

Zambia

National Youth Development Council Act, 1986

Chapter 144

Legislation as at 31 December 1996

FRBR URI: /akn/zm/act/1986/7/eng@1996-12-31

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PDF created on 19 April 2023 at 01:16.

Collection last checked for updates: 31 December 1996.

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National Youth Development Council Act, 1986

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Zambia

National Youth Development Council Act, 1986 Chapter 144

Commenced on 21 April 1986

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

[Act No. 7 of 1986; Act No. 13 of 1994]

An Act to establish the National Youth Development Council; to define the functions and powers of the Council; to provide for the registration of youth organisations; and to provide for matters connected with or incidental to the foregoing.

Part I – Preliminary

1. Short title

This Act may be cited as the National Youth Development Council Act.

2. Interpretation

In this Act, unless the context otherwise requires—

"Chairman" means the person appointed Chairman of the Council under section five;

"Commissioner" means the Commissioner of Youth in the Ministry responsible for youth affairs;

"Council" means the National Youth Development Council established by section three;

"Member" means a member of the Council;

"Secretary" means the person appointed Secretary of the Council under section thirteen;

"Vice-Chairman" means the person appointed Vice-Chairman of the Council under section five.

Part II – National Youth Development Council

3. Establishment of Council

There is hereby established the National Youth Development Council which shall be a body corporate with perpetual succession and a common seal, capable of suing and of being sued in its corporate name, and with power, subject to the provisions of this Act, to do all such acts and things as a body corporate may by law do or perform.

4. Seal of Council

- (1) The seal of the Council shall be such device as may be determined by the Council and shall be kept by the Secretary.
- (2) The Council may use a wafer or rubber stamp in lieu of the seal.
- (3) The affixing of the seal shall be authenticated by the Chairman or the Vice-Chairman and the Secretary or one other person authorised in that behalf by the Council.

- (4) 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 Council by the Secretary or any other person authorised in that behalf by the Council.
- (5) Any document purporting to be a document under the seal of the Council or issued on behalf of the Council shall be received in evidence and shall be deemed to be a document so executed or issued, as the case may be, without further proof, unless the contrary is proved.

5. Composition of Council

- (1) The Council shall be composed of—
 - (a) the Director of Youths;
 - (b) twenty-two representative members appointed by the Minister, of whom—
 - (i) not more than four shall be public officers;
 - (ii) not more than twelve shall be persons from various youth organisations;
 - (iii) not more than three shall be persons from various organisations interested in youth development; and
 - (iv) not more than three shall be persons from amongst members of the public who have distinguished themselves in youth development.
- (2) There shall be a Chairman and a Vice-Chairman who shall be appointed by the Minister from amongst the members.

6. Tenure of office

- (1) A member, other than an *ex-officio* member, shall hold office for a period of three years from the date of his appointment and may be re-appointed upon the expiration of such term.
- (2) A member, other than an *ex-officio* member, may resign upon giving one month's notice in writing to the Minister and may be removed by the Minister at any time.

7. Filling of casual vacancy

Whenever the office of a member becomes vacant before the expiry of the term provided in section six the Minister may appoint another person to be a member:

Provided that such other person shall hold office only for the unexpired term of office of the person who vacated such office.

8. Functions of Council

- (1) The functions of the Council shall be—
 - (a) to advise the Minister on programmes relating to youth development;
 - (b) to co-ordinate youth activities;
 - (c) to evaluate and implement youth programmes;
 - (d) to assist and encourage organisations interested in youth development in the initiation of youth training and development programmes;

- (e) to initiate, operate and manage non-profit making or profit making projects in support of youth development; and
 - (f) such other functions as the Minister may, from time to time, direct.
- (2) The Council may establish branches of the Council in the Provinces.
- (3) The Council may, by directions in writing and subject to such terms and conditions as it thinks fit, delegate to any member or the Secretary any of its functions under this Act.
- (4) The Minister may give to the Council such general or specific directions with respect to the discharge of its functions as he may consider necessary and the Council shall give effect to such directions.

9. Proceedings of Council

- (1) Subject to the provisions of this Act, the Council may regulate its own procedure.
- (2) The Council shall meet for the transaction of business at least twice every twelve months at such places and at such times as the Chairman may decide.
- (3) Upon giving notice of not less than fourteen days, a meeting of the Council may be called by the Chairman and shall be called if not less than five members so request in writing:

Provided that if the urgency of any particular matter does not permit the giving of such notice, a special meeting may be called upon giving a shorter notice.
- (4) Eight members shall form a quorum at any meeting of the Council.
- (5) There shall preside at any meeting of the Council its Chairman or in his absence, its Vice-Chairman or in their absence, such member as the member present may elect for the purpose of that meeting.
- (6) A decision of the Council on any question shall be by 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 his deliberative vote.
- (7) Where any member referred to in sub-paragraphs (i) to (iii) of paragraph (c) of subsection (1) of section five is unable to attend any meeting of the Council his Ministry or organisation, as the case may be, may in writing nominate another person to attend such meeting in his stead and such person shall be deemed to be a member for the purpose of such meeting.
- (8) The Council may invite any person, whose presence is in its opinion desirable, to attend and to participate in the deliberations of a meeting of the Council but such person shall have no vote.
- (9) The validity of any proceedings, act or decision of the Council shall not be affected by any vacancy in the membership of the Council or by any defect in the appointment of any member or by reason that any person not entitled so to do took part in the proceedings.
- (10) The Council shall cause minutes to be kept of the proceedings of every meeting of the Council and of every meeting of any committee established by the Council.

