



REPUBLIC OF ZAMBIA

REPORT

OF THE

**COMMITTEE ON LEGAL AFFAIRS, GOVERNANCE, HUMAN RIGHTS, GENDER
MATTERS AND CHILD AFFAIRS**

ON THE

FEES AND FINES (AMENDMENT) BILL, N.A.B NO. 17 OF 2013

**FOR THE THIRD SESSION OF THE ELEVENTH NATIONAL ASSEMBLY
APPOINTED ON 26TH SEPTEMBER 2013**

PRINTED BY THE NATIONAL ASSEMBLY OF ZAMBIA

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**REPORT OF THE COMMITTEE ON LEGAL AFFAIRS, GOVERNANCE,
HUMAN RIGHTS, GENDER MATTERS AND CHILD AFFAIRS FOR THE
THIRD SESSION OF THE ELEVENTH NATIONAL ASSEMBLY ON THE FEES
AND FINES (AMENDMENT) BILL, N.A.B NO. 17 OF 2013 APPOINTED ON
26TH SEPTEMBER, 2013**

Consisting of:

Mr J J Mwiimbu, MP, Chairperson; Mrs A M Chungu, MP; Mr M A Malama, MP;
Mr J M Kapyanga, MP; Dr L M Kaingu, MP; Mr S Mushanga, MP; Mr M J B
Ng'onga, MP; and Mr B M M Ntundu, MP.

The Honourable Mr Speaker

National Assembly

Parliament Buildings

P O Box 31299

LUSAKA

Sir,

Your Committee on Legal Affairs, Governance, Human Rights, Gender Matters
and Child Affairs has the honour to present its Report on the Fees and Fines
(Amendment) Bill, N.A.B No. 17 of 2013, referred to it on Friday, 22nd November,
2013.

Functions of the Committee

2. In addition to any other duties conferred upon it by the Honourable Mr
Speaker, or any other Order of the House, your Committee is mandated to
consider any Bill that may be referred to it by the House.

Meetings of the Committee

3. Your Committee, in considering the proposed legislation, held four (4) meetings and interacted with various stakeholders and examined in detail all the submissions presented before it.

Procedure adopted by the Committee

4. In order to acquaint itself with the ramifications of the Bill, your Committee sought both written and oral submissions from different stakeholders. The list of witnesses who appeared before your Committee is at Appendix II of this Report.

Objects of the Fees and Fines (Amendment) Bill, N.A.B No. 17 of 2013

5. The object of the Bill is to amend the *Fees and Fines Act*, Chapter 45 of the Laws of Zambia so as to empower the Minister to prescribe the value of a fee and penalty unit by statutory instrument. In addition, the Bill will allow the Minister to prescribe the criteria for conversion of fees and penalty units. This is in order to enable periodic review of the value of a fee or penalty unit, taking into account inflation and streamline the administration of fees and fines.

Salient Provisions of the Bill

6. The salient provisions of the Fees and Fines (Amendment) Bill, N.A.B No. 17 of 2013 are contained in Clause 2. This clause seeks to introduce a new section 9 in the Act. The proposed section 9 seeks to empower the Minister to make regulations to provide for the value of a fee or penalty unit and the methods and formulae for the conversion of fees and penalty units.

CONCERNS RAISED BY STAKEHOLDERS

7. Arising out of its meetings with stakeholders, your Committee note that there were no major concerns raised with regard to the proposals in the Bill. It was noted that the enactment of the proposed amendment would empower the Minister to change the value and mode of converting fee or penalty units, facilitating the flexibility in the revision of fee and penalty units whenever necessary. This flexibility would enable the Government to revise the fees and fines charged by various Government departments and agencies upwards so as to bring into effect the Government's aspiration, as announced by the Minister in the budget speech, to enhance domestic revenues.

COMMITTEE'S OBSERVATION AND RECOMMENDATION

8. Your Committee is of the view that the revision of fees and penalty units whenever necessary has been left at the absolute discretion of the Minister of Finance (without seeking parliamentary approval). In view of the foregoing, the Committee is not in support of the Fees and Fines (Amendment) Bill N.A.B No. 17 of 2013, as it could be subject to abuse.

CONCLUSION

9. Your Committee wishes to pay tribute to all stakeholders who appeared before it and tendered both oral and written submissions. It also wishes to thank you, Mr Speaker, for affording it an opportunity to study the Bill. Your Committee also appreciates the services rendered by the office of the Clerk of the National Assembly during its deliberations.

We have the honour to be, Sir, your Committee on Legal Affairs, Governance, Human Rights, Gender Matters and Child Affairs mandated to consider Fees and Fines (Amendment) Bill, N.A.B No. 17 of 2013.

Mr J J Mwiimbu, MP

(Chairperson)

Mrs A M Chungu, MP

(Member)

Mr M A Malama, MP

(Member)

Mr J M Kapyanga, MP

(Member)

Dr L M Kaingu, MP

(Member)

Mr S Mushanga, MP

(Member)

Mr M J B Ng'onga, MP

(Member)

Mr B M M Ntundu, MP

(Member)

December, 2011

LUSAKA

APPENDIX I

PERMANENT WITNESSES

MINISTRY OF JUSTICE

Mr A Nkunika, Chief Parliamentary Counsel

Mrs Y K Chirwa, Senior Parliamentary Counsel

LIST OF OFFICIALS

NATIONAL ASSEMBLY

Mr S M Kateule, Principal Clerk of Committees

Mr S C Kawimbe, Deputy Principal Clerk of Committees

Ms M K Sampa, Committee Clerk (SC)

Mr F Nabulyato, Committee Clerk (FC)

Ms C Musonda, Assistant Committee Clerk

Mrs M K Siwo, Assistant Committee Clerk

Ms M E Zimba, Assistant Committee Clerk

Ms S E Mwale, Stenographer

Mr R Mumba, Committee Assistant

Mr C Bulaya, Committee Assistant

APPENDIX II

WITNESSES

MINISTRY OF FINANCE (BUDGET AND AFFAIRS)

Mrs P C Kabamba, Permanent Secretary (Budget and Economic Affairs)

Mr M Masiye, Director of Budget

Mr J Sakala, Principal Economist

Mr K Chimfwembe, Acting Chief Budget Analyst (Revenue)

Ms M Chikuba, Principal Budget Analyst (Revenue)