



MINISTRY OF FOREIGN AFFAIRS

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REPUBLIC OF ZAMBIA

THE ADMINISTRATION OF JUSTICE ACT

APPENDIX 3 TO THE LAWS OF ZAMBIA

ADMINISTRATION OF JUSTICE ACT, 1920

10 & 11 GEO, 5, C. 81

PART II

RECIPROCAL ENFORCEMENT OF JUDGMENTS IN THE UNITED KINGDOM AND IN OTHER PARTS OF HIS MAJESTY'S DOMINIONS

9. (1) Where a judgment has been obtained in a superior court in any part of His Majesty's dominions outside the United Kingdom to which this Part of this Act extends, the judgment creditor may apply to the High Court in England or Ireland, or to the Court of Session in Scotland, at any time within twelve months after the date of the judgment, or such longer period as may be allowed by the court, to have the judgment registered in the court, and on any such application the court may, if in all the circumstances of the case they think it is just and convenient that the judgment should be enforced in the United Kingdom, and subject to the provisions of this section, order the judgment to be registered accordingly.

Enforcement in the United Kingdom of judgments obtained in superior courts in other British dominions

(2) No judgment shall be ordered to be registered under this section if-

- (a) the original court acted without jurisdiction; or
- (b) the judgment debtor, being a person who was neither carrying on business nor ordinarily resident within the jurisdiction of the original court, did not voluntarily appear or otherwise submit or agree to submit to the jurisdiction of that court; or

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- (c) the judgment debtor, being the defendant in the proceedings, was not duly served with the process of the original court and did not appear, notwithstanding that he was ordinarily resident or was carrying on business within the jurisdiction of that court or agreed to submit to the jurisdiction of that court; or
 - (d) the judgment was obtained by fraud; or
 - (e) the judgment debtor satisfies the registering court either that an appeal is pending, or that he is entitled and intends to appeal, against the judgment; or
 - (f) the judgment was in respect of a cause of action which for reasons of public policy or for some other similar reason could not have been entertained by the registering court.
- (3) Where a judgment is registered under this section-
- (a) the judgment shall, as from the date of registration, be of the same force and effect, and proceedings may be taken thereon, as if it had been a judgment originally obtained or entered up on the date of registration in the registering court;
 - (b) the registering court shall have the same control and jurisdiction over the judgment as it has over similar judgments given by itself, but in so far only as relates to execution under this section;
 - (c) the reasonable costs of and incidental to the registration of the judgment (including the costs of obtaining a certified copy thereof from the original court and of the application for registration) shall be recoverable in like manner as if they were sums payable under the judgment.
- (4) Rules of court shall provide-
- (a) for service on the judgment debtor of notice of the registration of a judgment under this section; and
 - (b) for enabling the registering court an application by the judgment debtor to set aside the registration of a judgment under this section on such terms as the court thinks fit; and
 - (c) for suspending the execution of a judgment registered under this section until the expiration of the period during which the judgment debtor may apply to have the registration set aside.
- (5) In any action brought in any court in the United Kingdom on any judgment which might be ordered to be registered under this section, the plaintiff shall not be entitled to recover any costs of the action unless an application to register the judgment under this section has previously been refused or unless the court otherwise orders.

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10. Where a judgment has been obtained in the High Court in England or Ireland, or in the Court of Session in Scotland, against any person, the court shall, on an application made by the judgment creditor and on proof that the judgment debtor is resident in some part of His Majesty's dominions outside the United Kingdom to which this Part of this Act extends, issue to the judgment creditor a certified copy of the judgment.

Issue of certificates of judgments obtained in the United Kingdom

11. Provision may be made by rules of court for regulating the practice and procedure (including scales of fees and evidence), in respect of proceedings of any kind under this Part of this Act.

Power to make rules

12. (1) In this Part of this Act, unless the context otherwise requires:

Interpretation

the expression "judgment" means any judgment or order given or made by a court in any civil proceedings, whether before or after the passing of this Act, whereby any sum of money is made payable, and includes an award in proceedings on an arbitration if the award has, in pursuance of the law in force in the place where it was made, become enforceable in the same manner as a judgment given by a court in that place;

the expression "original court" in relation to any judgment means the court by which the judgment was given;

the expression "registering court" in relation to any judgment means the court by which the judgment was registered;

the expression "judgment creditor" means the person by whom the judgment was obtained, and includes the successors and assigns of that person;

the expression "judgment debtor" means the person against whom the judgment was given, and includes any person against whom the judgment is enforceable in the place where it was given.

(2) Subject to rules of court, any of the powers conferred by this Part of this Act on any court may be exercised by a judge of the court.

13. His Majesty may by Order in Council declare that this Part of this Act shall apply to any territory which is under His Majesty's protection, or in respect of which a mandate is being exercised by the Government of any part of His Majesty's dominions, as if that territory were part of His Majesty's dominions, and on the making of any such Order this Part of this Act shall, subject to the provisions of the Order, have effect accordingly.

Power to apply Part II of Act to territories under His Majesty's protection

14. (1) Where His Majesty is satisfied that reciprocal provisions have been made by the legislature of any part of His Majesty's dominions outside the United Kingdom for the enforcement within that part of His dominions of judgments obtained in the High Court in England, the Court of Session in Scotland, and the High Court in Ireland, His Majesty may by Order in Council declare that this Part of this Act shall extend to that part of His dominions, and on any such Order being made this Part of this Act shall extend accordingly.

Extent of Part II of Act

(2) An Order in Council under this section may be varied or revoked by a subsequent Order.

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ORDER IN COUNCIL APPLYING PART II OF THE ADMINISTRATION OF JUSTICE ACT, 1920, TO
NORTHERN RHODESIA

AT THE COURT AT BUCKINGHAM PALACE, THE 20TH DAY OF
JUNE, 1922

Present:

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL

WHEREAS by Part II of the Administration of Justice Act, 1920, provision has been made for the reciprocal enforcement of judgments in the United Kingdom and in other parts of His Majesty's dominions:

AND WHEREAS by the said Act it is amongst other things provided that where His Majesty is satisfied that reciprocal provisions have been made by the Legislature of any part of His Majesty's dominions outside the United Kingdom for the enforcement within that part of His dominions of judgments obtained in the High Court in England, the Court of Session in Scotland, and the High Court in Ireland, His Majesty may by Order in Council declare that the said Part of that Act shall extend to that part of His dominions and that on any such Order being made the said Part of that Act shall extend accordingly:

AND WHEREAS by the said Act it is further provided that His Majesty may by Order in Council declare that the said Part of that Act shall apply to any territory which is under His Majesty's protection, or in respect of which a mandate is being exercised by the Government of any part of His Majesty's dominions, as if that territory were part of His Majesty's dominions, and that on the making of any such Order the said Part of that Act shall, subject to the provisions of the Order, have effect accordingly:

AND WHEREAS His Majesty is satisfied that the Legislatures of the territories which are under His Majesty's protection hereinafter mentioned have made reciprocal provisions for the enforcement within those territories of judgments obtained in the High Court in England, the Court of Session in Scotland, and the High Court in Ireland:

NOW, THEREFORE, His Majesty, by virtue and in exercise of the powers by the above-recited Act in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:

Part II of the Administration of Justice Act, 1920, shall extend to the territories under His Majesty's protection hereunder mentioned:

Northern Rhodesia.

Uganda Protectorate.

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And the Right Honourable Winston Spencer Churchill, one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

ALMERIC FITZROY

COLONIAL PROBATES ACT, 1892

55 VICT. C. 6

AN ACT TO PROVIDE FOR THE RECOGNITION IN THE UNITED KINGDOM OF PROBATES AND LETTERS OF ADMINISTRATION GRANTED IN BRITISH POSSESSIONS

[20th May, 1892]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. Her Majesty the Queen may, on being satisfied that the legislature of any British possession has made adequate provision for the recognition in that possession of probates and letters of administration granted by the courts of the United Kingdom, direct by Order in Council that this Act shall, subject to any exceptions and modifications specified in the Order, apply to that possession, and thereupon, while the Order is in force, this Act shall apply accordingly.

Application of Act by
Order in Council

2. (1) Where a court of probate in a British possession to which this Act applies has granted probate or letters of administration in respect of the estate of a deceased person, the probate or letters so granted may, on being produced to, and a copy thereof deposited with, a court of probate in the United Kingdom, be sealed with the seal of that court, and, thereupon, shall be of the like force and effect, and have the same operation in the United Kingdom, as if granted by that court.

Sealing in United
Kingdom of colonial
probates and letters of
administration

(2) Provided that the court shall, before sealing a probate or letters of administration under this section, be satisfied-

- (a) that probate duty has been paid in respect of so much (if any) of the estate as is liable to probate duty in the United Kingdom; and
- (b) in the case of letters of administration, that security has been given in a sum sufficient in amount to cover the property (if any) in the United Kingdom to which the letters of administration relate;

and may require such evidence, if any, as it thinks fit as to the domicile of the deceased person.

(3) The court may also, if it thinks fit, on the application of any creditor, require, before sealing, that adequate security be given for the payment of debts due from the estate to creditors residing in the United Kingdom.

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(4) For the purposes of this section, a duplicate of any probate or letters of administration sealed with the seal of the court granting the same, or a copy thereof certified as correct by or under the authority of the court granting the same, shall have the same effect as the original.

(5) Rules of court may be made for regulating the procedure and practice, including fees and costs, in courts of the United Kingdom, on and incidental to an application for sealing a probate or letters of administration granted in a British possession to which this Act applies. Such rules shall, so far as they relate to probate duty, be made with the consent of the Treasury, and subject to any exceptions and modifications made by such rules, the enactments for the time being in force in relation to probate duty (including the penal provisions thereof) shall apply as if the person who applies for sealing under this section were a person applying for probate or letters of administration.

3. This Act shall extend to authorise the sealing in the United Kingdom of any probate or letters of administration granted by a British court in a foreign country, in like manner as it authorises the sealing of a probate or letters of administration granted in a British possession to which this Act applies, and the provisions of this Act shall apply accordingly with the necessary modifications.

Application of Act to British courts in foreign countries

4. (1) Every Order in Council made under this Act shall be laid before both Houses of Parliament as soon as may be after it is made, and shall be published under the authority of Her Majesty's Stationery Office.

Orders in Council

(2) Her Majesty the Queen in Council may revoke or alter any Order in Council previously made under this Act.

(3) Where it appears to Her Majesty in Council that the legislature of part of a British possession has power to make the provision requisite for bringing this Act into operation in that part, it shall be lawful for Her Majesty to direct by Order in Council that this Act shall apply to that part as if it were a separate British possession, and thereupon, while the Order is in force, this Act shall apply accordingly.

5. This Act when applied by an Order in Council to a British possession shall, subject to the provisions of the Order, apply to probates and letters of administration granted in that possession either before or after the passing of this Act.

Application of Act to probates, etc., already granted

6. In this Act-

Interpretation

the expression "court of probate" means any court or authority, by whatever name designated, having jurisdiction in matters of probate, and in Scotland means the sheriff court of the county of Edinburgh;

the expressions "probate" and "letters of administration" include confirmation in Scotland, and any instrument having in a British possession the same effect which under English law is given to probate and letters of administration respectively;

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the expression "probate duty" includes any duty payable on the value of the estate and effects for which probate or letters of administration is or are granted;

the expression "British court in a foreign country" means any British court having jurisdiction out of the Queen's dominions in pursuance of an Order in Council, whether made under any Act or otherwise.

7. This Act may be cited as the Colonial Probates Act, 1892.

Short title

COLONIAL PROBATES (PROTECTED STATES AND MANDATED TERRITORIES) ACT, 1927

17 & 18 GEO. 5, C. 43.

AN ACT TO ENABLE THE COLONIAL PROBATES ACT, 1892, TO BE APPLIED TO CERTAIN PROTECTED STATES AND MANDATED TERRITORIES

[22nd December, 1927]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The power of His Majesty to apply the Colonial Probates Act, 1892, to British possessions shall include a power to apply the said Act to any territories, being either territories under His Majesty's protection or territories in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty, to which it cannot be applied by virtue of the provisions of the Foreign Jurisdiction Acts, 1890 and 1913, and the said Act shall accordingly have effect as if references therein to British possessions included references to such territories as aforesaid.

Extension of Colonial Probates Act, 1892, to certain protected states and mandated territories. 55 & 56 Vict. c. 6

2. This Act may be cited as the Colonial Probates (Protected States and Mandated Territories) Act, 1927, and the Colonial Probates Act, 1892, and this Act may be cited together as the Colonial Probates Acts, 1892 and 1927.

Short title

RULES UNDER COLONIAL PROBATES ACT, 1892

By virtue and in pursuance of the provisions of the Statutes 20 & 21 Vict. c. 77, 38 & 39 Vict. c. 77, and 55 Vict. c. 6, 1, the Right Honourable Sir Francis Henry Jeune, Knight, President of the Probate, Divorce and Admiralty Division of the High Court of Justice, with the concurrence of the Right Honourable Farrer Baron Herschell, Lord High Chancellor of Great Britain, and of the Right Honourable John Duke Baron Coleridge, Lord Chief Justice of England, do make and issue the following additional rules and orders for the Registrars of the Principal Probate Registry in respect of non-contentious business.

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Dated the 7th day of December, 1892.

(Signed) F. H. JEUNE, P.

Approved:

(Signed) HERSCHELL, C.

COLERIDGE, C. J.

FOR THE REGISTRARS OF THE PRINCIPAL PROBATE REGISTRY IN NON-CONTENTIOUS BUSINESS
FOR CARRYING OUT THE PROVISIONS OF THE COLONIAL PROBATES ACT, 1892

92. Application to seal a grant of Probate or Letters of Administration, or copy thereof, under the Colonial Probates Act, 1892, may be made in the Principal Probate Registry by the executor or administrator or the attorney (lawfully authorised for the purpose) of such executor or administrator, either in person or through a solicitor.

93. Such application must be accompanied by an oath of the executor, administrator, or attorney, in the form in the Appendix, or as nearly thereto as the circumstances of the case will allow.

94. The Registrars are to be satisfied that notice of such application has been duly advertised. (Form of advertisement in Appendix.)

95. On application to seal Letters of Administration the administrator or his attorney shall give bond (in the form set out in the Appendix) to cover the personal estate of the deceased within the jurisdiction of the Court. The same practice as to sureties and amount of penalty in bond is to be observed as on application for Letters of Administration.

96. Application by a creditor under section 2, subsection (3), of the Colonial Probates Act is to be made by summons before one of the Registrars, supported by an affidavit setting out particulars of the claim.

97. In every case, and especially when the domicile of the deceased at the time of death as sworn to in the affidavit differs from that suggested by the description in the grant, the Registrars may require further evidence as to domicile.

98. If it should appear that the deceased was not at the time of death domiciled within the jurisdiction of the Court from which the grant issued, the seal is not to be affixed unless the grant is such as would have been made by the High Court of Justice in England.

99. The grant (or copy grant) to be sealed and the copy to be deposited in the Registry must include copies of all testamentary papers admitted to Probate.

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100. When the application to seal a Probate or Letters of Administration is made after the lapse of three years from the death of the deceased, the reason of the delay is to be certified to the Registrars. Should the certificate be unsatisfactory the Registrars are to require such proof of the alleged cause of delay as they may think fit.

101. Special or limited or temporary grants are not to be sealed without an order of one of the Registrars.

102. Notice of the sealing in England of a grant is to be sent to the Court from which the grant is issued.

103. When intimation has been received of the re-sealing of an English grant, notice of the revocation of, or any alteration in such grant is to be sent to the Court by whose authority such grant was re-sealed.

104. The affidavit for Inland Revenue pursuant to the Customs and Inland Revenue Acts, 1880 and 1881, shall be transmitted to the Commissioners of Inland Revenue as if the person who applied for sealing under the Colonial Probates Act, 1892, were a person applying for Probate or Letters of Administration.

105. The affidavit for Inland Revenue and accounts and schedules forming part thereof, shall be in such form as may be prescribed by the Commissioners of Her Majesty's Treasury.

[NOTE.-The affidavit to be used will in fact be Form A with some few modifications to suit the circumstances.]

APPENDIX

FORMS (COLONIAL PROBATES ACT, 1982)

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Oath

In the High Court of Justice, Probate, Divorce and Admiralty Division (Probate).

In the goods of A.B., deceased.

I, *C.D.*, [or *E.F.*], of _____ make oath and say:

1. That a Grant of Probate of the will [or Letters of Administration of the personal estate] of *A.B.*, late of deceased, was granted to me [or *C.D.*] by the _____ Court at _____ on _____ the day of _____.
2. That the said deceased was at the time of his death domiciled at _____, [the following words to be struck out if inapplicable] within the jurisdiction of the said Court.
3. That the notice hereunder annexed was inserted in the *Times* newspaper on the day of _____.
4. That I am the attorney lawfully appointed of *C.D.* under his hand and seal, and am duly authorised to apply to this Court for the sealing of the said grant. [This paragraph to be struck out if inapplicable.]
5. That the value of the personal estate in England amounts in value to the sum of _____ and no more, to the best of my knowledge, information and belief.

Sworn, etc.

Advertisement

A.B., deceased.

Notice is hereby given that after the expiration of eight days, application will be made in the Principal Probate Registry of the High Court of Justice for the sealing of the probate of the will (or Letters of Administration on the personal estate) of *A.B.*, late

of _____, deceased, granted by the _____ Court at _____ on the day of 18 _____.

Solicitors for

[To be advertised in the "Times" newspaper unless otherwise directed by one of the Registrars.]

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Administration Bona (with or without Will)

Know all men by these presents, that we, *A.B.*, of , *C.D.*, of and *E.F.*, of , are jointly and severally bound unto *G.H.*, the President of the Probate, Divorce, and Admiralty Division of Her Majesty's High Court of Justice, in the sum of pounds, of good and lawful money of Great Britain, to be paid to the said *G.H.*, or to the President of the said Division for the time being, for which payment well and truly to be made we bind ourselves and each of us, for the whole, our heirs, executors, and administrators, firmly by these presents.

Sealed with our seals.

Dated the day of in the year of our Lord One thousand eight hundred and ninety

The condition of this obligation is such, that if the above-named *A.B.*, the administrator (with the will dated the day of annexed) by authority of the Court at , acting under Letters of Administration granted to on the day of , and now about to be sealed in England under the Colonial Probates Act, 1892, of the personal estate of *K.L.*, late of deceased, who died on the day of , 18 , do, when lawfully called on in that behalf, make, or cause to be made, true and perfect inventory of the personal estate of the said deceased in England which has or shall come to hands, possession or knowledge, or into the hands and possession of any other person for , and the same so made do exhibit, or cause to be exhibited into the Principal Probate Registry of Her Majesty's High Court of Justice, whenever required by law so to do, and the same personal estate do well and truly administer according to law; and further do make, or cause to be made, a true and just account of said administration, whenever required by law so to do, then this obligation to be void and of none effect, or else to remain in full force and virtue.

Signed, Sealed, and Delivered by
the within-named

in the presence of }

A Commissioner for Oaths.

Administration Bond (with or without Will) on application by Attorney

Know all men by these presents, that we, *A.B.*, of , *C.D.*, of and *E.F.*, of , are jointly and severally bound unto *G.H.*, the President of the Probate, Divorce, and Admiralty Division of Her Majesty's High Court of Justice, in the sum of pounds, of good and lawful money of Great Britain, to be paid to the said *G.H.*, or to the President of the said Division for the time being, for which payment well and truly to be made we bind ourselves and each of us, for the whole, our heirs, executors, and administrators, firmly by these presents.

Sealed with our seals.

Dated the day of in the year of our Lord One thousand eight hundred and ninety.

The condition of this obligation is such, that if *K.L.*, of , the administrator (with the will dated the day of , annexed), by authority of the Court at , acting under Letters of Administration granted to on the day of , and now about to be sealed in England under the Colonial Probates Act, 1892, of the personal estate of *M.N.*, late of deceased, who died on the day of , 18 , do, when lawfully called on in that behalf, make, or cause to be made, a true and perfect inventory of the personal estate of the said deceased in England which has or shall come to hands, possession, or knowledge, or into the hands and possession of any other person for , and the same so made do exhibit, or cause to be exhibited, into the Principal Probate Registry of Her Majesty's High Court of Justice, whenever required by law so to do, and the same personal estate do well and truly administer according to law; and further do make, or cause to be made, a true and just account of said administration, whenever required by law so to do, then this obligation to be void and of none effect, or else to remain in full force and virtue.

Signed, Sealed, and Delivered by
the within-named

in the presence of }

A Commissioner for Oaths.

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ORDER IN COUNCIL APPLYING THE COLONIAL PROBATES ACT, 1892, TO NORTHERN RHODESIA

AT THE COURT AT BUCKINGHAM PALACE, THE 6TH DAY OF
NOVEMBER, 1916

Present:

THE KING'S MOST EXCELLENT MAJESTY

LORD PRESIDENT

LORD STEWARD

EARL OF DESART

LORD COLEBROOKE

WHEREAS by the Foreign Jurisdiction Acts, 1890 and 1913, it is, amongst other things, provided that it shall be lawful for His Majesty in Council by Order to direct that the Colonial Probates Act, 1892, shall extend, with or without any exceptions, adaptations, or modifications, in the Order mentioned, to any foreign country in which for the time being His Majesty has jurisdiction and that thereupon the said Act shall, to the extent of that jurisdiction, operate as if that country were a British possession, and as if His Majesty in Council were the Legislature of that possession:

AND WHEREAS by Treaty, grant, usage, sufferance, and other lawful means, His Majesty the King has power and jurisdiction in the East Africa Protectorate, the Bechuanaland Protectorate, Northern Rhodesia, Southern Rhodesia, Swaziland and Weihaiwei:

AND WHEREAS His Majesty the King is satisfied that the Legislatures of the said Protectorates have made adequate provision for the recognition therein respectively of Probates and Letters of Administration granted by the Courts of the United Kingdom:

AND WHEREAS it is expedient that the Colonial Probates Act, 1892, should be extended to the said Protectorates:

NOW THEREFORE His Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Acts, 1890 and 1913, or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered as follows:

1. "The Colonial Probates Act, 1892" shall from the date of this Order apply to the East Africa Protectorate, the Bechuanaland Protectorate, Northern Rhodesia, Southern Rhodesia, Swaziland, and Weihaiwei, as though each of the said Protectorates were a British possession within the meaning of the said Act.

2. The Order of His late Majesty King Edward VII in Council, bearing date the 28th day of July, 1906, and declaring that the Colonial Probates Act, 1892, shall extend to authorise the sealing in the United Kingdom of Probates or Letters of Administration granted by the High Court of Southern Rhodesia, shall be and the same is hereby revoked, without prejudice to anything lawfully done thereunder.

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And the Right Honourable Andrew Bonar Law, His Majesty's Principal Secretary of State for the Colonies, is to give the necessary directions herein accordingly.

ALMERIC FITZROY

ORDER IN COUNCIL APPLYING TO NORTHERN RHODESIA SECTION 1 OF THE MARRIAGE OF BRITISH SUBJECTS (FACILITIES) ACT, 1915

AT THE COURT AT BUCKINGHAM PALACE, THE 28TH DAY OF
MARCH, 1919

Present:

THE KING'S MOST EXCELLENT MAJESTY

LORD PRESIDENT

SIR JAMES ROSE INNES

LORD CHAMBERLAIN

MR. W. P. SCHREINER

LORD JUSTICE ATKIN

Whereas by section 1 of the Marriage of British Subjects (Facilities) Act, 1915, it is (amongst other things) enacted as follows:

"Where His Majesty is satisfied that the law in force in any part of His Majesty's dominions outside the United Kingdom makes due provision for the publication of banns or for the giving of notice in respect of marriages between British subjects intended to be solemnised or contracted in the United Kingdom, and for the recognition of certificates for marriage issued by Superintendent Registrars in England and of certificates for marriage issued by Registrars, and certificates of proclamation of banns, in Scotland, and of certificates for marriage issued by Registrars in Ireland as sufficient notice in respect of marriages between British subjects intended to be solemnised or contracted in that part of His Majesty's dominions, His Majesty may, by Order in Council, declare that this section shall apply to that part of His dominions, and in such case:

- "(a) Where a marriage is intended to be solemnised or contracted in the United Kingdom between a British subject resident in England, Scotland, or Ireland and a British subject resident in that part of His Majesty's dominions, a certificate of the publication of banns or a certificate of notice of marriage issued in accordance with such law shall in England have the same effect as a certificate for marriage issued by a Superintendent Registrar, and in Scotland and Ireland have the same effect as a certificate for marriage issued by a Registrar in Scotland and Ireland respectively; and

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"(b) Where a marriage is intended to be solemnised or contracted in that part of His Majesty's dominions between a British subject resident in that part and a British subject resident in England, Scotland, or Ireland, a certificate for marriage may be issued in England by a Superintendent Registrar, or in Scotland or Ireland by a Registrar, in the like manner as if the marriage was to be solemnised or contracted under circumstances requiring the issue of such a certificate, and as if both such British subjects were resident in England, Scotland, or Ireland, as the case may be:"

AND WHEREAS by section 1 of the Marriage of British Subjects (Facilities) Amendment Act, 1916, it is enacted as follows:

"If His Majesty is satisfied that, for the purposes of a marriage to be solemnised or contracted in any part of His dominions outside the United Kingdom between a British subject resident in that part and a British subject resident in England, Scotland, or Ireland, no notice of the marriage is, under the law in force in that part of His dominions, required on the part of the person resident in England, Scotland, or Ireland, His Majesty may, by Order in Council, declare that section 1 of the Marriage of British Subjects (Facilities) Act, 1915, shall apply to that part of His dominions, notwithstanding that the law in force in that part does not make provision for the recognition of certificates for marriage issued in England, Scotland, and Ireland, and of certificates of proclamation of banns issued in Scotland, as sufficient notice in respect of such marriages as aforesaid, provided that the other conditions required by that section are fulfilled:"

AND WHEREAS by section 2 of the first hereinbefore recited Act it is enacted that His Majesty may, by Order in Council, extend the said Act to any British protectorate, and on the making of any such Order the said Act shall, subject to the provisions of the Order, have effect as if the protectorate were part of His Majesty's dominions:

AND WHEREAS His Majesty is satisfied that, for the purposes of a marriage to be solemnised or contracted in the British protectorate hereinafter mentioned between a British subject resident therein and a British subject resident in England, Scotland, or Ireland, no notice of the marriage is under the law in force in that protectorate required on the part of the person resident in England, Scotland, or Ireland, and that under the said law the other conditions required by the hereinbefore recited section 1 of the Marriage of British Subjects (Facilities) Act, 1915, are fulfilled:

NOW, THEREFORE, His Majesty, by virtue and in exercise of the powers by the above-recited Acts in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:

Section 1 of the Marriage of British Subjects (Facilities) Act, 1915, shall apply to the British Protectorate hereunder mentioned:

Northern Rhodesia.

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And the Right Honourable Viscount Milner, one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

ALMERIC FITZROY

ARBITRATION (FOREIGN AWARDS) ACT, 1930

20 GEO. 5, C. 15

AN ACT TO GIVE EFFECT TO A CERTAIN CONVENTION ON THE EXECUTION OF ARBITRAL AWARDS AND TO AMEND SUBSECTION (1) OF SECTION 1 OF THE ARBITRATION CLAUSES (PROTOCOL) ACT, 1924

[6th February, 1930]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows:

PART I

ENFORCEMENT OF FOREIGN ARBITRAL AWARDS

WHEREAS a Convention, set out in the Schedule to this Act, on the Execution of Arbitral Awards was on the twenty-sixth day of September, nineteen hundred and twenty-seven, signed at Geneva on behalf of His Majesty:

AND WHEREAS it is expedient that such provisions should be enacted by Parliament as will enable the said Convention to become operative in the United Kingdom:

NOW, THEREFORE, be it enacted as follows:

1. (1) This Part of this Act applies to any award made after the twenty-eighth day of July, Application of Part I
nineteen hundred and twenty-four-

(a) in pursuance of an agreement for arbitration to which the protocol set out in the Schedule to the Arbitration Clauses (Protocol) Act, 1924, applies; and

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(b) between persons of whom one is subject to the jurisdiction of some one of such Powers as His Majesty, being satisfied that reciprocal provisions have been made, may by Order in Council declare to be parties to the said Convention, and of whom the other is subject to the jurisdiction of some other of the Powers aforesaid; and 14 & 15 Geo. 5, c. 39

(c) in one of such territories as His Majesty, being satisfied that reciprocal provisions have been made, may by Order in Council declare to be territories to which the said Convention applies;

and an award to which this Part of this Act applies is in this Act referred to as "a foreign award".

(2) His Majesty may by a subsequent Order in Council vary or revoke any Order previously made under this section.

2. (1) A foreign award shall, subject to the provisions of this Part of this Act, be enforceable in England either by action or under the provisions of section 12 of the Arbitration Act, 1889. Effect of foreign awards. 52 & 53 Vict. c. 49

(2) Any foreign award which would be enforceable under this Part of this Act shall be treated as binding for all purposes on the persons as between whom it was made, and may accordingly be relied on by any of those persons by way of defence, set off or otherwise in any legal proceedings in England, and any references in this Part of this Act to enforcing a foreign award shall be construed as including references to relying on an award.

3. (1) In order that a foreign award may be enforceable under this Part of this Act it must have- Conditions for enforcement of foreign awards

(a) been made in pursuance of an agreement for arbitration which was valid under the law by which it was governed;

(b) been made by the tribunal provided for in the agreement or constituted in manner agreed upon by the parties;

(c) been made in conformity with the law governing the arbitration procedure;

(d) become final in the country in which it was made;

(e) been in respect of a matter which may lawfully be referred to arbitration under the law of England;

and the enforcement thereof must not be contrary to the public policy or the law of England.

(2) Subject to the provisions of this subsection, a foreign award shall not be enforceable under this Part of this Act if the court dealing with the case is satisfied that-

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- (a) the award has been annulled in the country in which it was made; or
- (b) the party against whom it is sought to enforce the award was not given notice of the arbitration proceedings in sufficient time to enable him to present his case, or was under some legal incapacity and was not properly represented; or
- (c) the award does not deal with all the questions referred or contains decisions on matters beyond the scope of the agreement for arbitration:

Provided that, if the award does not deal with all the questions referred, the court may, if it thinks fit, either postpone the enforcement of the award or order its enforcement subject to the giving of such security by the person seeking to enforce it as the court may think fit.

(3) If a party seeking to resist the enforcement of a foreign award proves that there is any ground other than the non-existence of the conditions specified in paragraphs (a), (b) and (c) of subsection (1) of this section, or the existence of the conditions specified in paragraphs (b) and (c) of subsection (2) of this section, entitling him to contest the validity of the award, the court may, if it thinks fit, either refuse to enforce the award or adjourn the hearing until after the expiration of such period as appears to the court to be reasonably sufficient to enable that party to take the necessary steps to have the award annulled by the competent tribunal.

4. (1) The party seeking to enforce a foreign award must produce-

Evidence

- (a) the original award or a copy thereof duly authenticated in manner required by the law of the country in which it was made; and
- (b) evidence proving that the award has become final; and
- (c) such evidence as may be necessary to prove that the award is a foreign award and that the conditions mentioned in paragraphs (a), (b) and (c) of subsection (1) of the last foregoing section are satisfied.

(2) In any case where any document required to be produced under subsection (1) of this section is in a foreign language, it shall be the duty of the party seeking to enforce the award to produce a translation certified as correct by a diplomatic or consular agent of the country to which that party belongs, or certified as correct in such other manner as may be sufficient according to the law of England.

