

The Laws of Zambia

REPUBLIC OF ZAMBIA

THE INTERPRETATION AND GENERAL PROVISIONS ACT

CHAPTER 2 OF THE LAWS OF ZAMBIA

CHAPTER 2 THE INTERPRETATION AND GENERAL PROVISIONS ACT

THE INTERPRETATION AND GENERAL PROVISIONS ACT

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title
2. Application

PART II

GENERAL PROVISIONS OF INTERPRETATION

The Laws of Zambia

3. Interpretation
4. Grammatical variations, gender and number
5. Service by post
- 5A. Names of Provinces, Districts, etc.

PART III

GENERAL PROVISIONS REGARDING WRITTEN LAWS

6. Acts, Applied Acts and Ordinances to be public Acts or Ordinances
7. Citation
8. Citation of Acts of the Parliament of the United Kingdom
9. Schedules and tables to be part of written laws
10. Subdivision of written laws
11. Repealed written law not revived
12. Repeal of amended law to include amendments
13. Repeal and substitution
14. Provisions with respect to amended written law and effect of repealing written law
15. Effect of repeal of written law on statutory instrument made under it
16. Construction of amending written law with amended written law
17. Effect of expiry of written law

PART IV

STATUTORY INSTRUMENTS

Section

18. Publication of statutory instruments
19. Commencement of statutory instruments
20. General provisions relating to statutory instruments
21. Reference to written law to include statutory instruments
22. Rules to be laid before the National Assembly

PART V

POWERS AND DUTIES

The Laws of Zambia

23. Exercise of power between publication and commencement of Act
24. Time for exercise of power
25. Implied power
26. Power to appoint includes power to remove
27. Power to appoint alternate or temporary members
28. Power to appoint chairman, etc.
29. Appointment by name or office
30. Reference to holder of office includes a person discharging functions of office
31. Power of majority
32. Law officers
33. Powers of board, etc., not affected by vacancy, etc.
34. Affixing of common seal

PART VI

GENERAL PROVISIONS REGARDING TIME AND DISTANCE

35. Computation of time
36. Provision where no time prescribed
37. Construction of power to extend time
38. Measurement of distance

PART VII

GENERAL PROVISIONS REGARDING LEGAL PROCEEDINGS

Section

39. *Ex-officio* proceedings not to abate on death, etc.
40. Imposition of a penalty no bar to civil action
41. Provisions as to offences under two or more laws
42. Amendment of penalty
43. Penalties prescribed may be maximum penalties, but may be cumulative
44. Disposal of forfeits
45. Disposal of fines and penalties
46. Evidence of signature of Attorney-General or Director of Public Prosecutions

PART VIII

GENERAL MISCELLANEOUS PROVISIONS

47. Deviation from forms
48. *Gazette*, etc., to be *prima facie* evidence
49. Evidence of Applied Acts
50. Provision in statutory instruments relating to fees
51. Savings of rights of the Republic
52. This Act to bind the Republic

CHAPTER 2

INTERPRETATION AND GENERAL PROVISIONS

An Act to amend and consolidate the law relating to the construction, application and interpretation of written law; to provide for the exercise of statutory powers and duties; and to provide for matters incidental to or connected with the foregoing.

[24th October, 1964]

60 of 1964
13 of 1965
27 of 1965
29 of 1965
39 of 1965
58 of 1965
69 of 1965
40 of 1967
9 of 1968
4 of 1970
43 of 1970
47 of 1970
51 of 1970
20 of 1971
4 of 1989
13 of 1994

PART I

PRELIMINARY

1. This Act may be cited as the Interpretation and General Provisions Act. Short title

2. (1) The provisions of this Act shall apply to every written law passed or made before or after the commencement, unless a contrary intention appears in this Act or in the written law concerned. Application

- (2) The provisions of this Act shall apply to this Act as they apply to an Act passed after the commencement.

