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GAZETTE NOTICE No. 840 of 2024

Notice

NOTICE IS HEREBY GIVEN that the following Acts have been enacted and are contained in the Supplement of this *Gazette*:

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| No. 4 of 2024: | The Human Rights Commission Act |
| No. 5 of 2024: | The Zambia Institute of Advanced Legal Education (Amendment) Act |
| No. 6 of 2024: | The Matrimonial Causes (Amendment) Act |
| No. 7 of 2024: | The Lands Tribunal (Amendment) Act |
| No. 8 of 2024: | The Zambia Qualifications Authority Act |
| No. 9 of 2024: | The Supplementary Appropriation Act |
| No. 10 of 2024: | The Civil Aviation Authority (Amendment) Act |
| No. 11 of 2024: | The Civil Aviation (Amendment) Act |
| No. 12 of 2024: | The Kazungula Bridge Authority Act |

LUSAKA
16th August, 2024

R. NGULUBE,
*Clerk of the National
Assembly*

THE HUMAN RIGHTS COMMISSION ACT, 2024

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SCHEDULE

GOVERNMENT OF ZAMBIA

ACT

No. 4 of 2024

Date of Assent: 16th August, 2024

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.

[16th August, 2024

ENACTED by the Parliament of Zambia.

Enactment

PART I
PRELIMINARY PROVISIONS

1. This Act may be cited as the Human Rights Commission Act, 2024, 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 16;

	“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;
	“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;
	“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;
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;
	“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;
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;
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;
	“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.

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| <p>3. The following core principles apply to the Commission in the performance of the Commission's functions:</p> <ul style="list-style-type: none"> (a) integrity, professionalism, propriety and respect for human dignity; (b) impartiality and application of the rules of natural justice; and (c) efficiency, transparency and accountability. | <p>Core principles of Commission</p> |
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PART II

THE HUMAN RIGHTS COMMISSION

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| <p>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.</p> | <p>Human Rights Commission Cap. 1</p> |
| <p>5. (1) The seal of the Commission shall be a device that may be determined by the Commission and shall be kept by the Director-General.</p> <p>(2) The affixing of the seal shall be authenticated by the Chairperson or the Vice-Chairperson and the Director-General or any other person authorised in that behalf by a resolution of the Commission.</p> <p>(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 Director-General or any other person generally or specifically, authorised by the Commission in that behalf.</p> <p>(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.</p> | <p>Seal of Commission</p> |
| <p>6. (1) Subject to the Constitution, the additional functions of the Commission are to—</p> <ul style="list-style-type: none"> (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 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 to assess and inspect conditions of a person held in the prison, correctional centre, child reformatory centre, and | <p>Additional functions of Commission Cap. 1</p> |

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;
 - (f) cooperate with other institutions and organisations which promote the protection of human rights and freedoms at national, regional and international levels;
 - (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;
 - (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;
 - (k) recommend to an appropriate Ministry the ratification or accession of an international human rights instrument by the Republic; and
 - (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;
 - (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.

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;
- (b) the Vice-Chairperson; and
- (c) five other members.

(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

(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

(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

(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—

(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;

(d) is adjudged bankrupt;

(e) is legally disqualified from performing functions of a member;

(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 on account of misconduct or incompetence.

(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.

(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.

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.

(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;
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 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 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 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 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.

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.

(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. A member of the Commission or any committee of the Commission shall be paid allowances that the Emoluments Commission may, on the recommendation of the President, determine. Allowances

11. (1) The Commission shall appoint the Director-General who shall— Director-General 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 the secretary of the Commission;

(d) be an *ex-officio* member of the Commission; and

(e) 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—

(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 five years' work experience in a human rights field.

(3) The Commission shall appoint other staff of the Commission that the Commission considers necessary for the performance of the functions of the Commission.

(4) The Emoluments Commission shall, on the recommendation of the Commission, determine the emoluments of the Director-General and other staff of the Commission.

	<p>(5) The Commission shall determine the terms and conditions of service, other than emoluments of the Director-General, Secretary and other staff of the Commission.</p>
Oath on appointment Cap. 5	<p>12. A member of the Commission, Director-General and other staff of the Commission shall, on appointment, take an oath in accordance with the Official Oaths Act.</p>
Disclosure of interest	<p>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 person's 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.</p> <p>(2) A disclosure of interest made under subsection (1) shall be recorded in the minutes of the meeting at which the disclosure is made.</p> <p>(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.</p>
Prohibition of publication or disclosure of information to unauthorised persons	<p>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.</p> <p>(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.</p> <p>(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.</p>
Immunity	<p>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</p>

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

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—

- (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

- (a) search the premises;
- (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
- (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—

(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.

Powers of investigation

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

(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;

(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.

(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;

(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 person's knowledge relevant to any investigation by the Commission.

(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.

(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
recommen-
dations 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 person 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.

(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.

(5) The Commission may, in providing redress, bring an action before court for, or on behalf of, a victim or complainant.

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.

PART IV

FINANCIAL PROVISIONS

Funds of
Commission

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

(a) be appropriated by Parliament;

(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

Act No. 15 of
2022

(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.

(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;

(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 or 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.
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.
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.
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; (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; (c) knowingly mislead the Commission or any other officer of the Commissioner by giving any false information or statement or making a false allegation; (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; or

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

(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.

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

Regulations

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

Repeal of
Act Cap. 48
and savings
and
transitional
arrangements

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

SCHEDULE

(Section 33)

SAVINGS AND TRANSITIONAL PROVISIONS

Former Commission	1. For the purposes of this Schedule— “former Commission” means the Human Rights Commission established by the Constitution and provided for under the repealed Act; and “repealed Act” means the Human Rights Commission Act.
Cap. 1	
Cap. 48	
Member	2. A person who immediately before the commencement of 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.
Staff of Commission	3. (1) A person who, before the commencement of this Act, 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. (2) The service of the persons referred to in subparagraph (1) shall be treated as continuous service. (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.
Transfer of assets and liabilities	4. (1) On or after the commencement of this Act, there shall 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. (2) Subject to subparagraph (1), every deed, bond and 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 — (a) the Commission, had been party to it; (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

(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.

(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.

(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.

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

(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.

GOVERNMENT OF ZAMBIA

ACT

No. 5 of 2024

Date of Assent: 16th August, 2024

**An Act to amend the Zambia Institute of Advanced Legal
Education Act.**

[16th August, 2024

ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the Zambia Institute of Advanced Legal Education (Amendment) Act, 2024, and shall be read as one with the Zambia Institute of Advanced Legal Education Act, in this Act referred to as the principal Act.

Short title

Cap. 49

2. Section 4 (2) of the principal Act is amended by the —

Amendment
of Section 4

(a) deletion of paragraph (g); and

(b) renumbering of paragraphs (h), (i), (j), (k), (l), and (m) as (g), (h), (i), (j), (k), and (l), respectively.

GOVERNMENT OF ZAMBIA

ACT

No. 6 of 2024

Date of Assent: 16th August, 2024

An Act to amend the Matrimonial Causes Act, 2007.

[16th August, 2016

ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the Matrimonial Causes (Amendment) Act, 2024, and shall be read as one with the Matrimonial Causes Act, 2007, in this Act referred to as the principal Act.

Short title

Act No. 20
of 2007

2. Section 2(1) is amended by the insertion of the following new definition in the appropriate place:

Amendment
of section 2

“child” has the meaning assigned to the word in the Constitution;

Cap. 1

3. Section 27(1)(a) of the principal Act is amended by the deletion of paragraph (ii) and the substitution therefor of the following:

Amendment
of section 27

(ii) either party to the marriage was a child at the time the marriage was celebrated;.

GOVERNMENT OF ZAMBIA

ACT

No. 7 of 2024

Date of Assent: 16th August, 2024

An Act to amend the Lands Tribunal Act, 2010.

[16th August, 2024]

ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the Lands Tribunal (Amendment) Act, 2024, and shall be read as one with the Lands Tribunal Act, 2010, in this Act referred to as the principal Act.

Short title
Act No. 39
of 2010

2. Section 2 of the principal Act is amended by the insertion of the following new definitions in the appropriate places in alphabetical order:

Amendment
of section 2

“Assistant Registrar” means the person appointed as Assistant Registrar under section 7;

“district registries” means the registries designated by the Chairperson under section 3A; and

“principal registry” means the main registry of the Tribunal at which originating process and other proceedings may be filed.

3. The principal Act is amended by the insertion of the following new section immediately after section 3:

Insertion of
section 3A

3A. (1) There is established the principal registry of the Tribunal at Lusaka.

Establishment
of principal
registry and
registries

(2) The Chairperson may, by *Gazette* notice, designate district registries in a place that the Chairperson may determine.

(3) A complaint, application or other document required to be filed under this Act shall be filed at the principal registry or a district registry.

Amendment
of section 5

4. Section 5(1) of the principal Act is amended by the deletion of paragraph (i) and the substitution therefor of the following:

- (i) not more than three persons from the public and private sector, two of whom shall be legal practitioners.

Insertion of
section 6A

5. The principal Act is amended by the insertion of the following new section immediately after section 6:

Allowances

6A. A member of the Tribunal shall be paid allowances that the Emoluments Commission may, on the recommendation of the Minister, determine.

Amendment
of section 7

6. Section 7 of the principal Act is amended—

- (a) by the deletion of the marginal note and the substitution therefor of the following:

Registrar, Assistant Registrar and other staff;

- (b) by the insertion of the following new subsection immediately after subsection (2):

(2A) The Judicial Service Commission shall appoint an Assistant Registrar who shall exercise functions and duties that are delegated by the Registrar.;

- (c) by the deletion of subsection (3) and the substitution therefor of the following:

(3) A person aggrieved with a decision of the Registrar or Assistant Registrar may appeal to the Chairperson, and in the absence of—

- (a) the Chairperson, the Deputy Chairperson;
and

- (b) both the Chairperson and Deputy Chairperson, the representative of the Law Association of Zambia.;

- (d) in subsection (4), by the insertion of the words “or Assistant Registrar” immediately after the word “Registrar”;

- (e) by the deletion of subsection (5) and the substitution therefor of the following:

(5) The Tribunal may appoint other staff that the Tribunal considers necessary for the performance of the functions of the Tribunal.;

(f) by the insertion of the following new subsections immediately after subsection (5):

(6) The Emoluments Commission shall, on the recommendation of the Minister, determine the emoluments of the Registrar, Assistant Registrar and other staff of the Tribunal.

(7) The Tribunal shall determine the terms and conditions of service, other than emoluments of the Registrar, Assistant Registrar and other staff of the Tribunal.; and

(g) by the renumbering of subsection (6) as subsection (8).

7. The principal Act is amended by the repeal of section 9.

Repeal of
section 9

8. Section 10 of the principal Act is amended by the—

Amendment
of section
10

(a) deletion of subsections (2) and (3), and the substitution therefor of the following:

(2) There shall preside at a sitting of the Tribunal—

(a) the Chairperson;

(b) in the absence of the Chairperson, the Deputy Chairperson; or

(c) in the absence of both the Chairperson and the Deputy Chairperson, the representative of the Law Association of Zambia.

