

GOVERNMENT OF ZAMBIA

ACT

No. 3 of 1981

Date of Assent: 4th March, 1981

An Act to repeal and replace the Ministerial and Parliamentary Offices (Emoluments) Act; to provide for revised salaries, allowances and gratuity payable to the holders of the offices of Secretary-General of the Party, Prime Minister, Secretary of State for Defence and Security, Speaker, member of the Central Committee of the Party, Minister, Attorney-General, Deputy Speaker, Junior Minister, and member of the National Assembly; to exempt certain allowances and benefits from taxation; and to provide for matters connected with or incidental to the foregoing.

[6th March, 1981

ENACTED by the Parliament of Zambia.

Enactment

1. (1) This Act may be cited as the Central Committee Members', Ministerial and Parliamentary Offices (Emoluments) Act, 1981.

Short title and commencement

(2) This Act shall be deemed to have come into operation on 1st December, 1980, with the exception of the following provisions, which shall be deemed to have come into operation on 1st August, 1980—

- (a) paragraphs (a) and (b) of subsection (1) of section two;
- (b) subsection (3) of section two;
- (c) section three; and
- (d) paragraphs (a) and (b) of subsection (1) of section five.

2. (1) Subject to the provisions of this section, there shall be paid to the holder of an office specified in the First Schedule—

Salaries and allowances payable to specified officers

- 1.8.80 — (a) a salary at the annual rate prescribed for that office in the second column of the First Schedule; and
- (b) a special allowance at the annual rate prescribed for that office in the third column of the First Schedule; and
- (c) a housing allowance, if applicable, at the appropriate rate prescribed in the second column of the Third Schedule; and
- (d) allowances in respect of travelling, subsistence and out-of-pocket expenses incurred by the holder in the discharge of the functions of his office at such rates as may be determined by the Prime Minister and in such circumstances as may be determined—
- (i) in the case of the holder of the office of Speaker or Deputy Speaker, by the Speaker;
 - (ii) in the case of the holder of any other office, by the Prime Minister.

(2) No housing allowance shall be payable under this section—

- (a) to the occupier of housing provided by the Government; or
- (b) to the holder of the office of Minister, Attorney-General or Junior Minister unless he maintains a residence in or near Lusaka and the President is satisfied that he is thereby accessible for the discharge of the functions of his office.

1.8.80 — (3) In respect of the period during which the Secretary-General of the Party, a member of the Central Committee or any other person discharges any of the functions of the office of President in pursuance of Article 40 (3), 42 (2), 43 (1) or 43 (2) of the Constitution, there shall be paid to such person—

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- (i) a salary at the annual rate of K12,800; and
- (ii) a special allowance at the annual rate of K13,300;

instead of the salary and special allowance, if any, provided for such person under the provisions of subsection (1).

Special allowance payable to Government Chief Whip

1.8.80 — 3. There shall be paid to the Government Chief Whip—

- (a) if he is also the holder of any of the offices specified in the First Schedule, an allowance at the annual rate of K480 in addition to the special allowance specified in the said First Schedule;
- (b) if he is not the holder of any of the offices specified in the First Schedule, such special allowance as the National Assembly may, by resolution, prescribe.

4. (1) There shall be paid to an elected member of the National Assembly a constituency allowance calculated—

Constituency and other allowances

- (a) in the case of a member returned by a constituency specified in Part I of the Second Schedule, at the annual rate of K800;
- (b) in the case of a member returned by a constituency specified in Part II of the Second Schedule, calculated at the annual rate of K700.

(2) There shall be paid to a nominated member of the National Assembly, who is not a Member of the Central Committee in lieu of a constituency allowance, an allowance calculated at the annual rate of K600.

(3) There shall be paid to a Member of the Central Committee of the Party an allowance calculated at the annual rate of K800.

(4) There shall be paid to a Member of the Central Committee of the Party, a Minister and Junior Minister—

- (a) an electricity allowance at the annual rate of K600.00; and
- (b) a water allowance at the annual rate of K360.00.

5. (1) There shall be paid to a member of the National Assembly who is not the holder of an office specified in the First Schedule—

Salaries and allowances payable to ordinary members of the National Assembly

- 1.8.80
- (a) a salary at the annual rate of K8,400;
 - (b) a special allowance at the annual rate of K2,800; and
 - (c) such allowances as are payable by virtue of the provisions of subsection (2).

(2) In addition to the allowances for which express provision is made by this Act, the National Assembly may, by resolution, make provision for the payment to members of the National Assembly to whom this section applies of other allowances.

(3) On any question as to whether a member of the National Assembly to whom this section applies is entitled to the payment of an allowance by virtue of the provisions of subsection (2), the decision of the Speaker shall be final and shall not be questioned in any proceedings whatsoever, save in the National Assembly.

6. (1) The allowances payable under this Act shall be exempt from any tax imposed on income or profits.

Exemption from tax

(2) For the purposes of any written law relating to the taxation of income or profits, the taxable income of the holder of an office specified in the First Schedule shall be determined without taking into account the value of any benefit, right or advantage relating to the occupation of housing provided by the Government.

Gratuity

7. (1) Subject to the provisions of this section, there shall be paid to a member of the National Assembly or the holder of an office specified in the First Schedule a gratuity at the rate of twenty-five per centum of his salary.

