

THE HUMAN RIGHTS COMMISSION BILL, 2023

MEMORANDUM

The objects of this Bill are to—

- (a) provide for the membership, functions, operations and financial management of the Human Rights Commission;
- (b) repeal and replace the Human Rights Commission Act, 1996; and
- (c) provide for matters connected with, or incidental to, the foregoing.

M. D. KABESHA,
Attorney-General

THE HUMAN RIGHTS COMMISSION BILL, 2023

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SCHEDULE

A BILL

ENTITLED

An Act to provide for the membership, functions, operations and financial management of the Human Rights Commission; repeal and replace the Human Rights Commission Act, 1996; and provide for matters connected with, or incidental to, the foregoing.

ENACTED by the Parliament of Zambia

Enactment

PART I

PRELIMINARY PROVISIONS

1. This Act may be cited as the Human Rights Commission Act, 2023, and shall come into operation on the date appointed by the President by statutory instrument.

Short title and commencement

2. In this Act unless the context otherwise requires—

Interpretation

“appropriate authority” means a public body, statutory body or person having powers under any other written law impacting on, or relating to, the protection of human rights and freedoms;

“associate” has the meaning assigned to the word in the Anti-Corruption Act, 2012;

Act No. 3 of 2012

“authorised officer” means a person appointed as an authorised officer under section 15;

N.A.B. 8, 2023

	“Chairperson” means the person appointed as Chairperson under section 7;	
Act No. 12 of 2022	“child reformatory centre” has the meaning assigned to the words in the Children’s Code Act, 2022;	
Cap. 1	“Commission” means the Human Rights Commission established by the Constitution;	5
	“committee” means a committee established under section 9;	
Act No. 37 of 2021	“correctional centre” has the meaning assigned to the words in the Zambia Correctional Service Act, 2021;	10
	“Director-General” means the person appointed as Director-General under section 11;	
Cap. 1	“emoluments” has the meaning assigned to the word in the Constitution;	
Cap. 1	“Emoluments Commission” means the Emoluments Commission established by the Constitution;	15
Act No. 4 of 2013	“Higher Education Authority” means the Higher Education Authority established by the Higher Education Act, 2013;	
Act No. 4 of 2013	“higher education institution” has the meaning assigned to the words in the Higher Education Act, 2013;	20
	“human rights” means the rights, liberties and freedoms conferred on, or guaranteed to, a person by the Constitution or any other written law in the Republic;	
Cap. 30	“legal practitioner” has the meaning assigned to the word “practitioner” in the Legal Practitioner’s Act;	25
Act No. 6 of 2019	“legally disqualified” means the absence of legal capacity as provided in section 4 of the Mental Health Act, 2019;	
Act No. 37 of 2021	“prison” has the meaning assigned to the word in the Zambia Correctional Service Act, 2021;	
Cap. 1	“public officer” has the meaning assigned to the word in the Constitution;	30
Act No. 3 of 2012	“relative” has the meaning assigned to the word in the Anti-Corruption Act, 2012;	
Cap. 1	“superior court” has the meaning assigned to the words in the Constitution;	35
	“Vice-Chairperson” means the person appointed as Vice-Chairperson under section 7; and	
Act No. 13 of 2011	“Zambia Qualifications Authority” means the Zambia Qualifications Authority established under the Zambia Qualifications Authority Act, 2011.	40
N.A.B. 8, 2023		

3. The following core principles apply to the Commission in the performance of the Commission’s functions:
- (a) integrity, professionalism, propriety and respect for human dignity;
 - 5 (b) impartiality and application of the rules of natural justice; and
 - (c) efficiency, transparency and accountability.

Core principles of Commission

PART II

THE HUMAN RIGHTS COMMISSION

- 10 4. The Human Rights Commission established by the Constitution is a body corporate with perpetual succession and a common seal, capable of suing and being sued in its corporate name, and with power, subject to the provisions of this Act, to do all acts and things that a body corporate may, by law, do or perform.
- 15 5. (1) The seal of the Commission shall be a device that may be determined by the Commission and shall be kept by the Secretary.
- (2) The affixing of the seal shall be authenticated by the Chairperson or the Vice Chairperson and the Secretary or any other person authorised in that behalf by a resolution of the
- 20 Commission.
- (3) A 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 Commission by the Secretary or any other person
- 25 generally or specifically, authorised by the Commission in that behalf.
- (4) A document purporting to be under the seal of the Commission or issued on behalf of the Commission shall be received in evidence and shall be deemed to be so executed or issued, without further proof, unless the contrary is proved.
- 30 6. (1) Subject to the Constitution, the additional functions of the Commission are to—
- (a) investigate an alleged violation or abuse of human rights;
 - (b) research on the observance of rights and freedoms in the Republic and publish the results of the research
 - 35 undertaken;
 - (c) report to the public on the observance of rights and freedoms in the Republic;
 - (d) visit prisons, correctional centres, child reformatory centres, and other places of detention or related facilities
 - 40 to assess and inspect conditions of a person held in the prison, correctional centre, child reformatory centre, and