10. Committees of Council

- (1) The Council may, for the purpose of performing its functions under this Act, establish committees and delegate to any such committee such of its functions as it thinks fit.

- (2) The Council may appoint as members of a committee established under subsection (1), persons who are or are not members of the Council and such persons shall hold office for such period as the Council may determine.
- (3) Subject to any specific or general direction of the Council any committee established under subsection (1) may regulate its own procedure.

11. Disclosure of interest

- (1) If any person is present at a meeting of the Council at which any matter in which such person or his spouse is directly or indirectly interested in a private capacity is the subject of consideration he shall, as soon as practicable after the commencement of the meeting, disclose such interest and shall not, unless the Council otherwise directs, take part in any consideration or discussion of, or vote on, any question touching such matter.
- (2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which it is made.

12. Immunity of members and staff

No action or other proceedings shall lie or be instituted against any member, member of a committee of the Council or member of the staff of the Council for or in respect of any act or thing done or omitted to be done in good faith in the exercise or purported exercise of his duties under this Act.

13. Secretary and other staff

- (1) There shall be a Secretary of the Council who shall be a public officer and such other public officers as are necessary to carry out the functions of the Council.
- (2) The Secretary shall be responsible for the administration of the day-to-day affairs of the Council.

14. Prohibition of publication or disclosure of information to unauthorised persons

- (1) No person shall, without the consent in writing given by or on behalf of the Council, publish or disclose to any person, otherwise than in the course of his duties, the contents of any document, communication or information whatsoever, which relates to, and which has come to his knowledge in the course of his duties under this Act.
- (2) Any person who knowingly contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding six thousand two hundred and fifty penalty units or to imprisonment for a term not exceeding three years, or to both.
- (3) If any person having information which to his knowledge has been published or disclosed in contravention of subsection (1) unlawfully publishes or communicates any such information to any other person, he shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding six thousand two hundred and fifty penalty units or to imprisonment for a term not exceeding three years, or to both.

[As amended by Act No. 13 of 1994]

Part III – Registration of youth organisations

15. Register of youth organisations

The Secretary shall keep and maintain in the prescribed form a register wherein shall be registered every youth organisation in Zambia, and no organisation shall be deemed to be such an organisation unless it is so registered.

16. Application for registration

- (1) An application for registration as a youth organisation shall be submitted to the Secretary in such forms as may be prescribed.
- (2) On receipt of an application under subsection (1), the Secretary may carry out such investigation or require such further information to be submitted to him as he considers necessary.
- (3) Every application for registration as a youth organisation shall be accompanied by—
 - (a) a registration fee to be prescribed by the Minister;
 - (b) a copy of the constitution of the youth organisation and, unless the constitution itself contains such particulars, a memorandum containing the following particulars:
 - (i) the objectives and functions of the youth organisation;
 - (ii) the names and addresses of the office-bearers of the youth organisation;
 - (iii) the funds available and the sources of revenue; and
 - (iv) the place of operation.
- (4) On being registered, a youth organisation shall be issued with a certificate of registration.

17. Grounds for refusing to register youth organisation

The Secretary shall refuse to register any organisation as a youth organisation if he is satisfied—

- (a) that the name under which the organisation wishes to be registered is identical or similar to the name of any existing youth organisation or of any society or body registered, or exempted from registration, under the Societies Act;
- (b) that the organisation does not exist;
- (c) that the registration of the organisation would be against public interest.
[Cap. 119]

18. Cancellation of registration

The Secretary may cancel at any time the registration of any youth organisation if he is satisfied that it is expedient so to do on the ground that—

- (a) the terms of the Constitution or rules of such organisation are, in his opinion, in any respect repugnant to or inconsistent with the provisions of any law for the time being in force in Zambia;
- (b) the organisation is operating in a manner prejudicial to the public interest;
- (c) he has reason to believe that the organisation has ceased to exist as a youth organisation; or

- (d) the organisation has changed its name and the new name it has adopted—
 - (i) is identical with that of any other existing youth organisation;
 - (ii) so nearly resembles the name of such other youth organisation as, in the opinion of the Secretary, is likely to deceive the public or the members of either organisation; or
 - (iii) is, in the opinion of the Secretary, repugnant to or inconsistent with the provisions of any law in force in Zambia or is otherwise undesirable.

19. Notification of grounds

Where an application for registration as a youth organisation is refused or the registration of a youth organisation is cancelled, the Secretary shall make and furnish to the body or organisation concerned a notice giving therein the reasons for such refusal or cancellation, as the case may be.