(2) Any member of the National Assembly or the holder of an office specified in the First Schedule, other than the Speaker, shall not be entitled to a payment of any gratuity under subsection (1) unless he has continuously served as a member of the National Assembly or as a holder of an office specified in the First Schedule for a period of not less than three years :

Provided that a person who has held an office specified in the First Schedule or the office of member of the National Assembly for less than three years shall also be entitled to a gratuity under this section, if he dies or if he ceases to hold such office by reason of his being elected, appointed or nominated by the President to another office.

(3) For the purpose of calculating the period of three years specified in subsection (2), the holder of an office specified in the First Schedule or a member of the National Assembly shall be deemed to have served continuously during any period between the date of the dissolution of Parliament and the date of the commencement of the first session of the new Parliament only if—

- (a) he was a member of the National Assembly at the time when Parliament was dissolved; and
- (b) he becomes a member of the National Assembly on the commencement of the first session of the new Parliament.

(4) The gratuity payable under the provisions of this section shall be exempt from any tax imposed on income or profits.

Payments under this Act

8. (1) The salary, allowances and gratuity payable to the Speaker under this Act shall be a charge on the general revenues of the Republic.

(2) Save as provided by subsection (1), any salary, allowance, gratuity or benefit payable under this Act shall be paid from moneys appropriated by Parliament for the purpose.

Payment of members of National Assembly in respect of other official services

9. Notwithstanding anything contained in any other written law, no member of the National Assembly shall, in respect of his services as a member of—

- (a) a local authority, statutory corporation or any other board, commission, committee, council, tribunal or similar body established by or under any written law; or

(b) any administrative body whose expenses are wholly or partly defrayed out of moneys appropriated by Parliament;

be paid any remuneration except by way of reimbursements in respect of travelling, subsistence or out-of-pocket expenses incurred by him in the discharge of his functions.

•10. Notwithstanding anything contained in this Act, no person shall be paid any salary or allowance under this Act in respect of any period during which he is serving a sentence of imprisonment or is restricted or detained in terms of or under the authority of any such law as is referred to in Article 24 or 26 of the Constitution.

No payment of salary or allowance during imprisonment, restriction or detention.
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•11. The Ministerial and Parliamentary Offices (Emoluments) Act is hereby repealed.

Repeal of
Cap. 18

FIRST SCHEDULE
(Section 2 (1) (a) and (b))

SALARIES AND ALLOWANCES

<i>Office</i>	<i>Annual rate of salary K</i>	<i>Annual rate of special allowance K</i>
Secretary-General of the Party	14,700	8,500
Prime Minister	13,800	7,400
Secretary of State for Defence and Security ..	13,100	7,100
Speaker	12,600	6,600
Member of the Central Committee of the Party	11,000	5,500
Minister	10,400	5,300
Attorney-General	10,400	5,300
Deputy Speaker	9,500	4,300
Minister of State	9,500	4,300
Parliamentary Secretary	9,000	3,200

SECOND SCHEDULE
(Section 4)

CONSTITUENCIES

PART I

Chisamba	Nyimba
Katuba	Petauke
Lukanga	Kawambwa
Chilanga	Mwansabombwe
Feira	Bahati
Kafue	Chembe
Mkushi Boma	Mansa
Old Mkushi	Chipili
Koembe	Mwense
Mumbwa	Chiengi
Chitambo	Nohelenge

*Central Committee
Members', Ministerial and
Parliamentary Offices (Emoluments)*

Serenje	Samfya Central
Luswishi	Samfya North
Chama	Samfya South
Chadiza	Chinsali
Chipangali	Shiwa Ng'andu
Kazimule	Isoka
Luangeni	Muyombe
Malambo	Nakonde
Katete	Kasama
Vulankoko	Lukashya
Chasefu	Malole
Lumezi	Kaputa
Lundazi	Chifubi
Kapoche	Luwingu East
Minga	Luwingu West
Mbala	Bwengwa
Mpulungu	Monze
Senga Hill	Namwala
Mpika East	Kalabo
Mpika West	Sihole
Mporokoso	Sikongo
Kabompo	Liuwa
Kalengwa	Kaoma
Kasempa	Luampa
Mwinilunga East	Lukulu
Mwinilunga West	Luena
Solwezi East	Mongu
Solwezi West	Nalikwanda
Zambezi East	Nalolo
Zambezi North	Senanga
Zambezi West	Sinjembela
Choma	Mulobezi
Mbabala	Sesheke
Pemba	Kalomo
Gwembe	Katombora
Siyonga	Chikankata
Sinazongwe	Mazabuka
Dundumwense	Magoye

PART II

Bwacha	Nkana
Kabwe	Wusakile
Kabwata	Luanshya
Kanyama	Roan
Matero	Kankoyo
Mandevu	Kantanshi
Munali	Mufulira
Chililabombwe	Masaiti
Chingola	Chifubu
Nchanga	Chiwala
Kalulushi	Masala
Chimwemwe	Ndola
Kwacha	Chipata
Livingstone	

THIRD SCHEDULE

(Section 2 (1) (e))

HOUSING ALLOWANCE

<i>Value of House</i>				<i>Annual Rate of Housing Allowance</i>
K				K
5,000 and below	..	..	..	840
5,001 to 10,000	..	..	..	1,380
10,001 to 15,000	..	..	..	1,800
15,001 to 20,000	..	..	..	2,160
20,001 to 25,000	..	..	..	2,520
25,001 to 30,000	..	..	..	2,880
30,001 to 35,000	..	..	..	3,240
35,001 and above	..	..	..	3,600