Human Rights Commission Cap. 1

Seal of Commission

Additional functions of Commission Cap. 1

other place of detention or related facility, and make recommendations that the Commission considers appropriate to redress existing problems;

(e) collaborate with other institutions and authorities that promote the protection of human rights and freedoms in the formulation of policies and practices relating to the handling of human rights complaints; 5

(f) cooperate with other institutions and organisations which promote the protection of human rights and freedoms at national, regional and international levels; 10

(g) establish mechanisms for referrals and collaboration with other institutions dealing with human rights issues to ensure complementarity and efficiency in dealing with human rights issues;

(h) prepare and publish independent reports relating to human rights; 15

(i) advise on the adequacy and effectiveness of the law and practice relating to the protection of human rights and freedoms in the Republic;

(j) collaborate with the Higher Education Authority and other institutions in formulating programmes for education, training and research in human rights; 20

(k) recommend to an appropriate Ministry the ratification or accession of an international human rights instrument by the Republic; and 25

(l) monitor the Government's compliance with international treaty and convention obligations on human rights.

(2) The Commission may, in furtherance of its functions—

(a) collect information that it considers relevant for the performance of the Commission functions; 30

(b) undertake consultations with stakeholders or hold inquiries for the purposes of performing the Commission functions under this Act; and

(c) receive written or oral statements from any person or organisation for purposes of its functions under the Constitution and this Act. 35

Cap. 1

Composition
of
Commission

7. (1) The Commission consists of the following part-time members appointed by the President, subject to ratification by the National Assembly:

(a) the Chairperson; 40

(b) the Vice-Chairperson; and

(c) five other members.

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- (2) A person qualifies for appointment as Chairperson or Vice-Chairperson if that person, in addition to the qualifications under the Constitution, has held, or is qualified to hold, the office of a judge of the superior court. Cap. 1
- 5 (3) A person qualifies for appointment as a member of the Commission, other than the Chairperson and Vice-Chairperson, if that person, in addition to the qualifications under the Constitution— Cap. 1
- 10 (a) holds a degree or an equivalent qualification from a higher education institution established, registered or declared under the Higher Education Act, 2013, and recognised by the Zambia Qualifications Authority under the Zambia Qualifications Authority Act, 2011; Act No. 4 of 2013
- (b) has demonstrated knowledge and experience in the protection and promotion of human rights; and Act No. 13 of 2011
- 15 (c) is of proven integrity.
- (4) A member of the Commission shall hold office for a term of three years, and may be re-appointed for a further and final term of three years.
- (5) The office of a member becomes vacant if that member—
- 20 (a) dies;
- (b) resigns, on giving one month's notice to the President;
- (c) is absent, without the approval of the Commission and without reasonable excuse, from three consecutive meetings of the Commission of which the member had notice;
- 25 (d) is adjudged bankrupt;
- (e) is legally disqualified from performing functions of a member;
- 30 (f) is convicted of an offence under any written law and sentenced to imprisonment for a term exceeding six months without the option of a fine; or
- (g) is removed by the President.
- (6) A member shall, on the expiration of the period for which the member is appointed, continue to hold office until a successor is appointed, but in no case shall the further period exceed four months.
- 35 (7) Whenever the office of a member becomes vacant before the expiry of the term of office, the President may, subject to ratification by the National Assembly, appoint another person to be a member in place of the member who vacates the office for the unexpired term of that office.
- 40