(3) The Tribunal shall, when hearing a matter, be duly constituted if the Tribunal consists of three members, which number shall include either the Chairperson, Deputy Chairperson or the representative of the Law Association of Zambia.;

(b) insertion of the following new subsection immediately after subsection (3):

(4) Despite subsection (3), an application for an injunction shall be heard by the Chairperson, Deputy Chairperson or the representative of the Law Association of Zambia sitting alone.; and

(c) renumbering of subsections (4), (5), (6), (7), (8), (9), (10), (11), (12), (13) and (14) as subsections (5), (6), (7), (8), (9), (10), (11), (12), (13), (14) and (15), respectively.

Repeal and
replacement
of section
16

9. The principal Act is amended by the repeal of section 16 and the substitution therefor of the following:

16. A person aggrieved with a decision of the Tribunal may, within thirty days of the receipt of the decision, appeal to the Court of Appeal.

**THE ZAMBIA QUALIFICATIONS AUTHORITY ACT,
2024**

ARRANGEMENT OF SECTIONS

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PRELIMINARY PROVISIONS

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2. Interpretation

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4. Seal of Authority
5. Functions of Authority
6. Board of Authority
7. Functions of Board
8. Delegation of functions
9. Tenure of office and vacancy
10. Proceedings of Board
11. Committees of Board
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13. Disclosure of interest
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PART III

THE NATIONAL QUALIFICATIONS FRAMEWORK

17. National Qualifications Framework
18. Objectives of National Qualifications Framework
19. National Qualification Framework levels
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PART IV

REGISTRATION OF QUALIFICATIONS

21. Prohibition from awarding an unregistered qualification
22. Application for registration of qualification

- 23. Registration of qualification
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PART V

VERIFICATION AND EVALUATION OF QUALIFICATIONS

- 29. Prohibition of employment, appointment or enrolment without verification of qualification
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PART VI

FINANCIAL PROVISIONS

- 33. Funds of Authority
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GENERAL PROVISIONS

- 37. Duplicate certificate of registration, verification or verification and evaluation
- 38. Registers
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SCHEDULES

GOVERNMENT OF ZAMBIA

ACT

No. 8 of 2024

Date of Assent: 16th August, 2024

An Act to continue the existence of the Zambia Qualifications Authority and re-define its functions; provide for the development and implementation of a National Qualifications Framework; provide for registration of qualifications on the National Qualifications Framework; provide for verification and evaluation of qualifications; constitute the Board of the Zambia Qualifications Authority and re-define its functions; and provide for matters connected with, or incidental to, the foregoing.

[16th August, 2024

ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the Zambia Qualifications Authority Act, 2024.

Short Title

2. In this Act, unless the context otherwise requires—

Interpretation

“appropriate authority” means an authority having regulatory responsibility of a sub-framework of the National Qualifications Framework;

“articulation” means a linkage between qualifications that allows for vertical, lateral and diagonal on movement of learners through formal education and training system and employment;

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

Act No. 3 of 2012

	“Authority” means the Zambia Qualifications Authority continued under section 3;
	“awarding body” means an institution issuing qualifications formally recognising the achievement of an individual following a standard assessment procedure;
	“certificate of registration” means a certificate of registration issued under section 23;
	“Chairperson” means the person appointed as Chairperson under section 6;
	“committee” means a committee constituted under section 11;
	“Director-General” means the person appointed as Director-General under section 16;
Act No. 23 of 2011	“education” has the meaning assigned to the word in the Education Act, 2011;
Cap. 1	“Emoluments Commission” means the Emoluments Commission established by the Constitution;
	“evaluation” means the process of assessing a foreign qualification in order to establish an appropriate level on the National Qualifications Framework for purposes of recognising that qualification;
Act No. 4 of 2013	“higher education institution” has the meaning assigned to the words in the Higher Education Act, 2013;
	“learner achievement record” means a record of details of individuals who have successfully been awarded qualifications;
Act No. 4 of 2013	“learning programme” has the meaning assigned to the words in the Higher Education Act, 2013;
Act No. 6 of 2019	“legally disqualified” means the absence of legal capacity as provided in section 4 of the Mental Health Act, 2019;
	“level descriptor” means specification of generic standards or intended learning outcomes with regard to a level on the National Qualifications Framework;
	“member” means a person appointed as a member of the Board;
	“National Qualifications Framework” means a system for classification, registration, application and articulation of quality assured qualifications;

“recognition of prior learning” means a comparison of the previous learning and experience, whether formal, informal or non-formal, obtained by a learner against the learning outcomes required for a specified and existing qualification;

“qualification” means a certificate, diploma or degree awarded by an awarding body on successful completion of a learning programme;

“registration” means the process of granting recognition to a qualification;

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

Act No. 3 of 2012

“repealed Act” means the Zambia Qualifications Authority Act, 2011;

Act No. 13 of 2011

“Secretary” means a person appointed as Secretary under section 16;

“standard” means a specification or code of practice for an education and training outcome, and includes a—

- (a) test method to describe a definitive procedure which produces a test result;
- (b) procedure that gives a set of instructions for performing operations or functions; and
- (c) registered statement of desired education and training outcomes and its associated assessment criteria;

“sub-framework” means one of the components of the National Qualifications Framework specified in section 20;

“training” means the process and methods which aim to equip a person with knowledge, skills, attitudes and values;

“verification” means the process of validating the authenticity of qualifications and “verify” shall be construed accordingly; and

“Vice-Chairperson” means a person elected as Vice-Chairperson under section 6.

PART II

THE ZAMBIA QUALIFICATIONS AUTHORITY

3. The Zambia Qualifications Authority established under the repealed Act is continued in existence under this Act as a body corporate with perpetual succession and a common seal, capable

Continuation of Zambia Qualifications Authority

of suing and being sued in its corporate name and shall, subject to the provisions of this Act, have power to do all acts and things that a body corporate may, by law, do or perform.

Seal of
Authority

4. (1) The seal of the Authority shall be a device as may be determined by the Authority and shall be kept by the Director-General.

(2) The affixing of the seal shall be authenticated by the Chairperson or the Vice-Chairperson and the Director-General or any other person authorised in that behalf by a resolution of the Board.

(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 Authority by the Director-General or any other person generally or specifically authorised by the Board in that behalf.

(4) A document purporting to be a document under the seal of the Authority or issued on behalf of the Authority shall be received in evidence and shall be executed or issued without further proof, unless the contrary is proved.

Functions of
Authority

5. (1) The functions of the Authority are to—

- (a) develop, oversee and maintain a National Qualifications Framework;
- (b) develop and implement policy and criteria, in consultation with the appropriate authorities, for the development, registration and publication of qualifications which shall include the following requirements:
 - (i) the relevant sub-framework shall be identified on any document relating to the registration and publication of a qualification; and
 - (ii) each sub-framework shall have a distinct nomenclature for its qualification type which is appropriate to the relevant sub framework and consistent with international practice;
- (c) register a qualification, if that qualification meets the relevant criteria;
- (d) develop policy and criteria in consultation with the appropriate authorities for the recognition of prior learning and credit accumulation and transfer system;
- (e) develop the content of level descriptors for each level of the National Qualifications Framework and agree with the appropriate authorities on the content of the level descriptions;

- (f) publish the agreed level descriptors in the *Gazette* and ensure that the levels remain current and appropriate;
- (g) ensure that standards and registered qualifications are internationally comparable;
- (h) develop, publish and maintain national occupational standards for occupations in the Republic in consultation with the relevant stakeholders;
- (i) verify a local qualification in consultation with an awarding body;
- (j) verify and evaluate foreign qualifications in consultation with a competent authority in the foreign jurisdiction;
- (k) collaborate with other international institutions or organisations on all matters of mutual interest concerning qualification frameworks;
- (l) establish and maintain a database of learning achievements in the Republic;
- (m) monitor and evaluate compliance of appropriate authorities with the National Qualifications Framework standards;
- (n) inform the appropriate authorities and stakeholders on international practice in the development and management of the National Qualifications Framework;
- (o) conduct assessments on the development and implementation of the National Qualifications Framework, including periodic studies of the impact of the National Qualifications Framework on education, training and employment; and
- (p) advise the Minister on matters relating to the National Qualifications Framework.

(2) The Authority shall publish, in the *Gazette* and a daily newspaper of general circulation in the Republic, a list of prescribed standards and all registered qualifications of the sub-frameworks annually.

6. (1) There is constituted the Board of the Authority which consist of the following part-time members appointed by the Minister:

Board of
Authority

- (a) one representative each from the ministries responsible for—
 - (i) education; and
 - (ii) vocational and entrepreneurship training;

- (b) a representative of the Attorney-General;
- (c) a person nominated from the most representative federation of employers' organisations;
- (d) a representative from a civil society organisation working in the education sector;
- (e) a representative of the Zambia Institute of Human Resource Management; and
- (f) one person with knowledge and experience in matters relating to this Act.

(2) The members referred to under subsection (1)(a), (b), (c), (d) and (e) shall be nominated by their respective ministries, organisations or institutions for appointment by the Minister.

(3) The Minister shall appoint the Chairperson from among the members.

(4) The members shall elect the Vice-Chairperson from among themselves.

Functions of
Board

7. (1) Subject to the provisions of this Act, the Board shall provide strategic policy direction to the Authority.

(2) Despite the generality of subsection (1), the functions of the Board are to—

- (a) approve the annual budget estimates and financial statements of the Authority;
- (b) approve the annual work plan of the Authority;
- (c) promote effective corporate governance of the Authority;
- (d) formulate the policies, programmes and strategies of the Authority; and
- (e) approve qualifications and standards for purposes of this Act or any other written law.

Delegation of
functions

8. (1) The Board may, in writing, and subject to guidelines issued by the Board, delegate any of its functions to the Director-General.

(2) A delegation made under subsection (1) shall not prevent the Board from performing the functions so delegated.

Tenure of
office and
vacancy

9. (1) Subject to the provisions of this Act, a member shall hold office for a period of three years from the date of appointment and may be re-appointed for a further and final period of three years.

(2) The office of a member becomes vacant if that member—

- (a) dies;

- (b) is absent from three consecutive meetings of the Board, of which that member has had notice, without the prior approval of the Authority;
 - (c) ceases to be a representative of the ministry, institution or organisation that nominated or appointed that member to the Board;
 - (d) is declared bankrupt;
 - (e) resigns by giving one month's notice, in writing, to the Minister;
 - (f) is legally disqualified from performing the functions of a member; or
 - (g) is convicted of an offence under any other written law and is sentenced to imprisonment for a term exceeding six months without an option of a fine.
- (3) The Minister shall, where the office of a member becomes vacant before the expiry of the term of office of the member, appoint another member in place of the member who vacates office and that member shall hold office for the remainder of the term.
- (4) In the case of a member referred to under section 6(1)(a), (b), (c), (d) and (e), an appointment made by the Minister under subsection (3) shall be made from the same ministry, institution or organisation.
- (5) A member shall, on expiration of the term for which a member is appointed, continue to hold office until another member is appointed, but in no case shall the extension of the period exceed three months.

