

Zambia

## Law Association of Zambia Act, 1973

### Chapter 31

Legislation as at 31 December 1996

FRBR URI: /akn/zm/act/1973/23/eng@1996-12-31

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PDF created on 17 March 2023 at 15:25.

*Collection last checked for updates: 31 December 1996.*

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# Zambia

## Law Association of Zambia Act, 1973

### Chapter 31

Commenced on 23 March 1973

*[This is the version of this document at 31 December 1996.]*

*[23 of 1973; 36 of 1973]*

**An Act to establish the Law Association of Zambia and to dissolve the Law Society of Zambia**

### Part I – Preliminary

#### 1. Short title

This Act may be cited as the Law Association of Zambia Act.

#### 2. Interpretation

In this Act, unless the context otherwise requires—

"**the Association**" means the Law Association of Zambia established by section three;

"**the Law Society**" means the Law Society of Zambia established by the Law Society of Zambia (Private) Act. [Cap 47](#) of the repealed Edition of the Laws of Zambia;

"**lawyer**" includes student of law;

"**ordinarily resident**" includes temporarily resident for the purpose of the performance of a contract.

### Part II – Law Association of Zambia

#### 3. Establishment of Association

There is hereby established the Law Association of Zambia which shall by that name be a body corporate with perpetual succession and a common seal and which shall be capable of suing and being sued and, subject to the provisions of this Act, of doing or performing such acts or things as a body corporate may by law do or perform.

#### 4. Objects

The objects for which the Association is established are—

- (a) to further the development of law as an instrument of social order and social justice and as an essential element in the growth of society;
- (b) to provide a means by which all lawyers, whatever their particular field of activity, can participate together fully and effectively in the development of society and its institutions;
- (c) to encourage lawyers as individuals to join actively in the life of, and identify themselves with, the people, and to utilise their skills and training in their service;
- (d) to promote the education of lawyers at all stages and levels, with particular emphasis on the broadening of such education;

- (e) to consider the qualifications of lawyers and to make recommendations to the Government thereon;
- (f) to maintain and improve the standards of conduct of all members of the legal profession;
- (g) to consider the legislation relating to legal aid and other ways of securing representation for persons who for any reason are unable to secure it, and to make recommendations to the Government thereon; and to establish machinery for the provision of legal aid in addition to that provided by the Government;
- (h) to co-operate with the representative bodies of other professions and other institutions;
- (i) to promote research in the development of the law in general and particularly in relation to—
  - (i) the applicability and suitability of received law;
  - (ii) the character and content of customary law;
  - (iii) the influence of industrial, commercial and technological development on society and social institutions;
- (j) to promote the reform of the law, both by the amendment of and the removal of imperfections in existing law, and by the re-formulation, codification or restatement of particular branches of the law;
- (k) to participate when called upon in draft legislation, and to strengthen the machinery for the critical examination of its legal quality;
- (l) to seek the advancement of the rule of law and of the rights and liberties of the individual;
- (m) to promote the improvement and reform of the judicial and administrative systems, including tribunals and their procedure;
- (n) to represent, protect and assist members of the legal profession in regard to their conditions of practice, remuneration and otherwise;
- (o) to protect and assist the public in all matters touching, ancillary or incidental to the legal profession;
- (p) to do all such other things as may be conducive to the attainment of the foregoing objects or any of them.

### **Part III – Membership**

#### **5. Qualifications for membership**

- (1) Every person who immediately before the commencement of this Act is a member of the Law Society shall, on that date, become a member of the Association without payment of any entrance fee.
- (2) Any of the persons referred to in subsections (3) and (4) who applies for membership in the prescribed manner and pays the prescribed fees shall be admitted as an ordinary member or an associate member, as the case may be, of the Association:

Provided that—

- (i) a person who has been expelled from the Law Society or the Association shall not be admitted or re-admitted as a member without the approval, at a meeting of the Council, of not less than two-thirds of the total membership thereof;

- (ii) no person who, whether in Zambia or elsewhere, has been suspended from practice or whose name has been struck off a roll of practitioners (by whatever name called) shall be qualified to become a member unless the period of his suspension has expired or his name has been restored to such roll.
- (3) Ordinary membership shall be open to any person who is ordinarily resident in Zambia and who—
- (a) is admitted to the roll of practitioners in Zambia or is qualified to practise elsewhere as a lawyer; or
  - (b) has been awarded the degree of Bachelor of Law by the University of Zambia or has obtained a degree or other qualification acceptable to the Association for purposes of membership.
- (4) Associate membership shall be open to any person who—
- (a) is in regular attendance at the School of Law at the University of Zambia, or is a full-time student at a university elsewhere engaged in a programme leading directly to a degree acceptable to the Association for purposes of membership; or
  - (b) is an articled clerk serving under articles of clerkship in accordance with the Legal Practitioners Act; or
- [Cap. 30]*
- (c) is engaged in a programme of study acceptable to the Association for purposes of associate membership; or
  - (d) is a managing clerk employed by a legal practitioner in Zambia.

