

- (b) to ensure that all revenue collected is, as soon as reasonably practicable, credited to the Treasury and in this regard sections *twenty-four* and *twenty-five* shall apply with necessary modifications;
- (c) subject only to the laws specified under paragraph (a), to perform such other functions as the Minister may determine.

(2) The Minister may give to the Governing Board such general directives with respect to the carrying out of its functions under this Act as he considers necessary or expedient and the Board shall give effect to such directives, but only the Authority shall have power to give effect to the laws specified under paragraph (a) of subsection (1).

(3) The Governing Board may delegate to the Commissioner or to any member or committee, the power and authority to carry out, on behalf of the Authority, such functions of the Board as the Board may determine.

12. (1) The members referred to in paragraphs (d), (e) and (f) of subsection (1) of section *ten* shall hold office for a period of three years from the date of appointment and may be re-appointed for one further term of three years.

Tenure of office and
vacancy

(2) A member referred to in paragraphs (d) and (e) of subsection (1) of section *ten* may resign upon giving one month's notice in writing to the organisation 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 Governing Board of which he has had notice;
- (c) on ceasing to be a representative of the organisation which nominated him;
- (d) if he is an undischarged bankrupt; or
- (e) if he contravenes section *seventeen*.

(4) Members referred to in paragraphs (d), (e) and (f) of subsection (1) of section *ten* may resign upon giving one month's notice in writing to the Minister, but members referred to in paragraphs (d) and (e) shall in addition give notice to the organisation which nominated them.

(5) The Governing Board may delegate to the Commissioner-General or to any member or committee the power and authority to carry out, on behalf of the Authority, such functions of the Authority as the Authority may determine.

13. (1) The seal of the Authority shall be such device as may be determined by the Governing Board and shall be kept by the Secretary. Seal of Authority

(2) The Governing Board may use a wafer or rubber stamp in lieu of the seal.

(3) The affixing of the seal shall be authenticated by the Chairman or the Vice-Chairman and the Secretary or some other person authorised in that behalf by a resolution of the Governing Board.

(4) Any contract or instrument which if entered into or executed by a person not being a body corporate would not be required to be under seal may be entered into or executed without seal on behalf of the Authority by the Secretary or any other person generally or specifically authorised by the Governing Board in that behalf.

(5) Any document purporting to be a document under the seal of the Authority or issued on behalf of the Authority shall be received in evidence and shall be deemed to be executed or issued, as the case may be, without further proof, unless the contrary is proved.

14. A member shall be paid such remuneration or allowances as the Minister may determine. Remuneration and allowances

15. (1) Subject to the other provisions of this Act, the Governing Board may regulate its own procedure. Proceedings of Governing Board

(2) The Governing Board shall meet for the transaction of business at least once every month at such places and at such times as the Chairman may determine.

(3) Upon giving notice of not less than fourteen days, a meeting of the Governing Board may be called by the Chairman and shall be called if not less than five members so request in writing:

Provided that if the urgency of any particular matter does not permit the giving of such notice, a special meeting may be called upon giving a shorter notice.

(4) Seven members shall form a quorum at any meeting of the Governing Board.

(5) There shall preside at any meeting of the Governing Board-

- (a) the Chairman; or
- (b) in the absence of the Chairman, the Vice-Chairman; or
- (c) in the absence of the Chairman and Vice-Chairman, such member as the members present may elect for the purpose of that meeting.

(6) A decision of the Governing Board on any question shall be by a majority of the members present and voting at the meeting and, in the event of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to his deliberative vote.

(7) The Governing 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 Authority but such person shall have no vote.

(8) The validity of any proceedings, act or decision of the Governing Board shall not be affected by any vacancy in the membership of the Authority or by any defect in the appointment of any member or by reason that any person not entitled to do so took part in the proceedings.

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

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

Committees of
Governing Board

(2) The Governing Board may appoint the Commissioner-General as a member of a committee established under subsection (1).

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

(4) A committee may invite any person whose presence is in its opinion desirable to attend and participate in the deliberations of a meeting of a committee but such person shall have no vote.

17. (1) If any person is present at a meeting of the Governing Board or any committee of the Authority 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 Authority otherwise directs, take part in any consideration or discussion of, or vote on, any question touching such 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.