10. (1) Subject to the provisions of this Act, the Board may regulate its own procedure.

Proceedings
of Board

- (2) The Board shall meet for the transaction of business, at least once in every three months at a place and time as the Chairperson may determine.
- (3) The Chairperson may call a meeting of the Board on giving notice of not less than fourteen days, or where one-third 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.
- (4) Five members of the Board shall form a quorum at a meeting of the Board.
- (5) There shall preside at a meeting of the Board—
- (a) the Chairperson;

(b) in the absence of the Chairperson, the Vice-Chairperson;
or

(c) in the absence of both the Chairperson and the Vice-Chairperson, a member that the members present may elect for the purpose of that meeting.

(6) A decision of the Board 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 that person's deliberative vote.

(7) The Board may invite a person, whose presence is in its opinion, desirable to attend and to participate in the deliberation of a meeting of the Board but that person shall have no vote.

(8) Where a member is for any reason unable to attend a meeting of the Board, the member may, in writing, nominate another person from the same organisation to attend the meeting in that member's stead and that person shall be deemed to be a member for the purpose of that meeting.

(9) The Board shall cause to be kept minutes of the proceedings of every meeting of the Board and every meeting of the committee established by the Board.

Committees
of Board

11. (1) The Board shall, for the purpose of performing its functions under this Act, constitute committees and delegate any of its functions to the committee as it considers necessary.

(2) The Board may appoint as members of a committee, persons who are or are not members of the Board, except that at least one member of the Board shall be a member of a committee.

(3) A member of a committee shall hold office for a period that the Board may determine.

(4) Subject to any specific or general direction of the Board, a committee established under subsection (1), may regulate its own procedure.

Allowances
of members

12. A member of the Board and committee of the Board shall be paid allowances that the Emoluments Commission may, on the recommendation of the Minister, determine.

Disclosure
of interest

13. (1) A person who is present at a meeting of the Board or a committee of the Board, at which matter is the subject of consideration, and in which matter that person or that person's relative or associate is directly or indirectly interested in a private capacity shall, as soon as practicable after the commencement of the meeting, disclose that interest and shall not, unless the Board or

committee otherwise directs take part in any consideration or discussion of or vote on any question relating to that matter.

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

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

Prohibition of publication or disclosure of information to unauthorised person

(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.

(3) A person who, having any information which to that person's knowledge has been published or disclosed in contravention of subsection (1), unlawfully publishes or communicates the information to any other 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.

15. An action or other proceeding shall not lie or be instituted against a member of the Board or a committee of the Board or a member of staff of the Authority, for or in respect of any act or thing done or omitted to be done in good faith in the exercise or performance, or purported exercise or performance of any of the powers, functions or duties conferred under this Act.

Immunity of members of Board, committees and staff of Authority

16. (1) The Board shall appoint a Director-General who shall be—

Director-General, Secretary and other staff

(a) the Chief Executive Officer of the Authority; and

(b) responsible for the day-to-day administration of the Authority.

(2) The Director-General shall be an *ex-officio* member of the Board.

(3) The Board shall appoint a Secretary who shall perform corporate secretarial duties for the Board and other functions as the Board may determine, under the direction of the Board and the Director-General.

(4) The Board shall appoint other staff of the Authority that the Board considers necessary for the performance of its functions.

(5) The Emoluments Commission shall, on the recommendation of the Board, determine the emoluments of the Director-General, Secretary and other staff of the Authority.

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

PART III

THE NATIONAL QUALIFICATIONS FRAMEWORK

National
Qualifications
Framework

17. The Authority shall, with the approval of the Minister, develop and implement a National Qualifications Framework.

Objectives of
National
Qualifications
Framework

18. (1) The objectives of the National Qualifications Framework are to—

- (a) create a single integrated framework for learning achievements;
- (b) facilitate access to, and mobility and progression within, education and training;
- (c) enhance the quality and relevance of education and training; and
- (d) promote education, training and employment opportunities.

(2) The National Qualifications Framework shall contribute to the full personal development of a learner and the social and economic development of the nation.

(3) The Authority shall, in consultation with appropriate authorities—

- (a) develop, foster and maintain an integrated and transparent national framework for the recognition of learning achievements; and
- (b) ensure that qualifications meet appropriate criteria, and are internationally comparable.

National
Qualification
Framework
levels

19. (1) The National Qualifications Framework shall be organised as a series of levels of learning achievements, arranged in a prescribed manner.

(2) Each level of the National Qualifications Framework shall be described by a level descriptor.

(3) A level descriptor referred to under subsection (2) shall provide a broad indication of learning achievements or outcomes that are appropriate to a qualification at that level.

(4) Subject to section 5 (1)(e), a level descriptor shall be developed in a manner as prescribed.

20. (1) The National Qualifications Framework comprises the following three co-ordinated qualifications sub-frameworks: Sub-frameworks

- (a) general education;
- (b) trades and occupations; and
- (c) higher education.

(2) An appropriate authority shall, in order to achieve the objectives of the National Qualifications Framework—

- (a) manage its sub-framework;
- (b) advise the relevant minister on matters relating to its sub-framework;
- (c) ensure that the level descriptors are adhered to;
- (d) with regard to qualifications for the appropriate authority's sub-framework —
 - (i) implement National Qualifications Framework policy and criteria for registration of qualifications;
 - (ii) implement policy and criteria for recognition of prior learning and credit accumulation and transfer; and
 - (iii) ensure the development of learning programmes as are necessary for the sector.
- (e) with regard to quality assurance within the appropriate authority's sub-framework—
 - (i) develop and implement policy for quality assurance;
 - (ii) ensure the integrity and credibility of quality assurance; and
 - (iii) ensure that quality assurance necessary for the sub-framework is undertaken.

PART IV

REGISTRATION OF QUALIFICATIONS

21. (1) An awarding body shall not award a qualification that is not registered with the Authority. Prohibition from awarding an unregistered qualification

(2) An awarding body that contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a term not exceeding five years, or to both.

Application for registration of qualification	<p>22. (1) Subject to subsection (2), an awarding body shall apply to the Authority for the registration of a qualification on the National Qualification Framework in a prescribed manner and form on payment of a prescribed fee.</p> <p>(2) The Authority shall only register a qualification for a learning programme that is accredited by an appropriate authority.</p>
Registration of qualification	<p>23. (1) The Authority shall, within sixty days of receipt of an application under section 22, grant or reject the application.</p> <p>(2) The Authority shall, where the applicant meets the requirements of this Act, issue a certificate of registration in a prescribed manner and form.</p> <p>(3) The Authority shall, where the Authority rejects an application under subsection (1), notify the applicant stating the reasons for the rejection.</p> <p>(4) An awarding body shall, where a qualification is registered under this section, ensure that learners achievement records are submitted to the Authority within ninety days of the award of a qualification, as prescribed.</p>
Validity of certificate of registration	<p>24. A certificate of registration shall be valid for a period that the Minister may, in consultation with the Authority, prescribe.</p>
Renewal of certificate of registration	<p>25. An awarding body may, three months before the expiry of a certificate of registration, apply to the Authority for the renewal of the certificate of registration in the prescribed manner and form on payment of a prescribed fee.</p> <p>(2) The Authority shall, where the awarding body has complied with the terms and conditions of the certificate of registration, renew the certificate of registration.</p>
Variation of qualification	<p>26. An awarding body shall apply to the Authority for a variation of a qualification in a prescribed manner and form on payment of a prescribed fee.</p>
Suspension and revocation of certificate of registration	<p>27. (1) The Authority may suspend or revoke a certificate of registration if an awarding body—</p> <ul style="list-style-type: none">(a) obtained the certificate of registration on the basis of fraud, negligence or misrepresentation;(b) assigns, cedes or otherwise transfers the certificate of registration without the prior approval of the Authority;or(c) fails to comply with any term or condition of the certificate of registration as prescribed.

(2) The Authority shall, before suspending or revoking a certificate of registration under subsection (1), notify an awarding body of its intention to suspend or revoke the certificate of registration and shall—

(a) give reasons for its intended suspension or revocation; and

(b) require the awarding body to show cause within a reasonable period that may be specified in the notice, why the certificate of registration should not be suspended or revoked.

(3) The Authority shall not suspend or revoke a certificate of registration under this section if an awarding body takes remedial measures to the satisfaction of the Authority within the period referred to in subsection (2).

(4) The Authority shall, in making its final determination on the suspension or revocation of a certificate of registration, consider the submissions made by the awarding body under subsection (2).

(5) Where a certificate of registration is revoked under this section, an awarding body shall surrender that certificate of registration to the Authority and the Authority shall cancel the qualification, subject to the conditions that the Authority may impose.

(6) The Authority shall, where it revokes the certificate of registration, publish a notice of the revocation in the *Gazette* and a daily newspaper of general circulation in the Republic.

(7) The Authority may, in addition to a suspension or revocation of a certificate of registration, charge an awarding body the cost of carrying out the enforcement action.

28. The Authority may, where a certificate of registration is revoked under section 27, de-register a qualification to which that certificate or registration applies.

De-
registration
of
qualification

PART V

VERIFICATION AND EVALUATION OF QUALIFICATIONS

29. (1) A person shall not employ, or appoint a person to an office, whose qualification is not verified by the Authority.

(2) A higher education institution or institution registered under the Technical Education, Vocational and Entrepreneurship Training Act, 1998, shall not enrol a person in a programme of study whose qualifications are not verified by the Authority.

Prohibition
of
employment,
appointment
or enrollment
without
verification
of
qualification
Act No. 13
of 1998

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

Verification
of local
qualification

30. (1) A person who intends to verify a local qualification may apply to the Authority in a prescribed manner and form on payment of a prescribed fee.

(2) The Authority shall, within fourteen days of receipt of an application under subsection (1), issue the applicant with a certificate of verification in a prescribed manner and form.

(3) The Authority shall, where a qualification is not valid, notify the applicant within fourteen days of its decision.

Verification
and
evaluation of
foreign
qualification

31. (1) A person who intends to have a foreign qualification verified and evaluated shall apply to the Authority in a prescribed manner and form on payment of a prescribed fee.

(2) The Authority shall, within sixty days of receipt of an application under subsection (1), issue the applicant with a certificate of verification and evaluation in a prescribed manner and form.

(3) The Authority shall, where a qualification is not valid, notify the applicant within sixty days of its decision.

Revocation
of certificate
of
verification
or
verification
and
evaluation

32. (1) The Authority shall, where the Authority establishes that a certificate of verification or certification of verification and evaluation was erroneously issued, revoke that certificate.