## 6. Subscriptions

Members of the Association shall pay into the funds of the Association such periodical subscriptions as may from time to time be prescribed.

## 7. Expulsion and suspension of members

A member of the Association may be expelled or suspended therefrom upon such grounds and in such manner as may from time to time be prescribed:

Provided that no member shall be expelled or suspended unless he has been afforded a reasonable opportunity of answering any allegations made against him.

## 8. Resignation and cessation of membership

- (1) Any member of the Association may resign therefrom in such manner as may be prescribed.
- (2) Any member of the Association who ceases to be qualified for membership under section five shall thereupon cease to be a member.

## 9. Rights, etc., of members

Members of the Association shall have such rights, privileges and obligations as may be prescribed.

## Part IV – Management

### 10. Constitution of the Council

(1) For the proper management of the affairs of the Association there shall be an executive committee (herein referred to as "the Council") consisting of a chairman, a vice-chairman, a secretary and a treasurer (herein referred to as "officers") and not more than twelve other persons.

(2) The members of the Council shall be members of the Association and shall be elected by the Association in general meeting;

Provided that a casual vacancy on the Council may be filled by the election by the remaining members of the Council of a substitute, who shall hold office until the expiration of office of the Council.

(3)

(a) Associate members shall not be eligible for election as officers of the Association.

(b) The number of associate members on the Council shall not exceed one-quarter of the total membership thereof.

### 11. Powers of the Council

(1) Except as otherwise expressly provided by this Act, the Council may exercise all the powers of the Association.

(2) No rules made under this Act or resolution passed by the Association in general meeting shall invalidate any prior act of the Council which would have been valid if such rules or resolution had not been made or passed, as the case may be.

### 12. Employees

The Council may engage employees and remunerate them in such manner as it may decide.

### 13. Committees

(1) The Council may from time to time appoint committees consisting of members of the Association and may, except as otherwise expressly provided by this Act, delegate to any such committee all or any of the powers of the Council.

(2) The Council may invite any person to serve on any such committee in an advisory capacity.

(3) There shall be elected at the first general meeting of the Association a Practitioners' Committee consisting of not less than five nor more than seven members of the Association who are holders of current practising certificates issued under the provisions of Part V of the Legal Practitioners Act and are in practice in Zambia.

*[Cap. 30]*

(4) The members of the Practitioners' Committee shall hold office until the next ensuing annual general meeting of the Association, and shall have power to nominate, from amongst their number, a convenor, a secretary and such other officers as they may determine.

(5) Only those members of the Association present at an annual general meeting of the Association who are the holders of current practising certificates issued pursuant to the provisions of Part V of

the Legal Practitioners Act and are in practice in Zambia shall be entitled to vote on the election of members of the Practitioners' Committee.

*[Cap. 30]*

- (6) The Practitioners' Committee shall have power to co-opt any person qualified to be a member of the Practitioners' Committee to fill a casual vacancy and any person so co-opted shall hold office until the next ensuing annual general meeting of the Association.
- (7) The functions of the Practitioners' Committee shall be—
  - (a) to exercise on behalf of and in the name of the Association the powers of the Association relating to the issue of practising certificates pursuant to the provisions of Part V of the Legal Practitioners Act;  
*[Cap. 30]*
  - (b) to exercise on behalf of and in the name of the Association the powers of the Association relating to the Compensation Fund in accordance with the provisions of Part VI of the Legal Practitioners Act;  
*[Cap. 30]*
  - (c) to exercise on behalf of and in the name of the Association the powers conferred upon the Association by section sixty-nine of the Legal Practitioners Act;  
*[Cap. 30]*
  - (d) to exercise the functions vested in the Remuneration Committee established pursuant to section seventy of the Legal Practitioners Act;  
*[Cap. 30]*
  - (e) to exercise the functions vested in the Association pursuant to the Legal Practitioners (Disciplinary Proceedings) Rules and the Legal Practitioners (Disciplinary Proceedings) (Practitioners' Clerks) Rules;  
*[Cap. 30]*
  - (f) to exercise on behalf of and in the name of the Association the functions of the Association pursuant to Part VIII of the Legal Practitioners Act;  
*[Cap. 30]*
  - (g) to exercise any functions vested in the Association by regulations made pursuant to section ninety of the Legal Practitioners Act;  
*[Cap. 30]*
  - (h) to exercise such other functions as may from time to time be delegated to the Practitioners' Committee by the Council or by the Association in general meeting.