(3) Subject to the provisions of this section, rules of court may be made under section 99 of the Supreme Court of Judicature (Consolidation) Act, 1925, with respect to the evidence which must be furnished by a party seeking to enforce an award under this Part of this Act.

15 & 16 Geo. 5, c. 49

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5. For the purposes of this Part of this Act, an award shall not be deemed final if any proceedings for the purpose of contesting the validity of the award are pending in the country in which it was made. Meaning of "final award"

6. Nothing in this Part of this Act shall- Saving

- (a) prejudice any rights which any person would have had of enforcing in England any award or of availing himself in England of any award if this Part of this Act had not been enacted; or
- (b) apply to any award made on an arbitration agreement governed by the law of England.

7. (1) In the application of this Part of this Act to Scotland, the following modifications shall be made: Application to Scotland and Northern Ireland

- (a) For the references to England there shall be substituted references to Scotland;
- (b) The following shall be substituted for subsection (1) of section 2:

(1) A foreign award shall, subject to the provisions of this Part of this Act, be enforceable by action, or if the agreement for arbitration contains consent to the registration of the award in the Books of Council and Session for execution and the award is so registered, it shall, subject as aforesaid, be enforceable by summary diligence;"

- (c) The following shall be substituted for subsection (3) of section 4:

(3) The Court of Session shall, subject to the provisions of this section, have power to make rules by Act of Sederunt with respect to the evidence which must be furnished by a party seeking to enforce in Scotland an award under this Part of this Act."

(2) In the application of this Part of this Act to Northern Ireland, the following modifications shall be made:

- (a) For the references to England there shall be substituted references to Northern Ireland;
- (b) The following shall be substituted for subsection (1) of section 2:

(1) A foreign award shall, subject to the provisions of this Part of this Act, be enforceable either by action or in the same manner as the award of an arbitrator under the provisions of the Common Law Procedure Amendment Act (Ireland), 1856;" 19 & 20 Vict. c. 102

- (c) For the reference to section 99 of the Supreme Court of Judicature (Consolidation) Act, 1925, there shall be substituted a reference to section 61 of the Supreme Court of Judicature (Ireland) Act, 1877, as amended by any subsequent enactment. 40 & 41 Vict. c. 57

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PART II

AMENDMENT OF ARBITRATION CLAUSES (PROTOCOL) ACT, 1924, AND SHORT TITLE

8. Section 1 of the Arbitration Clauses (Protocol) Act, 1924 (which provides for the staying of legal proceedings in a court in respect of matters to be referred to arbitration under agreements to which the Protocol applies), shall have effect as though in subsection (1) thereof after the words "unless satisfied that the agreement or arbitration has become inoperative or cannot proceed" there were inserted the words "or that there is not in fact any dispute between the parties with regard to the matter agreed to be referred".

Amendment of s. 1 of 14
& 15 Geo. 5, c. 39

9. This Act may be cited as the Arbitration (Foreign Awards) Act, 1930.

Short title

SCHEDULE

CONVENTION ON THE EXECUTION OF FOREIGN ARBITRAL AWARDS

ARTICLE 1

In the territories of any High Contracting Party to which the present Convention applies, an arbitral award made in pursuance of an agreement, whether relating to existing or future differences (hereinafter called "a submission to arbitration") covered by the Protocol on Arbitration Clauses, opened at Geneva on September 24th, 1923, shall be recognised as binding and shall be enforced in accordance with the rules of the procedure of the territory where the award is relied upon, provided that the said award has been made in a territory of one of the High Contracting Parties to which the present Convention applies and between persons who are subject to the jurisdiction of one of the High Contracting Parties.

To obtain such recognition or enforcement, it shall, further, be necessary:

- (a) That the award has been made in pursuance of a submission to arbitration which is valid under the law applicable thereto;
- (b) That the subject-matter of the award is capable of settlement by arbitration under the law of the country in which the award is sought to be relied upon;
- (c) That the award has been made by the Arbitral Tribunal provided for in the submission to arbitration or constituted in the manner agreed upon by the parties and in conformity with the law governing the arbitration procedure;
- (d) That the award has become final in the country in which it has been made, in the sense that it will not be considered as such if it is open to *opposition*, *appeal* or *pourvoi en cassation* (in the countries where such forms of procedure exist) or if it is proved that any proceedings for the purpose of contesting the validity of the award are pending;
- (e) That the recognition or enforcement of the award is not contrary to the public policy or to the principles of the law of the country in which it is sought to be relied upon.

ARTICLE 2

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Even if the conditions laid down in Article 1 hereof are fulfilled, recognition and enforcement of the award shall be refused if the Court is satisfied:

- (a) That the award has been annulled in the country in which it was made;
- (b) That the party against whom it is sought to use the award was not given notice of the arbitration proceedings in sufficient time to enable him to present his case; or that, being under a legal incapacity, he was not properly represented;
- (c) That the award does not deal with the differences contemplated by or falling within the terms of the submission to arbitration or that it contains decisions on matters beyond the scope of the submission to arbitration.

If the award has not covered all the questions submitted to the arbitral tribunal, the competent authority of the country where recognition or enforcement of the award is sought can, if it thinks fit, postpone such recognition or enforcement or grant it subject to such guarantee as that authority may decide.

ARTICLE 3

If the party against whom the award has been made proves that, under the law governing the arbitration procedure, there is a ground, other than the grounds referred to in Article 1 (a) and (c), and Article 2 (b) and (c), entitling him to contest the validity of the award in a Court of Law, the Court may, if it thinks fit, either refuse recognition or enforcement of the award or adjourn the consideration thereof, giving such party a reasonable time within which to have the award annulled by the competent tribunal.

ARTICLE 4

The party relying upon an award or claiming its enforcement must supply, in particular:

- (1) The original award or a copy thereof duly authenticated, according to the requirements of the law of the country in which it was made;
- (2) Documentary or other evidence to prove that the award has become final, in the sense defined in Article 1 (d), in the country in which it was made;
- (3) When necessary, documentary or other evidence to prove that the conditions laid down in Article 1, paragraph 1 and paragraph 2 (a) and (c), have been fulfilled.

A translation of the award and of the other documents mentioned in this Article into the official language of the country where the award is sought to be relied upon may be demanded. Such translation must be certified correct by a diplomatic or consular agent of the country to which the party who seeks to rely upon the award belongs or by a sworn translator of the country where the award is sought to be relied upon.

ARTICLE 5

The provisions of the above Articles shall not deprive any interested party of the right of availing himself of an arbitral award in the manner and to the extent allowed by the law or the treaties of the country where such award is sought to be relied upon.

ARTICLE 6

The present Convention applies only to arbitral awards made after the coming into force of the Protocol on Arbitration Clauses, opened at Geneva on September 24th, 1923.



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ARTICLE 7

The present Convention, which will remain open to the signature of all the signatories of the Protocol of 1923 on Arbitration Clauses, shall be ratified.

It may be ratified only on behalf of those Members of the League of Nations and non-Member States on whose behalf the Protocol of 1923 shall have been ratified.

Ratifications shall be deposited as soon as possible with the Secretary-General of the League of Nations, who will notify such deposit to all the signatories.

ARTICLE 8

The present Convention shall come into force three months after it shall have been ratified on behalf of two High Contracting Parties. Thereafter, it shall take effect, in the case of each High Contracting Party, three months after the deposit of the ratification on its behalf with the Secretary-General of the League of Nations.

ARTICLE 9

The present Convention may be denounced on behalf of any Member of the League or non-Member State. Denunciation shall be notified in writing to the Secretary-General of the League of Nations, who will immediately send a copy thereof, certified to be in conformity with the notification, to all the other Contracting Parties, at the same time informing them of the date on which he received it.

The denunciation shall come into force only in respect of the High Contracting Party which shall have notified it and one year after such notification shall have reached the Secretary-General of the League of Nations.

The denunciation of the Protocol on Arbitration Clauses shall entail, *ipso facto*, the denunciation of the present Convention.

ARTICLE 10

The present Convention does not apply to the Colonies, Protectorates or territories under suzerainty or mandate of any High Contracting Party unless they are specially mentioned.

The application of this Convention to one or more of such Colonies, Protectorates or territories to which the Protocol on Arbitration Clauses, opened at Geneva on September 24th, 1923, applies, can be effected at any time by means of a declaration addressed to the Secretary-General of the League of Nations by one of the High Contracting Parties.

Such declaration shall take effect three months after the deposit thereof.

The High Contracting Parties can at any time denounce the Convention for all or any of the Colonies, Protectorates or territories referred to above. Article 9 hereof applies to such denunciation.

ARTICLE 11

A certified copy of the present Convention shall be transmitted by the Secretary-General of the League of Nations to every Member of the League of Nations and to every non-Member State which signs the same.

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THE ARBITRATION (FOREIGN AWARDS) NO. 3
ORDER, 1931

AT THE COURT AT BUCKINGHAM PALACE, THE 7TH DAY OF
OCTOBER, 1931

Present:

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL

WHEREAS a Convention on the Execution of Arbitral Awards was, on the twenty-sixth day of September, nineteen hundred and twenty-seven, signed at Geneva on behalf of His Majesty:

AND WHEREAS by subsection (1) of section 1 of the Arbitration (Foreign Awards) Act, 1930, it is provided that Part I of that Act applies to any award made after the twenty-eighth day of July, nineteen hundred and twenty-four-

- (a) in pursuance of an agreement for arbitration to which the protocol set out in the Schedule to the Arbitration Clauses (Protocol) Act, 1924, applies; and
- (b) between persons of whom one is subject to the jurisdiction of some one of such Powers as His Majesty, being satisfied that reciprocal provisions have been made, may by Order in Council declare to be parties to the said Convention and of whom the other is subject to the jurisdiction of some other of the Powers aforesaid; and
- (c) in one of such territories as His Majesty, being satisfied that reciprocal provisions have been made, may by Order in Council declare to be territories to which the said Convention applies:

AND WHEREAS His Majesty is satisfied that reciprocal provisions have been made as aforesaid by the Foreign Powers set out in the first column of Part II of the Schedule to this Order and as respects the territories belonging to such Powers set out in the second column of that Part:

NOW, THEREFORE, His Majesty, by and with the advice of the Privy Council, in pursuance of the powers conferred upon Him by the said Act and of all other powers enabling Him in that behalf, is pleased to declare, and it is hereby declared as follows:

1. The Powers set out in the first column of the Schedule to this Order are parties to the said Convention.
2. The territories set out in the second column of the said Schedule are territories to which the said Convention applies.
3. This Order may be cited as the Arbitration (Foreign Awards) No. 3 Order, 1931, and shall come into force on the 13th day of October, 1931.

M. P. A. HANKEY

SCHEDULE*

First Column	Second Column
Powers parties to the Convention	Territories to which the Convention applies
His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India.	Part I Northern Rhodesia. Mauritius.
His Majesty the King of Roumania . . .	Part II Roumania.

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His Majesty the King of Siam

Siam.

* Other Orders declare parties to the Convention and territories to which the Convention applies as follows:

The Arbitration (Foreign Awards) No. 1 Order, 1930

Powers parties to the Convention	Territories to which the Convention applies
His Britannic Majesty	The United Kingdom of Great Britain and Northern Ireland. The Dominion of New Zealand, including the Mandated Territory of Western Samoa.
His Majesty the King of the Belgians	Belgium.
His Majesty the King of Denmark	Denmark.
The President of the Estonian Republic	Estonia.
His Majesty the King of Spain	Spain.
His Majesty the King of Sweden	Sweden.
The Arbitration (Foreign Awards) No. 2 Order, 1930	
The Federal President of the Austrian Republic	Austria.
His Majesty the King of the Belgians	Belgian Congo. The Mandated Territory of Ruanda-Urundi.
The President of the German Reich	Germany.
H.R.H. The Grand Duchess of Luxemburg	Luxemburg.
The President and Federal Council of the Swiss Confederation	Switzerland.

Note-continued

Powers parties to the Convention	Territories to which the Convention applies
The Arbitration (Foreign Awards) No. 1 Order, 1931	
His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India.	Newfoundland.
His Majesty the King of Italy	Italy.
The President of the Portuguese Republic	Portugal.
The Arbitration (Foreign Awards) No. 2 Order, 1931	
His Majesty the King of Great Britain, and the British Dominions beyond the Seas, Emperor of India.	Bahamas. British Guiana. British Honduras. Falkland Islands. Gibraltar. Gold Coast: (a) Colony. (b) Ashanti. (c) Northern Territories. (d) Togoland under British Mandate. Jamaica (including Turks and Caicos Islands and Cayman Islands). Kenya. Palestine (excluding Trans-Jordan). Tanganyika Territory. Uganda Protectorate. Windward Islands: Grenada. St. Lucia. St. Vincent. Zanzibar.
The President of the French Republic	France.

The Arbitration (Foreign Awards) No. 4 Order, 1931

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The President of the Czechoslovak
Republic.
The President of the Finnish Republic . . .
Her Majesty the Queen of the Netherlands.

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Czechoslovakia.
Finland.
The Netherlands.

THE COLONIAL AND OTHER TERRITORIES (DIVORCE JURISDICTION) ORDER IN COUNCIL, 1953

AT THE COURT AT BUCKINGHAM PALACE, THE 28TH DAY OF
MAY, 1953

Present:

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL

WHEREAS by section 2 of the Indian and Colonial Divorce Jurisdiction Act, 1926, it is enacted that Her Majesty may by Order in Council, provide for applying the provisions of section 1 of the said Act, subject to the necessary modifications, to any part of Her Majesty's dominions other than a self-governing dominion (as therein defined) in like manner as they apply to India, and, in particular, such Order in Council may determine the Court by which the jurisdiction conferred by those provisions is to be exercised:

AND WHEREAS section 1 of the Indian and Colonial Divorce Jurisdiction Act, 1926, was amended by the Indian and Colonial Divorce Jurisdiction Act, 1940:

AND WHEREAS by subsection (4) of section 17 of the Indian Independence Act, 1947, it is enacted that the power conferred by section 2 of the Indian and Colonial Divorce Jurisdiction Act, 1926, to apply certain provisions of that Act to other parts of Her Majesty's dominions as they apply to India shall be deemed to be power to apply those provisions as they would have applied to India if the Indian Independence Act, 1947, had not passed:

AND WHEREAS by subsection (1) of section 2 of the Colonial and Other Territories (Divorce Jurisdiction) Act, 1950, it is enacted that the power of Her Majesty under section 2 of the Indian and Colonial Divorce Jurisdiction Act, 1926, subject to the necessary modifications to apply to certain parts of Her dominions the provisions of section 1 of that Act shall extend to the application as aforesaid of those provisions, as amended by section 1 of the Colonial and Other Territories (Divorce Jurisdiction) Act, 1950, to any protectorate or United Kingdom trust territory:

AND WHEREAS it is expedient to provide for applying the aforesaid provisions to the Protectorates of Kenya, Northern Rhodesia, Nyasaland and Uganda and the Trust Territory of Tanganyika (hereinafter called the said territories):

NOW, THEREFORE, Her Majesty, by virtue and in exercise of the powers vested in Her by the Colonial and Other Territories (Divorce Jurisdiction) Acts, 1926 to 1950, and all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order and it is hereby ordered, as follows:

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1. This Order may be cited as the Colonial and Other Territories (Divorce Jurisdiction) Order in Council, 1953, and shall come into force on the ninth day of July, 1953. Short title and commencement
2. The provisions of the first section of the Indian and Colonial Divorce Jurisdiction Act, 1926, as amended by the Indian and Colonial Divorce Jurisdiction Act, 1940, shall apply to the said territories in like manner as they would have applied in relation to India if the Indian Independence Act, 1947, had not passed. Application of section 1 of Indian and Colonial Divorce Jurisdiction Act, 1926, to certain territories
3. In the application of the said provisions- Interpretation
- (a) to each of the said territories-
- (i) the Court which is to exercise the jurisdiction thereby conferred shall be the Supreme Court or the High Court, as the case may be, of that territory, and references in the said first section to a High Court in India shall be read as references to such Supreme Court or High Court;
- (ii) references in the said first section to India shall be read as references to that territory; and
- (iii) the reference to the Secretary of State in Council of India in the said section shall be read as referring to the Secretary of State for the Colonies;
- (b) to the Protectorates of Northern Rhodesia and Nyasaland paragraph (b) of subsection (4) of the said first section shall be omitted.

W.G. AGNEW

THE NORTHERN RHODESIA (NON-DOMICILED PARTIES) DIVORCE RULES, 1953

Rules by the Secretary of State for the Colonies, with the concurrence of the Lord Chancellor, under the Colonial and Other Territories (Divorce Jurisdiction) Acts, 1926 to 1950, and the Colonial and Other Territories (Divorce Jurisdiction) Order in Council, 1953

Government Notices
369 of 1953
365 of 1958
194 of 1960

Citation, commencement and interpretation

1. (1) These Rules may be called "The Northern Rhodesia (Non-Domiciled Parties) Divorce Rules, 1953".

(2) They shall come into operation on the twenty-sixth day of November, 1953.

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(3) In these Rules the expression "the Acts" means the Colonial and Other Territories (Divorce Jurisdiction) Acts, 1926 to 1950.

Appointment of judges

2. (1) As soon as may be after the coming into operation of these Rules the Chief Justice of the High Court of Northern Rhodesia shall submit to the Lord Chancellor through the Secretary of State for the Colonies the names of such number of judges of the Court not exceeding five (including, if he thinks fit, the name of the Chief Justice himself) as he may consider necessary for the purpose of exercising jurisdiction under the Acts and these Rules.

(2) Upon the approval of the Lord Chancellor to any nomination so submitted being signified to the Chief Justice by the Secretary of State for the Colonies, the Chief Justice shall cause the names so approved to be notified in the Northern Rhodesia Gazette as judges appointed to exercise jurisdiction under the Acts, and the judges whose names shall have been so notified shall thereupon have power to exercise jurisdiction accordingly.

(3) At any time after the first nominations under these Rules have been approved, the Chief Justice may propose the names of a further judge or judges to take the place of, or to exercise jurisdiction in addition to, the judge or judges for the time being having powers under the Acts, and when such further nominations are approved they shall be notified as aforesaid.

(As amended by No. 194 of 1960)

Hearing of petitions

3. Every petition under the Acts shall be heard by a single judge nominated and approved as hereinbefore provided, sitting without a jury.

Application for leave to present a petition within three years of marriage

4. (1) An application for leave to present a petition for divorce before three years have passed since the date of the marriage shall be made by originating summons.

(2) There shall be filed in support of the summons an affidavit by the applicant stating the grounds on which the application is made, particulars of the hardship or depravity alleged, whether there has been any previous application under this rule, whether there are living any children of the marriage, and, if so, the names and dates of birth or ages of such children, where and with whom they are residing, whether any, and if so what, attempts at reconciliation have been made and any circumstances which may assist the Court to determine the question whether there is reasonable probability of a reconciliation between the parties. A copy of the intended petition shall be exhibited to the affidavit.

(3) When the summons is issued, it shall be made returnable for a fixed date before a judge in chambers and shall be accompanied by a form of acknowledgment of service.

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(4) Unless otherwise directed, the summons shall be served on the respondent at least five clear days before the return date.

(5) No appearance need be entered to the summons and no affidavit need be filed in reply, and the intended respondent may be heard without entering an appearance.

Commencement of proceedings

5. (1) Save as provided by rule 4, all proceedings under the Acts shall be commenced by filing a petition to which shall be attached a certified copy of the certificate of the marriage.

(2) A petition shall not be filed if there is before the Court another petition by the same petitioner which has not been dismissed or otherwise disposed of by a final order.

Contents of petition

6. (1) In the body of a petition praying for the dissolution of a marriage there shall be stated-

- (i)vii the names of the parties to the marriage, the place and date of marriage and the name, status and domicile of the wife before the marriage;
- (ii)vi the status of the husband and his domicile at the time of the marriage and at the time when the petition is presented, and his occupation and the place of residence of the parties at the time of institution of the suit;
- (iii)v the principal addresses where the parties have cohabited, including the addresses where they last resided together in Northern Rhodesia;
- (iv)ii whether there is living issue of the marriage, and if so the names and dates of birth or ages of such issue;
- (v)iii whether there have been in the Divorce Division of the High Court of Justice in England or in the Court of Session in Scotland or in the High Court of Northern Ireland or in the High Court of Northern Rhodesia any, and if so what, previous proceedings with reference to the marriage by or on behalf of either of the parties to the marriage, and the result of such proceedings;
- (vi)ii the matrimonial offences charged set out in separate paragraphs with the times and places of their alleged commission;

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- (vii)i in the case of a petition for presumption of death and dissolution of the marriage, the last place of cohabitation of the parties, the circumstances in which the parties ceased to cohabit, the date when and the place where the respondent was last seen or heard of, and the steps which have been taken to trace the respondent;
- (viii) in the case of a petition for nullity of marriage on any ground mentioned in section 8 (1) (b), (c) or (d) of the Matrimonial Causes Act, 1950, whether the petitioner was at the time of the marriage ignorant of the facts alleged and whether marital intercourse with the consent of the petitioner has taken place since the discovery by the petitioner of the existence of grounds for a decree;
- (ix)ii the claim for damages, if any;
- (x)iii the grounds on which the petitioner claims that in the interests of justice it is desirable that the suit should be determined in Northern Rhodesia.

(2) The petition shall conclude with a prayer setting out particulars of the relief claimed, including the amount of any claim for damages, any claim for costs and any order for custody of children which is sought.

Verification of petition

7. (1) Every petition shall be supported by an affidavit by the petitioner verifying the facts of which he or she has personal knowledge and deposing as to belief in the truth of the other facts.

(2) In cases where the petitioner is seeking a decree of dissolution of marriage, the affidavit shall include a declaration that no collusion or connivance exists between the petitioner and the other party to the marriage, that the petitioner has not condoned the adultery or, as the case may be, the cruelty alleged in the petition, and that neither the petitioner nor, within the knowledge of the petitioner, the other party to the marriage, has instituted proceedings which are still pending for the dissolution of the marriage in the United Kingdom.

(3) The affidavit in support of the petition shall be contained in the same document as the petition and shall follow at the foot or end thereof.

Co-respondents and interveners

8. Unless the Court shall otherwise direct, where a husband's petition alleges adultery, the alleged adulterer shall, if living at the date of filing of the petition, be made a co-respondent in the suit and where a wife's petition alleges adultery with a woman named and contains a claim for costs against her, she shall be made a respondent in the suit.

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9. Where a person charged with adultery is not made a co-respondent or respondent under rule 8, a copy of the pleading containing such charge shall, unless the Court for good cause shown otherwise directs, be served upon such person accompanied by a notice that he or she is entitled, within the time therein specified, to apply for leave to intervene in the cause.

Service of petition, etc.

10. Every petition, originating summons, or notice referred to in these Rules shall be served on the party to be affected thereby, either within or without Northern Rhodesia, in the manner prescribed by the rules relating to matrimonial causes for the time being in force in England.

(As amended by No. 194 of 1960)

Answer and subsequent pleadings

11. A respondent or co-respondent, or person to whom leave to intervene has been granted under rule 9, may file in the Court an answer to the petition.

12. (1) Every answer containing matter other than a simple denial of the facts stated in the petition shall-

- (i) if filed by the husband or wife of the petitioner, be supported by an affidavit, and the provisions of rule 7 shall, with the necessary modifications, apply to such affidavit;
- (ii) in every other case, be signed by the respondent or co-respondent, as the case may be.

(2) Where the answer of a husband alleges adultery and prays for relief or where the answer of a husband or wife contains a claim for costs against an alleged adulterer, he or she shall, if living at the date of filing of the answer, be added to the title of the suit as "A.B. cited" and shall be served with a copy of the answer, together with a notice to appear in like manner as a petition. Where no relief is claimed a copy of the answer shall be served upon the alleged adulterer together with a notice as under rule 9 that he or she is entitled within the time therein specified to apply for leave to intervene in the suit, and upon application such person may be allowed to intervene, subject to such direction as shall then be given by the Court.

13. (1) If it appears to the Court that proceedings for the dissolution of the marriage have been instituted in the United Kingdom before the date on which the petition was filed in Northern Rhodesia, the Court shall either dismiss the petition or stay further proceedings thereon until the proceedings in the United Kingdom have terminated, or until the Court shall otherwise direct.

(2) If it appears that such proceedings were instituted after the filing of the petition in Northern Rhodesia, the Court may proceed, subject to the provisions of the Acts, with the trial of the suit.

Discretion statement

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14. (1) Every party to a matrimonial cause praying that the Court shall exercise its discretion to grant a decree nisi notwithstanding his adultery shall file a statement (in this rule called "a discretion statement") signed by him, stating that the Court will be asked to exercise its discretion in his favour notwithstanding his adultery, and setting forth particulars of the acts of adultery committed and of the facts which it is material for the Court to know for the purpose of the exercise of its discretion.

(2) The discretion statement shall be contained in a sealed envelope endorsed with a certificate that the statement is signed and dated, and that paragraph (4) of this rule does not apply or has been complied with.

(3) A discretion statement shall be open to the inspection of the Proctor but, except by the direction of the judge, shall not be open to inspection by any other person.

(4) Where a discretion statement contains an allegation of adultery or other matrimonial offence on the part of the other spouse which is not referable to any specific allegation in the pleadings, notice of the allegation shall be given forthwith to that spouse:

Provided that the Court may at the trial dispense with the notice if it is satisfied that failure to give the notice was justified.

(5) Neither the fact that a discretion statement has been lodged or that such notice as aforesaid has been given nor the contents of the discretion statement or notice shall be given as evidence against the party lodging or giving the same in any matrimonial cause or matter except when that party has put the discretion statement or notice or the contents thereof in evidence in open court.

Showing cause against a decree nisi

15. The Attorney-General shall undertake within the jurisdiction of the High Court of Northern Rhodesia the duties assigned to Her Majesty's Proctor by sections 10 and 11 of the Matrimonial Causes Act, 1950, and references in these Rules to the Proctor shall mean references to the Attorney-General in the exercise of his duties as Proctor.

16. (1) If any person during the progress of the proceedings or before the decree nisi is made absolute gives information to the Proctor of any matter material to the due decision of the case, the Proctor may take such steps as he considers necessary or expedient.

(2) If in consequence of any such information or otherwise the Proctor suspects that any parties to the petition are or have been in collusion for the purpose of obtaining a decree contrary to the justice of the case, he may after obtaining the leave of the Court intervene and produce evidence to prove the alleged collusion.

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17. (1) When the Proctor desires to show cause against making absolute a decree nisi he shall enter an appearance in the suit in which such decree nisi has been pronounced and shall within a time to be fixed by the Court file his plea setting forth the grounds upon which he desires to show cause as aforesaid, and a copy of his plea shall be served upon the petitioner or person in whose favour such decree has been pronounced or his advocate and, if the plea alleges collusion, upon the other party or parties to the alleged collusion. On entering an appearance the Proctor shall be made a party to the proceedings, and shall be entitled to appear in person or by advocate.

(2) Where such plea alleges a petitioner's adultery with any named person a copy of the plea shall be served upon each such person, omitting such part thereof as contains any allegation in which the person so served is not named.

(3) All subsequent pleadings and proceedings in respect of such plea shall be filed and carried on in the same manner as hereinbefore directed in respect of an original petition except as hereinafter provided.

(4) If the charges contained in the plea of the Proctor are not denied or if no answer to the plea of the Proctor is filed within the time limit or if an answer is filed and withdrawn or not proceeded with the Proctor may apply forthwith for the rescission of the decree nisi and dismissal of the petition.

18. Where the Proctor intervenes or shows cause against a decree nisi in any proceedings for divorce, the Court may make such order as to the payment by other parties to the proceedings of the costs incurred by him in so doing, or as to the payment by him of any costs incurred by any of the said parties by reason of his so doing, as may seem just.

19. Any person other than the Proctor wishing to show cause against making absolute a decree nisi shall, if the Court so permits, enter an appearance in the suit in which such decree nisi has been pronounced, and at the same time file an affidavit setting forth the facts upon which he relies. A copy of the affidavit shall be served upon the party or the advocate of the party in whose favour the decree nisi has been pronounced and, if the affidavit alleges collusion, upon the other party or parties to the alleged collusion.

20. The party in the suit in whose favour the decree nisi has been pronounced may within a time to be fixed by the Court file an affidavit in answer, and the person showing cause against the decree nisi being made absolute may within a further time to be so fixed file an affidavit in reply.

Decree absolute

21. Every decree for the dissolution of a marriage under the Acts shall in the first instance be a decree nisi not to be made absolute until after the expiration of three months from the pronouncing thereof unless the Court by general or special order from time to time fixes a shorter time:

Provided that no decree nisi against which an appeal has been filed, including an appeal to Her Majesty in Council, shall be made absolute until after the decision of the appeal.

(As amended by No. 365 of 1958)

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22. (1) Application to make absolute a decree nisi shall be made to the Court by filing a petition setting forth that application is made for such decree absolute, which will thereupon be pronounced in open court at a time appointed for that purpose. In support of such application it must be shown by affidavit filed with the said petition that no proceedings for the dissolution of the marriage have been instituted and are pending in the United Kingdom, and that search has been made in the proper books at the Court up to within six days of the time appointed, and that at such time no person had intervened or obtained leave to intervene in the suit, and that no appearance has been entered nor any affidavits filed on behalf of any person wishing to show cause against the decree nisi being made absolute; and in case leave to intervene had been obtained, or appearance entered or affidavits filed on behalf of such person, it must be shown by affidavit what proceedings, if any, have been taken thereon.

(2) If more than twelve calendar months have elapsed since the date of the decree nisi, an affidavit by the petitioner, giving reasons for the delay, shall be filed.

Alimony, maintenance and custody of children

23. Proceedings relating to alimony, maintenance, custody of children, and to the payment, application or settlement of damages assessed by the Court shall be conducted in accordance with the provisions of the law and practice relating to such matters where the parties are British subjects domiciled in Northern Rhodesia:

Provided that when a decree is made for the dissolution of a marriage the parties to which are domiciled in Scotland the Court shall not make an order for the securing of a gross or annual sum of money:

Provided further that the High Court of Northern Rhodesia shall not entertain an application for the modification or discharge of an order for alimony, maintenance or the custody of children unless the person on whose petition the decree for the dissolution of the marriage was pronounced is at the time such application is made resident in Northern Rhodesia.

Certifying Officer

24. The certificate referred to in subsection (2) of section 1 of the Indian and Colonial Divorce Jurisdiction Act, 1926, as amended by the Indian and Colonial Divorce Jurisdiction Act, 1940, shall be in the form set out in the Schedule to these Rules and shall be signed by the Registrar of the High Court of Northern Rhodesia and sealed with the seal of the Court.

Procedure generally

25. Subject to the provisions of these Rules, all proceedings under the Acts between party and party shall be regulated by the law and practice relating to divorce and matrimonial causes and matters as provided by the High Court Ordinance (Chapter 3 of the Laws of Northern Rhodesia, 1948).

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26. The forms used in divorce and matrimonial causes and matters where the parties are British subjects domiciled in Northern Rhodesia, with such variation as the circumstances of each case and these Rules may require, may be used for the purposes of these Rules.

Given under my hand this twelfth day of November, 1953.

OLIVER LYTTTELTON,
Secretary of State for the Colonies

I concur.

SIMONDS, C.