(2) The Authority shall, where a certificate is revoked under subsection (1), notify the holder of that certificate, in writing, within seven days of the revocation, stating the reasons for the revocation.

PART VI

FINANCIAL PROVISIONS

Funds of
Authority

33. (1) The funds of the Authority consists of monies—

- (a) appropriated by Parliament;
- (b) be paid to the Authority by way of grants or donations;
- and
- (c) that vests in, or accrue to, the Authority.

(2) The Authority may—

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

-
- (b) subject to the Public Debt Management Act, 2022, raise by way of loans or otherwise, monies that the Authority may require for the discharge of the Authority's functions; or
- (c) charge and collect fees for services provided by the Authority.
- (3) There shall be paid from the funds of the Authority—
- (a) the salaries, allowances and loans of members of staff of the Authority;
- (b) reasonable traveling, transport and subsistence allowances for members of the Board or members of any committee of the Board when engaged in the business of Authority, at rates that the Emoluments Commission may, on the recommendation of the Minister, determine; and
- (c) any other expenses incurred by the Authority in the performance of the Authority's functions.
- (4) Subject to the Public Finance Management Act, 2018, the Authority may invest funds in a manner that the Authority does not immediately require for the performance of the Authority's functions.
- 34.** The financial year of the Authority shall be the period of twelve months ending on 31st December of each year. Act No. 15 of 2022
- 35.** (1) The Authority shall cause to be kept proper books of account and other records relating to its accounts. Financial year
- (2) The accounts of the Authority shall be audited annually by the Auditor-General or an independent auditor appointed by the Auditor-General. Accounts and audit
- (3) The auditor's fees shall be paid by the Authority.
- 36.** (1) The Authority shall, as soon as practicable, but not later than ninety days after the end of the financial year, submit to the Minister a report concerning its activities during the financial year. Annual report
- (2) The report referred to under subsection (1) shall include information on the financial affairs of the Authority and there shall be appended to the report—
- (a) an audited statement of financial position;
- (b) an audited statement of comprehensive income; and
- (c) other information that the Minister may require.

(3) The Minister shall, not later than seven days after the first sitting of the National Assembly next after receipt of the report referred to under subsection (1), lay the report before the National Assembly.

PART VII

GENERAL PROVISIONS

Duplicate
certificate of
registration,
verification
or
verification
and
evaluation

37. (1) A person whose certificate of registration, certificate of verification or certificate of verification and evaluation is destroyed or lost may apply to the Authority for a duplicate certificate in the prescribed manner and form on payment of a prescribed fee.

(2) The Authority may, within thirty days of receipt of an application under subsection (1), issue a duplicate to the applicant.

Registers

38. (1) The Authority shall cause to be kept a register of certificates.

(2) The register shall be kept by the Secretary at the office of the Authority, and shall be open for inspection by members of the public during office hours on payment of a fee that the Authority may determine.

(3) The Authority shall, every first quarter of every calendar year, publish in the *Gazette* and in a newspaper of general circulation in the Republic, the list of all registered qualifications for purposes of notifying the general public.

Guidelines
and
Standards

39. (1) The Authority may issue guidelines for the better carrying out of the provisions of this Act.

(2) The guidelines referred to under subsection (1) shall, on publication in the *Gazette* and a daily newspaper of general circulation in the Republic, be binding on persons regulated under this Act.

(3) The Authority shall, in consultation with relevant stakeholders develop, publish and maintain national occupational standards for any occupation in the Republic.

(4) An appropriate authority shall ensure that national occupational standards are applied in the design and development of learning programmes.

Appeals

40. (1) A person aggrieved with a decision of the Authority shall, within thirty days of receipt of the decision, appeal to the Minister.

(2) The Minister shall hear and determine the appeal referred to under subsection (1) within ninety days of receipt of the appeal.

(3) A person aggrieved with the decision of the Minister shall, within thirty days of receipt of the decision, appeal to the High Court.

41. Where an offence under this Act is committed by a body corporate or unincorporate body, with the knowledge, consent or connivance of the director, manager, shareholder or partner of the body corporate or unincorporate body, that director, manager, shareholder or partner is liable, on conviction, to a penalty specified for that offence under this Act.

Offence by principal officers of body corporate or unincorporate body

42. (1) A person commits an offence if that person—

Offences and penalties

(a) misrepresents a qualification;

(b) refuses or fails, without reasonable cause, to comply with the provisions of this Act;

(c) knowingly misleads the Authority or a member of staff of the Authority by giving false information or statement;

(d) obstructs, assaults, or impersonates a member of staff of the Authority in the exercise of the powers conferred under this Act; and

(e) attempts to exert unlawful influence on the Authority to make a decision in that person's favour.

(2) A person who commits an offence under subsection (1) is liable, on conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a term not exceeding one year, or to both.

43. (1) Where the Authority is satisfied, after due investigation, and a person admits that the person has contravened a provision of this Act, which is not an offence, the Authority may impose and administer a penalty as prescribed.

Administrative penalty

(2) If a person, on whom an administrative penalty is imposed, in accordance with this section, fails to pay the penalty within the time ordered by the Authority, the Authority may recover the penalty by action in a court of competent jurisdiction.

44. (1) The Minister may, on the recommendation of the Authority, by statutory instrument make Regulations for the better carrying out of the provisions of this Act.

Regulations

(2) Despite the generality of subsection (1), the regulations made under that subsection may make provisions for—

(a) fees and charges under this Act;

- (b) the procedures and conditions for registration of a qualification;
- (c) the revocation of registration, or approval, of a qualification registered under this Act;
- (d) validity period of certificate of registration;
- (e) the procedure for the revocation of a certificate of verification or certificate of verification and evaluation; and
- (f) the appointment of inspectors and the powers of inspectors.

(3) Regulations made under the provisions of this Act may create offences and may for that offence impose a fine not exceeding three hundred thousand penalty units or imprisonment for a term not exceeding three years, or to both.

Repeal of
Act No. 13
of 2011 and
savings and
transitional
provisions

45. (1) The Zambia Qualifications Authority Act, 2011, is repealed.

(2) Despite subsection (1), the Schedule applies to the savings and transitional provisions.

SCHEDULE

(Section 45)

SAVINGS AND TRANSITIONAL PROVISIONS

1. In this Schedule “former Authority” means the Zambia Qualifications Authority established under the repealed Act. Interpretation Act No. 13 of 2011
2. A person who immediately before the commencement of this Act held office as a member of the former Authority shall continue to hold office as a member for a period of six months after which the Minister shall appoint the members of the Board in accordance with this Act. Board members
3. (1) For the avoidance of doubt, a person who, before the commencement of this Act, was an employee of the former Authority, shall continue to be an employee of the Authority, as if employed under this Act. Staff of Authority
- (2) The service of the persons referred to in subparagraph (1) shall be treated as continuous service.
- (3) Nothing in this Act affects the rights and liabilities of any person employed by the former Authority before this Act comes into force.
4. (1) On or after this Act comes into force, there shall be transferred to, vest in and subsist against the Authority by virtue of this Act and without further assurance, all assets, rights and obligations which immediately before the commencement of this Act were the assets, rights, liabilities and obligations of the former Authority. Transfer of assets and liabilities
- (2) Subject to subparagraph (1), every deed, bond and agreement, other than an agreement for personnel service, to which the former Authority was a party immediately before the commencement of this Act whether or not of such a nature, that right, 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 -
- (a) the Authority had been party to it;
- (b) for any reference to the former Authority there was substituted, with respect to anything falling to be done on or after this Act comes into force, a reference to the Authority; or
- (c) for any reference to any employee of the former Authority, 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 such employee of the Authority as the Authority shall designate.

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

(4) The registration authority, referred to in subparagraph (3), shall make such entries in the appropriate register as shall give effect to the transfer and, where applicable, issue to the transferee 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.

(5) A certificate of accreditation of qualifications, certificate of validation of qualifications and certificate of validation and evaluation of qualifications granted under the repealed Act, whether to an institution or an individual, shall be considered to be granted under this Act, until expiry, revocation or cancellation of that certificate of registration of qualifications, certificate of validation of qualifications and certificate of validation and evaluation of qualifications, as provided in the repealed Act, but subject to any rights or benefits accruing to, or any liabilities suffered, under the repealed Act, but without the right of renewal.

Legal
proceedings

5. (1) Any legal proceedings or applications of the former Authority pending in court immediately before this Act comes into force by or against the former Authority may be continued by or against the Authority.

(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 Authority, may be instituted by or against the Authority.

GOVERNMENT OF ZAMBIA

ACT

No. 9 of 2024

Date of Assent: 16th August, 2024

An Act to authorise supplementary expenditure from the Consolidated Fund of monies required for the services of the Republic during the financial year ending 31st December, 2024, not exceeding in the aggregate forty-one billion, nine hundred and sixteen million, four hundred thousand, one hundred thirty-three kwacha.

[16th August, 2024

ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the Supplementary Appropriation (2024) Act, 2024.

Short title

2. On the authority of a warrant issued by the President, there may be expended from the Consolidated Fund, such monies not exceeding in the aggregate forty-one billion, nine hundred and sixteen million, four hundred thousand, one hundred thirty-three kwacha indicated in respect of the services of the Republic specified in the third column of the Schedule, being expenditure in excess of the monies appropriated for the services of the Republic during the financial year ending on 31st December, 2024.

Supplementary
appropriation

SCHEDULE

(Section 2)

<i>No. of Head</i>	<i>Institution/Programme</i>	<i>Appropriation Amount</i>
		K
03	National Assembly	
3405	Parliamentary Representation	5,360,033
12	Office of the Public Protector	
4171	Maladministration Redress Services	1,850,163
17	Ministry of Foreign Affairs and International Cooperation	
3436	International Relations and Cooperation	418,679,000
21	Ministry of Finance and National Planning - Loans and Investments	
3439	Financial Investment Management	2,749,283,000
3441	Centralised Strategic Payments	15,167,700,000
29	Ministry of Local Government and Rural Development	
5525	Local Governance	2,000,000,000
35	Ministry of Small and Medium Enterprise Development	
2150	Small and Medium Enterprise Development and Empowerment	125,530,148
45	Ministry of Community Development and Social Services	
5451	Social Assistance	5,180,000,000
5453	Community Development	150,906,664
52	Ministry of Water Development and Sanitation	
2119	Water Supply and Sanitation	301,610,991
68	Ministry of Tourism	
2127	Wildlife Conservation and Management	118,562,167
2128	Tourism Development and Promotion	87,615,062
80	Ministry of Education	
5502	Primary Education	392,187,651
5503	Secondary Education	169,205,777
86	Ministry of Fisheries and Livestock	
2130	Livestock Production and Productivity Improvement	48,912,134
2132	Animal Health Services	341,470,191
92	Office of the President - Central Province	
6199	Management and Support Services	2,348,233
98	Office of the President - Southern Province	
6101	Community Development and Social Services	7,397
6102	Natural Resource Management	6,988,744
6103	Economic Development	200,971
6104	Local Government Services	405,057
6199	Management and Support Services	5,436,749
99	Ministry of Finance and National Planning - Constitutional and Statutory Expenditure	
3448	Public Debt Service Management	14,642,140,000
	GRAND TOTAL	41,916,400,133

GOVERNMENT OF ZAMBIA

ACT

No. 10 of 2024

Date of Assent: 16th August, 2024

An Act to amend the Civil Aviation Authority Act, 2012.