#### **14. Representatives on other bodies**

Whenever it becomes necessary or desirable for the Association to appoint a representative to serve on any board, committee or other body, such representative may be appointed by the Council or by the Association in general meeting.

## 15. Procedure

The proceedings of the Council and of every committee appointed pursuant to section thirteen shall be regulated in such manner as may be prescribed.

*[As amended by No. 36 of 1973]*

## Part V – Law Society

## 16. Repeal

The Law Society of Zambia (Private) Act, Chapter 47 of the Revised Edition, is repealed.

## 17. Transitional

- (1) After the commencement of this Act and until the Council, committees and officers of the Association are elected or appointed thereunder, the Council, committees and officers of the Law Society operating or holding office immediately before the commencement shall operate and hold office as the Council, committees and officers of the Association as if they had been elected or appointed under this Act.
- (2) The rules of the Law Society in force immediately before the commencement of this Act shall thereafter remain in force as the rules of the Association *mutatis mutandis* as if they had been made under section twenty-four until such time as any rules are so made.
- (3) Any representative appointed by the Law Society to serve on any board, committee or other body shall be deemed to be a representative appointed by the Association.

*[As amended by No. 36 of 1973]*

## 18. Transfer of assets and liabilities

- (1) Upon the commencement of this Act all property, assets, rights, liabilities and obligations of the Law Society shall vest in the Association by virtue of this Act and without further assurance.
- (2) All agreements, instruments, appointments, notices, applications, acts or deeds giving rise or otherwise relating to any rights, liabilities, duties or obligations of the Law Society which were subsisting immediately prior to the commencement of this Act shall on or after the commencement have effect and be enforceable as if instead of the Law Society the Association had been named therein or had been a party thereto.
- (3) Any proceedings or cause of action pending or existing immediately prior to the commencement of this Act may be continued or enforced by or against the Association as it might have been continued or enforced by or against the Law Society as if this Act had not been enacted.
- (4) In respect of any property, transfer, mortgage, lease, agreement, certificate or other instrument which is the subject of registration by virtue of any written law the proper officer of the appropriate registration authority shall upon the request of the Association without charge make such entry, memorial or endorsement or issue such new certificate or take such other action as may be necessary to give effect to the provisions of this section.

## Part VI – Financial and general provisions

### 19. Power to hold property and raise money

The Association shall have power, for the advancement of its objects or any of them—

- (a) to acquire, hold, develop, sell, mortgage, charge, lease or otherwise deal with or dispose of property of all kinds, whether real or personal;
- (b) to raise or borrow money in such manner and upon such security as may be determined by the Council.

### 20. Funds of Association

- (1) The funds of the Association shall consist of—
  - (a) such sums as may be paid to the Association by way of entrance fees and subscriptions of members and fees payable on admission to the roll of practitioners and the issue of practising certificates;
  - (b) such sums as may be paid to the Association by way of grant or donation;
  - (c) such other moneys as may accrue to the Association in the exercise of its functions.
- (2) The Council may invest in such manner as it shall think fit any moneys held by the Association which are not immediately required for the performance of its functions.
- (3) Nothing contained in this Part shall permit the distribution or payment of any moneys or other assets or income of the Association to or for the benefit of any member of the Association.

### 21. Income of Association exempt from tax

The income of the Association from whatever source shall be exempt from any tax payable under any written law for the time being in force relating to taxes on income and profits.

### 22. Accounts

- (1) The Association shall keep proper books of account and other records relating thereto and shall prepare in respect of each financial year a statement of account and balance sheet showing, in all necessary detail, the income and expenditure and the assets and liabilities of the Association.
- (2) The accounts of the Association shall be audited annually by an auditor appointed by the Council.

### 23. Common seal

The common seal of the Association shall be kept in such custody and used in such manner as may be prescribed.

### 24. Rules

Subject to the provisions of this Act, the Council may, by statutory instrument, make rules prescribing anything required or permitted by this Act to be prescribed, including, but without derogating from the generality of the foregoing, rules relating to—

- (a) entrance fees and periodical subscriptions;

- (b) applications for membership;
- (c) the grounds for, and procedure relating to, expulsion or suspension of members;
- (d) the resignation of members;
- (e) the regulation and delegation of powers exercisable by the Council;
- (f) the functions and powers of committees;
- (g) meetings of the Association, the Council and committees;
- (h) the election, removal and replacement of the officers of the Association, members of the Council and of committees of the Association, and representatives of the Association on any other bodies;
- (i) the accounts of the Association;
- (j) the custody and use of the common seal.