Proceedings
of
Commission

- 8. (1) Subject to this Act, the Commission may regulate its own procedure.
- (2) The Commission shall meet for the transaction of business at least once every three months at a place and time that the Chairperson may determine. 5
- (3) Five members shall form a quorum at a meeting of the Commission.
- (4) There shall preside at a meeting of the Commission
 - (a) the Chairperson;
 - (b) in the absence of the Chairperson, the Vice Chairperson; 10
 - or
 - (c) in the absence of both the Chairperson and the Vice Chairperson, another member that the members present may elect for purpose of that meeting.
- (5) The Chairperson may call a meeting of the Commission 15 on giving notice of not less than fourteen days, or if one-third or more of the members so request, in writing, except that if the urgency of a particular matter does not permit the giving of that notice, a special meeting may be called on giving a shorter notice.
- (6) A decision of the Commission on any question shall be by 20 a 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 a casting vote in addition to that person’s deliberative vote.
- (7) The Commission may invite a person whose presence is in 25 the Commission’s opinion desirable to attend and to participate in the deliberations of a meeting of the Commission, but that person shall have no vote.
- (8) The validity of any proceedings, acts or decisions of the Commission shall not be affected by a vacancy in the membership 30 of the Commission or by a defect in the appointment of a member or by reason that a person not entitled to do so took part in the proceedings.
- (9) The Commission shall cause minutes to be kept of the proceedings of its meeting. 35

Committees

- 9. (1) The Commission may, for the purpose of performing the Commission’s functions under this Act, establish committees that the Commission considers necessary and delegate to any of the committees such functions that the Commission considers necessary. 40

- (2) The Commission may appoint as members of a committee, persons who are or are not members, except that at least one member of the Commission shall be a member of a committee.
- (3) A person serving as a member of a committee shall hold office for a period that the Commission may determine.
- (4) Subject to any specific or general direction of the Commission, a committee may regulate its own procedure.
- (5) A committee shall keep minutes of its meetings and shall keep the Commission informed of its activities.
- 10 **10.** A member of the Commission or any committee of the Commission shall be paid emoluments that the Emoluments Commission may, on the recommendation of the President, determine. Emoluments of members
- 15 **11.** (1) The Commission shall appoint the Director-General who shall— Director-General, Secretary and other staff
- (a) be the chief executive officer of the Commission;
- (b) be responsible for the day-to-day administration of the Commission;
- (c) be an *ex-officio* member of the Commission; and
- 20 (d) perform the functions conferred on the Director-General by, or under this Act.
- (2) A person qualifies for appointment as Director-General if that person—
- 25 (a) holds a degree or an equivalent qualification from a higher education institution established, registered or declared under the Higher Education Act, 2013, and recognised by the Zambia Qualifications Authority under the Zambia Qualifications Authority Act, 2011; and Act No. 4 of 2013
Act No. 13 of 2011
- (b) has at least ten years experience in human rights issues.
- 30 (3) The Commission shall appoint a Secretary who shall perform corporate secretarial duties for the Commission and other functions that the Commission may determine, under the direction of the Director-General.
- (4) The Commission shall appoint other staff of the Commission that the Commission considers necessary for the performance of the functions of the Commission.
- 35 (5) The Emoluments Commission shall, on the recommendation of the Commission, determine the emoluments of the Director General, Secretary and other staff of the Commission.

(6) The Commission shall determine the terms and conditions of service, other than emoluments of the Director-General, Secretary and other staff of the Commission.

Oath on appointment
Cap. 5

12. A member of the Commission, Director-General, Secretary and other staff of the Commission shall, on appointment, take an oath in accordance with the Official Oaths Act. 5

Disclosure of interest

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

(2) A disclosure of interest made under subsection (1) shall be recorded in the minutes of the meeting at which the disclosure is made.

(3) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both. 20

Prohibition of publication or disclosure of information to unauthorised persons

14. (1) A person shall not, without the consent, in writing, given by or on behalf of the Commission or otherwise permitted by any written law, publish or disclose to a person, other than in the course of that person’s duties, the contents of a document, communication or information, which relates to, or which has come to, that person’s knowledge in the course of that person’s duties under this Act. 25

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both. 30

(3) A person who, having any information which to the knowledge of that person has been published or disclosed in contravention of subsection (1), unlawfully publishes or communicates the information to another person commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both. 35

Immunity

15. An action or other proceedings shall not lie or be instituted against a member of the Commission, a member of a committee of the Commission or member of staff of the Commission for, or in 40

respect of, an act or thing done or omitted to be done in good faith in the exercise or performance of any of the powers, functions or duties conferred under this Act.

PART III

5 INVESTIGATION AND CONSIDERATION OF COMPLAINTS

16. (1) The Commission shall appoint suitably qualified person as authorised officers to ensure compliance with human rights and freedoms.