[16th August, 2024]

ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the Civil Aviation Authority (Amendment) Act, 2024, and shall be read as one with the Civil Aviation Authority Act, 2012, in this Act referred to as the principal Act.

Short title

Act No. 7
of 2012

2. Section 2(1) of the principal Act is amended by the—

Amendment
of section 2

(a) deletion of the definition of “Chicago Convention” and the substitution therefor of the following:

“Chicago Convention” has the meaning assigned to the words in the Civil Aviation Act, 2016;;

Act No. 5
of 2016

(b) deletion of the definition of “permit”; and

(c) insertion of the following new definition in the appropriate place:

“Zambia Civil Aviation Requirements” has the meaning assigned to the words in the Civil Aviation Act, 2016.

Act No. 5
of 2016

Amendment
of section 11

3. Section 11(2) of the principal Act is amended by the—
- (a) insertion of the following new paragraphs immediately after paragraph (b):
 - (c) the licensing of personnel and certification of air operators under this Act;
 - (d) the safety and security oversight of flight operations, airworthiness, air navigation services and aerodromes;
 - (e) the safety and security oversight of carriage and transportation of dangerous goods under civil aviation;; and
 - (b) renumbering of paragraph (c) as paragraph (f).

Amendment
of section 36

4. Section 36(1) of the principal Act is amended by the—
- (a) insertion of the following new paragraph immediately after paragraph (a):
 - (b) an aircraft flying over or manoeuvring within the territory of the Republic; and
 - (b) renumbering of paragraphs (b) and (c) as paragraphs (c) and (d), respectively.

Repeal and
replacement
of section 37

Air
navigation
facilities

5. The principal Act is amended by the repeal of section 37 and the substitution therefor of the following:

37. Despite any other written law, the Authority may, in order to enhance civil aviation safety, recommend to the Minister the acquisition, establishment and improvement of air navigation facilities in accordance with the Chicago Convention.

Amendment
of section 50

6. Section 50 of the principal Act is amended by the deletion of subsection (1) and the substitution therefor of the following:

(1) A person may file with the Director-General an application for a licence in a manner and form as specified under the Zambia Civil Aviation Requirements.

Amendment
of section 51

7. Section 51 of the principal Act is amended by the deletion of subsection (1) and the substitution therefor of the following:

(1) The owner of an Aircraft registered in the Republic may file, with the Director-General, an application for a certificate of airworthiness for the aircraft in a manner and form as specified under the Zambia Civil Aviation Requirements.

8. Section 52 of the principal Act is amended by the deletion of subsection (1) and the substitution therefor of the following: Amendment of section 52

(1) A person who intends to operate as an air operator, and who is a citizen, may file, with the Director-General, an application for an air operator certificate in a manner and form as specified under the Zambia Civil Aviation Requirements.

9. Sections 53 and 54 of the principal Act are repealed. Repeal of sections 53 and 54

10. The principal Act is amended by the repeal of section 55 and the substitution therefor of the following: Repeal and replacement of section 55

55. (1) A person who intends to operate an aerodrome that serves a scheduled or non scheduled operation of an air operator or foreign air operator shall apply to the Director-General for an aerodrome operating licence in a manner and form as specified under the Zambia Civil Aviation Requirements. Aerodrome operating licence

(2) The Director-General shall, where the Director-General finds, after due evaluation, that a person applying for an aerodrome operating licence under subsection (1) is properly and adequately equipped and is able to conduct a safe operation in accordance with this Act and the Zambia Civil Aviation Requirements, issue an aerodrome operating licence to that person.

(3) The Director-General shall, where the Authority rejects an application under subsection (1), notify the applicant in writing, stating the reasons for the rejection.

(4) An aerodrome operating licence shall specify terms, conditions and limitations that are reasonably necessary to ensure safety and security in commercial air transport.

(5) Subject to subsection (4), the terms, conditions and limitations under an aerodrome operating licence shall, except where the Director-General determines that it would be contrary to public interest, include the—

- (a) operation and maintenance of adequate safety equipment capable of rapid access to any area of an aerodrome used for landing, take off or surface manoeuvring of an aircraft; and

(b) condition and maintenance of Primary and secondary runways as the Director-General considers necessary.

(6) A person who does not comply with a term, condition or limitation under an aerodrome operating licence commits an offence and is liable, on conviction, to a fine not exceeding seven hundred thousand penalty units or to imprisonment for a term not exceeding seven years, or to both.

(7) The Authority may, in addition to the penalty specified under subsection (5), impose operating restrictions on the aerodrome.

Repeal of
section 56
Amendment
of section 57

11. Section 56 of the principal Act is repealed.

12. Section 57 of the principal Act is amended by the deletion of subsection (1) and the substitution therefor of the following:

(1) The Director-General may alter, amend, modify, suspend or revoke an air operator certificate, a personnel licence or aerodrome operating licence, or an authorisation in whole or in part, for failure to comply with any—

(a) provision of this Part;

(b) order, notice, circular, directive, requirement or regulation issued under this Act;

(c) term, condition or limitation of the certificate, licence or authorisation; or

(d) other written law.

Repeal of
sections 58
and 59
Amendment
of section 62

13. Sections 58 and 59 of the principal Act are repealed.

14. Section 62 of the principal Act is amended by the deletion of subsection (1) and the substitution therefor of the following:

(1) The Director-General or an authorised officer shall have free, unrestricted and unobstructed access at all times to air navigation facilities, an aerodrome, an aircraft operating to, from or within Zambia, and the premises of an operator within Zambia.

15. Section 76 of the principal Act is amended by the insertion of the following new subsections immediately after subsection (5):

Amendment
of section 76

(6) The Authority may, in accordance with the Chicago Convention—

(a) enter into a bilateral agreement with the aeronautical authority of another country and consent to transfer to that country all or part of the Authority's functions with respect to a Zambian registered aircraft engaged in international navigation, to ensure compliance by the aircraft operator with rules and regulations, of that country relating to—

- (i) the flight and manoeuvre of aircraft;
- (ii) the use of aircraft radio transmitting apparatus or equipment;
- (iii) certificates of airworthiness; and
- (iv) licences of personnel; and

(b) relinquish responsibility over the Zambian registered aircraft where the functions of the Authority are transferred to another country in accordance with paragraph (a).

(7) The Authority may, in accordance with the Chicago Convention, accept responsibility with respect to the functions specified under a bilateral agreement entered into with another country for aircrafts registered in that country that are transferred to the Republic.

(8) The Authority may, in accordance with the Chicago Convention and a bilateral agreement entered into with another country, provide for conditions necessary for the transfer of functions under this section, except that the Authority may not relinquish responsibilities for a Zambian registered aircraft to a country that the Authority determines is in contravention of that country's obligations under the Chicago Convention.

(9) The transfer referred to under subsection (6) shall, where the Authority has transferred its functions have effect, with respect to other ICAO member States, where—

- (a) a bilateral agreement entered into between the Authority and another country is made public in accordance the Chicago Convention and registered with ICAO; or
- (b) the existence and scope of a bilateral agreement is directly communicated to the aeronautical authorities of other ICAO member States.

(10) The Authority shall, where the Authority enters into a bilateral agreement for the transfer of functions, notify ICAO and other ICAO member States.

(11) The Authority shall, where an aircraft registered in another country is operated in accordance with a bilateral agreement and by an air operator who has a principal place of business or, if the air operator has no place of business, a permanent residence in another country, recognise the validity of certificates, licenses or authorisations issued by that country.

(12) The Director-General may issue guidelines for the implementation of this section.

Repeal and replacement of section 80

16. The principal Act is amended by the repeal of section 80 and the substitution therefor of the following:

Flight procedure and aeronautical charts

80. The Authority shall provide regulatory oversight over the production, publishing and use of flight procedures and aeronautical charts in accordance with the Zambia Civil Aviation Requirements.

Amendment of section 87

17. Section 87 of the principal Act is amended by the deletion of subsection (1) and the substitution therefor of the following:

Act No. 4 of 2013

(1) Subject to the Higher Education Act, 2013 and the Zambia Qualifications Authority Act, 2011, the Authority may establish a school or acquire any existing school for the purpose of providing aviation training to—

Act No. 13 of 2011

- (a) employees of the Authority in subjects that are necessary for the proper performance of the functions of the Authority, and other subjects; and
- (b) the public on a commercial basis.

18. The principal Act is amended by the insertion of the following new section immediately after section 88:

Insertion of
section 88A

88A. A person who contravenes a provision of this Act for which no penalty is provided is liable, on conviction, in the case of—

General
penalty

- (a) an individual, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a term not exceeding five years, or to both; or
- (b) a body corporate or unincorporated body, to a penalty not exceeding one million penalty units.

19. The First Schedule to the principal Act is amended, in paragraph 4(5), by the deletion of the word “Five” and the substitution therefor of the word “Three”.

Amendment
of First
Schedule

20. The principal Act is amended by the deletion of the word “permit” wherever the word appears.

General
amendment

GOVERNMENT OF ZAMBIA

ACT

No. 11 of 2024

Date of Assent: 16th August, 2024

An Act to Amend the Civil Aviation Act, 2016.

[16th August, 2024

ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the Civil Aviation (Amendment) Act, 2024 and shall be read as one with the Civil Aviation Act, 2016, in this Act referred to as the principal Act.

Short title
Act No. 5 of
2016

2. Section 2(1) of the principal Act is amended by the insertion of the following new definitions in the appropriate places in alphabetical order:

Amendment of
section 2

“disposal facility” has the meaning assigned to the words in the Solid Waste Regulation and Management Act, 2018;

Act No. 20 of
2018

“landfill” has the meaning assigned to the words in the Solid Waste Regulation and Management Act, 2018;

Act No. 20 of
2018

“non on board recording” means an investigation recording, other than a cockpit voice recording, airborne image recording and transcripts from such recordings;

“wildlife” has the meaning assigned to the word in the Zambia Wildlife Act, 2015; and

Act No. 4 of
2015

“Zambia Civil Aviation Requirements” means the requirements prescribed in accordance with section 154.

Repeal and replacement of section 9

3. The principal Act is amended by the repeal of section 9 and the substitution therefor of the following:

Prohibition of using public aerodrome without certification and licence

9. (1) A place or building shall not be operated as a public aerodrome if it is not licensed by the Authority and the aerodrome operator is not certified by the Authority.