SCHEDULE

(See Rule 24)

I, A.B. (Registrar) of the High Court of Northern Rhodesia at

hereby certify that the foregoing is a true copy of a made by the aforesaid High

Court acting in exercise of the matrimonial jurisdiction conferred by the Colonial and Other Territories (Divorce Jurisdiction) Acts, 1926 to 1950, in Suit No.
of

Appeal No. of from judgment
.....

and decree in Suit No. of
in which the above-named C.D. was petitioner and the above-named E.F. was respondent

and the above-named G.H. was

Signed
Registrar



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CHAPTER 21 THE CONSULAR CONVENTIONS ACT CHAPTER 21

THE CONSULAR CONVENTIONS ACT

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Powers of consular officers in relation to property in the Republic of deceased persons
3. Supplementary provisions as to section 2
4. Application of section 2

CHAPTER 21

CONSULAR CONVENTIONS

An Act to confer upon the consular officers of foreign States with which consular conventions are concluded certain powers relating to the administration of the estates and property of deceased persons; and to provide for matters incidental thereto or connected therewith.

2 of 1951
Federal Act
31 of 1956
Government Notice
497 of 1964

[13th July, 1951]

1. This Act may be cited as the Consular Conventions Act. Short title
2. (2) Where any person who is a national of a State to which this section applies is named as executor in the will of a deceased person disposing of property in the Republic, or is otherwise a person to whom a grant of representation to the estate in the Republic of a deceased person may be made, then if the court is satisfied, on the application of a consular officer of such State, that such national is not resident in the Republic, and if no application for a grant of such representation is made by a person duly authorised by power of attorney to act for him in that behalf, the court shall make to that officer any such grant of representation to the estate of the deceased as would be made to him if he were so authorised as aforesaid: Powers of consular officers in relation to property in the Republic of deceased persons



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Provided that the court may, if it thinks fit, postpone the making of a grant by virtue of this section during such period as the court considers appropriate having regard to the circumstances of the case.

(2) Where any person who is a national of a State to which this section applies-

- (a) is entitled to payment or delivery of any money or property in respect of any interest in the estate of a deceased person, or vesting in possession on the death of any person, or is entitled to payment of any money becoming due on the death of any person; or
- (b) is a person to whom any money or property comprised in the estate of a deceased person may be paid or delivered in pursuance of any enactment, rule or regulation, whether passed or made before or after the commencement of this Act, authorising the payment or delivery of such money or property without representation to the estate of the deceased being granted;

then if the said national is not resident in the Republic, a consular officer of that State shall have the like right and power to receive and give a valid discharge for any such money or property in the Republic as if he were duly authorised by power of attorney to act for him in that behalf:

Provided that no person shall be authorised or required by this subsection to pay or deliver any money or property to a consular officer if it is within his knowledge that any other person in the Republic has been expressly authorised to receive that money or property on behalf of the said national.

(3) A grant of administration made by virtue of this section may be made to the consular officer by his official title, and to his successors in office; and where a grant is so made, the office of administrator, and all the estate, rights, duties and liabilities of the administrator (including liabilities under the administration bond) shall be vested in and imposed on the person for the time being holding the office, and no fresh grant shall be required by reason only of the death or vacation of office of the person to whom the grant was made or in whom it is vested as aforesaid:

Provided that nothing in this subsection shall affect any limitation contained in the grant, or any power of the court to revoke the grant.

(4) Without prejudice to the provisions of section 81 of the Court of Probate Act, 1857, of the United Kingdom (which enables probate rules and orders to dispense with sureties to administration bonds in certain cases), sureties shall not be required to an administration bond given by a consular officer upon the grant of administration by virtue of this section.

3. Notwithstanding any rule of law conferring immunity or privilege in respect of the official acts and documents of consular officers, a consular officer shall not be entitled to any immunity or privilege in respect of any act done by virtue of powers conferred on him by or under section *two*, or in respect of any document for the time being in his possession relating thereto.

Supplementary provisions
as to section 2

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4. The President may, by statutory order, direct that section *two* shall apply to any foreign State specified in the order, being a State with which a consular convention providing for matters for which provision is made by that section has been concluded. Application of section 2

(As amended by Federal Act No. 31 of 1956)

SUBSIDIARY LEGISLATION

CONSULAR CONVENTIONS

Cap. 21

SECTION 4-THE CONSULAR CONVENTIONS (KINGDOM OF NORWAY) ORDER

Government Notice
246 of 1951

It is hereby ordered that the provisions of section *two* of the Act shall apply to the Kingdom of Norway.

SECTION 4-THE CONSULAR CONVENTIONS (KINGDOM OF SWEDEN) ORDER

Government Notice
254 of 1952

It is hereby ordered that the provisions of section *two* of the Act shall apply to the Kingdom of Sweden.

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CHAPTER 20 THE DIPLOMATIC IMMUNITIES AND PRIVILEGES ACT CHAPTER 20

THE DIPLOMATIC IMMUNITIES AND PRIVILEGES ACT

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Application of the Vienna Convention
4. Immunities, privileges and capacities of certain international organisations and persons connected therewith
5. Immunities and privileges of judges of, and suitors to, the International Court of Justice
6. Diplomatic immunities of representatives attending international conferences
7. Immunities and privileges of consulates and persons connected therewith
8. Restriction of power of entry in relation to consular offices
9. Exemption from taxation of consular officers and consular employees
10. Waiver of immunities of consular officers and consular employees
11. Size of consulate
12. Restriction of immunities and privileges
- 12A. Power to control supply of tax-free goods
13. Publication of lists of persons entitled to immunity
14. Identity cards
15. Evidence
16. Special provisions relating to customs duty
17. Power of Minister to add to or vary list of Commonwealth countries and to specify offices corresponding to consular offices
18. Repeal and saving

FIRST SCHEDULE-Articles of the Vienna Convention having the force of law in Zambia

SECOND SCHEDULE-International organisations and persons connected therewith

CHAPTER 20

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DIPLOMATIC IMMUNITIES AND PRIVILEGES

30 of 1965
12 of 1977
13 of 1994

An Act to give effect to the Vienna Convention on Diplomatic Relations; to provide for the immunities, privileges and capacities of certain international organisations and persons connected therewith, of representatives of other States attending international conferences and of consular officers and certain other persons; and to provide for purposes connected with the foregoing.

[4th June, 1965]

1. This Act may be cited as the Diplomatic Immunities and Privileges Act.

Short title

2. (1) In this Act, unless the context otherwise requires-

Interpretation

"consular employee" means any person other than a consular officer employed in the administrative or technical service of a consulate;

"consular officer" means any person appointed as consul-general, consul, vice-consul or consular agent by a foreign State and holding a valid exequatur or other authorisation to act in Zambia in that capacity;

"sending State" means the State by whom a diplomatic agent is appointed;

"the Vienna Convention" means the Vienna Convention on Diplomatic Relations signed in Vienna on the 18th April, 1961.

(2) References in this Act to "Commonwealth country" shall be construed as references to any of the following countries, that is to say, Australia, Antigua and Bermuda, Bahamas, Bangladesh, Barbados, Belize, Botswana, Brunei, Cameroon, Canada, Cayman Islands, Cyprus, Dominica, Gambia, Ghana, Gibraltar, Grenada, Guyana, India, Jamaica, Kenya, Kiribati, Lesotho, Malawi, Malaysia, Maldives, Malta, Mauritius, Namibia, Nauru, New Zealand, Nigeria, Papua New Guinea, Seychelles, Sierra Leone, Singapore, Sri Lanka, Solomon, South Africa, St. Christopher and Nevis, St. Vincent, Swaziland, Tanzania, Tonga, Trinidad and Tobago, Tuvalu, Uganda, United Kingdom, Vanuatu, Western Samoa, Zambia, Zimbabwe

(3) References in this Act to "consular officer" shall be construed as including persons in the service of any Commonwealth country holding such offices or classes of offices as may be specified by the Minister by statutory notice, being offices or classes of offices appearing to the Minister to involve the performance of duties substantially corresponding to those which, in the case of a foreign State, would be performed by a consular officer and references to "consulate" shall be construed accordingly.

3. (1) Subject to the provisions of section *twelve*, the Articles of the Vienna Convention set out in the First Schedule shall have the force of law in Zambia and shall for that purpose be construed in accordance with the following provisions of this section.

Application of the Vienna
Convention

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(2) In those Articles-

"agents of the receiving State" shall be construed as including any member of the Zambia Police Force and any person exercising a power of entry to any premises under any written law;

"national of the receiving State" shall be construed as meaning citizen of Zambia;

"the receiving State" shall be construed as meaning the Republic.

(3) Articles 35 and 36 shall be construed as granting any immunity or privilege which they require to be granted.

(4) The reference in Article 37 to the extent to which any privileges and immunities are admitted by the receiving State shall be construed as referring to the extent to which any immunities and privileges may be specified by the President by order.

4. (1) This section shall apply to any organisation which the President may by statutory order declare to be an organisation of which the Republic or the Government and one or more other States or the government or governments thereof are members.

Immunities, privileges and capacities of certain international organisations and persons connected therewith

(2) The President may by statutory order-

(a) provide that any organisation to which this section applies (hereinafter referred to as "the organisation") shall, to such extent as may be specified in the order, have the immunities and privileges set out in Part I of the Second Schedule, and shall also have the legal capacities of a body corporate;

(b) confer upon-

(i) any persons who are representatives (whether of governments or not) on any organ of the organisation or are members of any committee of the organisation or of an organ thereof;

(ii) such number of officers of the organisation as may be specified in the order, being the holders of such high offices in the organisation as may be so specified; and

(iii) such persons employed on missions on behalf of the organisation as may be so specified;

to such extent as may be specified in the order, the immunities and privileges set out in Part II of the Second Schedule;

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- (c) confer upon such other classes of officers and servants of the organisations as may be specified in the order, to such extent as may be so specified, the immunities and privileges set out in Part III of the Second Schedule;

and Part IV of the Second Schedule shall have effect for the purpose of extending to the staff of such representatives and members as are mentioned in sub-paragraph (i) of paragraph (b) and to the families of officers of the organisation any immunities and privileges conferred on the representatives, members or officers under that paragraph, except in so far as the operation of the said Part IV is excluded by the order conferring the immunities and privileges.

(3) An order made under this section may, notwithstanding any provision of any written law, including this Act, confer on any organisation or person any immunities or privileges which are required to be conferred on that organisation or person in order to give effect to any international agreement in that behalf, but shall not confer any immunities or privileges greater in extent than those so required as aforesaid or confer any immunity or privilege upon any person as the representative of the Government of Zambia or as a member of the staff of such a representative.

5. (1) The President may by statutory order confer on the judges and registrars of the International Court, and on suitors to that Court and their agents, counsel and advocates, such immunities, privileges and facilities as may be required to give effect to any resolution of, or convention approved by, the General Assembly of the United Nations.

Immunities and privileges of judges of, and suitors to, the International Court of Justice

(2) In this section, "International Court" means the International Court of Justice set up under the Charter of the United Nations.

6. Where a conference is held in Zambia and is attended by the representatives of the Government and the government or governments of one or more other States, and it appears to the Minister that doubts may arise as to the extent to which a representative of the government of any such State and members of his official staff are entitled to diplomatic immunities, he may-

Diplomatic immunities of representatives attending international conferences

- (a) compile a list of the persons aforesaid who are entitled to such immunities and cause that list to be published in the *Gazette*; and
- (b) whenever it appears to the Minister that any person ceases or begins to be entitled to such immunities, amend the list and cause a notice of the amendment or, if he thinks fit, an amended list, to be published as aforesaid;

and every representative of the government of such State who is for the time being included in the list, and such of the members of his official staff as are for the time being included in the list, shall be entitled to the like immunities as are accorded to a diplomatic agent of a sending State accredited to Zambia and to members of the official staff of such a diplomatic agent respectively.

7. Subject to the provisions of this Act, a consular officer and a consular employee (other than persons on whom immunities and privileges are conferred by virtue of section *three*) shall be entitled to immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of his official duties as such, and to such inviolability of official archives and official correspondence as is necessary to comply with the terms of any treaty or other international agreement applicable to Zambia or as is recognised by the principles of customary international law and usage.

Immunities and privileges of consulates and persons connected therewith



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8. (1) The President may by order direct that this section shall apply to any State specified in the order, being a State with which a treaty or other international agreement applicable to Zambia is in force providing for matters for which provision is made by this section.

Restriction of power of entry in relation to consular offices

(2) Subject to the provisions of subsection (4), a consular office of a State to which this section applies shall not be entered by a police officer or other person acting in the execution of any warrant or other legal process or in the exercise of a power of entry under any written law, except with the consent of the consular officer or of his nominee or, if that consent is withheld or cannot be obtained, with the consent of the Minister:

Provided that this subsection shall not apply to any consular office which for the time being is in charge of a consular officer who is a citizen of Zambia or is permanently resident in Zambia.

(3) The consent of a consular officer or person referred to in subsection (2) shall be presumed in the event of fire or other disaster or in the event that the police officer has reasonable cause to believe that a crime involving violence has been or is being or is about to be committed in the consular office.

(4) In this section, "consular office" means any building or part of a building which is occupied exclusively for the purposes of the official business of a consular officer.

9. Subject to the provisions of this Act, the Minister may by order to the extent specified therein exempt any consular officer or consular employee from taxes, duties, rates, fees or other dues levied by the Government or a local authority:

Exemption from taxation of consular officers and consular employees

Provided that this section shall not apply to any consular officer or consular employee who is a citizen of Zambia or is permanently resident in Zambia.

10. (1) The government of the State by which a consular officer or consular employee was appointed may waive any immunity conferred on that consular officer or consular employee by or under this Act.

Waiver of immunities of consular officers and consular employees

(2) Waiver under this section shall be express and shall be communicated to the Government of Zambia in writing.

11. In the absence of an express agreement as to the size of a consulate in Zambia, the Government of Zambia may require that the size of the consulate be kept within limits considered by it to be reasonable and normal, having regard to circumstances and conditions in Zambia and to the needs of the consulate.

Size of consulate



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12. (1) If it appears to the President that the immunities and privileges accorded to a mission or consulate of the Republic in the territory of any State, or to persons connected with that mission or consulate, are less than those conferred by this Act on the mission or consulate of that State or on persons connected with that mission or consulate, the President may by order withdraw such of the immunities and privileges so conferred from the mission or consulate of that State or from such persons connected therewith as appears to the President to be proper.

Restriction of immunities
and privileges

(2) Nothing in this Act shall be construed as precluding the President from declining to accord immunities or privileges to, or withdrawing immunities or privileges from, nationals or representatives of any State on the ground that that State is failing to accord corresponding immunities or privileges to citizens or representatives of Zambia.

12A. Notwithstanding anything to the contrary contained in this Act, the President may, if he deems it expedient so to do in the interests of equitable distribution of goods, by statutory order, prescribe the maximum amount of any goods specified in such order which may be supplied free of tax, for any period named in such order, to any organisation, mission, consulate or other person to whom such privileges are accorded by or under the provisions of this Act.

Power to control supplies
of tax-free goods

(As amended by Act. No. 12 of 1977)

13. The minister shall compile a list of the persons appearing to him to be entitled to immunities or privileges by or under the provisions of this Act, except-

Publication of lists of
persons entitled to
immunity

(a) children under the age of eighteen years of a person so entitled;

(b) any person whose name appears on a list published under section six;

and he shall from time to time amend the list and shall cause the list and any amendment of the list or any amended list to be published in the *Gazette*.

14. (1) The Minister or a person authorised by him in that behalf shall issue an identity card in a form approved by the Minister to any person who is entitled to immunities or privileges under this Act.

Identity cards

(2) When the person to whom an identity card was issued under subsection (1) ceases to be entitled to the immunities and privileges accorded to him under this Act, the identity card issued to him shall thereupon have no effect.

(3) Subject to the provisions of this Act, any person who is in unlawful possession of or makes use of an identity card issued to any other person under this section shall be guilty of an offence and be liable to a fine not exceeding three thousand penalty units or to imprisonment for a term not exceeding six months, or to both.

(As amended by Act. No. 13 of 1994)

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15. If in any proceedings any question arises whether or not any person is entitled to immunities or privileges by or under the provisions of this Act, a certificate issued by or under the authority of the Minister stating any fact relevant to that question shall be conclusive evidence of that fact.

Evidence

16. (1) Any article which on importation is exempted from customs duty under the provisions of Article 36 of the Vienna Convention or any order made under section *four* or *nine* shall not be sold or otherwise disposed of to a person who is not entitled to the exemption granted by that Article or order except with the consent of the Controller of Customs and Excise and upon the payment to him of customs duty.

Special provisions relating to customs duty

(2) Any exemption from customs duty granted to any person under this Act shall not be construed as exempting that person from compliance with the formalities in respect of the importation of goods which are prescribed in any written law relating to customs.

17. The Minister may by statutory notice-

- (a) add to or vary the list of Commonwealth countries for the purposes of this Act;
- (b) specify the offices or classes of offices held by persons in the service of any Commonwealth country which appear to him to involve the performance of duties substantially corresponding to those which, in the case of a foreign State, would be performed by consular officers.

Power of Minister to add to or vary list of Commonwealth countries and to specify offices corresponding to consular offices

18. (1) The Immunities and Privileges Act, 1956, is repealed.

Repeal and saving.
Federal Act 31 of 1956

(2) Where there is any conflict or inconsistency between any provision of this Act or order made thereunder and any provision of any other written law, then the provision of this Act or order made thereunder shall prevail and the provision of that other written law shall, to the extent of the conflict or inconsistency, have no effect.

(3) Nothing in this Act or order made thereunder shall affect the provisions of the Consular Conventions Act.

Cap. 21

FIRST SCHEDULE

(Section 3)

ARTICLES OF THE VIENNA CONVENTION HAVING THE FORCE OF LAW IN ZAMBIA

Article 1

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For the purpose of the present Convention, the following expressions shall have the meaning hereunder assigned to them:

- (a) the "head of the mission" is the person charged by the sending State with the duty of acting in that capacity;
- (b) the "members of the mission" are the head of the mission and the members of the staff of the mission;
- (c) the "members of the staff of the mission" are members of the diplomatic staff, of the administrative and technical staff and of the service staff of the mission;
- (d) the "members of the diplomatic staff" are the members of the staff of the mission having diplomatic rank;
- (e) a "diplomatic agent" is the head of the mission or a member of the diplomatic staff of the mission;
- (f) the "members of the administrative and technical staff" are the members of the staff of the mission employed in the administrative and technical service of the mission;
- (g) the "members of the service staff" are the members of the staff of the mission in the domestic service of the mission;
- (h) a "private servant" is a person who is in the domestic service of a member of the mission and who is not an employee of the sending State;
- (i) the "premises of the mission" are the building or parts of buildings and the land ancillary thereto, irrespective of ownership, used for the purposes of the mission including the residence of the head of the mission.

Article 11

1. In the absence of specific agreement as to the size of the mission, the receiving State may require that the size of a mission be kept within limits considered by it to be reasonable and normal, having regard to circumstances and conditions in the receiving State and to the needs of the particular mission.

2. The receiving State may equally, within similar bounds and on a non-discriminatory basis, refuse to accept officials of a particular category.

Article 22

1. The premises of the mission shall be inviolable. The agents of the receiving State may not enter them, except with the consent of the head of the mission.

2. The receiving State is under a special duty to take all appropriate steps to protect the premises of the mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity.

3. The premises of the mission, their furnishings and other property thereon and the means of transport of the mission shall be immune from search, requisition, attachment or execution.

Article 23

1. The sending State and the head of the mission shall be exempt from all national, regional or municipal dues and taxes in respect of the premises of the mission, whether owned or leased, other than such as represent payment for specific services rendered.

2. The exemption from taxation referred to in this Article shall not apply to such dues and taxes payable under the law of the receiving State by persons contracting with the sending State or the head of the mission.

Article 24

The archives and documents of the mission shall be inviolable at any time and wherever they may be.

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Article 27

1. The receiving State shall permit and protect free communication on the part of the mission for all official purposes. In communicating with the Government and the other missions and consulates of the sending State, wherever situated, the mission may employ all appropriate means, including diplomatic couriers and messages in code or cipher. However, the mission may install and use a wireless transmitter only with the consent of the receiving State.

2. The official correspondence of the mission shall be inviolable. Official correspondence means all correspondence relating to the mission and its functions.

3. The diplomatic bag shall not be opened or detained.

4. The packages constituting the diplomatic bag must bear visible external marks of their character and may contain only diplomatic documents or articles intended for official use.

5. The diplomatic courier, who shall be provided with an official document indicating his status and the number of packages constituting the diplomatic bag, shall be protected by the receiving State in the performance of his functions. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

6. The sending State or the mission may designate diplomatic couriers *ad hoc*. In such cases the provisions of paragraph 5 of this Article shall also apply, except that the immunities therein mentioned shall cease to apply when such a courier has delivered to the consignee the diplomatic bag in his charge.

7. A diplomatic bag may be entrusted to the captain of a commercial aircraft scheduled to land at an authorised port of entry. He shall be provided with an official document indicating the number of packages constituting the bag but he shall not be considered to be a diplomatic courier. The mission may send one of its members to take possession of the diplomatic bag directly and freely from the captain of the aircraft.

Article 28

The fees and charges levied by the mission in the course of its official duties shall be exempt from all dues and taxes.

Article 29

The person of a diplomatic agent shall be inviolable. He shall not be liable to any form of arrest or detention. The receiving State shall treat him with due respect and shall take all appropriate steps to prevent any attack on his person, freedom or dignity.

Article 30

1. The private residence of a diplomatic agent shall enjoy the same inviolability and protection as the premises of the mission.

2. His papers, correspondence and, except as provided in paragraph 3 of Article 31, his property, shall likewise enjoy inviolability.

Article 31



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1. A diplomatic agent shall enjoy immunity from the criminal jurisdiction of the receiving State. He shall also enjoy immunity from its civil and administrative jurisdiction, except in the case of:
 - (a) a real action relating to private immovable property situated in the territory of the receiving State, unless he holds it on behalf of the sending State for the purposes of the mission;
 - (b) an action relating to succession in which the diplomatic agent is involved as executor, administrator, heir or legatee as a private person and not on behalf of the sending State;
 - (c) an action relating to any professional or commercial activity exercised by the diplomatic agent in the receiving State outside his official functions.
2. A diplomatic agent is not obliged to give evidence as a witness.
3. No measures of execution may be taken in respect of a diplomatic agent except in the cases coming under sub-paragraphs (a), (b) and (c) of paragraph 1 of this Article, and provided that the measures concerned can be taken without infringing the inviolability of his person or of his residence.
4. The immunity of a diplomatic agent from the jurisdiction of the receiving State does not exempt him from the jurisdiction of the sending State.

Article 32

1. The immunity from jurisdiction of diplomatic agents and of persons enjoying immunity under Article 37 may be waived by the sending State.
2. The waiver must always be express.
3. The initiation of proceedings by a diplomatic agent or by a person enjoying immunity from jurisdiction under Article 37 shall preclude him from invoking immunity from jurisdiction in respect of any counterclaim directly connected with the principal claim.
4. Waiver of immunity from jurisdiction in respect of civil or administrative proceedings shall not be held to imply waiver of immunity in respect of the execution of the judgment, for which a separate waiver shall be necessary.

Article 33

1. Subject to the provisions of paragraph 3 of this Article a diplomatic agent shall with respect to services rendered for the sending State be exempt from social security provisions which may be in force in the receiving State.
2. The exemption provided for in paragraph 1 of this Article shall also apply to private servants who are in the sole employ of a diplomatic agent, on condition:
 - (a) that they are not nationals of or permanently resident in the receiving State; and
 - (b) that they are covered by the social security provisions which may be in force in the sending State or a third State.
3. A diplomatic agent who employs persons to whom the exemption provided for in paragraph 2 of this Article does not apply shall observe the obligations which the social security provisions of the receiving State impose upon employers.
4. The exemption provided for in paragraphs 1 and 2 of this Article shall not preclude voluntary participation in the social security system of the receiving State provided that such participation is permitted by that State.
5. The provisions of this Article shall not affect bilateral or multilateral agreements concerning social security concluded previously and shall not prevent the conclusion of such agreements in the future.

Article 34

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A diplomatic agent shall be exempt from all dues and taxes, personal or real, national, regional or municipal, except:

- (a) indirect taxes of a kind which are normally incorporated in the price of goods or services;
- (b) dues and taxes on private immovable property situated in the territory of the receiving State, unless he holds it on behalf of the sending State for the purposes of the mission;
- (c) estate, succession or inheritance duties levied by the receiving State, subject to the provisions of paragraph 4 of Article 39;
- (d) dues and taxes on private income having its source in the receiving State and capital taxes on investments made in commercial undertakings in the receiving State;
- (e) charges levied for specific services rendered;
- (f) registration, court or record fees, mortgage dues and stamp duty, with respect to immovable property, subject to the provisions of Article 23.

Article 35

The receiving State shall exempt diplomatic agents from all personal services, from all public service of any kind whatsoever, and from military obligations such as those connected with requisitioning, military contributions and billeting.

Article 36

1. The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes, and related charges other than charges for storage, cartage and similar services, on:

- (a) articles for the official use of the mission;
- (b) articles for the personal use of a diplomatic agent or members of his family forming part of his household, including articles intended for his establishment.

2. The personal baggage of a diplomatic agent shall be exempt from inspection, unless there are serious grounds for presuming that it contains articles not covered by the exemptions mentioned in paragraph 1 of this Article, or articles the import or export of which is prohibited by the law or controlled by the quarantine regulations of the receiving State. Such inspection shall be conducted only in the presence of the diplomatic agent or of his authorised representative.

Article 37

1. The members of the family of a diplomatic agent forming part of his household shall, if they are not nationals of the receiving State, enjoy the privileges and immunities specified in Articles 29 to 36.

2. Members of the administrative and technical staff of the mission, together with members of their families forming part of their respective households, shall, if they are not nationals of or permanently resident in the receiving State, enjoy the privileges and immunities specified in Articles 29 to 35, except that the immunity from civil and administrative jurisdiction of the receiving State specified in paragraph 1 of Article 31 shall not extend to acts performed outside the course of their duties. They shall also enjoy the privileges specified in Article 36, paragraph 1, in respect of articles imported at the time of first installation.

3. Members of the service staff of the mission who are not nationals of or permanently resident in the receiving State shall enjoy immunity in respect of acts performed in the course of their duties, exemption from dues and taxes on the emoluments they receive by reason of their employment and the exemption contained in Article 33.

4. Private servants of members of the mission shall, if they are not nationals of or permanently resident in the receiving State, be exempt from dues and taxes on the emoluments they receive by reason of their employment. In other respects, they may enjoy privileges and immunities only to the extent admitted by the receiving State. However, the receiving State must exercise its jurisdiction over those persons in such a manner as not to interfere unduly with the performance of the functions of the mission.

Article 38

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1. Except in so far as additional privileges and immunities may be granted by the receiving State, a diplomatic agent who is a national of or permanently resident in that State shall enjoy only immunity from jurisdiction, and inviolability, in respect of official acts performed in the exercise of his functions.

2. Other members of the staff of the mission and private servants who are nationals of or permanently resident in the receiving State shall enjoy privileges and immunities only to the extent admitted by the receiving State. However, the receiving State must exercise its jurisdiction over those persons in such a manner as not to interfere unduly with the performance of the functions of the mission.

Article 39

1. Every person entitled to privileges and immunities shall enjoy them from the moment he enters the territory of the receiving State on proceeding to take up his post or, if already in its territory, from the moment when his appointment is notified to the Ministry for Foreign Affairs or such other ministry as may be agreed.

2. When the functions of a person enjoying privileges and immunities have come to an end, such privileges and immunities shall normally cease at the moment when he leaves the country, or on expiry of a reasonable period in which to do so, but shall subsist until that time, even in case of armed conflict. However, with respect to acts performed by such a person in the exercise of his functions as a member of the mission, immunity shall continue to subsist.

3. In case of the death of a member of the mission, the members of his family shall continue to enjoy the privileges and immunities to which they are entitled until the expiry of a reasonable period in which to leave the country.

4. In the event of the death of a member of the mission not a national of or permanently resident in the receiving State or a member of his family forming part of his household, the receiving State shall permit the withdrawal of the movable property of the deceased, with the exception of any property acquired in the country the export of which was prohibited at the time of his death. Estate, succession and inheritance duties shall not be levied on movable property the presence of which in the receiving State was due solely to the presence there of the deceased as a member of the mission or as a member of the family of a member of the mission.

SECOND SCHEDULE

(Section 4)

INTERNATIONAL ORGANISATIONS AND PERSONS CONNECTED THEREWITH

PART I

IMMUNITIES AND PRIVILEGES OF THE ORGANISATION

1. Immunity from suit and legal process.

2. The like inviolability of official archives and premises occupied as offices as is accorded in respect of the official archives and premises of a diplomatic agent of a sending State accredited to Zambia.

3. The like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded to a sending State.

4. Exemption from taxes on the importation of goods directly imported by the organisation for its official use in Zambia or for exportation, or on the importation of any publications of the organisation directly imported by it, such exemption to be subject to compliance with such conditions as the Controller of Customs and Excise may prescribe for the protection of the revenue.

5. Exemption from prohibitions and restrictions on importation or exportation in the case of goods imported or exported by the organisation for its official use and in the case of any publications of the organisation directly imported or exported by it.

6. The right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the press or for broadcasting (including communications addressed to or despatched from places outside Zambia), of any reduced rates applicable for the corresponding service in the case of press telegrams.

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PART II

IMMUNITIES AND PRIVILEGES OF REPRESENTATIVES, MEMBERS OF COMMITTEES, HIGH OFFICERS
AND PERSONS ON MISSIONS

1. The like immunity from suit and legal process as is accorded to a diplomatic agent.
2. The like inviolability of residence as is so accorded to such a diplomatic agent.
3. The like exemption or relief from taxes as is so accorded to such a diplomatic agent.

PART III

IMMUNITIES AND PRIVILEGES OF OTHER OFFICERS AND SERVANTS

1. Immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of official duties.
2. Exemption from income tax in respect of emoluments received as an officer or servant of the organisation.

PART IV

IMMUNITIES AND PRIVILEGES OF OFFICIAL STAFFS AND OF HIGH OFFICERS' FAMILIES

1. Where any person is entitled to any such immunities and privileges as are mentioned in Part II as a representative on any organ of the organization or a member of any committee of the organisation or of an organ thereof, his official staff accompanying him as such a representative or member shall also be entitled to those immunities and privileges to the same extent as the retinue of a diplomatic agent of a sending State accredited to Zambia is entitled to the immunities and privileges accorded to the diplomatic agent.
2. Where any person is entitled to any such immunities and privileges as are mentioned in Part II as an officer of the organisation, that person's wife or husband and children under the age of twenty-one years shall also be entitled to those immunities and privileges to the same extent as the wife or husband and children of a diplomatic agent of a sending State accredited to Zambia are entitled to the immunities and privileges accorded to the diplomatic agent.