Appointment
of authorised
officers

(2) The Commission shall provide an authorised officer with an identification card which shall be *prima facie* evidence of the authorised officer's appointment as an authorised officer.

(3) An authorised officer shall, in performing a function under this Act—

15 (a) be in possession of the identification card referred to under subsection (2); and

(b) show the identification card to a person who requests to see the identification card or is the subject of an investigation under this Act.

17. (1) An authorised officer may, for the purpose of protecting human rights and freedoms, at any reasonable time, without prior notice, and on the authority of a warrant, enter any premises that the authorised officer has reasonable grounds to believe is used or is about to be used for the Commission of an offence under this Act or any other written law relating to human rights and freedoms, and—

Powers of
entry and
search

25 (a) search the premises;

30 (b) search any person on the premises if the authorised officer has reasonable grounds to believe that the person has possession of an article, document or record that has a bearing on an investigation, except that a person shall only be searched by a person of the same sex;

(c) take extracts from, or make copies of, any book, document or record that is on the premises and that has a bearing on an investigation; and

35 (d) make inquiries that may be necessary to ascertain whether human rights and freedoms have been violated or abused.

(2) A court may issue a warrant on application by an authorised officer if it appears from written information given by the authorised officer, on oath or affirmation, that there are reasonable grounds to believe that human rights and freedoms have been or are likely to be violated or abused.

(3) An authorised officer exercising any power under this section shall, before entering and searching any premises, ensure that the occupier or person in control of the premises is present.

(4) An authorised officer who removes anything from any premises shall— 5

(a) issue a receipt for anything removed to the owner or the person in control of the premises; and

(b) return anything removed as soon as practicable after the thing removed has served the purpose for which it was removed. 10

Powers of investigation

18. (1) The Commission shall have power to investigate a human rights violation or abuse— 10

(a) on the Commission's own initiative; or

(b) on receipt of a complaint or allegation from-

(i) an aggrieved person acting in that person's own interest; 15

(ii) an association acting in the interest of that association's members;

(iii) a person or association acting on behalf of an aggrieved person; or

(iv) a person acting on behalf of, and in the interest of, a group or class of persons. 20

(2) The Commission shall, in conducting an investigation in accordance with subsection (1), have power to—

(a) issue summons or orders requiring the attendance of any authority before the Commission and the production of any document or record relevant to any investigation by the Commission; 25

(b) question any person in respect of any subject matter under investigation before the Commission; and

(c) require any person to disclose any information within such persons knowledge relevant to any investigation by the Commission. 30

(3) A witness summoned under subsection (2) shall be examined under oath or affirmation.

Complaints

19. (1) A complaint or allegation referred to under section 18 shall be made to the Director-General, orally or in writing. 35

(2) Where a complaint or allegation is made orally, the Director-General shall reduce the complaint or allegation in writing.

- (3) A complaint or allegation may—
 (a) be signed, thumb printed or otherwise marked by the person making the complaint or allegation; and
 (b) bear the name and address of the person making the complaint or allegation.

(4) A complaint or allegation shall be made to the Commission within three years from the date on which the facts giving rise to the complaint or allegation become known to the person making the complaint or allegation, except that the Commission may in exceptional circumstances that the Commission considers necessary, receive a complaint made after the expiry of three years.

20. (1) The Commission shall, on receipt of a complaint or allegation under section 19, conduct an inquiry in public, except that the Commission may hold an inquiry in camera as the Commission may determine.

Inquiry by
Commission

(2) The Commission may discontinue or refuse to conduct an investigation where the Commission is satisfied that the complaint or allegation is malicious, frivolous, vexatious or the particulars accompanying the complaint or allegation are insufficient to allow a proper investigation to be conducted.

(3) The Commission shall, where the Commission discontinues or refuses to conduct an investigation, inform the complainant in writing, within seven days of the Commission’s decision, stating the reason for the refusal or discontinuance.

(4) The Commission may, for the purpose of conducting an investigation, request the assistance of a public officer or investigative agency of the Government, and that public officer or investigative agency shall investigate the matter relating to the complaint or allegation and submit a report on the matter to the Commission.

21. (1) Subject to the provisions of this Act, the Commission shall, after the conclusion of an inquiry under section 20

Report and
recommendations
of
Commission

(a) send a written report of the Commission’s findings to the parties concerned; and

(b) make recommendations that the Commission considers necessary to an appropriate authority.