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

Insertion of sections 9A and 9B

4. (1) The principal Act is amended by the insertion of the following new sections immediately after section 9:

Application for certification as aerodrome operator

9A. (1) A person who intends to operate an aerodrome shall apply to the Director-General for a certificate as an aerodrome operator in a manner and form as specified under the Zambia Civil Aviation Requirements.

(2) The Director-General shall, where the Authority grants an application under subsection (1), issue a certificate as an aerodrome operator and endorse requirements as the Authority determines.

(3) The Director-General shall, where the Authority rejects an application under subsection (1), notify the applicant, in writing, stating the reasons for the rejection.

(4) Despite subsection (1), the Director-General may issue an interim certificate as an aerodrome operator for a specified period to an applicant referred to under subsection (1), where the Director-General is satisfied that the grant of the interim certificate as an aerodrome operator is—

(a) in the public interest; and

(b) not detrimental to aviation safety.

Aerodrome operating licence

Act No. 7 of 2012

9B. A person who intends to operate an aerodrome shall apply for an aerodrome operating licence in accordance with the Civil Aviation Authority Act, 2012.

- | | |
|--|---|
| <p>5. The principal Act is amended by the repeal of section 10 and the substitution therefor of the following:</p> | <p>Repeal and replacement of section 10</p> |
| <p>10. An aerodrome shall, according to its purpose, be classified as follows:</p> | <p>Classification of aerodrome</p> |
| <ul style="list-style-type: none"> (a) an aerodrome for use by both domestic and international air traffic; (b) an aerodrome for use by domestic air traffic, including an aircraft of maximum certificated take-off mass above five thousand seven hundred kilogrammes; (c) an aerodrome for use by domestic air traffic of maximum certificated take-off mass not exceeding five thousand seven hundred kilogrammes; (d) an aerodrome for use by scheduled commercial domestic air traffic of maximum certificated take-off mass not exceeding five thousand seven hundred kilogrammes; and (e) an aerodrome for use by helicopters only. | |
| <p>6. Section 12 of the principal Act is amended—</p> | <p>Amendment of section 12</p> |
| <ul style="list-style-type: none"> (a) in subsection (1), by the deletion of the words “prescribed ICAO Annex 14 requirements” and the substitution therefor of the words “Zambia Civil Aviation Requirements”; and (b) in subsection (2), by the deletion of the words “requirements of Annex 14” and the substitution therefor of the words “Zambia Civil Aviation Requirements”. | |
| <p>7. Section 15 of the principal Act is amended by the—</p> | <p>Amendment of section 15</p> |
| <ul style="list-style-type: none"> (a) insertion of the following new subsection immediately after subsection (1): <ul style="list-style-type: none"> (2) An aerodrome operator shall not, without consent from the Authority, construct a structure beyond the limits of the obstacle limitation surface that extends above a height determined by the Authority.; and (b) renumbering of subsection (2) as subsection (3). | |

Insertion of
section 15A

8. The principal Act is amended by the insertion of the following new section immediately after section 15:

Safety
requirements at
aerodrome

15A. (1) An aerodrome operator shall—

(a) remove from the surface of an aerodrome any vehicle or obstruction that is likely to be hazardous to aircraft operations;

(b) not permit any structure in an aerodrome to exceed the obstacle limitation surface except in the case of a—

(i) frangible structure which, as a result of its function, is located on the runway strip;

(ii) structure which is shielded by another object as provided under the Zambia Civil Aviation Requirements; or

(iii) structure which, after aeronautical study, is determined not to adversely affect the safety and operations of aircraft at the aerodrome.

(2) An aerodrome operator shall—

(a) take measures to minimise the likelihood of collisions between wildlife and aircraft at the aerodrome;

(b) keep and maintain a record of wildlife strikes and hazards at or around the vicinity of an aerodrome;

(c) report to the Authority any wildlife strikes and hazards to aircraft at or around the vicinity of an aerodrome;

(d) conduct an evaluation, in consultation with the ministry responsible for wildlife, of hazards caused by wildlife to aircraft operations at or around the vicinity of an aerodrome; and

(e) eliminate any source that may attract wildlife to or around the vicinity of an aerodrome or, where it is not reasonably practicable to do so, ensure that every hazard to aircraft operations at the aerodrome, created by that source, is assessed and reduced to as low as reasonably practicable.

(3) Subsection (2) (e) shall not apply where a source that might attract wildlife to or around the vicinity of an aerodrome is evaluated by the ministry responsible for wildlife, through a wildlife assessment, as unlikely to create any conditions that might be a hazard to aircraft operations.

(4) An aerodrome operator shall, in consultation with appropriate authorities, take appropriate measures to eliminate or prevent the establishment of a refuse collection site, disposal facility or landfill which may attract wildlife to an aerodrome, or its vicinity, except where the ministry responsible for wildlife conducts an evaluation and indicates that the refuse collection site, disposal facility or landfill is unlikely to create a condition that might be a hazard to aircraft operations.

(5) An aerodrome operator shall, in consultation with the Authority, give due consideration to aviation safety concerns related to land developments in the vicinity of the aerodrome that may attract wildlife.

(6) A person who does not comply with subsections (1) and (2) commits an offence and is liable, on conviction, to a fine not exceeding three million penalty units, and one hundred thousand penalty units for each day that the offence continues.

9. Section 51 of the principal Act is amended by the deletion of—

Amendment of
section 51

(a) paragraphs (b) and (c) and the substitution therefor of the following:

(b) independently investigating civil aircraft accidents and serious aircraft incidents;

(c) discharging all functions and obligations relating to civil aircraft accidents and serious aircraft incidents; and

(b) paragraph (j) and the substitution therefor of the following:

(j) submitting a final report to all recipient States as prescribed;.

Amendment of
section 52

10. Section 52 of the principal Act is amended—

(a) in subsection (1)—

- (i) by the deletion of paragraph (b) and the substitution therefor of the following:

(b) delegate the investigation of any civil aircraft accident or serious aircraft incident to any other Contracting State;;

- (ii) by the deletion of paragraphs (d) and (e) and the substitution therefor of the following:

(d) re open any investigation;

(e) establish a civil aircraft accident and serious aircraft incident reporting system to facilitate the collection of information on actual or potential safety deficiencies;;

- (iii) by the insertion of the following new paragraphs immediately after paragraph (f):

(g) exercise unrestricted access to and control over information related to its investigations;

(h) exercise unhampered access to and control over the scene of an accident in order to protect any aircraft or wreckage as well as the accident site against access by unauthorised persons, pilfering or deterioration, or for any other reason that the Aircraft Accident Investigation Board considers necessary;

(i) exercise unhampered access to and control over all relevant materials or evidence including flight recorders and air traffic services records;

(j) carry out detailed examination of relevant material or evidence arising from a civil aircraft accident or serious aircraft incident without delay; and

(iv) by the renumbering of paragraph (g) as paragraph (k); and

(b) in subsection (3), by the deletion of the words “in compliance with Annex 13”.

11. Section 54 of the principal Act is amended by the deletion of subsection (2) and the substitution therefor of the following:

Amendment of section 54

(2) The Director of Investigations shall, under the directions of the Aircraft Accident Investigation Board —

(a) be responsible for the management of, and administrative control over, the affairs of the Aircraft Accident Investigation Board; and

(b) have authority to institute civil aircraft accident and serious aircraft incident investigations.

12. The principal Act is amended by the repeal of section 60 and the substitution therefor of the following:

Repeal and replacement of section 60

60. Despite section 59, the Aircraft Accident Investigation Board—

Use of on-board and non-on-board recording by Aircraft Accident Investigation Board

(a) may use an on board recording or non-on-board recording obtained under this Act as it considers necessary in the interests of civil aviation safety; and

(b) shall not knowingly communicate or consent to an on-board recording or a non-on-board recording to be communicated to any person who is not connected to the causes or contributing factors of a civil aircraft accident or serious aircraft incident under investigation or to the identification of accident deficiencies.

13. Section 127 of the principal Act is amended—

Amendment of section 127

(a) in subsection (1), by the deletion of the words “for the purposes specified under subsection (2) of section *nineteen* of the Civil Aviation Authority Act, 2012”; and

(b) in subsection (2), by the deletion of the words “The Director-General is authorised” and the substitution therefor of the words “The Director-General or any other authorised person shall have authority”.

Amendment of
section 149

14. Section 149 of the principal Act is amended—

(a) in subsection (2), by the insertion of the word “*bis*” immediately after the word “Article 3”; and

(b) by the insertion of the following new subsection immediately after subsection (3):

(4) A civil aircraft registered in Zambia or operated by a Zambian air operator shall comply with an interception order within Zambia or from another State.

Repeal and
replacement of
section 154

15. The principal Act is amended by the repeal of section 154 and the substitution therefor of the following:

Zambia Civil
Aviation
Requirements

154. The Director-General shall prescribe the Zambia Civil Aviation Requirements for the better carrying out of the Chicago Convention and the provisions of this Act.

Repeal and
replacement of
section 163

16. The principal Act is amended by the repeal of section 163 and the substitution therefor of the following:

Documents to
be carried on
board civil
aircraft

163. A civil aircraft engaged in air traffic operations shall—

(a) carry on board during a flight, permits, licences, books and other documents as determined by the Authority; and

(b) maintain and keep a journey log book in a manner and form determined by the Authority, in which shall be entered particulars of the aircraft, its crew and each journey.

THE KAZUNGULA BRIDGE AUTHORITY ACT, 2024

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Kazungula Bridge Authority
4. Council of Ministers
5. Agreement binding on Republic

SCHEDULE

GOVERNMENT OF ZAMBIA

ACT

No. 12 of 2024

Date of Assent: 16th August, 2024

An Act to give effect to the Agreement relating to the establishment of the Kazungula Bridge Authority made between the Government of the Republic of Zambia and the Government of the Republic of Botswana; and provide for matters connected with, or incidental to, the foregoing.

[16th August, 2024

ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the Kazungula Bridge Authority Act, 2024.

Short title

2. In this Act, unless the context otherwise requires—

Interpretation

“Agreement” means the Agreement between the Government of the Republic of Zambia and the Government of the Republic of Botswana relating to the establishment of the Kazungula Bridge Authority, which is set out in the Schedule;

“Council” means the Council of Ministers constituted under Article 5 of the Agreement; and

“Kazungula Bridge Authority” means the Kazungula Bridge Authority established under Article 3 of the Agreement.

3. (1) The Kazungula Bridge Authority is a body corporate with perpetual succession and a common seal, capable of suing and being sued in its corporate name and with powers, subject to the provisions of this Act, to do all acts or things that a body corporate may, by law, do or perform.

Kazungula
Bridge
Authority

(2) The Authority shall be located in the Republic of Botswana.

(3) The composition, functions, administration, financial procedures, privileges and immunities of the Kazungula Bridge Authority are set out under Articles 4, 6, 7, 8, 9, 10 and 12 of the Agreement.

Council of
Ministers

4. (1) The Council shall perform supervisory functions over the Authority.