SUBSIDIARY LEGISLATION

DIPLOMATIC IMMUNITIES AND PRIVILEGES

SECTION 4-THE DIPLOMATIC IMMUNITIES AND PRIVILEGES (UNITED NATIONS) ORDER

*Statutory Instrument
355 of 1966*

Order by the President

1. This Order may be cited as the Diplomatic Immunities and Privileges (United Nations) Order. Title

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| <p>2. The United Nations is hereby declared to be an organisation of which the Government and the governments of other States are members.</p> | <p>Declaration of organisation</p> |
| <p>3. The United Nations shall have the legal capacities of a body corporate.</p> | <p>Body corporate</p> |
| <p>4. Except in so far as any particular case it has expressly waived its immunity, the United Nations shall have immunity from suit and legal process. No waiver of immunity shall be deemed to extend to any measure of execution.</p> | <p>Immunity from suit and legal process</p> |
| <p>5. The United Nations shall have the like inviolability of official archives and premises occupied as offices as is accorded in respect of the official archives and official premises of a diplomatic agent of a sending State accredited to Zambia.</p> | <p>Inviolability of official archives and premises</p> |
| <p>6. The United Nations shall have the like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded to a sending State.</p> | <p>Relief from taxes and rates</p> |
| <p>7. The United Nations shall have exemption from taxes on the importation of goods directly imported by the United Nations for its official use in Zambia or for exportation, or on the importation of any publication of the organisation directly imported by it, such exemption to be subject to compliance with such conditions as the Controller of Customs and Excise may prescribe for the protection of the revenue.</p> | <p>Exemption from taxes on importation or exportation of goods, subject to certain conditions</p> |
| <p>8. The United Nations shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the United Nations for its official use and in the case of any publications of the United Nations directly imported or exported by it.</p> | <p>Exemption from prohibitions and restrictions</p> |
| <p>9. The United Nations shall have the right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the press or for broadcasting (including communications addressed to or despatched from places outside Zambia), or any reduced rates applicable for the corresponding service in the case of press telegrams.</p> | <p>Reduced rates for certain telegraphic communications</p> |
| <p>10. For the purpose of the application of this Order, the organisation entitled United Nations shall include all of its organs, commissions, boards and other constituent parts however styled.</p> | <p>United Nations to include constituent parts</p> |



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The Laws of Zambia

11. Except in so far as in any particular case any immunity or privilege is waived by the governments concerned, representatives of the governments of members on any organ of the United Nations or at any conference convened by the United Nations shall enjoy-

Immunities and privileges of representatives of governments of members

- (a) while exercising their functions as such and during their journey to and from the place of meeting, the like immunity from personal arrest or detention and from seizure of their personal baggage and the like inviolability for all papers and documents as are accorded to a diplomatic agent of a sending State accredited to Zambia;
- (b) immunity from legal process of every kind in respect of words spoken or written and all acts done by them in their capacity as representatives;
- (c) while exercising their functions as such and during their journey to and from the place of meeting, the like exemption from taxes as is accorded to a diplomatic agent of a sending State accredited to Zambia, save that the relief allowed shall not include relief from customs and excise duties except in respect of goods imported as part of their personal baggage.

12. For the purpose of the application of this Order, the expression "representatives of the governments of members" shall be deemed to include their official staffs, accompanying them as such representatives, as delegates, deputy delegates, advisers, technical experts or secretaries of delegations, but shall not include any person who is the representative of the Government of Zambia or any member of the staff of such a representative.

Interpretation

13. Except in so far as in any particular case any immunity or privilege is waived by the Secretary General or the Security Council of the United Nations, the Secretary General, all Personal Representatives of the Secretary General, all Under-Secretaries General of the United Nations and all Assistant Secretaries General of the United Nations, and officers of equivalent rank shall be accorded in respect of themselves, their spouses and children under the age of twenty-one the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes as is accorded to a diplomatic agent of a sending State accredited to Zambia, his spouse and children. They shall enjoy exemption from income tax only in respect of emoluments received by them as officers of the United Nations.

Immunities and privileges of high officials of United Nations

14. Except in so far as in any particular case any immunity or privilege is waived by the Secretary General of the United Nations, persons employed on missions on behalf of the United Nations shall enjoy-

Immunities and privileges of persons employed on missions

- (a) while performing their missions and during journeys in connection therewith, immunity from personal arrest or detention and from seizure of their personal baggage and inviolability for all papers and documents relating to the work of the United Nations;
- (b) immunity from legal process of every kind in respect of words spoken or written and all acts done by them in the exercise of their functions;
- (c) exemption from income tax in respect of emoluments received by them for services while performing their functions as officers of the United Nations.



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The Laws of Zambia

15. Except in so far as in any particular case any immunity or privilege is waived by the Secretary General of the United Nations, all officials of the United Nations (other than those referred to in paragraph 13 above) shall enjoy- Immunities and privileges of other officials of United Nations

- (a) immunity from suit and legal process in respect of words spoken or written and all acts done by them in the course of the performance of their official duties;
- (b) exemption from income tax in respect of emoluments received by them as officers or servants of the United Nations;
- (c) the right to import free of duty their furniture and effects at the time of first taking up their post in Zambia.

SECTION 4-THE DIPLOMATIC IMMUNITIES AND PRIVILEGES (WORLD HEALTH ORGANISATION) ORDER *Statutory Instrument*
354 of 1966

Order by the President

- 1.** This Order may be cited as the Diplomatic Immunities and Privileges (World Health Organisation) Order. Title
- 2.** The World Health Organisation is an organisation of which the Government of the Republic of Zambia and the governments of other States are members. Declaration of organisation
- 3.** The Organisation shall have the legal capacities of a body corporate. Body corporate
- 4.** Except in so far as in any particular case it has expressly waived its immunity, the Organisation shall have immunity from suit and legal process. No waiver of immunity shall be deemed to extend to any measure of execution. Immunity from suit and legal process
- 5.** The Organisation shall have the like inviolability of official archives and premises occupied as offices as is accorded in respect of the official archives and official premises of a diplomatic agent of a sending State accredited to Zambia. Inviolability of official archives and premises
- 6.** The Organisation shall have the like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded to a sending State. Relief from taxes and rates
- 7.** The Organisation shall have exemption from taxes on the importation of goods directly imported by the Organisation for its official use in Zambia or for exportation, or on the importation of any publication of the Organisation directly imported by it, such exemption to be subject to compliance with such conditions as the Controller of Customs and Excise may prescribe for the protection of the revenue. Exemption from taxes on importation or exportation of goods, subject to certain conditions

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8. The Organisation shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the Organisation for its official use and in the case of any publication of the Organisation directly imported or exported by it.

Exemption from prohibitions and restrictions

9. The Organisation shall have the right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the press or for broadcasting (including communications addressed to or despatched from places outside Zambia), of any reduced rates applicable for the corresponding service in the case of press telegrams.

Reduced rates for certain telegraphic communications

10. (1) Except in so far as in any particular case any privilege or immunity is waived, in the case of representatives of the governments of members, by the governments whom they represent, and in the case of persons designated to serve on the Executive Board of the Organisation, their alternates and advisers, by the Executive Board of the Organisation, representatives of the governments of members, and persons designated to serve on the Executive Board of the Organisation, their alternates and advisers shall enjoy-

Immunities and privileges of representatives of governments of members, etc.

- (a) while exercising their functions as such and during their journey to and from the place of meeting, immunity from personal arrest or detention and from seizure of their personal baggage and inviolability for all papers and documents;
- (b) immunity from legal process of every kind in respect of words spoken or written and all acts done by them in their capacity as representatives;
- (c) while exercising their functions and during their journey to and from the place of meeting, the like exemption or relief from taxes as is accorded to a diplomatic agent of a sending State accredited to Zambia, save that the relief allowed shall not include relief from customs and excise duties except in respect of goods imported as part of their personal baggage.

(2) For the purpose of the application of this Order, the expression "representatives of the governments of members" shall be deemed to include their official staffs accompanying them as such representatives, as delegates, deputy delegates, advisers, technical experts or secretaries of delegations, but shall not include any person who is the representative of the Government of Zambia or any member of the staff of such a representative.

11. Except in so far as in any particular case any immunity or privilege is waived by the Organisation, the Director-General, any Deputy Director-General, Assistant Director-General and Regional Director of the Organisation shall be accorded in respect of themselves, their spouses and children under the age of twenty-one, the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes as is accorded to a diplomatic agent of a sending State accredited to Zambia, his spouse and children. They shall enjoy exemption from income tax only in respect of emoluments received by them as officers of the Organisation.

Immunities and privileges of high officials of Organisation



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The Laws of Zambia

12. Except in so far as in any particular case any immunity or privilege is waived by the Organisation, persons (other than officials of the Organisation) serving on committees of, or employed on missions on behalf of, the Organisation shall enjoy-

Immunities and privileges
of persons employed on
missions

- (a) while exercising their functions as such and during their journey to and from the place of meeting, immunity from personal arrest or detention and from seizure of their personal baggage and inviolability for all papers and documents relating to the work of the Organisation;
- (b) immunity from legal process of every kind in respect of words spoken or written and all acts done by them in the exercise of their functions. Such immunity shall continue notwithstanding that the persons concerned are no longer employed on missions on behalf of the Organisation;
- (c) exemption from income tax in respect of emoluments received by them for services while performing their functions as officers of the Organisation.

13. Except in so far as in any particular case any immunity or privilege is waived by the Organisation, all officials of the Organisation (other than those referred to in paragraph 11 above) shall enjoy-

Immunities and privileges
of other officials of
Organisation

- (a) immunity from suit and legal process in respect of words spoken or written and all acts done by them in the course of the performance of their official duties;
- (b) exemption from income tax in respect of emoluments received by them as officers or servants of the Organisation;
- (c) the right to import free of duty their furniture and effects at the time of first taking up their post in Zambia.

SECTION 5-THE DIPLOMATIC IMMUNITIES AND PRIVILEGES (INTERNATIONAL COURT OF JUSTICE) ORDER

Statutory Instrument
356 of 1966

Order by the President

WHEREAS by section *five* of the Diplomatic Immunities and Privileges Act, it is enacted that the President may by order confer on the judges and registrar of the International Court, and on suitors to that Court and their agents, counsel and advocates, such immunities and privileges as may be required to give effect to any resolution of, or convention approved by, the General Assembly of the United Nations;

AND WHEREAS the General Assembly of the United Nations, on the 11th December, 1946, adopted a resolution concerning the immunities and privileges of the International Court of Justice;

NOW, THEREFORE, in exercise of the powers conferred upon him by the said section the President hereby makes the following Order:

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1. This Order may be cited as the Diplomatic Immunities and Privileges (International Court of Justice) Order. Title

2. Except in so far as in any particular case any immunity or privilege is waived by the Court, the judges and registrar of the International Court of Justice (including any officer of the Court acting as registrar) shall, when engaged on the business of the Court and during any journey to and from the place where the Court is sitting in connection with such business, enjoy the like immunity from suit and legal process and the like inviolability of residence and also, unless they are citizens of Zambia whose usual place of abode is in Zambia, the like exemption or relief from taxes as is accorded to a diplomatic agent of a sending State accredited to Zambia. Immunities and privileges of judges and registrar

3. The judges and registrar of the International Court of Justice shall enjoy exemption from income tax in respect of all emoluments received by them as judges or registrar. Exemption from income tax

4. (1) Except in so far as in any particular case any privilege or immunity is waived by the government they represent before the Court, the agents, counsel and advocates of parties before the Court shall enjoy- Immunities and privileges of agents, counsel and advocates

(a) when engaged on their missions before the Court and during their journeys to and from the place where the Court is sitting in connection with such missions, immunity from personal arrest or detention and from seizure of their personal baggage and inviolability for all papers and documents;

(b) immunity from legal process of every kind in respect of words spoken or written and all acts done by them in this capacity;

(c) when engaged on their missions before the Court and during their journeys to and from the place where the Court is sitting in connection with such mission, the like exemption or relief from taxes as is accorded to a diplomatic agent of a sending State accredited to Zambia, save that the relief allowed shall not include relief from customs or excise duties except in respect of goods imported as part of their personal baggage. They shall not, where incidence of any form of tax depends upon residence, be deemed to be resident in Zambia during any period when they are present in Zambia while exercising these functions or during their journey to and from the place of meeting. The provisions of this sub-paragraph shall not apply to citizens of Zambia whose usual place of abode is in Zambia.

(2) This paragraph shall not apply to any person acting on behalf of the Government of Zambia or to any person permanently resident in Zambia acting on behalf of any other government.

SECTION 4-THE DIPLOMATIC IMMUNITIES AND PRIVILEGES (ORGANISATION OF AFRICAN UNITY) ORDER.

Statutory Instrument
48 of 1976

Order by the President

1. This Order may be cited as the Diplomatic Immunities and Privileges (Organisation of African Unity) Order. Title

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| <p>2. The Organisation of African Unity (hereinafter referred to as "the Organisation") is hereby declared to be an organisation of which the Government and certain other States are members.</p> | Declaration under section 4, Cap. 20 |
| <p>3. The Organisation shall have the legal capacity of a body corporate.</p> | Legal capacity |
| <p>4. Except in so far as in any particular case it has expressly waived its immunity, the Organisation shall have immunity from suit and legal process. No waiver of immunity shall be deemed to extend to any measure of execution.</p> | Immunity from suit and legal process |
| <p>5. The Organisation shall have the like inviolability of official archives and premises occupied as offices as is accorded in respect of a diplomatic agent of a sending State accredited to Zambia.</p> | Inviolability of official archives and premises |
| <p>6. The Organisation shall have the like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded to a sending State.</p> | Relief from taxes and rates |
| <p>7. The Organisation shall have exemption from taxes on the importation of goods directly imported by it for its official use in Zambia or for exportation, and on the importation of its own publications directly imported by it, such exemption to be subject to compliance with such conditions as the Controller of Customs and Excise may prescribe for the protection of the revenue.</p> | Exemption from taxes on importation or exportation of goods, subject to certain conditions |
| <p>8. The Organisation shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by it for its official use, and in the case of its own publications directly imported or exported by it.</p> | Exemption from prohibitions and restrictions |
| <p>9. The Organisation shall have the right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the press or for broadcasting (including communications addressed to or dispatched from places outside Zambia), of any reduced rates applicable for the corresponding service in the case of press telegrams.</p> | Reduced rates for certain telegraphic communications |
| <p>10. For the purpose of the application of this Order, the organisation entitled "Organisation of African Unity" shall include all of its organs, commissions, boards and other constituent parts however styled.</p> | "Organisation of African Unity" to include constituent parts |

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11. Except in so far as in any particular case any immunity or privilege is waived by the governments concerned, representatives of the governments of members on any organ of the Organisation or at any conference convened by the Organisation shall enjoy-

Immunities and privileges of representatives of governments of members

- (a) while exercising their functions as such and during their journey to and from the place of meeting, the like immunity from personal arrest or detention and from seizure of their personal baggage, and the like inviolability for all papers and documents, as are accorded to a diplomatic agent of a sending State accredited to Zambia;
- (b) immunity from legal process of every kind in respect of words spoken or written, and all acts done, by them in their capacity as such representatives; and
- (c) while exercising their functions as such representatives, and during their journey to and from the place of meeting, the like exemption from taxes as is accorded to a diplomatic agent of a sending State accredited to Zambia, save that the relief allowed shall not include relief from customs and excise duties except in respect of goods imported as part of their personal baggage.

12. For the purpose of the application of this Order, the expression "representatives of the governments of members" shall be deemed to include their official staffs, accompanying them as such representatives, as delegates, deputy delegates, advisers, technical experts or secretaries of delegations, but shall not include any person who is the representative of the Government of Zambia or any member of the staff of such a representative.

Interpretation

13. Except in so far as in any particular case any immunity or privilege is waived by the Administrative Secretary-General of the Organisation, all personal representatives of the Administrative Secretary-General, any Assistant Secretary-General, any Regional Director, and officers of equivalent rank shall be accorded in respect of themselves, their spouses and children under the age of twenty-one years the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes as is accorded to a diplomatic agent of a sending State accredited to Zambia, his spouse and children. They shall enjoy exemption from income tax only in respect of emoluments received by them as officers of the Organisation.

Immunities and privileges of high officials of the Organisation

14. Except in so far as in any particular case any immunity or privilege is waived by the Administrative Secretary-General of the Organisation, persons employed on missions on behalf of the Organisation shall enjoy-

Immunities and privileges of persons employed on missions

- (a) while performing their missions and during journeys in connection therewith, immunity from personal arrest or detention and from seizure of their personal baggage, and inviolability for all papers and documents relating to the work of the Organisation;
- (b) immunity from legal process of every kind in respect of words spoken or written and all acts done by them in the exercise of their functions; and
- (c) exemption from income tax in respect of emoluments received by them for services rendered in performing their functions as officers of the Organisation.



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15. Except in so far as in any particular case any immunity or privilege is waived by the Administrative Secretary-General of the Organisation, all officials of the Organisation (other than those referred to in paragraph 13 above) shall enjoy-

Immunities and privileges of other officials of the Organisation

- (a) immunity from suit and legal process in respect of words spoken or written, and all acts done, by them in the course of the performance of their official duties;
- (b) exemption from income tax in respect of emoluments received by them as officers or servants of the Organisation; and
- (c) the right to import free of duty their furniture and effects at the time of first taking up their post in Zambia;

Provided that an official of the Organisation who is a national of Zambia shall not be entitled under the provisions of this paragraph to import any of his furniture or effects free of duty.

SECTION 4-THE DIPLOMATIC IMMUNITIES AND PRIVILEGES (INTERNATIONAL RED LOCUST CONTROL ORGANISATION FOR CENTRAL AND SOUTHERN AFRICA) ORDER.

Statutory Instrument
152 of 1977

Order by the President

1. This Order may be cited as the Diplomatic Immunities and Privileges (International Red Locust Control Organisation for Central and Southern Africa) Order.

Title

2. The International Red Locust Control Organisation for Central and Southern Africa (hereinafter referred to as the Organisation) is hereby declared to be an organisation of which the Government and the governments of certain other States are members.

Declaration under section 4, Cap. 20

3. The Organisation shall have the legal capacities of a body corporate.

Legal capacities

4. The Organisation shall have the like inviolability of official archives and all documents in its custody as is accorded in respect of the official archives and documents of a diplomatic agent of a sending State accredited to Zambia.

Inviolability of official archives and documents

5. The Organisation shall have the like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded to a sending State.

Relief from taxes

6. The Organisation shall have exemption from taxes on the importation of goods directly imported by the Organisation for its official use in Zambia or for exportation, or on the importation of any publication of the Organisation directly imported by it, such exemption to be subject to compliance with such conditions as the Controller of Customs and Excise may prescribe for the protection of the revenue.

Exemption from taxes on importation of goods, subject to certain conditions

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7. The Organisation shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the Organisation for its official use and in the case of its own publications directly imported or exported by it.

Exemption from prohibitions and restrictions

8. The Organisation shall have the right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the Press or for broadcasting (including communications addressed to or dispatched from places outside Zambia), of any reduced rates applicable for the corresponding service in the case of Press telegrams.

Reduced rates for certain telegraphic communications

9. For the purpose of the application of this Order, the Organisation entitled "International Red Locust Control Organisation for Central and Southern Africa" shall include all of its organs, commissions, boards and other constituent parts however styled.

International Red Locust Control Organisation

10. Except in so far as in any particular case any immunity or privilege is waived by the Governing Council of the Organisation, the Director and Deputy Director of the Organisation shall be accorded in respect of themselves, their spouses and children under the age of twenty-one years, the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes as is accorded to a diplomatic agent of a sending State accredited to Zambia, his spouse and children. They shall enjoy exemption from income tax only in respect of emoluments received by them as officers of the Organisation.

Immunities and privileges of high officials of the Organisation

11. Except in so far as in any particular case any immunity or privilege is waived by the Governing Council of the Organisation, persons employed on missions on behalf of the Organisation shall enjoy-

Immunities and privileges of persons employed on missions

- (a) while performing their missions and during journeys in connection therewith, inviolability for all papers and documents relating to the work of the Organisation; and
- (b) exemption from income tax in respect of emoluments received by them for services rendered in performing their functions on behalf of the Organisation.

12. Except in so far as in any particular case any immunity or privilege is waived by the Governing Council of the International Red Locust Control Organisation, all officials of the Organisation (other than those referred to in paragraph 10) shall enjoy-

Immunities and privileges of other officials of the Organisation

- (a) exemption from income tax in respect of emoluments received by them as officers or servants of the Organisation; and
- (b) the right to import free of duty their furniture and effects at the time of first taking up their post in Zambia:

Provided that an official of the Organisation who is a national of Zambia shall not be entitled under the provisions of this paragraph to import any of his furniture or effects free of duty.

SECTION 4-THE DIPLOMATIC IMMUNITIES AND PRIVILEGES (INTERNATIONAL UNIVERSITY EXCHANGE FUND) ORDER.

Statutory Instrument
46 of 1978

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Order by the President

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| <p>1. This Order may be cited as the Diplomatic Immunities and Privileges (International University Exchange Fund) Order.</p> | <p>Title</p> |
| <p>2. The International University Exchange Fund (hereinafter referred to as the Organisation) is hereby declared to be an organisation of which the Government and the Governments of certain other States are members.</p> | <p>Declaration under section 4, Cap. 20</p> |
| <p>3. The Organisation shall have the legal capacities of a body corporate.</p> | <p>Legal capacities</p> |
| <p>4. The Organisation shall have the like inviolability of official archives and all documents in its custody as is accorded in respect to the official archives and documents of a diplomatic agent of a sending State accredited to Zambia.</p> | <p>Inviolability of official archives and documents</p> |
| <p>5. The Organisation shall have the like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded to a sending State.</p> | <p>Relief from taxes</p> |
| <p>6. The Organisation shall have exemption from taxes on the importation of goods directly imported by the Organisation for its official use in Zambia or for exportation, or on the importation of any publication of the Organisation directly imported by it, such exemption to be subject to compliance with such conditions as the Controller of Customs and Excise may prescribe for the protection of the revenue.</p> | <p>Exemption from taxes on importation of goods, subject to certain conditions</p> |
| <p>7. The Organisation shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the Organisation for its official use and in the case of its own publications directly imported or exported by it.</p> | <p>Exemption from prohibitions and restrictions</p> |
| <p>8. The organisation shall have the right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the Press or for broadcasting (including communications addressed to or dispatched from places outside Zambia), of any reduced rates applicable for the corresponding service in the case of Press telegrams.</p> | <p>Reduced rates for certain telegraphic communications</p> |
| <p>9. For the purpose of the application of this Order, the Organisation entitled "International University Exchange Fund" shall include all its organs, commissions, boards and other constituent parts, however styled.</p> | <p>International University Exchange Fund</p> |



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10. Except in so far as in any particular case any immunity or privilege is waived by the Governing Council of the Organisation, the Director and the Deputy Director of the Organisation shall be accorded in respect of themselves, their spouses and children under the age of twenty-one years, the like immunity from suit and legal process, the like inviolability of residence and the like exemption of relief from taxes as is accorded to a diplomatic agent of a sending State accredited to Zambia, his spouse and children. They shall enjoy exemption from income tax only in respect of emoluments received by them as officers of the Organisation.

Immunities and privileges of high officials of the Organisation

11. Except in so far as in any particular case any immunity or privilege is waived by the Governing Council of the Organisation, persons employed on missions on behalf of the Organisation shall enjoy-

Immunities and privileges of persons employed on missions

- (a) while performing their missions and during journeys in connection therewith, inviolability for all papers and documents relating to the work of the Organisation; and
- (b) exemption from income tax in respect of emoluments received by them for services rendered in performing their functions on behalf of the Organisation.

12. Except in so far as in any particular case any immunity or privilege is waived by the Governing Council of the International University Exchange Fund, all officials of the Organisation (other than those referred to in paragraph 10) shall enjoy-

Immunities and privileges of other officials of the Organisation

- (a) exemption from income tax in respect of emoluments received by them as officers or servants of the Organisation; and
- (b) the right to import free of duty their furniture and effects at the time of first taking up their post in Zambia:

Provided that an official of the Organisation who is a national of Zambia shall not be entitled under the provisions of this paragraph to import any of his furniture or effects free of duty.

SECTION 4-THE DIPLOMATIC IMMUNITIES AND PRIVILEGES (INTERNATIONAL COMMITTEE OF THE RED CROSS) ORDER.

*Statutory Instrument
47 of 1978*

Order by the President

1. This Order may be cited as the Diplomatic Immunities and Privileges (International Committee of the Red Cross) Order.

Title

2. The International Committee of the Red Cross (hereinafter referred to as the Organisation) is hereby declared to be an organisation of which the Government and the Governments of certain other States are members.

Declaration under section 4, Cap. 20

3. The Organisation shall have the legal capacities of a body corporate.

Legal capacities



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| <p>4. The Organisation shall have the like inviolability of official archives and all documents in its custody as is accorded in respect of the official archives and documents of a diplomatic agent of a sending State accredited to Zambia.</p> | <p>Inviolability of official archives and documents</p> |
| <p>5. The Organisation shall have the like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded to a sending State.</p> | <p>Relief from taxes</p> |
| <p>6. The Organisation shall have exemption from taxes on the importation of goods directly imported by the Organisation for its official use in Zambia or for exportation, or on the importation of any publication of the Organisation directly imported by it, such exemption to be subject to compliance with such conditions as the Controller of Customs and Excise may prescribe for the protection of the revenue.</p> | <p>Exemption from taxes on importation of goods, subject to certain conditions</p> |
| <p>7. The Organisation shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the Organisation for its official use and in the case of its own publications directly imported or exported by it.</p> | <p>Exemption from prohibitions and restrictions</p> |
| <p>8. The organisation shall have the right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the Press or for broadcasting (including communications addressed to or dispatched from places outside Zambia), of any reduced rates applicable for the corresponding service in the case of Press telegrams.</p> | <p>Reduced rates for certain telegraphic communications</p> |
| <p>9. For the purposes of the application of this Order, the Organisation entitled "International Committee of the Red Cross" shall include all its organs, commissions, boards and other constituent parts, however styled.</p> | <p>International Committee of the Red Cross</p> |
| <p>10. Except in so far as in any particular case any immunity or privilege is waived by the Governing Council of the Organisation, the Director and the Deputy Director of the Organisation shall be accorded in respect of themselves, their spouses and children under the age of twenty-one years, the like immunity from suit and legal process, the like inviolability of residence and the like exemption of relief from taxes as is accorded to a diplomatic agent of a sending State accredited to Zambia, his spouse and children. They shall enjoy exemption from income tax only in respect of emoluments received by them as officers of the Organisation.</p> | <p>Immunities and privileges of high officials of the Organisation</p> |
| <p>11. Except in so far as in any particular case any immunity or privilege is waived by the Governing Council of the Organisation, persons employed on missions on behalf of the Organisation shall enjoy-</p> <ul style="list-style-type: none"> (a) while performing their missions and during journeys in connection therewith, inviolability for all papers and documents relating to the work of the Organisation; and (b) exemption from income tax in respect of emoluments received by them for services rendered in performing their functions on behalf of the Organisation. | <p>Immunities and privileges of persons employed on missions</p> |

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12. Except in so far as in any particular case any immunity or privilege is waived by the Governing Council of the International Committee of the Red Cross, all officials of the Organisation (other than those referred to in paragraph 10) shall enjoy-

Immunities and privileges of other officials of the Organisation

- (a) exemption from income tax in respect of emoluments received by them as officers or servants of the Organisation; and
- (b) the right to import free of duty their furniture and effects at the time of first taking up their post in Zambia:

Provided that an official of the Organisation who is a national of Zambia shall not be entitled under the provisions of this paragraph to import any of his furniture or effects free of duty.

SECTION 4-THE DIPLOMATIC IMMUNITIES AND PRIVILEGES (INTERNATIONAL ASSOCIATION PAN AFRICAN INSTITUTE FOR DEVELOPMENT) ORDER.

Statutory Instrument
181 of 1979

Order by the President

1. This Order may be cited as the Diplomatic Immunities and Privileges (International Association Pan African Institute for Development) Order.

Title

2. The International Association Pan African Institute for Development (hereinafter referred to as "the Organisation") is hereby declared to be an organisation of which the Government and the governments of certain other States are members.

Declaration under section 4, Cap. 20

3. The Organisation shall have the legal capacities of a body corporate.

Legal capacities

4. The Organisation shall have the like inviolability of official archives and all documents in its custody as is accorded in respect of the official archives and documents of a diplomatic agent of a sending State accredited to Zambia.

Inviolability of official archives and documents

5. The Organisation shall have the like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded to a sending State.

Relief from taxes

6. The Organisation shall have exemption from taxes on the importation of goods directly imported by the Organisation for its official use in Zambia or for exportation, or on the importation of any publication of the Organisation directly imported by it, such exemption to be subject to compliance with such conditions as the Controller of Customs and Excise may prescribe for the protection of the revenue.

Exemption from taxes on importation of goods, subject to certain conditions



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7. The Organisation shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the Organisation for its official use and in the case of its own publications directly imported or exported by it.

Exemption from prohibitions and restrictions

8. The Organisation shall have the right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the Press or for broadcasting (including communications addressed to or dispatched from places outside Zambia), of any reduced rates applicable for the corresponding service in the case of Press telegrams.

Reduced rates for certain telegraphic communications

9. For the purposes of the application of this Order, the Organisation entitled "International Association Pan African Institute for Development" shall include all its organs, commissions, boards and other constituent parts, however styled.

International Association Pan African Institute for Development

10. Except in so far as in any particular case any immunity or privilege is waived by the Governing Council of the Organisation, the Director and the Deputy Director of the Organisation shall be accorded in respect of themselves, their spouses and children under the age of twenty-one years, the like immunity from suit and legal process, the like inviolability of residence and the like exemption of relief from taxes as is accorded to a diplomatic agent of a sending State accredited to Zambia, his spouse and children. They shall enjoy exemption from income tax only in respect of emoluments received by them as officers of the Organisation.

Immunities and privileges of high officials of the Organisation

11. Except in so far as in any particular case any immunity or privilege is waived by the Governing Council of the Organisation, persons employed on missions on behalf of the Organisation shall enjoy-

Immunities and privileges of persons employed on missions

- (a) while performing their missions and during journeys in connection therewith, inviolability for all papers and documents relating to the work of the Organisation; and
- (b) exemption from income tax in respect of emoluments received by them for services rendered in performing their functions on behalf of the Organisation.

12. Except in so far as in any particular case any immunity or privilege is waived by the Governing Council of the International Association Pan African Institute for Development, all officials of the Organisation (other than those referred to in paragraph 10) shall enjoy-

Immunities and privileges of other officials of the Organisation

- (a) exemption from income tax in respect of emoluments received by them as officers or servants of the Organisation; and
- (b) the right to import free of duty their furniture and effects at the time of first taking up their post in Zambia:

Provided that an official of the Organisation who is a national of Zambia shall not be entitled under the provisions of this paragraph to import any of his furniture or effects free of duty.

SECTION 4-THE DIPLOMATIC IMMUNITIES AND PRIVILEGES (AFRICAN DEVELOPMENT FUND) ORDER.