20. Appeal

- (1) An appeal against a decision to cancel or to refuse the registration of any youth organisation may be made to the Minister within thirty days of the receipt of the notice.
- (2) Where any appeal is made under subsection (1), the Minister may, to enable him determine the appeal, give such directions to the Secretary as he may consider necessary.
- (3) On any appeal made under subsection (1), the Minister may confirm, set aside or vary the notice of the Secretary, and the decision of the Minister shall be final.

Part IV – Financial provisions

21. Funds of Council

- (1) The funds of the Council shall consist of such moneys as may—
 - (a) be appropriated by Parliament for the purposes of the Council;
 - (b) be paid to the Council by way of grants or donations; and
 - (c) vest in or accrue to the Council.
- (2) The Council may—
 - (a) accept moneys by way of grants or donations from any source in Zambia and, subject to the approval of the Minister, from any source outside Zambia;
 - (b) subject to the approval of the Minister, raise by way of loans or otherwise, such moneys as it may require for the discharge of its functions; and
 - (c) charge and collect fees in respect of programmes, seminars, and other services provided by the Council.
- (3) There shall be paid from the funds of the Council—
 - (a) grants that have been to any particular youth organisation or any branch of such organisation;
 - (b) such reasonable travelling, transport, subsistence and other allowances for members, the staff or members of any committee of the Council when engaged on the business of the Council, at such rates as the Minister may determine; and

- (c) any other expenses incurred by the Council in the performance of its functions.
- (4) The Council may invest in such manner as it thinks fit such of its funds as it does not immediately require for the performance of its functions.

22. Financial year

The financial year of the Council shall be the period of twelve months ending on the 31st December in each year.

23. Accounts

The Council shall cause to be kept proper books of account and other records relating to its accounts.

24. Power to call for accounts

- (1) The Council may at any time, by notice under the hand of the Secretary, require any youth organisation to submit to the Council, within such time as may be specified therein, the duly audited accounts of the youth organisation or of any branch of such organisation:
Provided that such notice shall be of not less than thirty days from the date on which the notice is served on any office-bearer or person concerned with the management of the youth organisation or branch of such organisation.
- (2) Where any notice under subsection (1) is not duly complied with, or any irregularities are discovered in the accounts submitted to the Council, the Council may take such action as it considers necessary against the youth organisation, any branch of such organisation or against any office-bearer responsible for such non-compliance or irregularities as the case may be.

25. Annual report

- (1) As soon as practicable, but not later than six months after the expiry of each financial year, the Council shall submit to the Minister a report concerning its activities during such financial year.
- (2) The report referred to in subsection (1) shall include information on the financial affairs of the Council and there shall be appended thereto—
 - (a) a balance sheet;
 - (b) an audited statement of income and expenditure; and
 - (c) such other information as the Minister may require.
- (3) The Minister shall, not later than seven days after the first sitting of the National Assembly next after the receipt of the report referred to in subsection (1), lay it before the National Assembly.

Part V – Miscellaneous provisions

26. Independence of youth organisations

Save as otherwise provided in this Act, the Council shall not interfere with the day-to-day administration or internal affairs of a youth organisation or of any branch of such organisation.

27. Appeals to Minister

Any youth organisation, any branch of such organisation, or any person aggrieved by a decision of the Council, may, not later than thirty days from the receipt of such decision, appeal against that decision to the Minister, and thereupon the Minister may either confirm, set aside or vary the Council's decision, or make such other order as he thinks fit.

28. Dissolution of youth organisation

- (1) A youth organisation shall not dissolve itself except with the written approval of the Council.
- (2) An application for approval to dissolve the youth organisation shall state the reasons for the proposed dissolution and such application shall be submitted to the Council together with the agenda and minutes of the meeting at which the decision to dissolve the youth organisation was taken.
- (3) Where any youth organisation is dissolved, the assets and liabilities of such organisation shall be disposed of in accordance with directions given by the Minister:

Provided that the assets, if any, left over, after meeting all the liabilities of such youth organisation, shall not be utilised for any purpose other than for the purposes of other youth organisations as the Council may direct.

29. Vesting of property in Council

- (1) Upon the commencement of this Act, all movable and immovable property vesting in the old National Youth Development Council of Zambia shall be vested in the Council without conveyance, transfer or assignment.
- (2) Subject to the provisions of this Act, all rights, privileges, obligations and liabilities which immediately before the commencement of this Act were held, enjoyed or incurred by the old National Youth Development Council of Zambia shall be deemed to be the rights, privileges, obligations and liabilities of the Council.
- (3) Where anything has been commenced by the old National Youth Development Council of Zambia prior to the commencement of this Act, such things may be carried on and completed by the Council.

30. Regulations

The Minister may, by statutory instrument, make regulations for the better carrying into effect of the provisions of this Act, and, in particular and without prejudice to the generality of the foregoing power, such regulations may prescribe—

- (a) the fees, allowances or remuneration to be paid under any provision of this Act;
- (b) the books, registers and other records to be kept by a youth organisation; and for the inspection thereof;
- (c) the forms to be used for the purposes of this Act.