(2) The composition, additional functions and proceedings of the Council shall be as set out under Article 5 of the Agreement.

Agreement
binding on
Republic

5. The Agreement set out in the Schedule shall bind the Republic.

SCHEDULE
(Sections 2,3,4 and 5)

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF ZAMBIA AND THE GOVERNMENT OF THE
REPUBLIC OF BOTSWANA ON THE ESTABLISHMENT OF THE KAZUNGULA BRIDGE AUTHORITY

PREAMBLE

WHEREAS the Government of the Republic of Zambia and the Government of the Republic of Botswana (singularly herein referred to as AContracting Party@ and jointly as AContracting Parties@);

HAVING REGARD to the Memorandum of Understanding on the Kazungula Bridge concluded by the Parties on 24th July, 2008 and the Sponsors Agreement on the Construction and Operation of Bridge Infrastructure at Kazungula concluded by the Contracting Parties on 30th March, 2012;

HAVING REGARD to the relevant rules set forth in international and regional treaties and protocols;

TAKING INTO CONSIDERATION their commitments as Member States of the Southern African Development Community (SADC) to improve economic management and performance through regional cooperation in the area of infrastructure and services;

AFFIRMING the importance of closer cooperation between two states;

COMMITTING to the safe and efficient movement of people and goods across the Zambezi River;

BELIEVING that this project will positively promote trade, tourism and regional economic development;

RECOGNIZING the need to reduce transit time at the Kazungula Border;

RECOGNIZING the need to create an independent bridge authority;

BEARING IN MIND the sovereign power of each Contracting Party;

HAVE AGREED as follows:

ARTICLE 1-DEFINITIONS

For the purposes of this Agreement and unless the context otherwise requires, it shall be understood that:

- (a) "Agreement" means this present agreement entered into between the Contracting Parties;
- (b) "Authority" means the Kazungula Bridge Authority as established in Article 3;
- (c) "Board" means the Board of Directors referred to in Article 6;
- (d) "Board Secretary" means the Corporate Counsel of the Authority referred to in Article 6;
- (e) "Bridge" means the combined road and rail connection consisting of road and railway line over the Zambezi River at Kazungula;
- (f) "Bridge Infrastructure" means the Bridge and its associated infrastructure, including the One Stop Border Post facilities and approach roads/rail;
- (g) "By-laws" means rules and regulations of the Authority;
- (h) "Council" means the Council of Ministers referred to in Article 5;
- (i) "Executive Director" means the Chief Executive Officer of the Authority appointed under Article 7;

- (j) “Emergency” means a sudden, unexpected, or impending situation on the Bridge Infrastructure, that may cause injury, loss of life, closure of the Bridge, damage to property, or interference with the normal activities of the Authority or other agencies located at the Bridge Infrastructure, and which, therefore, requires immediate attention and remedial action;
- (k) “Fund” means the fund established under Article 9 sub-article 1;
- (l) “Host Party” means the Contracting Party on whose territory the Authority is located;
- (m) “International Organisation” means an organisation in which two or more sovereign powers or governments thereof are members in pursuit of common goals for their mutual benefit;
- (n) “Lead Agency” means the authority designated as the lead implementing agency at ports of entry and is responsible for coordinating border operations at the Bridge Infrastructure;
- (o) “Maintenance” means the activities related to the maintenance of the Bridge Infrastructure in good condition and good technical working order, which are necessary for the purposes of its all year continuous and safe usage;
- (p) “One Stop Border Post (OSBP)” means a border post where traffic in each direction of travel stops only once in a control zone and both exit and entry formalities are undertaken by officers of the Contracting Parties;
- (q) “Private Actors” means facilitation agents, bankers and all other private entities operating at the OSBP facilities;
- (r) “Resident” in relation to either Contracting Party, means any person who is permanently or ordinarily resident in that State; and
- (s) “Tolls” means fees paid or payable for using the Bridge.

ARTICLE 2 - SCOPE AND PURPOSE

1. This Agreement governs the matters relating to the establishment and operations of the Authority.
2. The objectives of the Authority shall be to exercise Contracting Parties’ rights of ownership of the Bridge Infrastructure and to advise the Contracting Parties on the most appropriate arrangements to ensure that the Bridge functions as an effective link between their respective transport systems.
3. The Authority shall maintain the Bridge Infrastructure and promote its usage in accordance with the provisions of this Agreement.
4. The Authority shall manage and operate the Bridge Infrastructure.

ARTICLE 3 - ESTABLISHMENT

1. There is hereby established the Kazungula Bridge Authority, an International Organisation with a common seal, capable of suing and being sued in its name and with powers subject to the provisions of this Agreement of doing all such acts and things as a juridical person may do or perform.
2. The Authority shall be located in Botswana.

ARTICLE 4 - FUNCTIONS OF THE AUTHORITY

1. The functions of the Authority shall be to—
 - (a) manage and maintain the Bridge Infrastructure on behalf of the Contracting Parties;
 - (b) promote the usage of the Bridge;
 - (c) provide for the control, regulation and safety of people and traffic on the Bridge Infrastructure;
 - (d) provide for the prevention and removal of obstructions, encroachments and nuisances on or near the Bridge Infrastructure;
 - (e) propose Toll rates and periodic adjustments on the Toll rates to the Council based on international best practices;
 - (f) charge Tolls, on approval by the Council, from users of the Bridge with the exception of border agencies on official duty;
 - (g) establish and administer a Fund into which all revenue, after payment of the agreed costs and operation expenditure of the Authority, shall be paid;
 - (h) have the revenue of the Authority audited and periodically review the adequacy of such revenue to defray costs associated with the operation, management and maintenance of the Bridge Infrastructure;
 - (i) monitor the traffic flow through the Bridge Infrastructure;
 - (j) organise and attend regular meetings with the Lead Agencies;
 - (k) act as the central authority at the Bridge Infrastructure in matters of Emergency;
 - (l) ensure compliance with applicable safety and environmental standards; and
 - (m) perform any other function incidental to or reasonably necessary or desirable for the attainment of its objectives.
2. Subject to the approval by the Council, the Authority may delegate or appoint an agency or service provider to collect Tolls and any other charges.

ARTICLE 5 - THE COUNCIL

1. There shall be a Council of Ministers which shall act as a supervisory body for the Authority.
2. The Council shall consist of six (6) members, three (3) of whom shall be the Ministers responsible for finance, trade, transport or infrastructure in the Republic of Botswana, and three (3) Ministers responsible for finance, trade, transport or infrastructure in the Republic of Zambia, respectively.
3. The Council shall meet once annually in ordinary session and may meet in extraordinary session at the request of either one or both of the Contracting Parties or the Board. The meetings of the Council shall be hosted on a rotational basis between the Contracting Parties.
4. The Council shall at its annual ordinary session appoint a chairperson and vice chairperson, who shall be from the same country, to preside over the affairs of the Council. The chairpersonship and vice chairpersonship shall be held alternately by ministers of the Contracting Parties.
5. A quorum shall be formed when at least four (4) members of the Council are present, provided that at least two (2) members shall come from each Contracting Party.
6. The Authority shall provide secretarial services to the Council.

7. The decisions of the Council shall be taken by consensus.
8. The Council shall regulate its own procedure.
9. The powers of the Council shall include—
 - (a) providing policy direction to the Board in conformity with the purposes and objectives of the Authority;
 - (b) approving long term development plans of the Authority;
 - (c) approving the Toll rates;
 - (d) giving directions to the Board on matters of public interest;
 - (e) providing guidelines on the management and direction of the Fund;
 - (f) deciding on matters referred to them by the Board;
 - (g) approving By-laws of the Authority;
 - (h) approving the appointment of external auditors, on the recommendation of the Board; and
 - (i) approving the appointment of the Executive Director.
10. The Council may, as it deems necessary, delegate any of its powers to the Board. Such delegation shall outline the specific power delegated and the time period.

ARTICLE 6 - BOARD OF DIRECTORS

1. The Authority shall have a Board of Directors. The Contracting Parties shall appoint to the Board an equal number of members. The Board shall consist of ten (10) members as follows:
 - (a) a permanent secretary from each Contracting Party in the ministry responsible for infrastructure, transport, works and supply or maintenance;
 - (b) two (2) members from each Contracting Party with training or experience in transport, engineering, finance, trade or any other technical qualifications or experience relevant to the running of the affairs of the Authority;
 - (c) a representative from the Lead Agency of each of the Contracting Parties; and
 - (d) the Executive Director and Board Secretary who shall be *ex-officio* members.
2. The members of the Board shall be appointed by the respective Contracting Parties taking into consideration that the members listed in Article 6 sub-article 1(b) do not share expertise in the same field. Preference shall be given to candidates with expertise in more than one of the listed fields.
3. The members referred to in Article 6 sub-article 1(a) shall rotate as Board chairperson at the beginning of every financial year. The Board chairperson shall regularly update the Council regarding the actions taken by the Board. If deemed necessary by the Board or requested by the Council, the Board chairperson shall be present at the meetings of the Council.
4. A Board member, except a member referred to under Article 6 sub-article 1(a), shall hold office for a period of three (3) years and may be re-appointed for a further and final term of three (3) years.

5. Subject to this Agreement, the Board shall regulate its own procedure, and shall meet for the transaction of its business at least once every three (3) months.

6. The Board shall make every effort to adopt a decision on the basis of consensus. If all efforts to reach consensus on a matter at a meeting of the Board have been exhausted and no agreement is reached, the matter shall be referred to the Council for resolution.

7. Five (5) members, with at least two (2) from each Contracting Party, shall form a quorum.

8. The functions of the Board shall be to—

- (a) consider and approve the budget of the Authority;
- (b) prepare and recommend for approval, by the Council, the long-term development plans of the Authority;
- (c) provide guidance on how the funds of the Authority are to be utilised;
- (d) recommend, to the Council, the appointment and dismissal of external auditors;
- (e) appoint and dismiss the Executive Director;
- (f) determine the functions, powers and review the performance of the Executive Director;
- (g) establish ad hoc or standing committees or any other appropriate organs as may be necessary for the implementation of this Agreement;
- (h) make such recommendations to the Council as will ensure the effective and efficient use of the Bridge Infrastructure;
- (i) to give effect to such directions, as may, from time to time, be given by the Council;
- (j) to submit development plans, programs and the respective budgets to the Council for approval;
- (k) to approve the Authority's organisational structure;
- (l) to carry out such other functions as are provided for in this Agreement or are incidental to the better performance of its functions.

9. The Board may recommend for approval by the Council, By-laws for the better exercise of the operations of the Bridge Infrastructure. By-laws made by the Authority shall only have legal force if they have been approved by the Council and published in the Gazette of each Contracting Party in which shall be specified the commencement date of such laws. Such By-laws may provide for—

- (a) the manner in which the Executive Director and other officers of the Authority may be recruited;
- (b) the terms and conditions of service of the Executive Director and other officers of the Authority;
- (c) the appointment of support staff;
- (d) the establishment of committees;

- (e) the operation, monitoring and cooperation relating to the Bridge Infrastructure;
- (f) the administrative tasks relating to the Bridge Infrastructure; and
- (g) the plan for the promotion of the use of the Bridge.