Statutory Instrument
133 of 1981



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Order by the President

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| <p>1. This Order may be cited as the Diplomatic Immunities and Privileges (African Development Fund) Order.</p> | <p>Title</p> |
| <p>2. The African Development Fund (hereinafter referred to as "the Organisation") is hereby declared to be an organisation of which the Government and the governments of certain other States are members.</p> | <p>Declaration under section 4 Cap. 20</p> |
| <p>3. The Organisation shall have the legal capacities of a body corporate.</p> | <p>Legal capacities</p> |
| <p>4. (1) The Organisation shall be immune from any legal suit or process except in cases arising out of, or in connection with, the exercise of its powers to receive loans.</p> <p>(2) The Organisation and its property and assets shall be immune from all forms of seizure, requisition, confiscation, expropriation or any other form of taking or foreclosure.</p> | <p>Immunity from suit and legal process</p> |
| <p>5. The Organisation shall have the like inviolability of official archives and all documents in its custody as is accorded in respect of the official archives and documents of a diplomatic agent of a sending State accredited to Zambia.</p> | <p>Inviolability of official archives and premises</p> |
| <p>6. The Organisation shall have the like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded to a sending State.</p> | <p>Relief from taxes</p> |
| <p>7. The Organisation shall have exemption from taxes on the importation of goods directly imported by the Organisation for its official use in Zambia or for exportation, or on the importation of any publication of the Organisation directly imported by it, such exemption to be subject to compliance with such conditions as the Controller of Customs and Excise may prescribe for the protection of revenue.</p> | <p>Exemption from taxes on importation of goods, subject to certain conditions</p> |
| <p>8. The Organisation shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the Organisation for its official use and in the case of its own publications directly imported or exported by it.</p> | <p>Exemption from prohibitions and restrictions</p> |
| <p>9. The Organisation shall have the right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the Press or for broadcasting (including communications addressed to or dispatched from places outside Zambia), of any reduced rates applicable for the corresponding service in the case of Press telegrams.</p> | <p>Reduced rates for certain telegraphic communications</p> |



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10. For the purposes of the application of this Order, the Organisation entitled "African Development Fund" shall include all its organs, commissions, boards and other constituent parts however styled.

African Development
Fund

11. Except in so far as in any particular case any immunity or privilege is waived by the Board of Governors of the Organisation, the Governors, Directors and their alternatives and the President of the Organisation shall be accorded in respect of themselves, their spouses and children below the age of twenty-one years, the like immunity from suit and legal process, the like inviolability of residence and the like exemption of relief from taxes as is accorded to a diplomatic agent of a sending State accredited to Zambia, his spouse and children. They shall enjoy exemption from income tax only in respect of emoluments received by them as officers of the Organisation.

Immunities and privileges
of high officials of the
Organisation

12. Except in so far as in any particular case any immunity or privilege is waived by the Board of Governors of the Organisation, persons employed on mission on behalf of the Organisation shall enjoy-

Immunities and privileges
of persons employed on
mission

- (a) while performing their missions and during journeys in connection therewith, inviolability for all papers and documents relating to the work of the Organisation; and
- (b) exemption from income tax in respect of emoluments received by them for services rendered in performing their functions on behalf of the Organisation.

13. Except in so far as in any particular case any immunity or privilege is waived by the Board of Governors of the Organisation, all officials of the Organisation (other than those referred to in paragraph 11) shall enjoy-

Immunities and privileges
of the officials of the
Organisation

- (a) exemption from income tax in respect of emoluments received by them as officers or servants of the Organisation; and
- (b) the right to import free of duty furniture and effects at the time of first taking up their post in Zambia:

Provided that an official of the Organisations who is a national of Zambia shall not be entitled under the provisions of this paragraph to import any of his furniture or effects free of duty.

SECTION 4-THE DIPLOMATIC IMMUNITIES AND PRIVILEGES (COMMON MARKET FOR EASTERN AND SOUTHERN AFRICAN STATES) (COMMESA) ORDER.

*Statutory Instrument
23 of 1984*

Order by the President

1. This Order may be cited as the Diplomatic Immunities and Privileges (Common Market for Eastern and Southern African States) Order.

Title

2. The Common Market for Eastern and Southern African States (hereinafter referred to as "COMMESA") is hereby declared to be an organisation of which the Government and the governments of certain other States are members.

Declaration under section
4, Cap. 20



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| <p>3. The COMMESA shall have the legal capacity of a body corporate.</p> | <p>Legal capacity</p> |
| <p>4. Except in so far as in any particular case it has expressly waived its immunity, the COMMESA shall have immunity from suit and legal process. No waiver of immunity shall be deemed to extend to any measure of execution.</p> | <p>Immunity from suit and legal process</p> |
| <p>5. The COMMESA shall have the like inviolability of official archives and premises occupied as offices as is accorded in respect of a diplomatic agent of a sending State accredited to Zambia.</p> | <p>Inviolability of official archives and premises</p> |
| <p>6. The COMMESA shall have the like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded to a sending State.</p> | <p>Relief from taxes and rates</p> |
| <p>7. The COMMESA shall have exemption from taxes on the importation of goods directly imported by it for its official use in Zambia or for exportation, and on the importation of its own publications directly imported by it, such exemption to be subject to compliance with such conditions as the Controller of Customs and Excise may prescribe for the protection of the revenue.</p> | <p>Exemption from taxes on importation or exportation of goods subject to certain conditions</p> |
| <p>8. The COMMESA shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by it for its official use, and in the case of its own publications directly imported or exported by it.</p> | <p>Exemption from prohibitions and restrictions</p> |
| <p>9. The COMMESA shall have the right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the press or for broadcasting (including communications addressed to or dispatched from places outside Zambia), of any reduced rates applicable for the corresponding service in the case of press telegrams.</p> | <p>Reduced rates for certain telegraphic communications</p> |
| <p>10. For the purpose of the application of this Order, the organisation entitled "Common Market for Eastern and Southern African States" shall include all its organs, commissions, boards and other constituent parts however styled.</p> | <p>"Common Market for Eastern and Southern African States" to include constituent parts</p> |
| <p>11. Except in so far as in any particular case any immunity or privilege is waived by the government concerned, representatives of the member States on any organ of the COMMESA or at any conference convened by the COMMESA shall enjoy-</p> <p>(a) while exercising their functions as such and from the place of meeting, the like immunity from personal arrest or detention and from seizure of their personal baggage, and the like inviolability for all papers and documents, as are accorded to a diplomatic agent of a sending State accredited to Zambia:</p> <p>(b) immunity from legal process of every kind in respect of words spoken or written, and all acts done, by them in their capacity as such representatives; and</p> <p>(c) while exercising their functions as such representatives, and during their journey to and from the place of meeting, the like exemption from taxes as is accorded to a diplomatic agent accredited to Zambia, save that the relief allowed shall not include relief from customs and excise duties except in respect of goods imported as part of their personal baggage.</p> | <p>Immunities and privileges of representatives of member States</p> |

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12. For the purpose of the application of this Order, the expression "representative of member States" shall be deemed to include representatives, deputy representatives, advisors, technical experts and secretaries of delegations, but shall not include any person who is the representative of the Government of Zambia or any person who is a member of the staff of a representative.

Interpretation

13. Except in so far as in any particular case any immunity or privilege is waived by the Council of Ministers of the COMMESSA or by the Secretary-General of the COMMESSA, the Secretary-General of the COMMESSA and such of his immediate assistants as may be agreed between the COMMESSA and the Government of Zambia, shall be accorded in respect of themselves, their spouses and children under the age of eighteen years, the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes as is accorded to a diplomatic agent of a sending State accredited to Zambia, his spouse and children. They shall enjoy exemption from income tax only in respect of emoluments received by them as officers of the COMMESSA.

Immunities and privileges of high officials of the COMMESSA

14. Except in so far as in any particular case any immunity or privilege is waived by the Secretary-General of the COMMESSA, persons employed on missions on behalf of the COMMESSA shall enjoy-

Immunities and privileges of persons employed on missions

- (a) while performing their missions and during journeys in connection therewith, immunity from personal arrest or detention and from seizure of their personal baggage, and inviolability for all papers and documents relating to the work of the COMMESSA;
- (b) immunity from legal process of every kind in respect of words spoken or written and all acts done by them in the exercise of their functions; and
- (c) exemption from income tax in respect of emoluments received by them for services rendered in performing their functions as officers of the COMMESSA:

Provided that this sub-paragraph shall not apply to any citizen or permanent resident of Zambia who is an officer of the COMMESSA based in Zambia.



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15. Except in so far as in any particular case any immunity or privilege is waived by the Secretary-General of the COMMESSA, officials of the COMMESSA who shall be designated by the Secretary-General of the COMMESSA for this purpose (other than those referred to in paragraph 13) shall enjoy-

Immunities and privileges
of other officials of the
COMMESSA

- (a) immunity from suit and legal process in respect of words spoken or written, and all acts done, by them in the course of the performance of their official duties;
- (b) exemption from income tax in respect of emoluments received by them as officers or servants of the COMMESSA;
- (c) the right to import free of duty, within six months of their arrival in Zambia or such reasonable time as may be agreed upon between the Government of Zambia and the Secretary-General of the COMMESSA in each individual case, their furniture and personal effects, including one motor vehicle, at the time of first taking up their post in Zambia;
- (d) immunity from seizure of their personal and official baggage;
- (e) immunity, together with their families, from immigration restrictions and alien registration;
- (f) immunity from national service obligations;
- (g) the same privileges in respect of exchange facilities as are accorded to the officials of comparable ranks forming part of diplomatic missions accredited to Zambia;
- (h) the same repatriation facilities in time of international crisis, together with members of their families and their personal employees, as diplomatic envoys; and
- (i) exemption for officials of the COMMESSA from any form of direct taxation on income derived from sources outside the Republic of Zambia and the freedom to maintain within the Republic of Zambia, or elsewhere, foreign securities and other moveable and immoveable property whilst employed by the COMMESSA, and at the time of termination of such employment, the right to take out of Zambia funds in non-Zambian currencies without any restrictions or limitations provided that such officials show good cause for their lawful possession of such funds:

Provided that the provisions of sub-paragraphs (b), (c), (f), (g), (h) and (i) shall not apply to any officer or servant of the COMMESSA who is a citizen or permanent resident of Zambia and is based in Zambia.

SECTION 4-THE DIPLOMATIC IMMUNITIES AND PRIVILEGES (COMMON MARKET FOR EASTERN AND SOUTHERN AFRICAN TRADE AND DEVELOPMENT BANK) ORDER.

Statutory Instrument
123 of 1992

Order by the President

1. This Order may be cited as the Diplomatic Immunities and Privileges (Common Market for Eastern and Southern African Development Bank) Order.

Title

2. The Eastern and Southern African Trade and Development Bank (hereinafter referred to as "the COMMESSA Bank") is hereby declared to be an organisation of which the Government and governments of certain other States are members.

Declaration under section
4 Cap. 20



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| <p>3. The COMMESA Bank shall have the legal capacity of a body corporate.</p> | <p>Legal capacity</p> |
| <p>4. Except in so far as in any particular case it has expressly waived its immunity, the COMMESA Bank shall have immunity from suit and legal process:</p> <p>Provided that no waiver of immunity shall be deemed to extend to any measure of execution.</p> | <p>Immunity from suit and legal process</p> |
| <p>5. The COMMESA Bank shall have the like inviolability of official archives and premises occupied offices as is accorded in respect of a diplomatic agent of a sending State accredited to Zambia.</p> | <p>Inviolability of official archives and premises</p> |
| <p>6. The official communications of the COMMESA Bank shall be accorded the same treatment that is accorded to official communications of international organisations and diplomatic missions.</p> | <p>Official communication accorded to be same as that of international organisation and diplomatic missions</p> |
| <p>7. (1) The COMMESA Bank, its property, other assets, income and its operations and transactions, shall be exempt from all taxation and from all customs and prohibitions and restrictions on imports or exports in respect of articles imported or exported by the COMMESA Bank for its official use.</p> <p>(2) The COMMESA Bank shall also be exempt from any obligations relating to the payment, withholding or collection of any tax or duty.</p> | <p>Exemption from taxes and customs duties, etc.</p> |
| <p>8. The COMMESA Bank shall have the like exemption from rates and from taxes on any obligations or securities issued securities guaranteed by it including any dividends or interest thereon, by whomsoever, held as is accorded to a sending State.</p> | <p>Relief from rates and taxes on obligations or securities guaranteed by COMMESA Bank</p> |
| <p>9. The governors, directors and alternate Directors, officers and staff, of the COMMESA Bank shall enjoy the same privileges and immunities as those accorded to the officials of the COMMESA of a similar rank under the Diplomatic Immunities and Privileges (COMMESA) Order, 1984.</p> | <p>Privileges and immunities of governments</p> |
| <p>10. The representatives of the COMMESA Bank, Member States, COMMESA Bank officials and experts providing advice and assistance to the COMMESA Bank shall have such facilities and courtesies as are necessary for the exercise of their functions in connection with the COMMESA Bank.</p> | <p>Facilities and courtesies of representatives, bank officials and COMMESA experts</p> |

SECTION 4-THE DIPLOMATIC IMMUNITIES AND PRIVILEGES (INTERNATIONAL UNION FOR THE CONSERVATION OF NATURE AND NATURAL RESOURCES) ORDER.

*Statutory Instrument
29 of 1993*

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Order by the President

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| <p>1. This Order may be cited as the Diplomatic Immunities and Privileges (International Union for the Conservation of Nature and Natural Resources) Order.</p> | <p>Title</p> |
| <p>2. The International Union for the Conservation of Nature and Natural Resources (hereinafter referred to as "the IUCN") is hereby declared to be an organisation of which the Government and governments of certain other States are members.</p> | <p>Declaration under section 4 Cap. 20</p> |
| <p>3. The IUCN shall have the legal capacity of a body corporate.</p> | <p>Legal capacity</p> |
| <p>4. Except in so far as in any particular case it has expressly waived its immunity, the IUCN shall have immunity from suit and legal process:</p> <p style="padding-left: 40px;">Provided that no waiver of immunity shall be deemed to extend to any measure of execution.</p> | <p>Immunity from suit and legal process</p> |
| <p>5. The IUCN shall have the like inviolability of official archives and premises occupied as offices as is accorded in respect of a diplomatic agent of a sending State accredited to Zambia.</p> | <p>Inviolability of official archives and premises</p> |
| <p>6. The official communications of the IUCN shall be accorded the same treatment as that accorded to official communications of international organisations and diplomatic missions.</p> | <p>Official communication to be accorded same treatment as that of international organisations and diplomatic missions</p> |
| <p>7. (1) The IUCN, its operations and transactions, shall be exempt from all taxation and from all customs, prohibitions and restrictions on imports and exports in respect of articles imported or exported by the IUCN for its official use.</p> <p>(2) The IUCN shall also be exempt from any obligations relating to the payment, withholding or collection of any tax or duty.</p> | <p>Exemption from taxes and customs duties etc.</p> |
| <p>8. The IUCN shall have the like exemption from rates and from taxes on any obligations or securities issued and securities guaranteed by it including any dividends or interest thereon, by whomsoever held, as is accorded to a sending State.</p> | <p>Relief from rates and taxes on obligations or securities guaranteed by IUCN</p> |

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9. The officials of IUCN, including advisors and consultants, participants of conferences and seminars organised by the IUCN Office shall, while in the territory of Zambia, enjoy- Privileges and immunities of IUCN officials

- (a) immunity from legal process of any kind in respect of words spoken or written and all acts performed by them in and during their official duties, and this immunity shall continue notwithstanding that the persons concerned may have ceased to be officials of the IUCN office.
- (b) exemption for officials of the IUCN Office who are not nationals or residents including their dependants from all resident and local taxes, including taxes imposed on personal income such as salaries, emoluments, indemnities and pensions paid to them by the IUCN office:

Provided that all the conditions, rules and regulations applicable in this connection to officials of other international organisations who are posted in Zambia and have been granted similar status by the Government shall equally apply to the said officials of the IUCN office;

- (c) Immunity from national service obligations:

Provided that with respect to Zambian nationals, such exemptions shall be confined to officials whose name shall by reason of their duties, be placed on a list compiled by the Director-General of the IUCN and approved by the Government;

- (d) subject to the prevailing exchange control regulations the same privileges in respect of monetary exchange facilities as are accorded to officials of comparable rank forming part of diplomatic missions to the Government;
- (e) the same repatriation facilities in time of national and international crisis together with members of their families and their personal employees as those accorded to diplomatic envoys;
- (f) exemption for officials of the IUCN office, other than officials who are nationals of Zambia or who are permanent foreign residents of Zambia, from any form of direct taxation on income derived from sources outside Zambia;
- (g) in the case of officials of the IUCN Office who have been granted diplomatic status by the Government and who have been resident in Zambia for not more than three years or such other period as may be agreed to by the Government, freedom, on the same conditions, rules and regulations as those applicable to officials of other international organisations who are posted in Zambia and have been granted diplomatic status by the Government, to acquire and maintain within Zambia out of funds derived from sources outside Zambia;
- (h) the right to import and export free of duties, taxes and other levies, prohibitions and restrictions on imports, articles intended for their personal and household use including one motor vehicle for personal use:

Provided that such articles are owned and imported by the officials at the time of their first arrival in Zambia, and at reasonable intervals;

- (i) in the event of fire, theft or an accident causing major damage to a motor vehicle acquired under the Agreement, the privilege of tax and duty-free purchase of a replacement vehicle, subject to the regulations governing sale or disposal of vehicles for officials of international organisations who are posted in Zambia;

In this paragraph "Agreement" means the Agreement between the Government of Zambia and the International Union for Conservation of Nature and Natural Resources.

SECTION 4-THE DIPLOMATIC IMMUNITIES AND PRIVILEGES
(NORSAD AGENCY) ORDER.

Statutory Instrument
112 of 1993

Order by the President

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| <p>1. This Order may be cited as the Diplomatic Immunities and Privileges (NORSAD Agency) Order.</p> | <p>Title</p> |
| <p>2. The Norsad Agency (hereinafter referred to as the Agency) an organisation of which other governments or certain other States are members.</p> | <p>Declaration under section 4 Cap. 20</p> |
| <p>3. The Agency shall have the legal capacity of a body corporate.</p> | <p>Legal capacity</p> |
| <p>4. Except in so far as in any particular case it has expressly waived its immunity, the Agency shall have immunity from suit and legal process:</p> <p style="padding-left: 40px;">Provided that no waiver of immunity shall be deemed to extend to any measure of execution.</p> | <p>Immunity from suit and legal process</p> |
| <p>5. The Agency shall have the like inviolability of official archives and premises occupied as offices as is accorded in respect of a diplomatic agent of a sending State accredited to Zambia.</p> | <p>Inviolability of official archives and premises</p> |
| <p>6. The Agency shall have the like exemption or relief from taxes and rates, as is accorded to a sending State.</p> | <p>Relief from taxes and rates</p> |
| <p>7. The Agency shall have exemption on the importation of goods directly imported by it for its official use in Zambia or for exportation, and on the importation of its publications directly imported by it, such exemption to be subject to compliance with such conditions as the Controller of Customs and Excise may prescribe from the protection of the revenue.</p> | <p>Exemption from taxes on importation or exportation of goods, certain conditions</p> |
| <p>8. The Agency shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported for its official use and in the case of any publications directly imported or exported by it.</p> | <p>Exemption from prohibitions and restrictions</p> |
| <p>9. The Agency shall have the right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the press or for broadcasting (including communications addressed to or dispatched from places outside Zambia), or any reduced rates applicable for the corresponding service in the case of press telegrams.</p> | <p>Reduced rates for certain telegraphic communications</p> |
| <p>10. (1) Except in so far as in any particular case any privileges or immunities is waived by the government concerned, representatives of member states on any organ of the Agency, or at any conference convened by the Agency shall enjoy-</p> | <p>Immunities and privileges of representatives of member states</p> |

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- (a) while exercising their functions as such and during their journey to and from the place of meeting, immunity from personal arrest or detention and from seizure of their personal baggage, and like inviolability for all papers and documents as are accorded to a diplomatic agent of a sending state accredited to Zambia;
- (b) immunity from legal process of every kind in respect of words spoken or written, and all acts done, by them in their capacity as representatives; and
- (c) while exercising their functions as such representatives and during their journey to and from the place of meeting, the like exemption from taxes as is accorded to a diplomatic agent accredited to Zambia, save that the relief allowed shall not include relief from customs and excise duties except in respect of goods imported as part of their personal baggage.

11. Except in so far as in any particular case any immunity or privilege is waived by the Agency, the Director and Deputy Director of the Agency as may be agreed between the Agency and the Government of Zambia, shall be accorded in respect of themselves, their spouses and children under the age of eighteen, the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes as is accorded to a diplomatic agent of a sending State accredited to Zambia, his spouse and children; they shall enjoy exemption from income tax only in respect of emoluments received by them as officers of the Agency.

Immunities and privileges
of high officials of Agency

12. Except in so far as in any particular case any immunity or privilege is waived by the Agency, persons serving on committees of, or employed on missions on behalf of the Agency shall enjoy-

Immunities and privileges
of persons employed on
missions

- (a) while performing their functions and during their journeys, immunity from personal arrest or detention and from seizure of their personal baggage, and inviolability for all papers and documents relating to the work of the Agency;
- (b) immunity from legal process of every kind in respect of words spoken or written and all acts done by them in the exercise of their functions; and
- (c) exemption from income tax in respect of emoluments received by them for services rendered in performing their functions as officers of the Agency.



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13. Except in so far as in any particular case any immunity or privilege is waived by the Agency, officials of the Agency, other than those referred to in paragraph 11, shall enjoy-

Immunities and privileges of other officials of the Agency

- (a) immunity from suit and legal process in respect of words spoken or written and all acts done by them in the course of the performance of their official duties;
- (b) exemption from income tax in respect of emoluments received by them as officers or servants of the Agency;
- (c) the right to import free of duty, within six months of their arrival in Zambia or such reasonable time as may be agreed upon between the Government of Zambia and the Agency in each individual case their furniture and personal effects, at the time of first taking up their post in Zambia;
- (d) immunity, from seizure of their personal or official baggage;
- (e) immunity together with their families, from immigration restrictions and alien registration;
- (f) immunity from national service obligations;
- (g) the same privileges in respect of exchange facilities as are accorded to the officials of comparable ranks forming part of diplomatic missions accredited to Zambia;
- (h) the same repatriation facilities in time of international crisis, together with members of their families and their personal employees; and
- (i) exemption for officials of the Agency from any form of direct taxation on income derived from sources, outside the Republic of Zambia, or elsewhere, foreign securities and other moveable property whilst employed by the Agency, and at the time of termination of such employment, the right to take out of Zambia funds in non Zambian currencies without any restrictions or limitations provided that such officials show good cause for their lawful possession of such funds.

14. For the purpose of the application of this Order, the expression "representative member states" shall be deemed to include representatives, deputy representatives, advisers, technical experts and secretaries of delegations, but shall not include any person who is the representative of the Government of Zambia or any person who is a member of the staff of a representative.

Interpretation

DIPLOMATIC IMMUNITIES AND PRIVILEGES

CAP. 20

SECTION 4-THE DIPLOMATIC IMMUNITIES AND PRIVILEGES (AFRICAN HOUSING FUND) ORDER

Statutory Instrument
177 of 1996

Order by the President

1. This Order may be cited as the Diplomatic Immunities and Privileges (African Housing Fund) Order.

Title

2. The African Housing Fund (hereinafter referred to as "the Fund") is hereby declared to be an organisation of which the Government is a member and of which other States are members.

Declaration under section 4



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| <p>3. The Fund shall have the legal capacity of a body corporate.</p> | <p>Legal capacity</p> |
| <p>4. Except in so far as in any particular case it has expressly waived its immunity, the Fund shall have immunity from suit and legal process:</p> <p>Provided that no waiver of immunity shall be deemed to extend to any measure of execution.</p> | <p>Immunity from suit and legal process</p> |
| <p>5. The Fund shall have the like inviolability of official archives and premises occupied as offices as is accorded in respect of a diplomatic agent of a sending State accredited to Zambia.</p> | <p>Inviolability of official archives and premises</p> |
| <p>6. The official communications of the Fund shall be accorded the same treatment as that accorded to official communications of international organisations and diplomatic missions.</p> | <p>Official communication to be accorded same treatment as that of international organisations and diplomatic missions</p> |
| <p>7. (1) The Fund, its operations and transactions, shall be exempt from all taxation and from all customs, prohibitions and restrictions on imports and exports in respect of articles imported by the Fund for its official use.</p> <p>(2) The Fund shall also be exempt from any obligations relating to the payment, withholding or collection of any tax or duty.</p> | <p>Exemption from taxes and rates</p> |
| <p>8. The Fund shall have the like exemption from rates and from taxes on any obligations or securities issued and securities guaranteed by it including any dividends or interest thereon, by whomsoever held, as is accorded to a sending State.</p> | <p>Relief from rates and taxes on obligations or securities guaranteed by Fund</p> |
| <p>9. (1) The Director and the Deputy Director shall be accorded full diplomatic status.</p> <p>(2) The approved technical staff and experts of the Fund shall be accorded immunities and privileges accorded to members of the administrative staff of diplomatic missions accredited to Zambia.</p> <p>(3) The participants of conferences and seminars organised by the Fund shall, while in the territory of Zambia enjoy-</p> | <p>Privileges and immunities of Fund officials</p> |



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- (a) immunity from legal process of any kind in respect of words spoken or written and all acts performed by them in and during their official duties, and this immunity shall continue in relation to all acts officially performed by them while into office when such persons cease to be officials of the Fund;
- (b) exemption, for officials of the Fund who are not nationals or residents including their dependants, from all resident and local taxes including taxes imposed on personal income such as salaries and pensions paid to them by the Fund:

Provided that all the conditions, rules and regulations, applicable in this connection to officials of other international organisations who are posted in Zambia and have been granted similar status by the Government shall equally apply to the officials of the Fund;

- (c) immunity from national service obligations:

Provided that with respect to Zambian nationals, such exemptions shall be confined to officials whose names shall, by reason of their duties, be placed on a list compiled by the Fund and approved by the Government;

- (d) subject to the prevailing exchange control regulations, the same privileges in respect of monetary exchange facilities as are accorded to officials of comparable rank forming part of diplomatic missions to the Government;
- (e) the same repatriation facilities in time of national and international crisis together with members of their families and their personal employees as those accorded to diplomatic envoys;
- (f) exemption, for officials of the Fund other than officials who are nationals of Zambia or who are permanent foreign residents of Zambia, from any form of direct taxation on income derived from sources outside Zambia;
- (g) in the case of officials of the Fund who have been granted diplomatic status by the Government and who have been resident in Zambia for not more than three years or such other period as may be agreed to by the Government, freedom, on the same conditions, rules and regulations as those applicable to officials of other international organisations who are posted in Zambia and have been granted diplomatic status by the Government, to acquire and maintain funds within Zambia;
- (h) the right to import and export, free of duties, taxes and other levies, prohibitions and restrictions on imports or exports, articles intended for their personal and household use including one motor vehicle for personal use:

Provided that such articles are owned and imported by the officials at the time of their first arrival in Zambia, and at reasonable intervals;

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- (i) in the event of fire, theft or an accident causing major damage to a motor vehicle acquired under the Statute, the privilege of tax and duty-free purchase of a replacement vehicle, subject to the regulations governing sale or disposal of vehicles for officials of international organisations who are posted in Zambia.

In this paragraph, "Statute" means the statute establishing the African Housing Fund and signed between Zambia and other members of the African Housing Fund on 26th May, 1988, in Nairobi, Kenya.

REPUBLIC OF ZAMBIA

THE CONSULAR CONVENTIONS ACT

CHAPTER 21 OF THE LAWS OF ZAMBIA

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REPUBLIC OF ZAMBIA

THE GENEVA CONVENTIONS ACT

APPENDIX 4 TO THE LAWS OF ZAMBIA

BRITISH PROTECTORATES (GENEVA CONVENTION) ORDER IN COUNCIL, 1917
AT THE COURT AT BUCKINGHAM PALACE, THE 23RD DAY OF
OCTOBER, 1917

Present:

THE KING'S MOST EXCELLENT MAJESTY

LORD PRESIDENT

MR. SECRETARY LONG

LORD STEWARD

SIR FREDERICK PONSONBY

WHEREAS by the Geneva Convention Act, 1911, provision was made for the carrying into effect within His Majesty's Dominions of certain provisions of the Second Geneva Convention:

AND WHEREAS by treaty, grant, usage, sufferance and other lawful means His Majesty the King has power and jurisdiction in the British Protectorates specified in the Schedule to this Order (hereinafter referred to as the "Scheduled Protectorates"):

AND WHEREAS it is expedient that provision should be made to enable the said provisions to be carried into effect in the Scheduled Protectorates:

NOW, THEREFORE, His Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Act, 1890, or otherwise in His Majesty vested, is pleased, by and with the advice of His Majesty's Privy Council, to order, and it is hereby ordered, as follows:

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1. This Order may be cited as "The British Protectorates (Geneva Convention) Order in Council, 1917".

2. This Order shall apply to the Protectorates specified in the Schedule hereto, and in this Order the term "the Protectorate" means any Scheduled Protectorate, the term "Governor" means the person for the time being administering the Government of the Protectorate, the term "Attorney-General" means the Principal Law Officer of the Protectorate, and, if there shall be no such Law Officer in or for any Scheduled Protectorate, then the Principal Executive Officer next to the Governor of such Protectorate, and the term "Gazette" means the official Government Gazette of the Protectorate.

NOTE.-The former Protectorate of Northern Rhodesia is not included among the territories to which the Geneva Conventions Act, 1957, has been extended by the Geneva Conventions Act (Colonial Territories) Order in Council, 1959 (S.I. 1959 No. 1301).

3. (1) As from the commencement of this Order it shall not be lawful for any person to use for the purpose of his trade or business, or for any other purpose whatsoever, in the Protectorate without the authority of the Governor, the heraldic emblem of the red cross on a white ground formed by reversing the Federal colours of Switzerland, or the words "Red Cross" or "Geneva Cross", and if any person acts in contravention of this provision he shall be guilty of an offence against this Order, and shall be liable on summary conviction to a fine not exceeding ten pounds and to forfeit any goods upon or in connection with which the emblem or words were used.

(2) Where a company or society is guilty of any such contravention, without prejudice to the liability of the company or society, every director, manager, secretary, and other officer of the company or society, who is knowingly a party to the contravention, shall be guilty of an offence against this Order, and liable to the like penalty.

(3) Proceedings under this Order shall not be instituted in the Protectorate without the consent of the Attorney-General.

4. This Order shall be published in the Gazette*(9) or, if there shall be no Gazette in or for any Scheduled Protectorate, then in such manner as the Governor shall direct, and shall thereupon commence and come into operation; and the Governor shall give directions for the publication of this Order, at such place, and in such manner, and for such time or times, as he thinks proper for giving due publicity thereto.

* Published in Gazette of 9th March, 1918, p. 26.

5. His Majesty may from time to time revoke, alter, add to, or amend this Order.

And the Right Honourable Walter Hume Long, one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

ALMERIC FITZROY

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SCHEDULE

Northern Rhodesia
Northern Territories of the Gold Coast
Nyasaland Protectorate
Southern Rhodesia
Weihaiwei
Zanzibar Protectorate

* Published in *Gazette* of 9th March, 1918, p. 26.

GENEVA CONVENTIONS

STATUTORY RULES AND ORDERS, 1937, NO. 1219 GENEVA CROSS

THE BRITISH PROTECTORATES (GENEVA CONVENTION) ORDER IN COUNCIL, 1937

AT THE COURT AT BUCKINGHAM PALACE, THE 21ST DAY OF DECEMBER, 1937

Present:

THE KING'S MOST EXCELLENT MAJESTY

LORD PRESIDENT

MR. ERNEST BROWN

LORD RUSHCLIFFE

SIR FELIX CASSEL

WHEREAS by the British Protectorates (Geneva Convention) Order in Council, 1917*(10) (a), provision was made for the carrying into effect within the British Protectorates specified in the Schedule to that Order of certain provisions of the Second Geneva Convention:

* (a) S.R. and O. 1917 (No. 1143) p. 380.