(2) The Commission may, where the Commission considers it necessary after an inquiry, recommend to an appropriate authority—

(a) the release of a person from detention;

(b) the payment of compensation to a victim of a human rights violation or abuse, or to a victim’s family;

(c) the punishment of any officer found by the Commission to have perpetrated an abuse of human rights; or

(d) any other appropriate action to remedy the violation or abuse of a human right or freedom.

(3) An appropriate authority shall, within thirty days from the date of receipt of a recommendation under subsection (2), submit a report to the Commission, on any action taken by that appropriate authority to redress a human rights violation or abuse. 5

(4) An appropriate authority that fails to submit a report to the Commission in accordance with subsection (3) commits an offence and is liable, on conviction, to a fine not exceeding three hundred thousand penalty units. 10

Suspension of Commission's powers for matter in court

22. Despite the provisions of this Part, the Commission shall not have powers under this Part where a matter is pending before a court. 15

PART IV

FINANCIAL PROVISIONS

Funds of Commission

23. (1) The funds of the Commission consists of monies that may—

(a) be appropriated by Parliament; 20

(b) be paid to the Commission by way of grants or donations; or

(c) vest in, or accrue to the Commission.

(2) The Commission may—

(a) accept monies by way of grants or donations from any source within the Republic and subject to the approval of the Minister responsible for finance, from any source outside the Republic; and 25

Act No. 1 of 2018

(b) subject to the Public Debt Management Act, 2022, raise by way of loans or otherwise, monies that the Commission may require for the performance of the Commission's functions. 30

(3) There shall be paid from the funds of the Commission—

(a) the salaries, allowances, loans, gratuities and pensions of the staff of the Commission and other payments for the recruitment and retention of staff; 35

- (b) reasonable travelling and other allowances for members of the Commission or members of a committee of the Commission when engaged in the business of the Commission at rates that the Emoluments Commission may, on the recommendation of the Commission, determine; and
- (c) any other expenses incurred by the Commission in the performance of the Commission's functions.
- (4) Subject to the Public Finance Management Act, 2018, the Commission may, with the approval of the President, invest in a manner that the Commission considers necessary, any of the funds of the Commission that the Commission does not immediately require for the performance of the Commission's functions. Act No. 1 of 2018
- 24.** The financial year of the Commission shall be a period of twelve months ending on 31st December in each year. Financial year
- 25.** (1) The Commission shall cause to be kept proper books of accounts and other records relating to the Commission's accounts. Accounts and audit
- (2) The accounts of the Commission shall be audited annually by the Auditor General or an auditor appointed by the Auditor-General.
- (3) The fees for the Auditor-General or an auditor appointed by the Auditor-General shall be paid by the Commission.
- 26.** (1) The Commission shall, as soon as practicable, but not later than ninety days after the end of the financial year, submit to the President a report concerning the functions and activities of the Commission during the financial year. Annual reports
- (2) The report referred to in subsection (1) shall include information on the financial affairs of the Commission and there shall be appended to the report—
- (a) an audited statement of financial position;
- (b) an audited statement of comprehensive income and expenditure;
- (c) a report on the violations or abuses of human rights or freedoms, and maladministration of justice;
- (d) a report on the observance of human rights and freedoms in the Republic; and
- (e) any other information as the President may require.
- (3) The Minister responsible for finance shall, not later than seven days after the first sitting of the National Assembly next after receipt of the report under subsection (1), cause the report to be laid before the National Assembly.

PART V

GENERAL PROVISIONS

- Protection of persons acting in good faith
Act No. 4 of 2010
- 27.** A person who, in good faith provides information or assists the Commission in the exercise of the Commission's functions under this Act shall be protected in accordance with the provisions of the Public Interest Disclosure (Protection of Whistleblowers) Act, 2010.
- Offences by principal officers of body corporate or unincorporate body
- 28.** Where an offence under this Act is committed by a body corporate or unincorporate body, with the knowledge, consent or connivance of a director, manager or shareholder of that body corporate or unincorporate body, that director, manager or shareholder is liable, on conviction, to the penalty specified for the offence. 5 10
- Execution of judgment
- 29.** (1) Where a judgement or court order is obtained against the Commission, no execution, attachment or process of any nature shall be issued against the Commission or against any property of the Commission.
- (2) Despite subsection (1), the Commission shall cause to be paid out of the Commission's revenues, such amount of money as may, by judgement or court order, be awarded against the Commission to the person entitled to the money. 15
- Appeals
- 30.** A person aggrieved with a decision or recommendation of the Commission, may, within thirty days of the decision, appeal to the High Court. 20
- General offences
- 31.** (1) A person shall not—
- (a) as a witness before the Commission, without lawful excuse, refuse to be sworn or affirm, or having been sworn or affirmed refuse to answer fully and satisfactorily a question lawfully put to that person; 25
- (b) knowingly make, or cause to be made, to the Commission, a false testimony or false report in any material particular on an offence or matter under investigation or give false information to the Commission; 30
- (c) knowingly mislead the Commission or any other officer of the Commissioner by giving any false information or statement or making a false allegation; or
- (d) obstruct, assault, insult, hinder or delay an officer of the Commission in the lawful exercise of the powers conferred on that officer under this Act; 35