10. Each Board member shall be paid out of the funds of the Authority such sitting allowance as the Council may determine.

ARTICLE 7 - APPOINTMENT AND FUNCTIONS OF THE EXECUTIVE DIRECTOR

1. There shall be an Executive Director of the Authority who shall, subject to the approval of the Council, be appointed by the Board and shall be a Zambian national.
2. The Executive Director shall be responsible for the day-to-day administration of the Authority.

ARTICLE 8 - HOST AGREEMENT

The Host Party shall be Botswana and Botswana shall conclude a Host Agreement with the Authority which will stipulate the privileges and immunities to be accorded to the Authority by the Host Party, as well as other hosting conditions.

ARTICLE 9 - FINANCIAL PROVISIONS

1. A Fund shall be established which will be administered by the Authority. The Fund shall be made up of all revenue, after payment of the agreed costs and the operational expenditure of the Authority.
2. The Contracting Parties agree that the monies in the Fund shall only be used—
 - (a) if, in a given financial year, the revenue is insufficient to cover the fees and agreed costs and the operational expenditure of the Authority;
 - (b) to fund additional capital expenditure related to the Bridge Infrastructure; and
 - (c) to invest monies that are not immediately required for the purposes of the Fund in a manner authorised by the Council.
3. Unutilised monies in the Fund shall not be disbursed to the Contracting Parties, except in response to a decision of the Council. This should include a financial forecast of the costs and income of the Authority for the subsequent three (3) years, demonstrating that distribution of money to the Contracting Parties is economically justified.
4. (1) The revenue of the Authority shall consist of—
 - (a) tariffs, Tolls or other levies which may, with the approval of the Council, be charged for services rendered by the Authority;
 - (b) rentals received from Private Actors in accordance with Article 9 sub-article 11;
 - (c) grants, donations or other disbursements from any source whatsoever approved by the Council;
 - (d) interest from savings; and
 - (e) returns on investments.(2) Notwithstanding Article 9 sub-article 4(1), the Contracting Parties may contribute monies to the Authority.
5. The accounting currency for the Authority shall be United States Dollar.

6. The financial year of the Authority shall be a period of twelve (12) months from 1st January to 31st December of each calendar year.

7. The Board shall, prior to the commencement of each financial year, cause to be prepared and submitted for the approval of the Council, a budget of the Authority for such financial year.

8. The Board shall ensure that accounts and other records in relation thereto are kept by the Authority and shall prepare financial statements in respect of each financial year of the Authority.

9. The accounts of the Authority in respect of each financial year shall, in accordance with auditing principles consistently applied, be audited by such independent auditors as the Board may, subject to the approval of the Council, appoint for that purpose.

10. (1) As soon as the accounts of the Authority have been prepared and audited, which should not be later than six (6) months after the end of each financial year, the Board shall submit to the Council an annual report which shall consist of—

(a) an income and expenditure account, a balance sheet, the report of the auditors to the Authority and details of any directions which may have been given to the Authority by the Council in terms of this Agreement; and

(b) a statement of capital expenditure certified as correct by the auditors to the Authority and showing the general heads of such expenditure compared with the figures therefore in any budget approved for that financial year together with variations;

Provided that if the Authority cannot submit the accounts within six (6) months after the end of any financial year, the Board may inform the Council of the reason.

(2) The Authority may subject to the approval of the Council and subject to such terms and conditions as the Council may impose in respect thereof, establish and administer specific reserves of funds for the purposes of carrying out its functions or for the benefit of its employees.

11. The Minister responsible for transport or infrastructure shall lay a copy of each annual report of the Authority before the National Assembly within thirty (30) days after receiving it.

Provided that, if by reason of the propagation or dissolution of Parliament, this section cannot be complied with within the stipulated timeframe, the Minister shall lay the annual report before the National Assembly within thirty (30) days after the date on which the National Assembly first meets.

12. The costs associated with the management, maintenance of the Bridge Infrastructure and operations of the Authority shall be covered from the revenue of the Authority.

13. The Contracting Parties undertake to make good any shortfall of finances of the Authority through equal contributions to the Authority as and when required.

14. The Private Actors shall pay rentals to the Authority. Details outlining the payment of the said fees are to be included in the service level agreements.

15. In case extra facilities are needed to be constructed on the Bridge Infrastructure, the Authority and the requesting agent shall negotiate in good faith the terms of use for such facility in a separate contract, with regard to the extra expenses incurred by the Authority.

16. The Authority shall, except as provided in this Agreement, be exempt from the provisions of any legislation of the Contracting Parties regarding the audit and control of public accounts, and in particular exempt from provisions in such legislation regarding the—

- (a) payment of surplus revenue to the Consolidated Revenue Funds or the equivalent funds of the Contracting States;
- (b) submission of capital budgets;
- (c) submission of revenue and expenditure budgets; and
- (d) submission of annual reports and accounts.

17. The Authority may, on the approval of the Council, retain a proportion of excess revenue for contingency purposes and the excess declared as revenue for the Contracting Parties.

ARTICLE 10 - LIMITATION OF LIABILITY

1. None of the Contracting Parties shall be liable for any acts, omissions or obligations ensuing from contracts or other agreements that the Authority has concluded for performance of activities relating to the Bridge or Bridge Infrastructure, unless such act, omission or obligation stems from a decision or order directly given to the Authority by the Council.

2. The Authority shall be responsible for any insurance coverage as may be necessary to protect itself and/or the Contracting Parties against claims or liabilities arising out of the performance of this Agreement.

3. The Contracting Parties undertake to protect the Authority, its Board members, employees and agents from any civil or criminal liability in respect of anything done in good faith and without negligence pursuant to the provisions of this Agreement, save that such protection from liability shall not have the effect of preventing any person from obtaining redress in a court of competent jurisdiction for any breach of contract.

ARTICLE 11 - OBLIGATIONS OF THE CONTRACTING PARTIES

1. The Contracting Parties shall give their full cooperation and support to the implementation of this Agreement by having regard to the principle of good governance.

2. The Contracting Parties agree, in their respective territories, to construct, maintain and improve the connecting transport corridor to maximise utilisation of the Bridge Infrastructure.

3. The Contracting Parties agree to take the necessary means to ensure the provision of adequate utility services at the Bridge Infrastructure.

4. The Contracting Parties agree to take any necessary measures including any amendment of any domestic law required to give effect to the provisions of this Agreement.

ARTICLE 12 - TAX STATUS

The Authority shall be regarded as performing essential governmental functions and to that extent, the Contracting Parties shall determine the tax exemptions to be accorded to the Authority.

ARTICLE 13 - DISPUTE SETTLEMENT

1. Any dispute that may arise in the interpretation, application and implementation of this Agreement and any supplementary agreements shall be resolved by the Contracting Parties amicably and in the spirit of friendship and cooperation. This amicable settlement shall be done by the Council.
2. In the event that the Council is unable to resolve the dispute within twenty-one (21) days, the matter shall be referred to the Heads of State of the Contracting Parties.
3. The Contracting Parties hereby acknowledge that in resolving such disputes they shall primarily be guided by the need to give effect to the paramount objectives of this Agreement.
4. Any dispute between the Contracting Parties in terms of this Agreement that remains unresolved for a period of more than thirty (30) days following efforts at amicable settlement, shall be referred to the Southern African Development Community (SADC) Panel of Elders for mediation.
5. In all instances that the aforesaid dispute is not resolved in mediation, the matter shall be referred to an arbitrator(s) appointed by the Contracting Parties. The decision of such arbitrator(s) shall be binding on the Contracting Parties.
6. The rules governing such arbitration shall be the United Nations Commission on International Trade Law (UNCITRAL) Rules of Arbitration.
7. The cost of arbitration under this Article shall be borne equally by the Contracting Parties.

ARTICLE 14 - LANGUAGE

The working language of the Authority shall be English.

ARTICLE 15 - CONFIDENTIALITY

1. The Contracting Parties shall keep confidential any information in their possession received from the other Contracting Party in the course of the implementation of this Agreement. Such information shall not be disclosed by the receiving Contracting Party without the prior written approval of the disclosing Contracting Party or as required by law.
2. The obligations set out in this Article shall subsist notwithstanding the termination of this Agreement.

ARTICLE 16 - SEVERABILITY

If any provision or condition of this Agreement is prohibited or rendered invalid or unenforceable, such prohibition, invalidity or unenforceability shall not affect the validity or enforceability of any other provision of this Agreement which shall remain of full force and effect.

ARTICLE 17 - SURVIVAL

The termination or expiration of this Agreement for any reason shall not release either Contracting Party from any liabilities or obligations set forth in this Agreement which remain to be performed or by their nature would be intended to be applicable following any such termination or expiration.

ARTICLE 18 - NON-WAIVER

A delay or failure by either Contracting Party to exercise or enforce any right under this Agreement shall not constitute a waiver of that or any other right.

ARTICLE 19 - ENTIRETY

This Agreement contains all covenants and stipulations agreed by the Contracting Parties. No agent or representative of either Contracting Party has authority to make and the Contracting Party shall not be bound or liable for, any statement, representation, promise or agreement not set forth herein.

ARTICLE 20 - EXISTING TREATY, AGREEMENTS OR AMENDMENTS

In the absence of an agreement to the contrary, nothing in this Agreement shall affect the rights and obligations of a Contracting Party arising from other agreements in force prior to the date this Agreement comes into force for such a Contracting Party.

ARTICLE 21 - SIGNATURE

This Agreement shall be signed by duly authorised representatives of the Contracting Parties.

ARTICLE 22 - ENTRY INTO FORCE

This Agreement shall enter into force upon signature by both Contracting Parties.

ARTICLE 23 - AMENDMENTS

A Contracting Party may, in writing, propose an amendment to this Agreement and such amendments shall take effect upon signature of such amendment by both Contracting Parties or on a date to be mutually agreed in writing.

ARTICLE 24 - ASSIGNMENT

Neither Contracting Party may, without the prior written consent of the other Contracting Party, assign a benefit or obligation imposed in this Agreement to a third party.

ARTICLE 25 - TERMINATION

1. Subject to Article 25 sub-article 2, this Agreement shall remain in force until terminated by either Contracting Party.
 2. This Agreement may be terminated by either Contracting Party giving one hundred and eighty (180) days written notice to the other through diplomatic channels.
 3. In the event that this Agreement is terminated, the Contracting Parties agree that outstanding matters related to the operations of the Authority shall be settled amicably. In the event that Contracting Parties fail to resolve the outstanding matters amicably, the matter shall be resolved through arbitration as contemplated in Article 13.
 4. In case of dissolution of the Authority, the Contracting Parties agree to share assets and cover any liabilities incurred by the Authority equally.
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