

Zambia

National Road Safety Council Act, 1995 Chapter 471

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Zambia

National Road Safety Council Act, 1995

Chapter 471

Commenced on 29 December 1995

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

[Act No. 35 of 1995]

An Act to establish the National Road Safety Council, to define its functions and to provide for matters connected with or incidental to the foregoing.

Part I – Preliminary

1. Title

This Act may be cited as the National Road Safety Council Act.

2. Interpretation

In this Act, unless the context otherwise requires—

"**Chairperson**" means the person elected Chairperson under section *five*;

"**committee**" means a committee established under section *ten*;

"**Council**" means the National Road Safety Council established under section *three*;

"**Deputy Director**" means the person appointed Deputy Director of the Council under section *thirteen*;

"**Director**" means the chief executive officer appointed by the Council under section *thirteen*;

"**Highway Code**" means the code prescribed by the Minister which contains directions as appear to him to be proper for the guidance of persons using roads;

"**member**" means a member of the Council;

"**road**" means any highway and any other road to which the public have access and includes any public place to which vehicles have access and any residential area, whether access to it is restricted or not, which is part of a local authority area;

"**traffic**" includes a vehicle, pedestrian procession and marching troops and all animals being ridden, driven or led on the road; and

"**Vice-Chairperson**" means the person elected Vice-Chairperson under section *five*.

Part II – The National Road Safety Council

3. Establishment of National Road Safety Council

There is hereby established the National Road Safety Council, which shall be 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 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 Director.
- (2) The affixing of the seal shall be authenticated by the Chairperson or the Vice-Chairperson, and the Director or any other person authorised in that behalf by a resolution of the Council.

5. Composition of the Council

- (1) The Council shall consist of the following members:
 - (a) a representative of the Medical Council of Zambia;
 - (b) a representative of the Law Association of Zambia;
 - (c) a representative of the Motor Trade Association;
 - (d) a representative of the Motor Sports Association;
 - (e) a representative of the Zambia Police Force;
 - (f) a representative of the Engineering Institution of Zambia holding a Roads or Automobile Engineering practising certificate;
 - (g) an engineer representing the Local Government Association of Zambia;
 - (h) an insurance broker representing the Registrar of Insurance;
 - (i) a representative of the Passenger, Pedestrian and Cyclist Association;
 - (j) a representative of the Road Transport Association;
 - (k) a representative of the handicapped recommended by the Ministry of Community Development and Social Welfare;
 - (l) a representative of the Chartered Institute of Transport; and
 - (m) two persons appointed by the Minister who have experience in the management of a transport enterprise and who have demonstrated interest in road safety matters.
- (2) The Permanent Secretary of the Ministry responsible for transport, the Director of Road Transport, and the Director of Roads, shall be *ex-officio* members of the Council.
- (3) An organisation or association referred to in paragraphs (a) to (j) of sub-section (1) shall—
 - (a) nominate a member to the Council; and
 - (b) nominate an alternative member who shall attend the meetings of the Council in place of the members at any time the member is unable to attend.
- (4) The Minister shall appoint the persons nominated under sub-section (3) as members and alternate members of the Council.
- (5) There shall be a Chairperson and Vice-Chairperson elected by the Council from amongst its members.

6. Tenure of office and vacancy

- (1) Subject to the other provisions of this section a member shall hold office for a period of three years from the date of the member's appointment and may be re-appointed, upon the expiration of that period.
- (2) On the expiration of the period for which a member is appointed, the member shall continue to hold office until a successor has been appointed but in no case shall such further period exceed four months.
- (3) A member may, resign upon giving one month's notice, in writing, to the organisation or association which nominated him and to the Minister and may be removed by the Minister on the recommendation of the Council.
- (4) The office of a member shall become vacant—
 - (a) if the member is absent without reasonable excuse from three consecutive meetings of the Council of which the member has had notice;
 - (b) if the member is lawfully detained or the member's freedom of movement is restricted for a period exceeding six months;
 - (c) on ceasing to be a representative of the organisation or association which nominated the member;
 - (d) if the member is an undischarged bankrupt; or
 - (e) if the member becomes, in the opinion of a medical expert, mentally or physically incapable of performing the duties of a member.

7. Remuneration and allowances

A member shall be paid such remuneration or allowances as the Council may, with the approval of the Minister, determine.

8. Functions of Council

- (1) Subject to the other provisions of this Act the functions of the Council shall be to do all such things as are necessary to protect the lives of all road users through the introduction of appropriate road safety measures.
- (2) Notwithstanding the generality of sub-section (1) the functions of the Council shall be to—
 - (a) conduct road safety education and through publicity campaigns, undertake and assist in the dissemination of information on road safety for the benefit of all sections of the community;
 - (b) co-ordinate road safety programmes;
 - (c) formulate and update the training programmes required for driving instructors;
 - (d) review and publish accident statistics and analyse causes of major accidents at regular intervals so as to recommend to the Government new road safety measures and proposals for road safety policy, taking into account technological development, legal requirements and social and economic conditions;
 - (e) review and publish reports on the effectiveness of road safety operations conducted by the police officers and road traffic inspectors;