AND WHEREAS by the Geneva Convention Act, 1937 *(11)(b), provision has been made to enable effect to be given to Article 28 of the International Convention for the amelioration of the condition of the wounded and sick in armies in the field done at Geneva on the twenty-seventh day of July, nineteen hundred and twenty-nine, and for purposes connected therewith:

* (b) 1 Edw. 8 and 1 Geo. 6 c. 15.

AND WHEREAS by treaty, grant, usage, sufferance and other lawful means His Majesty the King has power and jurisdiction in the British Protectorates specified in the Schedule to this Order (hereinafter referred to as the "Scheduled Protectorates"):

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AND WHEREAS it is expedient that provision should be made to enable effect to be given within the Scheduled Protectorates to Article 28 of the said International Convention:

NOW, THEREFORE, His Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Act, 1890, or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:

1. This Order may be cited as "The British Protectorates (Geneva Convention) Order in Council, 1937", and this Order and the British Protectorates (Geneva Convention) Order in Council, 1917, may be cited together as "The British Protectorates (Geneva Conventions) Orders in Council, 1917 and 1937".

- (a) S.R. and O. 1917 (No. 1143) p. 380.
- (b) 1 Edw. 8 and 1 Geo. 6 c. 15.

2. (1) This Order shall apply to the Protectorates specified in the Schedule hereto.

(2) In this Order-

"Protectorate" means any Scheduled Protectorate;

"Governor" means the person for the time being administering the Government of the Protectorate, or in the case of Zanzibar the British Resident or the person lawfully discharging his functions;

"Attorney-General" means the Principal Law Officer of the Protectorate, and, if there shall be no such Law Officer, in or for any Scheduled Protectorate, then the Principal Executive Officer next to the Governor of such Protectorate;

"Gazette" means the official Government Gazette of the Protectorate.

3. (1) It shall not be lawful for any person without the authority of the Governor, to use for the purposes of his trade or business, or for any other purpose whatsoever, in the Protectorate-

- (a) any design consisting of a white or silver cross on a red ground, none of the limbs of which extends to the margin of the ground, being the cross comprised in the Arms of the Swiss Confederation; or
- (b) any design being a colourable imitation of the design mentioned in the last foregoing paragraph; or
- (c) any design being a colourable imitation of the heraldic emblem of the red cross on a white ground mentioned in subsection (1) of section 3 of the British Protectorates (Geneva Convention) Order in Council, 1917, or any words so nearly resembling the words "Red Cross" or "Geneva Cross" as to be capable of being understood as referring to the said emblem.

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(2) If any person contravenes the provisions of subsection (1) of this section, he shall, subject as hereafter provided, be guilty of an offence under this Order and liable on summary conviction to a fine not exceeding ten pounds and to forfeit any goods upon or in connection with which the design or words was or were used.

(3) Nothing in this section shall apply to a trade mark registered before the twenty-third day of December, nineteen hundred and thirty-one, and consisting of or containing any such design as is mentioned in paragraph (a) or paragraph (b) of subsection (1) of this section and where a person is charged with using such a design for any purpose and it is proved that he used it otherwise than as or as part of a trade mark registered as aforesaid, it shall be a defence for him to prove-

- (a) that he lawfully used that design for that purpose before the said twenty-third day of December; or
- (b) in a case where he is charged with using the design upon goods, that the design had been applied to the goods before he acquired them by some other person who had manufactured or dealt with the goods in the course of trade, and that that other person lawfully used the design upon similar goods before the said twenty-third day of December.

(4) Where an offence under this Order committed by a body corporate is proved to have been committed with the consent or connivance of any director, manager, secretary or other officer of the body corporate, he, as well as the body corporate, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(5) Proceedings under this section shall not be instituted in the Protectorate without the consent of the Attorney-General.

4. This Order shall be published in the Gazette*(12) or if there shall be no Gazette in or for the Protectorate, then in such manner as the Governor shall direct, and shall come into operation on a day to be fixed by the Governor.*(13)

*Published in Gazette of 25th March, 1938, p. 45.** In operation 1st April, 1938 (Government Notice No. 27 of 1938).

M. P. A. HANKEY

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CHAPTER 42 THE INVESTMENT DISPUTES CONVENTION ACT CHAPTER 42

THE INVESTMENT DISPUTES CONVENTION ACT

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Binding effect of award
4. Registration of awards
5. Effect of registration
6. Rules of court
7. Status, immunities and privileges
8. Act to bind Republic

SCHEDULE-Convention on the Settlement of Investment Disputes between States and Nationals of other States

CHAPTER 42

INVESTMENT DISPUTES CONVENTION

18 of 1970

An Act to give effect to the Convention on the Settlement of Investment Disputes between States and Nationals of other States.

[17th April, 1970]

1. This Act may be cited as the Investment Disputes Convention Act. Short title
2. In this Act, unless the context otherwise requires- Interpretation

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"award" means an award rendered pursuant to the Convention and includes any decision interpreting, revising or annulling an award, being a decision pursuant to the Convention;

"Convention" means the Convention on the Settlement of Investment Disputes between States and Nationals of other States, the text of which is set out in the Schedule;

"prescribed" means prescribed by rules of court.

3. Every award shall be binding on the parties thereto.

Binding effect of award

4. (1) Upon application being made in that behalf, a person seeking recognition or enforcement of an award shall be entitled to have the award registered in the High Court, subject to proof of the prescribed matters and to the other provisions of this Act.

Registration of awards

(2) Upon application being made under subsection (1), the applicant shall produce to the High Court-

(a) a copy of the award certified pursuant to the Convention;

(b) evidence that no application is pending under Article 52 of the Convention and that enforcement of the award has not been stayed, whether provisionally or otherwise, pursuant to the Convention.

(3) In addition to the pecuniary obligations imposed by the award, the award shall be registered for the reasonable costs of and incidental to registration.

(4) If at the date of the application for registration the pecuniary obligations imposed by the award have been partly satisfied, the award shall be registered only in respect of the balance, and accordingly if those obligations have then been wholly satisfied, the award shall not be registered.

(5) Where any document required to be produced to the High Court is in a foreign language, it shall be the duty of the applicant to furnish a translation certified as correct in such language and manner as may be prescribed.

5. Subject to the provisions of this Act, an award registered under section *four* shall, as respects the pecuniary obligations which it imposes, have the same force and effect from its date of registration as if it had been a final judgment of the High Court entered on that date and may be enforced accordingly.

Effect of registration

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6. Rules of court may be made, by statutory instrument, to carry this Act into effect and such rules may in particular- Rules of court

- (a) prescribe the procedure for applying for registration of an award under this Act and require an applicant to give prior notice of his intention to other parties;
- (b) prescribe the matters to be proved on the application and the manner of proof of those and any other matters;
- (c) provide for the service of notice of registration of the award by the applicant on other parties;
- (a) require the High Court on proof of prescribed matters to stay execution of any award registered under this Act in cases where the enforcement of the award has been stayed, whether provisionally or otherwise, pursuant to the Convention, and provide for the provisional stay of execution of the award where an application is made pursuant to the Convention which, if granted, might result in a stay of enforcement of the award.

7. (1) Subject to subsection (2), Articles 18 to 24 (both inclusive) of the Convention (which govern the status, immunities and privileges of the International Centre for Settlement of Investment Disputes, of members of its Council and Secretariat and of persons concerned with conciliation or arbitration under the Convention) shall have the force of law so far as they affect Zambia. Status, immunities and privileges

(2) Nothing in Article 24 (1) of the Convention shall be construed as-

- (a) entitling the said Centre to import goods free of customs duty without any restriction on their subsequent sale in Zambia; or
- (b) conferring on the said Centre any exemption from duties or taxes which form part of the price of the goods sold.

(3) For the purposes of Articles 20 and 21 of the Convention, a statement to the effect that the said Centre has waived an immunity in the circumstances specified in the statement, being a statement certified by the Secretary-General of the said Centre (or by the person acting as Secretary-General), shall be conclusive evidence.

8. This Act shall bind the Republic (but not so as to make an award enforceable against the Republic in a manner in which a judgment would not be enforceable against the Republic). Act to bind Republic

SCHEDULE

(Section 2)

CONVENTION ON THE SETTLEMENT OF INVESTMENT DISPUTES BETWEEN STATES AND NATIONALS
OF OTHER STATES

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The Contracting States

Considering the need for international co-operation for economic development and the role of private international investment therein;

Bearing in mind the possibility that from time to time disputes may arise in connection with such investment between Contracting States and nationals of other Contracting States;

Recognizing that while such disputes would usually be subject to national legal processes, international methods of settlement may be appropriate in certain cases;

Attaching particular importance to the availability of facilities for international conciliation or arbitration to which Contracting States and nationals of other Contracting States may submit such disputes if they so desire;

Desiring to establish such facilities under the auspices of the International Bank for Reconstruction and Development;

Recognizing that mutual consent by the parties to submit such disputes to conciliation or to arbitration through such facilities constitutes a binding agreement which requires in particular that due consideration be given to any recommendation of conciliators, and that any arbitral award be complied with; and

Declaring that no Contracting State shall by the mere fact of its ratification, acceptance or approval of this Convention and without its consent be deemed to be under any obligation to submit any particular dispute to conciliation or arbitration,

HAVE AGREED as follows:

CHAPTER I

INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES

Section 1-Establishment and Organization

Article 1:

(1) There is hereby established the International Centre for Settlement of Investment Disputes (hereinafter called the Centre).

(2) The purpose of the Centre shall be to provide facilities for conciliation and arbitration of investment disputes between Contracting States and nationals of other Contracting States in accordance with the provisions of this Convention.

Article 2:

The seat of the Centre shall be at the principal office of the International Bank for Reconstruction and Development (hereinafter called the Bank). The seat may be moved to another place by decision of the Administrative Council adopted by a majority of two-thirds of its members.

Article 3:

The Centre shall have an Administrative Council and a Secretariat and shall maintain a Panel of Conciliators and a Panel of Arbitrators.



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Section 2- The Administrative Council

Article 4:

(1) The Administrative Council shall be composed of one representative of each Contracting State. An alternate may act as representative in case of his principal's absence from a meeting or inability to act.

(2) In the absence of a contrary designation, each governor and alternate governor of the Bank appointed by a Contracting State shall be *ex officio* its representative and its alternate respectively.

Article 5:

The President of the Bank shall be *ex officio* Chairman of the Administrative Council (hereinafter called the Chairman) but shall have no vote. During his absence or inability to act and during any vacancy in the office of President of the Bank, the person for the time being acting as President shall act as Chairman of the Administrative Council.

Article 6:

(1) Without prejudice to the powers and functions vested in it by other provisions of this Convention, the Administrative Council shall-

- (a) adopt the administrative and financial regulations of the Centre;
- (b) adopt the rules of procedure for the institution of conciliation and arbitration proceedings;
- (c) adopt the rules of procedure for conciliation and arbitration proceedings (hereinafter called the Conciliation Rules and the Arbitration Rules);
- (d) approve arrangements with the Bank for the use of the Bank's administrative facilities and services;
- (e) determine the conditions of service of the Secretary-General and of any Deputy Secretary-General;
- (f) adopt the annual budget of revenues and expenditures of the Centre;
- (g) approve the annual report on the operation of the Centre.

The decisions referred to in sub-paragraphs (a), (b), (c) and (f) above shall be adopted by a majority of two-thirds of the members of the Administrative Council.

(2) The Administrative Council may appoint such committees as it considers necessary.

(3) The Administrative Council shall also exercise such other powers and perform such other functions as it shall determine to be necessary for the implementation of the provisions of this Convention.

Article 7:

(1) The Administrative Council shall hold an annual meeting and such other meetings as may be determined by the Council, or convened by the Chairman, or convened by the Secretary-General at the request of not less than five members of the Council.

(2) Each member of the Administrative Council shall have one vote and, except as otherwise herein provided, all matters before the Council shall be decided by a majority of the votes cast.

(3) A quorum for any meeting of the Administrative Council shall be a majority of its members.

(4) The Administrative Council may establish, by a majority of two-thirds of its members, a procedure whereby the Chairman may seek a vote of the Council without convening a meeting of the Council. The vote shall be considered valid only if the majority of the members of the Council cast their votes within the time limit fixed by the said procedure.

Article 8:

Members of the Administrative Council and the Chairman shall serve without remuneration from the Centre.



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Section 3- The Secretariat

Article 9:

The Secretariat shall consist of a Secretary-General, one or more Deputy Secretaries-General and staff.

Article 10:

(1) The Secretary-General and any Deputy Secretary-General shall be elected by the Administrative Council by a majority of two-thirds of its members upon the nomination of the Chairman for a term of service not exceeding six years and shall be eligible for re-election. After consulting the members of the Administrative Council, the Chairman shall propose one or more candidates for each such office.

(2) The offices of Secretary-General and Deputy Secretary-General shall be incompatible with the exercise of any political function. Neither the Secretary-General nor any Deputy Secretary-General may hold any other employment or engage in any other occupation except with the approval of the Administrative Council.

(3) During the Secretary-General's absence or inability to act, and during any vacancy in the office of Secretary-General, the Deputy Secretary-General shall act as Secretary-General. If there shall be more than one Deputy Secretary-General, the Administrative Council shall determine in advance the order in which they shall act as Secretary-General.

Article 11:

The Secretary-General shall be the legal representative and the principal officer of the Centre and shall be responsible for its administration, including the appointment of staff, in accordance with the provisions of this Convention and the rules adopted by the Administrative Council. He shall perform the function of registrar and shall have the power to authenticate arbitral awards rendered pursuant to this Convention, and to certify copies thereof.

Section 4- The Panels

Article 12:

The Panel of Conciliators and the Panel of Arbitrators shall each consist of qualified persons, designated as hereinafter provided, who are willing to serve thereon.

Article 13:

(1) Each Contracting State may designate to each Panel four persons who may but need not be its nationals.

(2) The Chairman may designate ten persons to each Panel. The persons so designated to a Panel shall each have a different nationality.

Article 14:

(1) Persons designated to serve on the Panels shall be persons of high moral character and recognized competence in the fields of law, commerce, industry or finance, who may be relied upon to exercise independent judgment. Competence in the field of law shall be of particular importance in the case of persons on the Panel of Arbitrators.

(2) The Chairman, in designating persons to serve on the Panels, shall in addition pay due regard to the importance of assuring representation on the Panels of the principal legal systems of the world and of the main forms of economic activity.

Article 15:

(1) Panel members shall serve for renewable periods of six years.

(2) In case of death or resignation of a member of a Panel, the authority which designated the member shall have the right to designate another person to serve for the remainder of that member's term.

(3) Panel members shall continue in office until their successors have been designated.

Article 16:

(1) A person may serve on both Panels.

(2) If a person shall have been designated to serve on the same Panel by more than one Contracting State, or by one or more Contracting States and the Chairman, he shall be deemed to have been designated by the authority which first designated him or, if one such authority is the State of which he is a national, by that State.

(3) All designations shall be notified to the Secretary-General and shall take effect from the date on which the notification is received.

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Section 5-Financing the Centre

Article 17:

If the expenditure of the Centre cannot be met out of charges for the use of its facilities, or out of other receipts, the excess shall be borne by Contracting States which are members of the Bank in proportion to their respective subscriptions to the capital stock of the Bank, and by Contracting States which are not members of the Bank in accordance with rules adopted by the Administrative Council.

Section 6-Status, Immunities and Privileges

Article 18:

The Centre shall have full international legal personality. The legal capacity of the Centre shall include the capacity-

- (a) to contract;
- (b) to acquire and dispose of movable and immovable property;
- (c) to institute legal proceedings.

Article 19:

To enable the Centre to fulfil its functions, it shall enjoy in the territories of each Contracting State the immunities and privileges set forth in this section.

Article 20:

The Centre, its property and assets shall enjoy immunity from all legal process, except when the Centre waives this immunity.

Article 21:

The Chairman, the members of the Administrative Council, persons acting as conciliators or arbitrators or members of a Committee appointed pursuant to paragraph (3) of Article 52, and the officers and employees of the Secretariat-

- (a) shall enjoy immunity from legal process with respect to acts performed by them in the exercise of their functions, except when the Centre waives this immunity;
- (b) not being local nationals, shall enjoy the same immunities from immigration restrictions, alien registration requirements and national service obligations, the same facilities as regards exchange restrictions and the same treatment in respect of travelling facilities as are accorded by Contracting States to the representatives, officials and employees of comparable rank of other Contracting States.

Article 22:

The provisions of Article 21 shall apply to persons appearing in proceedings under this Convention as parties, agents, counsel, advocates, witnesses or experts; provided, however, that sub-paragraph (b) thereof shall apply only in connection with their travel to and from, and their stay at, the place where the proceedings are held.

Article 23:

- (1) The archives of the Centre shall be inviolable, wherever they may be.
- (2) With regard to its official communications, the Centre shall be accorded by each Contracting State treatment not less favourable than that accorded to other international organizations.

Article 24:

(1) The Centre, its assets, property and income, and its operations and transactions authorized by this Convention shall be exempt from all taxation and customs duties. The Centre shall also be exempt from liability for the collection or payment of any taxes or customs duties.

(2) Except in the case of local nationals, no tax shall be levied on or in respect of expense allowances paid by the Centre to the Chairman or members of the Administrative Council, or on or in respect of salaries, expense allowances or other emoluments paid by the Centre to officials or employees of the Secretariat.

(3) No tax shall be levied on or in respect of fees or expense allowances received by persons acting as conciliators, or arbitrators, or members of a Committee appointed pursuant to paragraph (3) of Article 52, in proceedings under this Convention, if the sole jurisdictional basis for such tax is the location of the Centre or the place where such proceedings are conducted or the place where such fees or allowances are paid.

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CHAPTER II

JURISDICTION OF THE CENTRE

Article 25:

(1) The jurisdiction of the Centre shall extend to any legal dispute arising directly out of an investment, between a Contracting State (or any constituent subdivision or agency of a Contracting State designated to the Centre by that State) and a national of another Contracting State, which the parties to the dispute consent in writing to submit to the Centre. When the parties have given their consent, no party may withdraw its consent unilaterally.

(2) "National of another Contracting State" means-

- (a) any natural person who had the nationality of a Contracting State other than the State party to the dispute on the date on which the parties consented to submit such dispute to conciliation or arbitration as well as on the date on which the request was registered pursuant to paragraph (3) of Article 28 or paragraph (3) of Article 36, but does not include any person who on either date also had the nationality of the Contracting State party to the dispute; and
- (b) any juridical person which had the nationality of a Contracting State other than the State party to the dispute on the date on which the parties consented to submit such dispute to conciliation or arbitration and any juridical person which had the nationality of the Contracting State party to the dispute on that date and which, because of foreign control, the parties have agreed should be treated as a national of another Contracting State for the purposes of this Convention.

(3) Consent by a constituent subdivision or agency of a Contracting State shall require the approval of that State unless that State notifies the Centre that no such approval is required.

(4) Any Contracting State may, at the time of ratification, acceptance or approval of this Convention or at any time thereafter, notify the Centre of the class or classes of disputes which it would or would not consider submitting to the jurisdiction of the Centre. The Secretary-General shall forthwith transmit such notification to all Contracting States. Such notification shall not constitute the consent required by paragraph (1).

Article 26:

Consent to the parties to arbitration under this Convention shall, unless otherwise stated, be deemed consent to such arbitration to the exclusion of any other remedy. A Contracting State may require the exhaustion of local administrative or judicial remedies as a condition of its consent to arbitration under this Convention.

Article 27:

(1) No Contracting State shall give diplomatic protection, or bring an international claim, in respect of a dispute which one of its nationals and another Contracting State shall have consented to submit or shall have submitted to arbitration under this Convention, unless such other Contracting State shall have failed to abide by and comply with the award rendered in such dispute.

(2) Diplomatic protection, for the purposes of paragraph (1), shall not include informal diplomatic exchanges for the sole purpose of facilitating a settlement of the dispute.

CHAPTER III

CONCILIATION



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Section 1-Request for Conciliation

Article 28:

(1) Any Contracting State or any national of a Contracting State wishing to institute conciliation proceedings shall address a request to that effect in writing to the Secretary-General who shall send a copy of the request to the other party.

(2) The request shall contain information concerning the issues in dispute, the identity of the parties and their consent to conciliation in accordance with the rules of procedure for the institution of conciliation and arbitration proceedings.

(3) The Secretary-General shall register the request unless he finds, on the basis of the information contained in the request, that the dispute is manifestly outside the jurisdiction of the Centre. He shall forthwith notify the parties of registration or refusal to register.

Section 2-Constitution of the Conciliation Commission

Article 29:

(1) The Conciliation Commission (hereinafter called the Commission) shall be constituted as soon as possible after registration of a request pursuant to Article 28.

(2) (a) The Commission shall consist of a sole conciliator or any uneven number of conciliators appointed as the parties shall agree.

(b) Where the parties do not agree upon the number of conciliators and the method of their appointment, the Commission shall consist of three conciliators, one conciliator appointed by each party and the third, who shall be the president of the Commission, appointed by agreement of the parties.

Article 30:

If the Commission shall not have been constituted within ninety days after notice of registration of the request has been dispatched by the Secretary-General in accordance with paragraph (3) of Article 28, or such other period as the parties may agree, the Chairman shall, at the request of either party and after consulting both parties as far as possible, appoint the conciliator or conciliators not yet appointed.

Article 31:

(1) Conciliators may be appointed from outside the Panel of Conciliators, except in the case of appointments by the Chairman pursuant to Article 30.

(2) Conciliators appointed from outside the Panel of Conciliators shall possess the qualities stated in paragraph (1) of Article 14.



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Section 3-Conciliation Proceedings

Article 32:

- (1) The Commission shall be the judge of its own competence.
- (2) Any objection by a party to the dispute that that dispute is not within the jurisdiction of the Centre, or for other reasons is not within the competence of the Commission, shall be considered by the Commission which shall determine whether to deal with it as a preliminary question or to join it to the merits of the dispute.

Article 33:

Any conciliation proceedings shall be conducted in accordance with the provisions of this section and, except as the parties otherwise agree, in accordance with the Conciliation Rules in effect on the date on which the parties consented to conciliation. If any question of procedure arises which is not covered by this section or the Conciliation Rules or any rules agreed by the parties, the Commission shall decide the question.

Article 34:

(1) It shall be the duty of the Commission to clarify the issues in dispute between the parties and to endeavour to bring about agreement between them upon mutually acceptable terms. To that end, the Commission may at any stage of the proceedings and from time to time recommend terms of settlement to the parties. The parties shall co-operate in good faith with the Commission in order to enable the Commission to carry out its functions, and shall give their most serious consideration to its recommendations.

(2) If the parties reach agreement, the Commission shall draw up a report noting the issues in dispute and recording that the parties have reached agreement. If, at any stage of the proceedings, it appears to the Commission that there is no likelihood of agreement between the parties, it shall close the proceedings and shall draw up a report noting the submission of the dispute and recording the failure of the parties to reach agreement. If one party fails to appear or participate in the proceedings, the Commission shall close the proceedings and shall draw up a report noting that party's failure to appear or participate.

Article 35:

Except as the parties to the dispute shall otherwise agree, neither party to a conciliation proceeding shall be entitled in any other proceeding, whether before arbitrators or in a court of law or otherwise, to invoke or rely on any views expressed or statements or admissions or offers of settlement made by the other party in the conciliation proceedings, or the report or any recommendations made by the Commission.

CHAPTER IV

ARBITRATION

Section 1-Request for Arbitration

Article 36:

- (1) Any Contracting State or any national of a Contracting State wishing to institute arbitration proceedings shall address a request to that effect in writing to the Secretary-General who shall send a copy of the request to the other party.
- (2) The request shall contain information concerning the issues in dispute, the identity of the parties and their consent to arbitration in accordance with the rules of procedure for the institution of conciliation and arbitration proceedings.
- (3) The Secretary-General shall register the request unless he finds, on the basis of the information contained in the request, that the dispute is manifestly outside the jurisdiction of the Centre. He shall forthwith notify the parties of registration or refusal to register.

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Section 2-Constitution of the Tribunal

Article 37:

(1) The Arbitral Tribunal (hereinafter called the Tribunal) shall be constituted as soon as possible after registration of a request pursuant to Article 36.

(2) (a) The Tribunal shall consist of a sole arbitrator or any uneven number of arbitrators appointed as the parties shall agree.

(b) Where the parties do not agree upon the number of arbitrators and the method of their appointment, the Tribunal shall consist of three arbitrators, one arbitrator appointed by each party and the third, who shall be the president of the Tribunal, appointed by agreement of the parties.

Article 38:

If the Tribunal shall not have been constituted within ninety days after notice of registration of the request has been dispatched by the Secretary-General in accordance with paragraph (3) of Article 36, or such other period as the parties may agree, the Chairman shall, at the request of either party and after consulting both parties as far as possible, appoint the arbitrator or arbitrators not yet appointed. Arbitrators appointed by the Chairman pursuant to this Article shall not be nationals of the Contracting State party to the dispute or of the Contracting State whose national is a party to the dispute.

Article 39:

The majority of the arbitrators shall be nationals of States other than the Contracting State party to the dispute and the Contracting State whose national is a party to the dispute; provided, however, that the foregoing provisions of this Article shall not apply if the sole arbitrator or each individual member of the Tribunal has been appointed by agreement of the parties.

Article 40:

(1) Arbitrators may be appointed from outside the Panel of Arbitrators, except in the case of appointments by the Chairman pursuant to Article 38.

(2) Arbitrators appointed from outside the Panel of Arbitrators shall possess the qualities stated in paragraph (1) of Article 14.



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Section 3-Powers and Functions of the Tribunal

Article 41:

- (1) The Tribunal shall be the judge of its own competence.
- (2) Any objection by a party to the dispute that that dispute is not within the jurisdiction of the Centre, or for other reasons is not within the competence of the Tribunal, shall be considered by the Tribunal which shall determine whether to deal with it as a preliminary question or to join it to the merits of the dispute.

Article 42:

- (1) The Tribunal shall decide a dispute in accordance with such rules of law as may be agreed by the parties. In the absence of such agreement, the Tribunal shall apply the law of the Contracting State party to the dispute (including its rules on the conflict of laws) and such rules of international law as may be applicable.
- (2) The Tribunal may not bring in a finding of *non liquet* on the ground of silence or obscurity of the law.
- (3) The provisions of paragraphs (1) and (2) shall not prejudice the power of the Tribunal to decide a dispute *ex aequo et bono* if the parties so agree.

Article 43:

Except as the parties otherwise agree, the Tribunal may, if it deems it necessary at any stage of the proceedings-

- (a) call upon the parties to produce documents or other evidence; and
- (b) visit the scene connected with the dispute and conduct such inquiries there as it may deem appropriate.

Article 44:

Any arbitration proceeding shall be conducted in accordance with the provisions of this section and, except as the parties otherwise agree, in accordance with the Arbitration Rules in effect on the date on which the parties consented to arbitration. If any question of procedure arises which is not covered by this section or the Arbitration Rules or any rules agreed by the parties, the Tribunal shall decide the question.

Article 45:

- (1) Failure of a party to appear or to present his case shall not be deemed an admission of the other party's assertions.
- (2) If a party fails to appear or to present his case at any stage of the proceedings the other party may request the Tribunal to deal with the questions submitted to it and to render an award. Before rendering an award, the Tribunal shall notify, and grant a period of grace to, the party failing to appear or to present its case, unless it is satisfied that that party does not intend to do so.

Article 46:

Except as the parties otherwise agree, the Tribunal shall, if requested by a party, determine any incidental or additional claims or counter-claims arising directly out of the subject-matter of the dispute provided that they are within the scope of the consent of the parties and are otherwise within the jurisdiction of the Centre.

Article 47:

Except as the parties otherwise agree, the Tribunal may, if it considers that the circumstances so require, recommend any provisional measures which should be taken to preserve the respective rights of either party.



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Section 4- *The Award*

Article 48:

- (1) The Tribunal shall decide questions by a majority of the votes of all its members.
- (2) The award of the Tribunal shall be in writing and shall be signed by the members of the Tribunal who voted for it.
- (3) The award shall deal with every question submitted to the Tribunal, and shall state the reasons upon which it is based.
- (4) Any member of the Tribunal may attach his individual opinion to the award, whether he dissents from the majority or not, or a statement of his dissent.
- (5) The Centre shall not publish the award without the consent of the parties.

Article 49:

- (1) The Secretary-General shall promptly dispatch certified copies of the award to the parties. The award shall be deemed to have been rendered on the date on which the certified copies were dispatched.
- (2) The Tribunal upon the request of a party made within forty-five days after the date on which the award was rendered may after notice to the other party decide any question which it had omitted to decide in the award, and shall rectify any clerical, arithmetical or similar error in the award. Its decision shall become part of the award and shall be notified to the parties in the same manner as the award. The periods of time provided for under paragraph (2) of Article 51 and paragraph (2) of Article 52 shall run from the date on which the decision was rendered.



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Section 5- Interpretation, Revision and Annulment of the Award

Article 50:

(1) If any dispute shall arise between the parties as to the meaning or scope of an award, either party may request interpretation of the award by an application in writing addressed to the Secretary-General.

(2) The request shall, if possible, be submitted to the Tribunal which rendered the award. If this shall not be possible, a new Tribunal shall be constituted in accordance with section 2 of this Chapter. The Tribunal may, if it considers that the circumstances so require, stay enforcement of the award pending its decision.

Article 51:

(1) Either party may request revision of the award by an application in writing addressed to the Secretary-General on the ground of discovery of some fact of such a nature as decisively to affect the award, provided that when the award was rendered that fact was unknown to the Tribunal and to the applicant and that the applicant's ignorance of that fact was not due to negligence.

(2) The application shall be made within ninety days after the discovery of such fact and in any event within three years after the date on which the award was rendered.

(3) The request shall, if possible, be submitted to the Tribunal which rendered the award. If this shall not be possible, a new Tribunal shall be constituted in accordance with section 2 of this Chapter.

(4) The Tribunal may, if it considers that the circumstances so require, stay enforcement of the award pending its decision. If the applicant requests a stay of enforcement of the award in his application, enforcement shall be stayed provisionally until the Tribunal rules on such request.

Article 52:

(1) Either party may request annulment of the award by an application in writing addressed to the Secretary-General on one or more of the following grounds:

- (a) that the Tribunal was not properly constituted;
- (b) that the Tribunal has manifestly exceeded its powers;
- (c) that there was corruption on the part of a member of the Tribunal;
- (d) that there has been a serious departure from a fundamental rule of procedure; or
- (e) that the award has failed to state the reasons on which it is based.

(2) The application shall be made within one hundred and twenty days after the date on which the award was rendered except that when annulment is requested on the ground of corruption such application shall be made within one hundred and twenty days after discovery of the corruption and in any event within three years after the date on which the award was rendered.

(3) On receipt of the request the Chairman shall forthwith appoint from the Panel of Arbitrators an *ad hoc* Committee of three persons. None of the members of the Committee shall have been a member of the Tribunal which rendered the award, shall be of the same nationality of any such member, shall be a national of the State party to the dispute or of the State whose national is a party to the dispute, shall have been designated to the Panel of Arbitrators by either of those States, or shall have acted as a conciliator in the same dispute. The Committee shall have the authority to annul the award or any part thereof on any of the grounds set forth in paragraph (1).

(4) The provisions of Articles 41-45, 48, 49, 53 and 54, and of Chapters VI and VII shall apply *mutatis mutandis* to proceedings before the Committee.