PART II

GENERAL PROVISIONS OF INTERPRETATION

Copyright Ministry of Legal Affairs, Government of the Republic of Zambia

3. The following words and expressions shall have the meanings hereinafter assigned to them respectively, that is to say: Interpretation

"Act" and "Act of Parliament" mean an enactment of Parliament;

"act", used with reference to an offence or civil wrong, includes a series of acts, and words which refer to acts done extend to illegal omissions;

"this Act" includes any statutory instrument made and in force under the Act in which the expression appears;

"Administrative Officer" means, a District Secretary and an Assistant District Secretary;

"Appeal Judge" means a Judge of the supreme court or a High Court judge when exercising appellate jurisdiction.

"Applied Act" means an enactment of the Legislature of the former Federation of Rhodesia and Nyasaland in force in the Republic by virtue of the provisions of the Federation of Rhodesia and Nyasaland (Dissolution) Order in Council, 1963; App. 2

"area"- in relation to a City Council, Municipal Council, Town Council or District Council, has the meaning assigned thereto by section two of the Local Government Act; Cap. 281

"Assistant District Secretary" means a public officer appointed as such and, in relation to any District, means an Assistant District Secretary for the time being exercising and performing his functions in that District;

"Attorney-General" means the Attorney-General of Zambia; Cap. 1

"Auditor-General" means the Auditor-General for Zambia; Cap. 1

"British Act" means an Act of the Parliament of the United Kingdom extended or applied to the Republic;

"Cabinet" means the Cabinet established by the Constitution;

"Chief Justice" means the Chief Justice of Zambia;

The Laws of Zambia

"Christian name" means any name prefixed to the surname whether received in Christian baptism or not;

"coin" means any coin legally current in Zambia;

"commencement", used in or with reference to any written law, means the date on which the same came or comes into operation;

"commissioner for oaths" means a person appointed as a commissioner for oaths by or under the Commissioners for Oaths Act; Cap. 34

"Common Law" means the Common Law of England;

"Constitution" means the Constitution of Zambia as by law established;

"contravene", in relation to any requirement or condition prescribed in any written law or in any grant, permit, lease, licence or authority granted under any written law, includes a failure to comply with that requirement or condition;

"coroner" means a person empowered or appointed to hold inquests under the Inquests Act; Cap. 37

"council" means a City council, Municipal council, Town council or District council;

"court" means a court of competent jurisdiction for Zambia;

"customs officer" means an officer as defined in section two of the Customs and Excise Act; Cap. 322

"definition" means the interpretation given by any written law to any word or expression;

"Deputy Speaker" means the Deputy Speaker of the National Assembly;

"District" means any one of the administrative districts into which Zambia is divided by the President in exercise of powers conferred on him in that behalf under any written law;

"District Executive Secretary" in relation to a District Council means the chief Executive of a Council, and includes any person for the time being discharging the functions of the Chief Executive

The Laws of Zambia

"document" includes any publication and any matter written, expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means, which is intended to be used or may be used for the purpose of recording that matter;

"export" means to take or cause to be taken out of Zambia;

"financial year" means the period of twelve months ending on the 31st December in any year;

"functions" includes powers and duties;

"*Gazette*" means the official *Gazette* of the Government and includes any supplement to the *Gazette* and any matter referred in the *Gazette* as being published with the *Gazette*;

"Government" means the Government of Zambia;

"Government Printer" means the Government Printer of Zambia and any other printer authorised by or on behalf of the Government to print any written law or any other document of the Government;

"High Court" means the High Court for Zambia;

"immigration officer" means an immigration officer as defined in section two of the Immigration and Deportation Act; Cap. 123

"import" means to bring or cause to be brought into Zambia;

"Judge" means a Judge of the High Court;

"Junior Minister" means a Deputy Minister;

"land" includes anything attached to the earth or permanently fastened to anything which is attached to the earth, but shall not include any mineral right in or under or in respect of any land;

"legal practitioner" means a person who has been admitted to practice as a barrister and solicitor under the Legal Practitioners Act and whose name is duly entered on the Roll kept in pursuance of the provisions of the said Act; Cap. 30

"magistrate" means any person empowered to preside over a subordinate court established under the Subordinate Courts Act; Cap. 28

The Laws of Zambia

"Minister", in relation to the functions conferred or imposed by any written law or any provision in a written law, means the member of the Cabinet or other person for the time being vested with such functions;

"month" means a calendar month;

