Louse D Chilepa, Senior Associate

Ms Muchemwa Mbulo, Associate

Ms Karen Mutale, Associate

CORPUS LEGAL PRACTITIONERS

Ms Jackle Jhala, Partner
Ms Rebecca Banda, Associate

AMW AND COMPANY LEGAL PRACTITIONERS

Ms Nakasamba Banda Chanda, Partner
Mr Kasewe Banda, Associate
Mr Mubanga Lwanga, Lawyer
Ms Martha Mwansa, Lawyer

PETITIONER

Mr George Chintankwa Malipilo