- (f) provide guidelines for the safe use of public roads, speedways and racecourses by motor clubs;
- (g) undertake period reviews of existing road safety legislation with a view to advising the Government with regard to all necessary amendments;
- (h) review and recommend to the Minister the updating of the Highway Code, where necessary;
- (i) set the minimum specification for vehicles so as to comply with road safety standards and submit these specification to the minister for publication under statutory instrument;
- (j) make recommendations to the Minister on the fees, allowances or remuneration to be paid for services rendered with regard to road safety under any provision of this Act;
- (k) review and publish reports of safety measures that may be considered during the planning, designing and building of new roads and the upgrading of existing roads in order to promote orderly traffic flow and the creation of a road safety consciousness amongst all road users;
- (l) review and publish standards of road fitness that vehicles must comply with in order to be fit to be driven on the roads;
- (m) affiliate to and liaise with road safety organisations in other countries, seek road safety education information and materials from any source and arrange for the representation of the Council at any congress, conference or meetings connected with road safety; and
- (n) deal with any other matter relating to road safety.

9. Proceedings of Council

- (1) Subject to the other provisions of this Act, the Council may regulate its own procedure.
- (2) The Council shall meet for the transaction of business at least once every three months at such places and at such times as the Chairperson may determine.
- (3) Upon giving notice of not less than fourteen days, a meeting of the Council may be called by the Chairperson and shall be called if not less than four 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 by the Chairperson upon giving a shorter notice.
- (4) Seven members shall form a quorum at any meeting of the Council.
- (5) There shall preside at any meeting of the Council the Chairperson or in his absence, the Vice-Chairperson, or in their absence, such member as the other members 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) The Council may invite any person, whose presence is in its opinion desirable, to attend and to participate in the deliberation of a meeting of the Council but such person shall have no vote.
- (8) 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.
- (9) The Council shall cause minutes to be kept of the proceedings of every meeting of the Council and every meeting or 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 sub-section (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 sub-section (1) may regulate its own procedure.

11. Disclosure of interest

- (1) If any person is present at a meeting of the Council or any committee of the Council at which any matter is the subject of consideration and in which matter that person or that person's spouse is directly or indirectly interested in a private capacity, that person 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 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.

Part III – Administration

12. Director and Deputy Director

- (1) The Council shall appoint on such terms and conditions as it may determine, a Director who shall be the Chief Executive Officer of the Council, and who, subject to the control of the Council, shall be responsible for the affairs of the Council.
- (2) The Director shall perform such of the functions of the Council as are, for the time being, delegated to him by the Council.
- (3) The Council may appoint on such terms and conditions as it may determine, a Deputy Director to assist the Director.
- (4) The Director, or in his absence the Deputy Director, shall attend meetings of the Council and may address such meetings but shall not vote on any matter.

13. Other staff

The Council may appoint, on such terms and conditions as it may determine, such consultants, administrative and other staff as it considers necessary for the performance of its functions under this Act.

14. Conditions of service of staff of Council

The conditions of service, or any alteration of such conditions of the Director, Deputy Director and all other staff of the Council shall be approved by the Minister before being effected.

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

- (1) A person shall not, without the consent in writing give by or on behalf of the Council, publish or disclose to any person, otherwise than in the course of the person's duties, the contents of any document, communication or information whatsoever which relates to, and which has come to the person's knowledge in the course of the person's duties under this Act.
- (2) Any person who knowingly contravenes the provisions of sub-section (1), shall be guilty of an offence and be liable to a fine not exceeding five thousand penalty units or to imprisonment for a term not exceeding six months, or to both.

Part IV – Financial and other provisions

16. Funds of Council

- (1) The funds of the Council shall consist of such moneys as may be—
 - (a) appropriated by Parliament for the purposes of the Council;
 - (b) paid to the Council by way of grants or donations;
 - (c) such moneys as the Ministry of Finance may allocate specially for road safety; and
 - (d) interest on investment of cash balances belonging to the Council.
- (2) The Council may—
 - (a) accept money by way of grants or donations from any source in Zambia;
 - (b) raise by way of loans or otherwise from any source in Zambia and subject to the approval of the Minister, from any source outside Zambia, such moneys as it may require for the discharge of its functions; and
 - (c) charge and collect fees in respect of training and other services provided by the Council.
- (3) There shall be paid from the funds of the Council—
 - (a) salaries, allowances, loans gratuities and pensions to the staff of the Council;
 - (b) such reasonable travelling and subsistence allowances for members 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 deems fit such of its funds as it does not immediately require for the performance of its functions.

17. Financial year

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

18. Accounts

- (1) The Council shall cause to be kept proper books of accounts and other records relating to its accounts.

- (2) The accounts of the Council shall be audited by independent auditors appointed by the Council with the approval of the Minister.
- (3) The auditors fees shall be paid by the Council.

19. Annual Report

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

20. Regulations

The Minister may, by statutory instrument, make regulations for the better carrying out 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 books, registers and other records to be kept by the Council and for the inspection thereof; and
- (b) the forms to be used for the purposes of this Act.

21. Repeal of Part IA and Part IB of the Roads and Road Traffic Act

Part IA and IB of the Roads and Road Traffic Act are hereby repealed.