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

Immunity of members

PART IV ADMINISTRATIONPART IV

ADMINISTRATION

19. (1) Subject to subsection (2), the President shall appoint a Commissioner-General, who shall be the chief executive officer of the Authority, and who shall be responsible for the execution of the functions of the Governing Board and the implementation of the decisions of the Board.

Commissioner-General

(2) The Commissioner-General may, subject to the approval of the Governing Board, establish such organisational structures as he may consider necessary for the discharge of the functions of the Board.

(3) The Commissioner-General shall be removable by the President.

20. (1) There shall be a Secretary to the Authority who shall be appointed by the Governing Board on such terms and conditions as the Board may determine.

Secretary and other staff

(2) The Secretary shall be responsible for the administration of the day-to-day affairs of the Governing Board under the general supervision of the Commissioner-General.

(3) The Governing Board may appoint, on such terms and conditions as it may determine, such other staff as it considers necessary for the performance of its functions under this Act.

(4) Members of staff appointed under subsection (3) shall exercise such functions and perform such duties as are conferred upon them by the laws specified by the Minister under section *eleven* or as are delegated or assigned to them by the Commissioner-General.

21. (1) No person shall, without the consent in writing given by or on behalf of the Authority, publish or disclose to any person, other 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.

Prohibition of publication or disclosure of information to unauthorised persons

(2) Any person who knowingly contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding ten thousand penalty units or to imprisonment for a term not exceeding five years or to both.

(3) If any person having information which to his knowledge has been published or disclosed in contravention of subsection (1) unlawfully publishes or communicates any such information to any other person, he shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding two thousand penalty units or to imprisonment for a term not exceeding three years, or to both.

(4) Nothing in this section, in section *one hundred and seventy-five* of the Customs and Excise Act or in section *eight* of the Income Tax Act, shall prevent the passing of information between the Departments or between the Departments and the Governing Board or between the Departments and the Authority.

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(As amended by Act No. 13 of 1994)

PART V FINANCIAL AND OTHER PROVISIONSPART V

FINANCIAL AND OTHER PROVISIONS

22. (1) The funds of the Authority shall consist of such moneys as may-

Funds of Authority

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

(2) The Authority may-

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- (a) accept money by way of grants or donations from any source in Zambia;
- (b) raise money by way of loans or otherwise from any source in Zambia and, subject to the approval of the Minister, from any source outside Zambia;
- (c) charge and collect fees in respect of programmes, publications, seminars, consultancy services and other services provided by the Authority.

(3) There shall be paid from the funds of the Authority-

- (a) the salaries, allowances and loans of the staff of the Authority;
- (b) such reasonable travelling, transport and subsistence allowance for members or members of any committee of the Governing Board when engaged on the business of the Board at such rates as the Board may determine; and
- (c) any other expenses incurred by the Authority in the performance of its duties.

(4) The Executive Board may invest in such manner as it thinks fit such of its funds not being revenue as it does not immediately require for the performance of its functions.

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

24. (1) The Governing Board shall cause to be kept proper books of account and other records relating to the accounts of the Authority. Accounts

(2) The accounts of the Authority shall be audited annually by independent auditors appointed by the Authority.

(3) The auditors' fees shall be paid by the Authority.

25. (1) As soon as practicable, but not later than six months after the expiry of the financial year, the Governing Board shall submit to the Minister a report concerning its activities during that financial year. Annual Reports

(2) The report referred to in subsection (1) shall include information on the financial affairs of the Authority and 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.

(3) The Minister shall, not later than seven days after the first sitting of the National Assembly next after the receipt of the report referred to in subsection (1), lay it before the National Assembly and publish it as soon as reasonably practicable thereafter.

26. Subject to the provisions of this Act, any right of any person, including a right of appeal, subsisting against the Commissioner of Taxes, the Commissioner of Sales Tax or the Controller of Customs and Excise immediately before the commencement of this Act shall after commencement be treated as subsisting against the Commissioner-General in so far as that right relates to the duties of the Commissioner-General under this Act. Savings

27. The Minister may make regulations for better carrying out of the provisions of this Act. Regulations