(5) The Committee may, if it considers that the circumstances so require, stay enforcement of the award pending its decision. If the applicant requests a stay of enforcement of the award in his application, enforcement shall be stayed provisionally until the Committee rules on such request.

(6) If the award is annulled the dispute shall, at the request of either party, be submitted to a new Tribunal constituted in accordance with section 2 of this Chapter.



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Section 6-Recognition and Enforcement of the Award

Article 53:

(1) The award shall be binding on the parties and shall not be subject to any appeal or to any other remedy except those provided for in this Convention. Each party shall abide by and comply with the terms of the award except to the extent that enforcement shall have been stayed pursuant to the relevant provisions of this Convention.

(2) For the purposes of this section, "award" shall include any decision interpreting, revising or annulling such award pursuant to Article 50, 51 or 52.

Article 54:

(1) Each Contracting State shall recognize an award rendered pursuant to this Convention as binding and enforce the pecuniary obligations imposed by that award within its territories as if it were a final judgment of a court in that State. A Contracting State with a federal constitution may enforce such an award in or through its federal courts and may provide that such courts shall treat the award as if it were a final judgment of the courts of a constituent State.

(2) A party seeking recognition or enforcement in the territories of a Contracting State shall furnish to a competent court or other authority which such State shall have designated for this purpose a copy of the award certified by the Secretary-General. Each Contracting State shall notify the Secretary-General of the designation of the competent court or other authority for this purpose and of any subsequent change in such designation.

(3) Execution of the award shall be governed by the laws concerning the execution of judgments in force in the State in whose territories such execution is sought.

Article 55:

Nothing in Article 54 shall be construed as derogating from the law in force in any Contracting State relating to immunity of that State or of any foreign State from execution.

CHAPTER V

REPLACEMENT AND DISQUALIFICATION OF CONCILIATORS AND ARBITRATORS

Article 56:

(1) After a Commission or a Tribunal has been constituted and proceedings have begun, its composition shall remain unchanged; provided, however, that if a conciliator or an arbitrator should die, become incapacitated, or resign, the resulting vacancy shall be filled in accordance with the provisions of section 2 of Chapter III or section 2 of Chapter IV.

(2) A member of a Commission or a Tribunal shall continue to serve in that capacity notwithstanding that he shall have ceased to be a member of the Panel.

(3) If a conciliator or arbitrator appointed by a party shall have resigned without the consent of the Commission or Tribunal of which he was a member, the Chairman shall appoint a person from the appropriate Panel to fill the resulting vacancy.

Article 57:

A party may propose to a Commission or a Tribunal the disqualification of any of its members on account of any fact indicating a manifest lack of the qualities required by paragraph (1) of Article 14. A party to arbitration proceedings may, in addition, propose the disqualification of an arbitrator on the ground that he was ineligible for appointment to the Tribunal under section 2 of Chapter IV.

Article 58:

The decision on any proposal to disqualify a conciliator or arbitrator shall be taken by the other members of the Commission or Tribunal, as the case may be, provided that where those members are equally divided, or in the case of a proposal to disqualify a sole conciliator or arbitrator, or a majority of the conciliators or arbitrators, the Chairman shall take that decision. If it is decided that the proposal is well-founded the conciliator or arbitrator to whom the decision relates shall be replaced in accordance with the provisions of section 2 of Chapter III or section 2 of Chapter IV.

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The Laws of Zambia

CHAPTER VI

COST OF PROCEEDINGS

Article 59:

The charges payable by the parties for the use of the facilities of the Centre shall be determined by the Secretary-General in accordance with the regulations adopted by the Administrative Council.

Article 60:

(1) Each Commission and each Tribunal shall determine the fees and expenses of its members within limits established from time to time by the Administrative Council and after consultation with the Secretary-General.

(2) Nothing in paragraph (1) of this Article shall preclude the parties from agreeing in advance with the Commission or Tribunal concerned upon the fees and expenses of its members.

Article 61:

(1) In the case of conciliation proceedings the fees and expenses of members of the Commission as well as the charges for the use of the facilities of the Centre shall be borne equally by the parties. Each party shall bear any other expenses it incurs in connection with the proceedings.

(2) In the case of arbitration proceedings the Tribunal shall, except as the parties otherwise agree, assess the expenses incurred by the parties in connection with the proceedings, and shall decide how and by whom those expenses, the fees and expenses of the members of the Tribunal and the charges for the use of the facilities of the Centre shall be paid. Such decision shall form part of the award.

CHAPTER VII

PLACE OF PROCEEDINGS

Article 62:

Conciliation and arbitration proceedings shall be held at the seat of the Centre except as hereinafter provided.

Article 63:

Conciliation and arbitration proceedings may be held, if the parties so agree-

- (a) at the seat of the Permanent Court of Arbitration or of any other appropriate institution, whether private or public, with which the Centre may make arrangements for that purpose; or
- (b) at any other place approved by the Commission or Tribunal after consultation with the Secretary-General.

CHAPTER VIII

DISPUTES BETWEEN CONTRACTING STATES

Article 64:

Any dispute arising between Contracting States concerning the interpretation or application of this Convention which is not settled by negotiation shall be referred to the International Court of Justice by the application of any party to such dispute, unless the States concerned agree to another method of settlement.

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CHAPTER IX

AMENDMENT

Article 65:

Any Contracting State may propose amendment of this Convention. The text of a proposed amendment shall be communicated to the Secretary-General not less than ninety days prior to the meeting of the Administrative Council at which such amendment is to be considered and shall forthwith be transmitted by him to all the members of the Administrative Council.

Article 66:

(1) If the Administrative Council shall so decide by a majority of two-thirds of its members, the proposed amendment shall be circulated to all Contracting States for ratification, acceptance or approval. Each amendment shall enter into force thirty days after dispatch by the depositary of this Convention of a notification to Contracting States that all Contracting States have ratified, accepted or approved the amendment.

(2) No amendment shall affect the rights and obligations under this Convention of any Contracting State or of any of its constituent subdivisions or agencies, or of any national of such State arising out of consent to the jurisdiction of the Centre given before the date of entry into force of the amendment.

CHAPTER X

Final Provisions

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Article 67:

This Convention shall be open for signature on behalf of States members of the Bank. It shall also be open for signature on behalf of any other State which is a party to the Statute of the International Court of Justice and which the Administrative Council, by a vote of two-thirds of its members, shall have invited to sign the Convention.

Article 68:

(1) This Convention shall be subject to ratification, acceptance or approval by the signatory States in accordance with their respective constitutional procedures.

(2) This Convention shall enter into force thirty days after the date of deposit of the twentieth instrument of ratification, acceptance or approval. It shall enter into force for each State which subsequently deposits its instrument of ratification, acceptance or approval thirty days after the date of such deposit.

Article 69:

Each Contracting State shall take such legislative or other measures as may be necessary for making the provisions of this Convention effective in its territories.

Article 70:

This Convention shall apply to all territories for whose international relations a Contracting State is responsible, except those which are excluded by such State by written notice to the depositary of this Convention either at the time of ratification, acceptance or approval or subsequently.

Article 71:

Any Contracting State may denounce this Convention by written notice to the depositary of this Convention. The denunciation shall take effect six months after receipt of such notice.

Article 72:

Notice by a Contracting State pursuant to Article 70 or 71 shall not affect the rights or obligations under this Convention of that State or of any of its constituent sub-divisions or agencies or of any national of that State arising out of consent to the jurisdiction of the Centre given by one of them before such notice was received by the depositary.

Article 73:

Instruments of ratification, acceptance or approval of this Convention and of amendments thereto shall be deposited with the Bank which shall act as the depositary of this Convention. The depositary shall transmit certified copies of this Convention to States members of the Bank and to any other State invited to sign the Convention.

Article 74:

The depositary shall register this Convention with the Secretariat of the United Nations in accordance with Article 102 of the Charter of the United Nations and the Regulations thereunder adopted by the General Assembly.

Article 75:

The depositary shall notify all signatory States of the following:

- (a) signatures in accordance with Article 67;
- (b) deposits of instruments of ratification, acceptance and approval in accordance with Article 73;
- (c) the date on which this Convention enters into force in accordance with Article 68;
- (d) exclusions from territorial application pursuant to Article 70;
- (e) the date on which any amendment of this Convention enters into force in accordance with Article 66; and
- (f) denunciations in accordance with Article 71.

DONE at Washington in the English, French and Spanish languages, all three texts being equally authentic, in a single copy which shall remain deposited in the archives of the International Bank for Reconstruction and Development, which has indicated by its signature below its agreement to fulfil the functions with which it is charged under this Convention.

(Here follow the executions on behalf of the several parties)

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THE MARKETS AND BUS STATION ACT, 2007

ARRANGEMENT OF SECTIONS

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2. Application
3. Interpretation
4. Establishment of markets and bus stations
5. Control and management of markets and bus stations
6. Unauthorised markets and bus stations
7. Designation of market streets
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9. Fees, stallage, and levy
10. Inspectors of markets
11. Entry into markets and bus station by inspector
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15. Business plan and management Lease
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SCHEDULE

*Copies of this Statutory Instrument can be obtained from the Government Printer,
P. O. Box 30136, 10101 Lusaka. Price K5,750 each*



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GOVERNMENT OF ZAMBIA

ACT

No. 7 of 2007

Date of Assent: 12th April, 2007

An Act to provide for the establishment and regulation of markets and bus stations; to provide for the establishment of management boards for markets and bus stations; to repeal and replace the Markets Act, 1937; and to provide for matters connected with or incidental to the foregoing.

[13th April, 2007

ENACTED by the Parliament of Zambia

Enactment

PART I PRELIMINARY

1. This Act may be cited as the Markets and Bus Stations Act, 2007, and shall come into operation on such date as the Minister may, by statutory instrument, appoint.

Short title and commencement

2. This Act shall not apply to a place situated on land owned, leased or lawfully occupied by any person that is primarily used for the supply of goods to persons employed by that person on that land.

Application

3. In this Act unless the context otherwise requires—

Interpretation

“ area ” means the area under the jurisdiction of a local authority;

“ bus service ” means a service for the provision of passenger transport to the public;

“ bus station ” means a place designated by a local authority as a regular terminal stopping place for buses but does not include a bus stop;

“ bus stop ” means a place on a bus route designated by a local authority as a regular short-term stopping place of buses for the boarding and disembarking of passengers from buses;



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- Cap. 303 “food” has the meaning assigned to it in the Food and Drugs Act;
- “lessee” means a management board which has entered into a management lease with a local authority;
- Cap. 281 “local authority” means a city council, municipal council or district council established under the Local Government Act;
- “maintain” includes carry on, manage, operate and keep in good repair and “maintaining” shall be construed accordingly;
- “management board” means a board that has been established under section *thirteen*;
- “management lease” means a lease to maintain and manage a market or bus station, as the case may be, between a management board and a local authority as provided under section *fifteen*;
- “market” means a market established under this Act being a place or premises where any prescribed goods are sold;
- “marketeer” means a person who sells goods in a market;
- “market street” means a place designated as a market street under section *seven*;
- “premises” includes any place, vehicle, stall or measurable structure but does not include a cargo container;
- “prescribed” means made by the Minister by statutory instrument, on the recommendation of a local authority;
- “sell” includes exchange, barter or offer for sale or expose for sale and “sale” shall be construed accordingly; and
- “stall” means any stand, shelter or table at a market for the sale or purchase of goods.

PART II

MARKETS AND BUS STATIONS

Establishment
of markets
and bus
stations

- 4.** (1) The Minister or a local authority, with the approval of the Minister, may establish markets and bus stations.
- (2) The Minister may prescribe different categories of markets and bus stations to be established under this Act.
- (3) A local authority, may enter into public-private partnerships, with the prior approval of the Minister given in writing.



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Markets and Bus Stations

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(4) Any public-private partnership entered into shall not be for a period longer than fourteen years.

(5) The Town and Country Planning Act, the Public Health Act and any other relevant written law shall apply to the planning, siting and construction of markets and bus stations.

Cap 283
Cap 295

5. (1) All markets and bus stations shall be under the control of a local authority having jurisdiction in the area in which they are situated.

Control and management of markets and bus stations

(2) A market and bus station shall be managed by—

- (a) a local authority in that area; or
- (b) a management board.

(3) A market and a bus station shall be managed and operated in accordance with the Food and Drug Act, the Public Health Act and the Weights and Measures Act.

Cap 303
Cap 295
Cap 403

6. (1) A person shall not, except in partnership with a local authority and with the approval of the Minister—

Unauthorised markets and bus stations

- (a) establish any market or bus station in any area;
- (b) being the owner, lessee or occupier of land, permit a market or a bus station to be established on that land; and
- (c) maintain, conduct or manage a market or a bus station in contravention of this Act.

(2) Any person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding thirty thousand penalty units and a further fine not exceeding one thousand penalty units for each day the contravention continues or in default of payment, to imprisonment for a period not exceeding six months.

7. (1) A local authority may, on its own motion or on the application of any person, club or co-operative, designate any place for a specified period as a market street.

Designation of market streets

(2) A local authority may make by-laws for—

- (a) prescribing the days on which a market street may operate;
- (b) prescribing the goods which may be sold on a market street; and
- (c) regulating traffic and access to the market street.

(3) If a local authority designates any part of a road as a market street the authority shall notify—

- (a) the public;
- (b) motorists; and
- (c) operators of bus services;



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Demolishing,
reconstructing,
abolishing,
closing or
moving of
markets
and bus
stations

of such designation by a local publication in the government *Gazette* and a newspaper of general circulation in that area.

8. (1) A local authority, in consultation with the Minister, may demolish, reconstruct, abolish, close or move a market or a bus station.

(2) Notwithstanding subsection (1), a local authority shall, before demolishing, reconstructing, abolishing, closing or moving a market or a bus station, notify, in writing, any person who is managing the market or bus station.

(3) Where a local authority closes a market or bus station, a lessee or any agent of the lessee shall not keep the market or bus station open or permit the market or bus station to be open.

(4) Any person who contravenes subsection (3)

commits an offence and is liable, upon conviction, to a fine not exceeding fifty thousand penalty units, or in default of payment, to imprisonment for a period not exceeding six months.

Fees,
stallage and
levy

9. (1) Any person who desires to sell goods in any market or operate a bus at any bus station shall pay such fee, stallage or levy as may be prescribed by a local authority or management board with the approval of the Minister.

(2) Any person who fails to pay any fee or levy in contravention of this section commits an offence and is liable, upon conviction, to a fine not exceeding ten thousand penalty units or to imprisonment for a term not exceeding six months, or to both.

Inspectors
of markets
and bus
stations

10. (1) The Minister, or a local authority with the approval of the Minister, may appoint inspectors to ensure compliance with this Act.

(2) An inspector shall be provided with a certificate of appointment which shall be produced by the inspector when any person requires it to be produced.

(3) An inspector may, during an inspection—

(a) examine and make copies of any books, records or other documents containing information relevant to the administration or enforcement of this Act or any regulations or by-laws made under this Act;

(b) examine any computer and retrieve any information relevant to the administration or enforcement of this Act or any regulations or by-laws made under this Act;

(c) open and inspect any package or container;



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- (d) inspect any premises in the market, bus station or market street; and
- (e) examine or inspect anything relevant to the administration or enforcement of this Act or any regulation or by-laws made under this Act.

11. (1) An inspector may at any reasonable time, for the purposes of performing that inspector's functions under this Act, without warrant, enter into any market, bus station, market street or other premises which the inspector reasonably believes is being used as a market, market street or bus station or is used for selling any prescribed goods in contravention of this Act.

Entry into market and bus station by inspector

(2) Any person who—

- (a) delays or obstructs an inspector in the performance of the inspector's functions;
- (b) refuses to give an inspector such reasonable assistance as the inspector may require for the purpose of exercising the inspector's powers; and
- (c) gives an inspector false or misleading information in answer to any inquiry made by the inspector; commits an offence and is liable, upon conviction, to a fine not exceeding twenty thousand penalty units or to imprisonment for a term not exceeding six months, or to both.

12. A local authority may issue licences or permits to pedlars, hawkers, marketeers and operators of bus services or any other category of licence as may be prescribed for the purpose of operating in a market, bus station or market street:

Issue of licences and permits

Provided that where a management board is established to manage a market or bus station the licences or permits to operate in a market or bus station shall be issued in consultation with the management board.

PART III

MANAGEMENT BOARDS

13. (1) The Minister may, in consultation with the local authority in whose area the market or bus station is situated, establish a management board for any market or bus station established under this Act.

Establishment of management boards

(2) A management board established under subsection (1) shall be a body corporate with perpetual succession and a common



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seal capable of suing and of being sued in its corporate name, and with power, subject to the provisions of this Act, to do all such things as a body corporate may by law do or perform.

Composition
of
management
board

14. (1) A management board shall consist of not less than eight and not more than eleven members appointed by the Minister.

(2) The members referred to in subsection (1) shall include—

(a) one person, representing the Ministry responsible for local government and housing;

(b) one person, representing the Ministry responsible for communication and transport, in the case of a bus station management board;

(c) three persons representing the marketeers in the market or operators of bus services in a bus station, elected by the marketeers or operators of bus services, as the case may be;

(d) one person representing the local authority in which the market or bus station is situated;

(e) one consumer or commuter from an association relevant to markets or bus stations in the area in which the market or bus station is situated; and

(f) one person from the community in the area in which the market or bus station is situated.

(3) The Minister shall, on receiving the names of the proposed representatives from the institutions or organisations referred to in subsection (2), consider the representatives and may, where the Minister thinks fit in the Minister's discretion, reject any such representative or appoint the representative as a member of the management board:

Provided that where the Minister rejects any proposed representative, the Minister shall direct the institution concerned to avail the Minister with the name of another representative.

(4) The Chairperson and the Vice-chairperson shall be appointed by the Minister from among the members appointed under subsection (1).

(5) A person who is an employee of a management board shall not be qualified to be a member of such management board.

(6) Subject to subsection (1), the Minister may appoint a different number of members depending on the size of the market or bus station.



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Markets and Bus Stations

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(7) The members of a management board shall be appointed by the Minister on such terms and conditions as the Minister may determine.

15. (1) A management board established under subsection (1) of section *thirteen*, shall submit to the local authority in whose area the market or bus station is situated its business plan for the market or bus station covering an initial period of five years and the local authority shall, before submitting the business plan to the Minister for the Minister's approval, consider the business plan and make recommendations on the plan to the Minister.

Business
plan and
management
lease

(2) The Minister shall consider the proposed business plan and the recommendations made by the local authority on the business plan and if the Minister is satisfied with the proposed business plan the Minister shall approve it.

(3) Where the Minister is not satisfied with the proposed business plan, the Minister may engage experts to assist the management board come up with a satisfactory business plan.

(4) Subject to subsection (5), a local authority referred to in subsection (2) shall, following the approval of the proposed business plan by the Minister, enter into a management lease with the management board in the form set out in the Schedule.

(5) A local authority shall, before entering into a management lease under subsection (4), pay and settle off all liabilities and obligations in respect of the market or bus station, including the retirement of staff not required by the market management board, utility bills and refuse collection charges.

(6) A management lease shall be for a period of three years and may be subject to renewal.

16. The functions of a management board shall be to—

Functions of
management
board

- (a) formulate policies and guidelines for the maintenance and management of a particular market, group of markets or bus stations under a management board;
- (b) manage and maintain any market or bus station for which it is established;
- (c) present to the Minister, for approval, an annual update of the business plan for the market or bus station, where necessary;
- (d) provide services such as, water, sanitation, security, electricity and refuse collection, to market users;



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- (e) maintain all buildings and infrastructure such as drainage, roads, parking and fencing of the market or bus station;
- (f) provide secure trading places for traders and adequate parking for buses, taxis and other motor vehicles;
- (g) prevent vending and illegal trading in the market or bus station's vicinity;
- (h) establish and implement adequate measures to ensure protection of the property of the market or bus station;
- (i) maintain, utilise, acquire, develop and improve any property of the market or bus station;
- (j) ensure that the annual accounts of the market or bus station are audited in accordance with subsection (2) of section *thirty*;
- (k) in line with the policy of the Ministry responsible for local government and housing, insure—
 - (i) any equipment, vehicle, machine or installation in its possession against any losses, damage, repair, third party liability; and
 - (ii) the assets of the board against losses, damage, risk or liability which the market or bus station or its board, agents or employees may sustain or incur in the course of their duties and in respect of such assets or moneys belonging or pertaining to the board;
- (l) open, operate, transfer or close any bank account with any institution and accept deposits in the name of the markets or bus station and make, accept, endorse and discount cheques;
- (m) pay taxes, if any, pursuant to the laws of Zambia;
- (n) create a conducive environment in the market or bus station for the benefit of all stakeholders;
- (o) generate revenue to pay for the services to be supplied to marketeers or operators of bus stations at an affordable price;
- (p) assist marketeers or operators of bus stations with business development;
- (q) promote community involvement in market or bus station operations;
- (r) create awareness and disseminate information on health and sanitation;



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- (s) source funding for further development of the market or bus station;
- (t) ensure that the stakeholders in the market or at bus stations are kept informed about developments in the market or bus station;
- (u) liaise with the Ministry responsible for local government and market users or other stakeholders for the better development and use of the market or bus station;
- (v) submit to arbitration or otherwise settle any claim or dispute, whatsoever, relating to the market or bus station;
- (w) make provision for pension, health, retirement and death benefits for its employees by way of insurance and subscription to a social security fund; and
- (x) do all such things as are necessary or conducive to achieving the objectives of the market or bus station.

17. (1) The seal of a management board shall be such device as may be determined by the management board and shall be kept by the Secretary.

Seal of
management
board

(2) The affixing of the seal shall be authenticated by the Chairperson or the Vice-Chairperson and the Secretary or one other person authorised in that behalf by a resolution of the management board.

(3) Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under seal, may be entered into or executed without seal on behalf of the management board by the Secretary or any other person generally or specifically authorised by a management board in that behalf.

(4) Any document purporting to be a document under the seal of the management board or issued on behalf of the management board shall be received in evidence and shall be executed or issued, as the case may be, without any further proof, unless the contrary is proved.

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

Tenure of
office of
member and
vacancy

(2) The office of a member becomes vacant—

- (a) upon the member's death;
- (b) if the member is adjudged bankrupt;
- (c) if the member is absent from three consecutive meetings of the management board of which the member has had notice, without the prior approval of the management board;



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- (d) upon the expiry of one month's notice of the member's intention to resign from office, given by the member in writing to the Minister;
- (e) if the member becomes mentally or physically incapable of performing the duties of a member of the management board;
- (f) if the member is convicted of an offence under this Act; or
- (g) if the member is convicted of an offence under any other written law and sentenced therefor to imprisonment for a term of six months or more.

Proceedings
of
management
board

19. (1) Subject to the other provisions of this Act, a management board may regulate its own procedure.

(2) A management board shall meet for the transaction of its business at least once in every three months at such places and times as the Chairperson may determine.

(3) Upon giving notice of not less than fourteen days, a meeting of a management board may be called by the Chairperson and shall be called if not less than one third of the members so request in writing:

Provided that if the urgency of any particular matter does not permit the giving of such notice, a special meeting may be called upon a shorter notice given by three members of a management board.

(4) The quorum at any meeting of a management board shall be five of the members.

(5) There shall preside at any meeting of a management board—

- (a) the chairperson;
- (b) in the absence of the chairperson, the vice-chairperson; and
- (c) in the absence of both the chairperson and the vice-chairperson, such member as the members present may elect from amongst themselves for the purpose of that meeting.

(6) A decision of a management board on any question shall be by a majority of votes 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, in addition to a deliberative vote, a casting vote.



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(7) A management board may invite any person whose presence in its opinion is desirable to attend and to participate in the deliberations of a meeting of the management board but such person shall have no vote.

(8) The validity of any proceedings, act or decision of a management board shall not be affected by any vacancy in the membership of the management board or by any defect in the appointment of any member or by reason that any person not entitled so to do, took part in the proceedings.

(9) A management board shall cause minutes to be kept of the proceedings of every meeting of the management board and every meeting of any committee established by the management board.

20. (1) A management board may, for the purpose of performing its functions under this Act, constitute any committee and may delegate to any such committee such of its functions as it thinks fit.

Committees
of
management
board

(2) A management board may appoint as members of a committee constituted under subsection (1), persons who are or are not members of a management board and such persons shall hold office for such period as the management board may determine.

21. There shall be paid to members of a management board or any committee of a management board such allowances as the management board may, with the approval of the Minister, determine.

Allowances of
members

22. (1) A person who is present at a meeting of a management board or any committee of a management board and who is directly or indirectly interested in a matter that is the subject of consideration at the meeting shall, as soon as is practicable after the commencement of the meeting, disclose the interest and shall not, unless the management board or the committee otherwise directs, take part in any consideration or discussion of, or vote on, any question relating to the matter.

Disclosure of
interest

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

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

Prohibition
of
publication
of, or
disclosure
of
information
to
unauthorized
persons



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(2) Any person who contravenes the provisions of subsection (1) commits an offence and is liable, upon conviction, to a fine not exceeding thirty thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

(3) If any person, having any information which to the knowledge of that person has been published or disclosed in contravention of subsection (1), unlawfully publishes or communicates any such information to any other person, the person commits an offence and is liable, upon conviction, to a fine not exceeding thirty thousand penalty units or to imprisonment for a term not exceeding two years or to both.

Immunity
of
members of
management
board and
staff

24. No action or other proceedings shall lie or be instituted against any member of a management board or a committee of a management board, or any member of the staff of a management board, 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 or functions conferred under this Act.

Staff of
management
board

25. (1) A management board shall appoint a management team consisting of a Manager, who shall be the chief executive officer and Secretary of the management board, and such other staff as are necessary for the effective and efficient management of the market or bus station.

(2) A management board shall engage the staff referred to in subsection (1), on such terms and conditions as it may determine, with the approval of the Minister.

(3) The Manager shall attend meetings of the management board and may address such meetings, but shall not vote on any matter.

(4) A management team, under the direction and supervision of the Manager, shall exercise the functions of the management board in accordance with the policy, direction and guidelines of the board.

(5) A management team shall, at least once in each year or when directed to do so by the management board, submit progress reports to the board on the activities carried out by the management team and the manner in which the affairs of the market or bus station have been managed.



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PART III
FINANCIAL AND GENERAL PROVISIONS

26. (1) All moneys paid to a local authority under this Act shall be paid into a special fund established under section forty of the Local Government Act.

Moneys to
be paid
into special
fund of local
authority
Cap 281

(2) The moneys of the local authority referred to in subsection (1) may be—

- (a) such fees and rentals paid by management boards to a local authority; and
- (b) any moneys received by way of grants or donations from any source in Zambia and, subject to the approval of the Minister, from any source outside Zambia.

(3) There shall be paid from the special fund of the local authority—

- (a) moneys for the development, management, maintenance and servicing of markets and bus stations which are not under the management of a management board; and
- (b) such moneys as the Minister, on the recommendation of the local authority, may approve for the better administration of markets and bus stations.

27. (1) The funds of a management board shall consist of such moneys as may—

Funds of
management
board

- (a) be appropriated by Parliament for the purposes of the board;
- (b) such moneys as the board may collect from market fees, stallage, rent or bus levies, as the case maybe, and other income generated from activities undertaken by the board, but shall not include moneys paid into the special fund;
- (c) subject to subsection (2), be paid to the board by way of grants or donations from any source within or outside Zambia; and
- (d) vest in or accrue to the board.

(2) A management board shall not receive any grant or donation from a source other than the Government without the prior approval of the Minister.

(3) A management board may—

- (a) subject to the approval of the Minister, raise by way of loans or otherwise, such moneys as it may require for the discharge of its functions; and



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Markets and Bus Stations

- (b) charge and collect market fees, stallage, rent or bus levies and other fees in respect of services provided by the board.
- (4) There shall be paid from the funds of a management board—
- (a) salaries and gratuities of the staff engaged by the board;
 - (b) such allowances for the members of the board for attendance at meetings of the board, as the Minister may determine, taking into account the size and operation of the market or bus station and the general viability of the business;
 - (c) the expenses incurred by the board for the maintenance and management of the market or bus station;
 - (d) any money required for the development of the market or bus station;
 - (e) the lease fees agreed under a management lease entered into by the local authority and the management board; and
 - (f) such amount of contribution to the National Market and Bus Station Development Fund established pursuant to section *thirty-two* as may be determined by the Minister.
- (5) A management board may, with the approval of the Minister, invest such of its moneys as it does not immediately require for the performance of its functions.
- Budget **28.** The funds of a management board shall not be expended otherwise than in accordance with the annual budget approved by the board and the Minister or with the special authorisation of the board and the Minister where provision is not made in the budget.
- Financial year **29.** The financial year of a management board shall be the period of twelve months commencing 1st January and ending 31st December in any year.
- Accounts **30.** (1) A management board shall cause to be kept proper books of account and other records relating to its accounts.
- (2) The accounts of a management board shall be audited—
- (a) by auditors from the local authority in whose area the market or bus station is situated; or
 - (b) by auditors from the Ministry responsible for local government where for any reason the auditors of a local authority are unable to conduct the audit; or
 - (c) by independent auditors appointed by the board, with the approval of the Auditor-General.



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(3) The auditor's fees shall be paid by the management board from its funds.

31. (1) As soon as practicable but not later than fifteen days after the end of each quarter of the year, a management board shall submit to the local authority in whose area the market or bus station is situated a report concerning its business activities in the market or bus station during the quarter.

Quarterly
and annual
reports

(2) As soon as practicable, but not later than ninety days after the end of the financial year, a management board shall submit to the Minister and the local authority a report concerning its business activities in the market or bus station during the financial year.

(3) The report, referred to in subsection (2), shall include information on the financial affairs of the management board and there shall be appended to the report—

- (a) an audited balance sheet;
- (b) an audited statement of the income and expenditure; and
- (c) such other information as the Minister may require.

(4) The Minister shall, not later than seven days after the first sitting of the National Assembly next after receipt of the report referred to in subsection (2), lay the report before the National Assembly.

32. (1) The Minister may, by statutory instrument, establish a National Market and Bus Station Development Fund for the purposes of assisting markets and bus stations established under this Act.

National
Market and
Bus Station
Develop-
ment Fund

- (2) A statutory instrument made under subsection (1) shall—
- (a) prescribe how the money in the Fund shall be applied; and
 - (b) provide for the administration of the Fund and other matters related to the Fund.

33. (1) The Minister may, by statutory instrument, make regulations and a local authority may make by-laws, for the better carrying into effect of this Act.