"municipal council" has the meaning assigned thereto by section *two* of the Local Government Act; Cap. 281

"municipality" has the meaning assigned thereto by section *two* of the Local Government Act; Cap. 281

"National Assembly" means the National Assembly of Zambia;

"oath", "swear" or "affidavit" includes and applies to the affirmation or declaration of any person by law allowed to make an affirmation or declaration in lieu of oath;

"occupy" includes use, inhabit, to be in possession of or enjoy the premises in respect whereof the word is used, otherwise than as a mere servant or for the mere purpose of the care, custody or charge thereof;

"offence" means any crime, felony, misdemeanour, contravention or other breach of, or failure to comply with, any written law, for which a penalty is provided;

"Officer" in relation to a council, has the meaning assigned thereto by section *two* of the Local Government Act; Cap. 281

"Ordinance" means a statute enacted by the Legislature of Northern Rhodesia before the 24th October, 1964;

"Parliament" means the Parliament of Zambia;

"Part", "regulation", "rule", "Schedule" and "section" denote respectively a Part, regulation, rule and section of, and a Schedule to, the written law in which the word occurs; and a "paragraph" and "subsection" denote respectively a paragraph of the regulation, rule, section or subsection, and a subsection of the section, in which the word occurs;

"Permanent Secretary" means a public officer appointed as such and, in relation to any Ministry or Province means the Permanent Secretary for the time being exercising and performing his functions in that Ministry or Province;

"person" includes any company or association or body or persons, corporate or unincorporate;

The Laws of Zambia

"personal property", "personalty" or "goods" includes money, bonds, bills, notes, deeds, chattels real, mining rights in or under or in respect of any land and corporeal property of every description other than real property;

"police officer" means a member of the Zambia Police Force;

"prescribed" means prescribed by or under the written law in which the word occurs;

"President" means the President of Zambia;

"Province" means any one of the Provinces into which Zambia is divided by the President in exercise of powers conferred on him in that behalf under any written law;

"publication" includes all written and printed matter and any record, tape, wire, perforated roll, cinematograph film or other contrivance by means of which any words or ideas may be mechanically or electrically produced, reproduced, represented or conveyed, and everything whether of a nature similar to the foregoing or not, containing any visible representation, or by its form, shape or in any manner capable of producing, reproducing, representing or conveying words or ideas, and every copy and reproduction of any publication;

"public holiday" means any day which is a public holiday by virtue of the provisions of the Public Holidays Act; Cap. 272

"public office", "public officer" and "the public service" have the same meaning as in the Constitution;

"Public Seal" means the Public Seal of the Republic;

"public place" or "public premises" includes any public way and any building, place or conveyance to which, for the time being, the public are entitled or permitted to have access, either without any condition or upon condition of making any payment, and any building or place which is for the time being used for any public or religious meetings, or assembly or as an open court;

"registered", used with reference to a document or the title to any real property or personal property, means registered under the provisions of any written law for the time being applicable to the registration of such document or title;

"the Republic" means the sovereign Republic of Zambia;

"repeal" includes revoke, rescind or cancel;

The Laws of Zambia

"sell" includes barter, exchange and offer to sell or expose for sale;

"Speaker" means the Speaker of the National Assembly;

"statutory corporation" means any body directly incorporated by an Act, Applied Act or Ordinance;

"statutory declaration", if made-

- (a) in Zambia, means a declaration made under the British Act known as the Statutory Declarations Act, 1835, or under any Act providing for statutory declarations;
- (b) in the Commonwealth, elsewhere than in Zambia, means a declaration made before a notary public, commissioner for oaths or other person having authority therein under any law for the time being in force to take or receive a declaration;
- (c) in any other place, means a declaration made before a British consul or vice-consul, or before any person having authority under any Act of Parliament of the United Kingdom for the time being in force to take or receive a declaration;

"statutory instrument" means any proclamation, regulation, order, rule, notice or other instrument (not being an Act of Parliament) of a legislative, as distinct from an executive, character;

"statutory notice" means a notice made by statutory instrument;

"statutory order" means an order made by statutory instrument;

"statutory proclamation" means a proclamation made by statutory instrument;