(e) unlawfully influence a decision of the Commission or coerce the Commission to make a decision in favour of that person or another person; or

(f) disobey a directive made under this Act.

5 (2) A person who contravenes subsection (1), commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

10 **32.** The Commission may, by statutory instrument, make Regulations for the better carrying out of the provisions of this Act.

33. (1) The Human Rights Commission Act is repealed.

(2) Despite subsection (1), the provisions of the Schedule apply in respect of the matters specified in the Schedule.

Regulations

Repeal of Act Cap. 48 and savings and transitional arrangements

SCHEDULE

(Section 33)

SAVINGS AND TRANSITIONAL PROVISIONS

Former Commission	<p>1. For the purposes of this Schedule—</p> <p>“former Commission” means the Human Rights Commission 5 established by the Constitution of Zambia Act, 1991, and provided for under the repealed Act; and</p> <p>“repealed Act” means the Human Rights Commission Act. Member</p>
Act No. 1 of 1991	
Cap. 48	
Member	<p>2. A person who immediately before the commencement of 10 this Act held office as a member of the former Commission shall continue to hold office as a member for a period of three months after which the President shall appoint the members of the Commission in accordance with this Act.</p>
Staff of Commission	<p>3. (1) A person who, before the commencement of this Act, 15 was an officer or employee of the former Commission shall continue to be an officer or employee of the Commission as if appointed or employed under this Act.</p> <p>(2) The service of the persons referred to in subsection (1) shall be treated as continuous service. 20</p> <p>(3) Nothing in this Act affects the rights and liabilities of any person employed or appointed by the former Commission before the commencement of this Act.</p>
Transfer of assets and liabilities	<p>4. (1) On or after the commencement of this Act, there shall 25 be transferred to, vest in, and subsist against the Commission by virtue of this Act and without further assurance, assets, rights, liabilities and obligations which immediately before that date were the assets, rights, liabilities and obligations of the former Commission.</p> <p>(2) Subject to subparagraph (1), every deed, bond and 30 agreement, other than an agreement for personnel service, to which the former Commission was a party immediately before the commencement of this Act, whether or not of a nature that rights, liabilities and obligations could be assigned, shall unless its subject matter or terms make it impossible that it should have effect as modified, as provided under this paragraph, have effect as if — 35</p> <p>(a) the Commission, had been party to it;</p> <p>(b) for any reference to the former Commission there was substituted with respect to anything falling to be done or after the commencement of this Act, a reference to the Commission; or 40</p>

5 (c) for any reference to an officer of the former Commission not being a party to it and beneficially interested, there were substituted, as respects anything falling to be done on or after the commencement of this Act, a reference to that officer of the Commission, that the Commission shall designate.

10 (3) Where under this Act, any assets, rights, liabilities and obligations of the former Commission are deemed to be transferred to the Commission in respect of which a written law provides for registration, the Commission shall make an application, in writing, to the appropriate registration authority for registration of the transfer.

15 (4) The registration authority, referred to under subparagraph (3), shall make entries in the appropriate register that shall give effect to the transfer and, where applicable, issue to the transferor concerned a certificate of title in respect of the property or make necessary amendments to the register and shall endorse the deeds relating to the title, right or obligation concerned and no registration fees or other duties shall be payable in respect of the transaction.

20 5. (1) Any legal proceedings or application of the former Commission pending immediately before the commencement of this Act by or against the former Commission may be continued by or against the Commission.

Legal proceedings

25 (2) After the commencement of this Act, proceedings in respect of any right, liability or obligation which was vested in, held, enjoyed, incurred or suffered by the former Commission may be instituted by or against the Commission.