Regulations
and by-laws

(2) In particular but without limiting the generality of subsection (1), regulations and by-laws made under subsection (1) may make provision for—

- (a) regulating the use of markets and bus stations and buildings, keeping order, preventing obstructions and maintaining cleanliness in, and approaches to, markets and bus stations;



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- (b) prescribing the goods which may be sold in any market or bus station and the conditions under which such goods may be sold in the market or bus station;
- (c) prohibiting the sale of any specified kind of goods within any specified area;
- (d) enabling the local authority to determine by resolution, stallage, rent, tolls or levies and fees for inspection of produce and providing for the collection thereof;
- (e) enabling the local authority to determine by resolution the days and the hours during each day on which a market may be held and preventing the sale and purchase of goods in the markets on any days or at any hours except those determined;
- (f) prescribing the weights, scales and measures to be used in the sale of any particular produce or articles of food and prohibiting the adulteration thereof;
- (g) the examination of produce or articles of food and prohibiting the adulteration thereof;
- (h) regulating the duties and conduct of inspectors and other persons appointed for the purposes of this Act;
- (i) prohibiting the purchase of any specified kind of goods for export from any specified area except at a market;
- (j) prescribing that purchases of any specified kind of goods in any market shall be paid for in cash;
- (k) the fixing of grades and the manner of inspection and grading;
- (l) the issue and revocation of licences or permits for marketeers and operators of bus services and other licences required for operations at markets or bus stations under this Act;
- (m) regulating services within the market and at a bus station;
- (n) regulating parking areas within a market or bus station;
- (o) enabling the local authority to prohibit and control the development or erection of buildings in a market area or bus station in the interests of public health, public safety and the orderly development of a market area or bus station;
- (p) the demolition of buildings in a market or bus station which do not conform to plans and specification of the

ACT NO. 7 OF 2007



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buildings approved by the local authority and are a danger to public health or public safety;

- (q) the establishment and maintenance of environmental health services;
- (r) the establishment and maintenance of sanitary conveniences and services and ablution facilities;
- (s) the removal and destruction of, or otherwise dealing with, all kinds of refuse and effluent;
- (t) the establishment and maintenance of drains, sewers and works for the disposal of sewage and refuse;
- (u) prohibiting and controlling the carrying on in a market or bus station of offensive, unhealthy and dangerous trade;
- (v) prescribing measures for the prevention of pollution of water; and
- (w) generally carrying into effect the purposes of this Act.

(3) The provisions of sections *twenty-six, twenty-seven* and *twenty-eight* of the Local Government Act shall, with necessary modifications, apply to by-laws made under this section.

Cap. 281

(4) A person who contravenes any of the regulations or by-laws made under subsection (2) commits an offence and is liable on conviction to a fine not exceeding thirty thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

34. (1) The Markets Act is hereby repealed.

(2) Notwithstanding the repeal of the Markets Act, any market established before the commencement of this Act shall be deemed to have been established under this Act.

Repeal,
savings
and
transitional
Cap 290

(3) A lease made under the repealed Markets Act and subsisting immediately before the commencement of this Act shall, until replaced, be deemed to be a lease made under this Act.

(4) After the commencement of this Act any market association, operating within a market that is under the management of a local authority or a management board, shall cease to operate within that market.



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SCHEDULE

(Section 15)

Management Lease

.....
(Name of Local Authority)

TO

.....
(Name of market/bus station management board)

LEASE

Plot/Stand No.....

.....
(Name of Town)

THIS INDENTURE is made the day of
Two Thousand and Between
.....(name of local authority) established under the Local
Government Act Cap 281 of the Laws of Zambia (hereinafter called "the local
authority ") of the one part and(name of
market/bus station*) Management Board established under the Markets and
Bus Stations Act, 2007 (hereinafter called "the management lessee ") of the
other part.

WITNESSETH as follows:—

1. In consideration of the rents and the management lessee's covenants hereinafter reserved and contained and on condition of the management lessee submitting to the local authority, the documents which are particularly described in the Third Schedule, the local authority hereby demises unto the management lessee ALL THOSE buildings and appurtenances thereto belonging and described in the First Schedule TO HOLD unto the management lessee for the term stated in the Second Schedule hereto PAYING therefore during the said term the rent stated in the said Second Schedule to be paid in the manner therein stated.

2. The management lessee will provide equipment, plant and vehicles and other ancillary equipment for the maintenance of the market/bus station and all installed or fixed ancillary buildings and equipment such as the bus stations, if any at the market, pipes, conduits, cables, pavements and other property of the local authority.

3. The management lessee will maintain the market area, bus stations and other ancillary equipment to ensure that the marketer can sell their products, and bus owners can provide services, in a safe manner.

4. The management lessee shall carry out renovations, redecorations and repairs on the market premises/bus station at its own expense after the commencement of this lease and the detail of the renovations, redecorations and repairs to be done are to be mutually agreed by the parties in writing.



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Markets and Bus Stations

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5. The management lessee covenants with the local authority as follows:
- (a) to pay the rent reserved on the days and in the manner stated in this lease;
 - (b) not to demand any fees, stallage, rent or tolls in excess of the amount prescribed by the local authority by by-laws;
 - (c) to abide to all regulations issued by the Minister responsible for local government, and all by-laws and regulations issued by a local authority, in respect of markets/bus stations;
 - (d) to pay the local authority a deposit ofKwacha on the signature of this lease which deposit shall be forfeited to the local authority if the local authority is satisfied that the management lessee has been guilty of a breach or non-performance of any undertaking or condition to be observed or performed by the management lessee under this lease and the decision of the local authority shall be final;
 - (e) to issue receipts in respect of sums collected and retained by the management lessee, such receipts to be of a form approved by the local authority which receipts must be identifiable by illiterate persons in respect of the amounts for which they are issued by reason of the colour or design of the receipts, to pay for all electricity, water, refuse collection and charges payable in respect of the demised premises;
 - (f) to keep the interior of the demised building and bus stations and all additions including the windows and doors and sanitary and water apparatus thereof and the local authority fixtures therein in tenable repair except in respect of any injury or deterioration occasioned by ordinary wear and tear, other than by natural causes, such as fire, lightening, tempest or any inevitable accident or by any defects of repair in the main walls or structure;
 - (g) to permit the local authority and its agents and inspectors with all necessary workmen and appliances, at all reasonable times, to enter upon the demised premises for the purpose of inspecting the market/bus station, books of account and other records of the management lessee in accordance with their powers under the Markets and Bus Stations Act;
 - (h) to permit the local authority and its agents and inspectors with or without workers, at all reasonable times, twice a year, with the prior approval of the Minister responsible for local government, to enter upon and examine the condition of the demised premises and thereupon the local authority may serve upon the management lessee notice in writing specifying any repairs necessary to be done and require the management lessee forthwith to proceed diligently with the execution of repairs then to permit the local authority to enter upon the demised premises to ensure that the repairs have been carried out to the satisfaction of the local authority;



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Markets and Bus Stations

- (i) not to make any alterations or additions to the demised premises without the previous written consent of the local authority;
- (j) not to assign, underlet or part with the possession of the demised premises or any part of it;
- (k) promptly to pay all charges of a recurrent nature, including telephone bills;
- (l) not to use the demised premises for any purpose other than that of a market/bus station;
- (m) to insure and keep insured the demised premises and all fixtures therein in such state of repair and condition as shall be in accordance with the covenants of the management lessee with all locks, keys and fastenings complete; and
- (n) to take out a policy of insurance with a reputable insurer against all risk on the demised premises presented by the activities at the market/bus station and keep such insurance and pay all premium charges promptly as they fall due.

6. The local authority hereby covenants with the management lessee as follows:

- (a) that the management lessee, paying the rent and performing and observing the covenants on the part of the management lessee and the conditions in this lease, shall quietly enjoy the demised premises during the term created without any interruption by the local authority or any person rightfully claiming through, under or in trust for it; and
- (b) the local authority will, on the written request of the management lessee, made at least twelve calendar months before the expiration of the term created and if there is no breach of any contract at the date on which the term expires, grant to the management lessee a new lease for a period of two years from the expiration of the term created by this lease on conditions to be agreed between the parties or as contained in this lease.

7. PROVIDED ALWAYS and it is hereby agreed as follows:

- (a) if the rent hereby reserved or any part thereof shall be unpaid for 30 days after becoming payable (whether formally demanded or not) or if any covenants contained in this lease shall not have been performed or observed by the management lessee or if the management lessee goes into liquidation or fails to maintain and manage the demised premises then, in any of the said cases, it shall be lawful for the local authority, at any time, to enter upon the demised premises or any part thereof in the name of the whole and thereupon this demise shall absolutely determine but without prejudice to any right of action of the local authority in respect of any breach of the management lessee's covenants set out in this lease;
- (b) if the demised premises or any part of it shall at any time during the tenancy be destroyed or damaged by fire so as to be unfit for habitation and use and the policy or policies of insurance effected



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Markets and Bus Stations

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by the management lessee shall not have been vitiated or payment of the policy moneys refused in whole or in part in consequence of any act or default of the management lessee, the rent hereby reserved or a fair proportion thereof, according to the nature and extent of the damage sustained, shall be suspended until the demised premises shall again be rendered fit for habitation and use and any dispute concerning this clause shall be referred to a single arbitrator and in case the parties can not agree upon one, two arbitrators, one to be appointed by each party and in either case in accordance with the provisions of the Arbitration Act of the Laws of Zambia;

- (c) any notice requiring to be served hereunder shall be sufficiently served upon the management lessee if left addressed to the management lessee on the demised property or sent to the management lessee at its registered office for the time being and shall be sufficiently served upon the local authority at the address of the local authority and a notice sent by post is deemed to be delivered at the time when it is delivered;
- (d) subject to the management lessee's strict compliance with this lease in its entire duration the local authority shall give the management lessee the right of first refusal for a further tenancy for two years, subject to any amendments to this lease as may be mutually agreed; and
- (e) without prejudice to the provisions contained in this lease the term hereby created shall be determinable by either party hereto serving upon the other three (3) calendar months notice, in writing, such notice expiring on the last day of the three (3) months.

delete where not applicable

THE FIRST SCHEDULE

ALL THOSE premises comprising the market/bus station and their buildings being Stand..... in the Province of the Republic of Zambia/
OR ALL that area
approximatelysquare metres in extent and shown bordered green on Drawing No....., a copy of which is deposited in the office ofcity/municipal/district-council.

THE SECOND SCHEDULE

Name, location of market/bus station address.....

Date of commencement of term:
....., 2006

Duration of term: Three (3) years
Amount of rent and times and manner of payment:



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THE THIRD SCHEDULE

- (a) a business plan of the management lessee; and
- (b) such other information as the local authority may request.

**delete where not applicable*

IN WITNESS, whereof the Parties have caused their respective common seals to be hereunto affixed the day and year first above written.

The Common Seal of

.....City/Municipal/District Council)

was hereunto affixed in the presence of)

.....*Mayor/Council Chairperson*

.....*Town Clerk/Council Secretary*

The Common Seal of

.....(name of Bus Station Market Management Board)

was hereunto affixed in the presence of)

.....*Chairperson*

.....*Secretary*

**delete where not applicable*



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The Laws of Zambia

CHAPTER 449 THE TOKYO CONVENTION ACT CHAPTER 449

THE TOKYO CONVENTION ACT

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Application of criminal law to aircraft
4. Provisions as to Extradition Act
5. Powers of commander of aircraft
6. Provisions as to evidence in connection with aircraft

CHAPTER 449

TOKYO CONVENTION

Act No.
18 of 1971
13 of 1994

An Act to make provision with a view to ratification on behalf of the Republic of Zambia of the Convention on offences and certain other acts committed on board aircraft signed in Tokyo on the 14th September, 1963; and to provide for purposes connected with the matters aforesaid.

[16th April, 1971]

1. This Act may be cited as the Tokyo Convention Act.

Short title

Copyright Ministry of Legal Affairs, Government of the Republic of Zambia



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The Laws of Zambia

Interpretation

2. (1) In this Act, unless the context otherwise requires-

"aircraft" means any aircraft, whether or not Zambian-controlled aircraft, other than a military aircraft;

"commander", in relation to an aircraft, means the member of the crew designated as commander of the aircraft by the operator thereof, or, failing such person, the person who is for the time being the pilot in command of the aircraft;

"convention country" means a country in which the Tokyo Convention is for the time being in force; and the Minister may, by statutory instrument, certify that any country specified in that instrument is for the time being a convention country, and any such statutory instrument for the time being in force shall be conclusive evidence that the country in question is for the time being a convention country, but may be varied or revoked by a subsequent statutory instrument;

"military aircraft" includes any naval, military and air force aircraft, and any aircraft commanded by a person in naval, military or air force service detailed for the purpose of commanding such aircraft;

"operator", in relation to any aircraft at any time, means the person who at that time has the management of that aircraft;

"pilot in command", in relation to an aircraft, means a person who for the time being is in charge of the piloting of the aircraft without being under the direction of any other pilot in the aircraft;

"Tokyo Convention" means the convention on offences and certain other acts committed on board aircraft signed in Tokyo on the 14th September, 1963;

"Zambian-controlled aircraft" means an aircraft-

- (a) which is for the time being registered in Zambia;
- (b) which is not for the time being registered in any country but in the case of which either the operator of the aircraft or each person entitled as owner to any legal or beneficial interest in it satisfies the following requirements, namely:
 - (i) that he is a person qualified to be the owner of a legal or beneficial interest in an aircraft registered in Zambia; and
 - (ii) that he resides or has his principal place of business in Zambia; or
- (c) which, being for the time being registered in some other country, is for the time being chartered by demise to a person who or to persons each of whom satisfies the requirements aforesaid.

(2) For the purposes of this Act, the period during which an aircraft is in flight shall be deemed to include-

- (a) any period from the moment when power is applied for the purpose of the aircraft taking off on a flight until the moment when the landing run, if any, at the termination of the flight ends; and



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The Laws of Zambia

- (b) for the purposes of section *three*-
- (i) any further period from the moment when all external doors, if any, of the aircraft are closed following embarkation for a flight until the moment when any such door is opened for disembarkation after that flight; and
 - (ii) if the aircraft makes a forced landing, any period thereafter until the time when competent authorities of the country, in which the forced landing takes place, take over the responsibility for the aircraft and for the persons and property on board the aircraft (being, if the forced landing takes place in Zambia, the time when a police officer arrives at the place of landing);

and any reference in this Act to an aircraft in flight shall include a reference to an aircraft during any period when it is on or over the surface of the sea or land but not within the territorial limits of any country.

(3) In this Act, except where the context otherwise requires, any reference to a country or the territorial limits thereof shall be construed as including a reference to the territorial waters, if any, of that country.

(4) If the Minister is satisfied that the requirements of Article 18 of the Tokyo Convention have been satisfied (which Article makes provision as to the country which is to be treated as the country of registration of certain aircraft operated by joint air transport organisations or international operating agencies established by two or more convention countries) the Minister may, by statutory instrument, provide that for the purposes of this Act such aircraft as may be specified in such instrument shall be treated as registered in such convention country as may be so specified; and any such statutory instrument may be varied or revoked by a subsequent statutory instrument under this subsection.

3. Any act or omission taking place on board a Zambian-controlled aircraft while in flight elsewhere than in or over Zambia which, if taking place in Zambia, would constitute an offence under the law in force in Zambia, shall constitute that offence:

Application of criminal law
to aircraft

Provided that this subsection shall not apply to any act or omission which is expressly or impliedly authorised by or under that law when taking place outside Zambia.

(2) No proceedings for any offences under the law in force in Zambia committed on board an aircraft while in flight elsewhere than in or over Zambia (other than an offence under the Aviation Act or any regulations made thereunder) shall be instituted in Zambia except by or with the consent of the Director of Public Prosecutions. The provisions of this subsection shall not, however, prevent the arrest, or the issue of a warrant for the arrest, of any person in respect of any offence or the remand in custody or on bail of any person charged with any offence.

Cap. 444

(3) For the purpose of conferring jurisdiction and notwithstanding anything contained to the contrary in any other law, any offence under the law in force in Zambia committed on board an aircraft in flight shall be deemed to have been committed in any place in Zambia where the offender may be for the time being.

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4. (1) For the purposes of the application of the Extradition Act to crimes committed on board an aircraft in flight, any aircraft registered in a convention country shall at any time while that aircraft is in flight be deemed to be within the jurisdiction of that country, whether or not it is for the time being also within the jurisdiction of any other country.

Provisions as to
Extradition Act.
Cap. 94

(2) The provisions of the Extradition Act shall (so far as applicable) apply, *mutatis mutandis*, to any offence committed under this Act.

Cap. 94

5. (1) The provisions of subsections (2) to (5) inclusive shall have effect for the purposes of any proceedings before any court in Zambia.

Powers of commander of
aircraft

(2) If the commander of an aircraft in flight, wherever that aircraft may be, has reasonable grounds to believe, in respect of any person on board the aircraft-

- (a) that the person in question has done or is about to do any act on the aircraft while it is in flight which jeopardises or may jeopardise-
 - (i) the safety of the aircraft or of persons or property on board the aircraft; or
 - (ii) good order and discipline on board the aircraft; or
- (b) that the person in question has done on the aircraft while in flight any act which, in the opinion of the commander, is a serious offence under any law in force in the country in which the aircraft is registered, not being a law of a political nature or based on racial or religious discrimination;

then, subject to subsection (4), the commander may take with respect to that person such reasonable measures, including restraint of his person, as may be necessary-

- A. to protect the safety of the aircraft or of persons or property on board the aircraft; or
- B. to maintain good order and discipline on board the aircraft; or
- C. to enable the commander to disembark or deliver the person in accordance with subsection (5);

and, for the purposes of paragraph (b), any Zambian-controlled aircraft shall be deemed to be registered in Zambia whether or not it is, in fact, so registered and whether or not it is, in fact, registered in some other country.

(3) Any member of the crew of an aircraft may, at the request or with the authority of the commander of the aircraft, and any such member shall, if so required by that commander, render assistance in restraining any person whom the commander is entitled under subsection (2) to restrain; and at any time when the aircraft is in flight any such member or other person may, without obtaining the authority of the commander, take with respect to any person on board the aircraft any measures such as are mentioned in the said subsection (2) which he has reasonable grounds to believe are immediately necessary to protect the safety of the aircraft or of persons or property on board the aircraft.

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(4) Any restraint imposed on any person on board an aircraft under the power conferred by the foregoing provisions of this section shall not be continued after the time when the aircraft first thereafter ceases to be in flight unless, before or as soon as is reasonably practicable after that time, the commander of the aircraft causes notification of the fact that a person on board the aircraft is under restraint and of the reasons therefor to be sent to an appropriate authority of the country in which the aircraft so ceases to be in flight, but, subject to such notification, may be continued after that time-

- (a) for any period (including the period of any further flight) between that time and the first occasion thereafter on which the commander is able with any requisite consent of the appropriate authorities to disembark or deliver the person under restraint in accordance with subsection (5); or
- (b) if the person under restraint agrees to continue his journey under restraint on board that aircraft.

(5) The commander of an aircraft-

- (a) if, in the case of any person on board the aircraft, he has reasonable grounds-
 - (i) to believe as mentioned in paragraph (a) of subsection (2); and
 - (ii) to believe that it is necessary so to do in order to protect the safety of the aircraft or of persons or property on board the aircraft or to maintain good order and discipline on board the aircraft;

may disembark that person in any country in which that aircraft may be; and

- (b) if, in the case of any person on board the aircraft, he has reasonable grounds to believe as mentioned in paragraph (b) of subsection (2), may deliver that person-
 - (i) in Zambia, to a police officer or immigration officer; or
 - (ii) in any other country which is a convention country, to an officer having functions corresponding to the functions in Zambia either of a police officer or of an immigration officer.

(6) The commander of an aircraft-

- (a) if he disembarks any person in pursuance of paragraph (a) of subsection (5), in the case of a Zambian-controlled aircraft, in any country or, in the case of any other aircraft, in Zambia, shall report the fact of, and the reasons for, that disembarkation to-
 - (i) an appropriate authority in the country of disembarkation; and
 - (ii) the appropriate diplomatic or consular officer of the country of nationality of that person;

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- (b) if he intends to deliver any person in accordance with paragraph (b) of subsection (5) in Zambia or, in the case of a Zambian-controlled aircraft, in any other country which is a convention country, shall, before or as soon as reasonably practicable after landing, give notification of his intention and of his reasons therefor-
- (i) where the country in question is Zambia, to a police officer or immigration officer, or, in the case of any other country, to an officer having functions corresponding to the functions in Zambia either of a police officer or of an immigration officer;
 - (ii) in either case, to the appropriate diplomatic or consular officer of the country of nationality of that person;

and any commander of an aircraft who, without reasonable cause, fails to comply with the requirements of this subsection shall be liable on conviction to a fine not exceeding three thousand penalty units

(As amended by Act No. 13 of 1994)

6. (1) Where, in any proceedings before a court in Zambia for an offence committed on board an aircraft, the testimony of any person is required and the court is satisfied that the person in question cannot be found in Zambia, there shall be admissible in evidence before that court any deposition relating to the subject-matter of those proceedings previously made on oath by that person outside Zambia which was so made-

Provisions as to evidence in connection with aircraft

- (a) in the presence of the person charged with the offence; and
- (b) before a judge or magistrate of the country before whom such deposition was made, or before a consular officer of the Republic of Zambia.

(2) Any such deposition shall be authenticated by the signature of the judge, magistrate or consular officer before whom it was made, who shall certify that the person charged with the offence was present at the taking of the deposition.

(3) It shall not be necessary in any proceedings to prove the signature or official character of the person appearing so to have authenticated any such deposition or to have given such a certificate, and such a certificate shall, unless the contrary is proved, be sufficient evidence in any proceedings that the person charged with the offence was present at the making of the deposition.

(4) If a complaint is made to such a consular officer as aforesaid that any offence has been committed on a Zambian-controlled aircraft while in flight elsewhere than in or over Zambia, that officer may inquire into the case upon oath.

(5) In this section-

- (a) the expression "deposition" includes any affidavit, affirmation or statement made upon oath; and

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- (b) the expression "oath" includes an affirmation or declaration in the case of persons allowed by law to affirm or declare instead of swearing;

and nothing in this section shall prejudice the admission as evidence of any deposition which is admissible in evidence apart from this section.

REPUBLIC OF ZAMBIA

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CHAPTER 22 THE ZAMBIA INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES ACT.CHAPTER 22

THE ZAMBIA INSTITUTE OF DIPLOMACY
AND INTERNATIONAL STUDIES ACT.

ARRANGEMENT OF SECTIONS

PART I PRELIMINARYPART I PRELIMINARY

Section

1. Short title
2. Interpretation

PART II THE ZAMBIA INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIESPART II THE ZAMBIA INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES

3. Establishment of Institute

PART III THE BOARD OF GOVERNORSPART III THE BOARD OF GOVERNORS



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4. Establishment of Board
5. Seal of Board
6. Functions of Board
7. Composition of Board
8. Tenure of Office
9. Remuneration and allowances
10. Proceedings of Board
11. Committees of Board
12. Disclosure of interest
13. Immunity of members
14. Director
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16. Unauthorised publication or disclosure of documents etc.

PART IV FINANCIAL AND OTHER PROVISIONS PART IV FINANCIAL AND OTHER PROVISIONS

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17. Funds of Board
18. Financial year
19. Accounts
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CHAPTER 22

ZAMBIA INSTITUTE OF DIPLOMACY
AND INTERNATIONAL STUDIES

24 of 1995

An Act to provide for the establishment of the Zambia Institute of Diplomacy and International Studies; to provide for the Board of Governors of the Institute; and to provide for matters connected with or incidental to the foregoing.

[13th September, 1995]

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PART I PRELIMINARYPART I

PRELIMINARY

1. This Act may be cited as the Zambia Institute of Diplomacy and International Studies Act. Short title

2. In this Act, unless the context otherwise requires- Interpretation

"auditor" means the auditor appointed under section *nineteen*;

"Board" means the Board of Governors established under section *five*;

"Chairman" means the Chairman appointed under section *seven*;

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

"Director" means the Director appointed under section *fourteen*;

"Institute" means the Zambia Institute of Diplomacy and International Studies established by section *three*;

"member" means a member of the Board or a committee;

"Registrar" means the Registrar appointed under section *fifteen*;

"Vice-Chairman" means the person elected as Vice-Chairman under section *seven*;

PART I THE ZAMBIA INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIESPART I

THE ZAMBIA INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES

3. There is hereby established the Zambia Institute of Diplomacy and International Studies for Establishment of Institute
the purpose of conducting training in diplomacy and international relations.

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PART III THE BOARD OF GOVERNORS PART III

THE BOARD OF GOVERNORS

4. There shall be a Board of Governors of the Institute which shall be a body corporate with perpetual succession and a common seal, capable of suing and of being sued in its corporate name and with power, subject to the other provisions of this Act, to do all such acts and things as a body corporate may by law do or perform. Establishment of Board

5. (1) The seal of the Board shall be such device as the Board may determine and shall be kept by the Registrar. Seal of Board

(2) The affixing of the seal shall be authenticated by the Chairman or the Vice-Chairman and the Registrar or one other member authorised in that behalf by a resolution of the Board.

(3) Any contract or instrument which, if executed without seal on behalf of the Board by the Registrar or any person generally or specifically authorised by the Board in that behalf, and any document purporting to be a document under the seal of the Board or issued on behalf of the Board shall be received in evidence and shall be deemed to be executed or issued, as the case may be, by the Board without further proof, unless the contrary is proved.

6. Subject to the other provisions of this Act, the functions of the Board shall be to- Functions of Board

- (a) ensure that the business and undertaking of the institute is carried out;
- (b) formulate the policies of the institute; and
- (c) engage such number of academic, administrative and other staff as the Board may consider necessary and on such terms and conditions as the Board may determine.

7. (1) The Board shall consist of the following members who shall be appointed by the Minister. Composition of Board

- (a) a Permanent Secretary in the Ministry responsible for foreign affairs, who shall be Chairman;
- (b) a representative from the National Institute for Public Administration;
- (c) a lawyer representing the Attorney-General;
- (d) a representative from the Ministry of Science Technical Education and Vocational Training;
- (e) a representative from the Cabinet Office;

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- (f) a representative from a University in Zambia; and
- (g) three persons who have long standing diplomatic experience.

(2) All members except those referred to in paragraphs (a) and (g) shall be nominated by their respective organisations.

(3) There shall be a Vice-Chairman who shall be elected by the Board from amongst its members.

8. (1) A member referred to in sub-paragraphs (e) to (f) of paragraph 1 shall hold office for a period of three years from the date of his appointment and shall be eligible for re-appointment for a further period of three years.

Tenure of office

(2) A member referred to in sub-paragraph (1) may resign his membership upon giving one month' notice, in writing, to the organisation he represents or which nominated him and to the Minister.

(3) The office of a member shall become vacant-

- (a) upon his death;
- (b) if he is absent without reasonable excuse from three consecutive meetings of the Board of which he has had notice;
- (c) on ceasing to hold the office which he occupies or on ceasing to be a representative of the organisation which nominated him; or
- (d) if he is declared bankrupt.

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

Remuneration and
allowances

10. (1) Subject to the other 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 every three months at such places and times as the Chairman may determine.

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(3) A meeting of the Board may be called by the Chairman upon giving notice of not less than fourteen days and shall be so called if not less than five members of the Board so request in writing:

Provided that if the urgency of any particular matter does not permit the giving of such notice, a special meeting may be called upon giving shorter notice.

(4) Five members shall form a quorum at any meeting of the Board.

(5) There shall preside at any meeting of the Board-

(a) the Chairman;

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

(c) in the absence of both the Chairman and the Vice-Chairman, such member as the members present may elect from amongst themselves 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 shall have a casting vote in addition to his deliberative vote.

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

(8) The validity of any proceedings, act or decision of the Board shall not be affected by any vacancy in the membership of the Board or any defect in the appointment of any member or by reason that any person not entitled so to do took part in the proceedings.

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

11. (1) The Board may, for the purpose of performing its functions under this Act, establish committees and delegate to any committee established such of its functions as it considers fit. Committees of Board

(2) The Board may appoint as members of a committee established under sub-paragraph (1) persons who are, or are not, members of the Board and such persons shall hold office for such periods as the Board may determine.

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(3) Subject to any specific or general direction of the Board, any committee established under sub-paragraph (1), may regulate its own procedure.

12. (1) If any person is present at a meeting of the Board or a committee at which any matter is the subject of consideration and in which matter that person or his spouse is directly or indirectly interested in a private capacity, he shall as soon as practicable after the commencement of the meeting, disclose such interest and shall not, unless the Board otherwise directs, take part in any consideration or discussion of, or vote on, any question touching that matter.

Disclosure of interest

(2) A disclosure of interest made under sub-paragraph (1) shall be recorded in the minutes of the meeting at which the disclosure is made.

13. No action or other proceedings shall lie against any member for or in respect of, any act or anything done or omitted to be done in good faith in the exercise or purported exercise of his functions under this Act.

Immunity of members

PART IV ADMINISTRATIONPART IV

ADMINISTRATION

14. (1) The Board shall appoint, on such terms and conditions as it may determine, a Director who shall be the Chief executive of the Board and who shall, subject to the control of the Board, be responsible for the administration of the Institute.

Director

(2) The Director, or in his absence the Registrar shall attend meetings of the Board and may address such meetings, but shall not vote on any matter:

Provided that the person presiding at any meeting of the Board may, for good cause, require the Director or the Registrar, as the case may be, to withdraw from the meeting.

15. (1) There shall be a Registrar of the Institute who shall be appointed by the Board on such terms and conditions as the Board may determine.

Registrar

(2) The Registrar shall be responsible for the day-to-day administration of the institute under the general supervision of the Director.

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

Unauthorised publication
or disclosure of
documents etc.

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(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding ten thousand penalty units or to imprisonment for a period not exceeding twelve months, or to both.

(3) If any person having information which to his knowledge has been published or disclosed in contravention of subsection (1) unlawfully publishes or communicates any such information to any person he shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding ten thousand penalty units or to imprisonment for a period not exceeding twelve months, or to both.

PART IV FINANCIAL AND OTHER PROVISIONSPART IV

FINANCIAL AND OTHER PROVISIONS

17. (1) The funds of the Board shall consist of such monies as may-

Funds of Board

- (a) be appropriated by Parliament for the purposes of the Board;
- (b) be paid to the Board by way of grants or donations; and
- (c) vest in, or accrue, to the Board.

(2) The Board may-

- (a) accept money by way of grants or donations or in any other form from any source and invest it in such manner as the Board considers fit:

Provided that the Board shall not receive any grant or donation, unless it approves of the purpose to which the grant or donation shall be applied and the conditions, if any, under which the grant or donation is made;

- (b) raise by way of loans, or otherwise, from any source within Zambia, and subject to the approval of the Minister, from any source outside Zambia, such monies as it may require for the discharge of its functions;
- (c) charge and collect fees in respect of programmes, publications, seminars, consultancy services and other services provided by the Board; and
- (d) charge fees for courses, seminars and workshops.

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(3) There shall be paid from the funds of the Board-

- (a) salaries, allowances and loans of the staff of the Institute;
- (b) such reasonable travelling, transport and subsistence allowances for members when engaged on the business of the Board at such rates as the Board may, with the approval of the Minister, determine; and
- (c) any other expenses incurred by the Board in the performance of its functions.

18. The financial year of the Board shall be the period of twelve months ending on the 31st Financial year
December, in each year.

19. (1) The Board shall cause to be kept proper books of account and records relating to its Accounts
accounts.

(2) The accounts of the Board shall be audited annually by independent auditors appointed by the Board with the approval of the Minister.

(3) The auditors' fees shall be paid by the Board.

20. (1) As soon as practicable but not later than six months after the expiry of the financial Annual report
year, the Board shall submit to the Minister a report concerning its activities during the financial year.

(2) The report referred to in sub-paragraph (1) shall include information on the financial affairs of the Board.

(3) There shall be appended to the report-

- (a) an audited balance sheet;
- (b) an audited statement of income and expenditure; and
- (c) such other information as the Minister may require.

(4) The Minister shall, not later than seven days after the first sitting of the National Assembly next after the receipt of the report referred to in sub-paragraph (1) lay it before the National Assembly.

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21. The Minister may, by statutory instrument, make regulations for the better carrying out of Regulations the provisions of this Act.

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