"street" or "road" includes any highway, street, road, bridge, square, court, alley, lane, footway, parade, thoroughfare, passage or open space to which the public are entitled or permitted to have access, whether on payment or otherwise;

"Supreme Court" means the Supreme for Zambia;

Cap. 1

"vessel". includes any ship or boat or other floating craft used for transport by water;

The Laws of Zambia

"veterinary surgeon" means a person registered as a veterinary surgeon under the Veterinary Surgeons Act; Cap. 243

"Vice-President" means the Vice-President of Zambia;

"will" includes a codicil and every writing making a voluntary posthumous disposition of property;

"writing" and expressions referring to writing include printing, photography, lithography, typewriting and any other modes of representing or reproducing words in visible form;

"written law" means an Act, an Applied Act, an Ordinance and a statutory instrument.

(As amended by Nos. 29, 39, 58 and 69 of 1965, No. 40 of 1967, No. 9 of 1968, Nos. 43 and 51 of 1970 and No. 20 of 1971)

4. (1) Where any word or expression is defined in a written law, the definition shall extend to the grammatical variations of the word or expression so defined.

Grammatical variations, gender and number

(2) Words and expressions in a written law importing the masculine gender include females.

(3) Words and expressions in a written law in the singular include the plural and words and expressions in the plural include the singular.

(4) Where the words "or", "other" and "otherwise" are used in any written law they shall be construed disjunctively and not as implying similarity, unless the word "similar" or some other word of like meaning is added.

5. Where any written law authorises or requires any document to be served by post, the service shall be deemed to be effected by properly addressing, prepaying and posting by registered post a letter containing the document and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of the post.

Service by post

5A. Whenever in any written law any Province, District or other area is referred to by name, the provision in question shall be read and construed as a reference to such Province, District or other area by the name currently assigned thereto by any written law.

Names of Provinces, Districts, etc.

(No. 47 of 1970)

PART III

GENERAL PROVISIONS REGARDING WRITTEN LAWS

6. (1) Every Act, Applied Act or British Act shall be a public Act and shall be judicially noticed as such.

Acts, Applied Acts and Ordinances to be public Acts or Ordinances

(2) Every Ordinance shall be a public Ordinance and shall be judicially noticed as such.

7. (1) Where any written law is referred to, it shall be sufficient for all purposes to cite such written law either by the short title or citation, if any, by which it is made citable.

Citation

(2) An Ordinance or an Act contained in any revised edition or Ordinances and Acts issued under any written law providing for the revised edition of such Ordinances and Acts may be cited by its short title or its chapter number in the revised edition.

(3) An Applied Act contained in any revised edition of Applied Acts issued under any written law providing for the revised edition of such Applied Acts may be cited by its short title or its chapter number in the revised edition.

(4) Any citation as aforesaid of a written law shall be construed as a reference to such written law as amended from time to time by any other written law or other instrument.

8. A British Act may be cited by its short title or citation, if any, or by reference to the regnal or calendar year in which it was passed and by its chapter or number.

Citation of Acts of the Parliament of the United Kingdom

9. Every Schedule to or table in any written law, together with notes thereto, shall be construed and have effect as part of such written law.

Schedules and tables to be part of written laws

10. When a written law is divided into Parts, titles or other subdivisions, the fact and particulars of such divisions and subdivisions shall, with or without express mention thereof in such written law, be taken notice of in all courts and for all purposes whatsoever.

Subdivision of written laws

The Laws of Zambia

- 11.** Where any written law repealing in whole or in part any former written law is itself repealed, such last repeal shall not revive the written law or provisions before repealed unless words be added reviving such written law or provisions. Repealed written law not revived
- 12.** Where any written law which has been amended by any other written law is itself repealed, such repeal shall include the repeal of all those provisions of other written laws by which such first-mentioned written law has been amended. Repeal of amended law to include amendments
- 13.** Where a written law repeals wholly or partially any former written law and substitutes provisions for the written law repealed, the repealed written law shall remain in force until the substituted provisions come into operation. Repeal and substitution
- 14. (1)** Where in any written law a reference is made to another written law or the Constitution, such reference shall be deemed to include a reference to such last-mentioned written law or the Constitution as the same may from time to time be amended. Provisions with respect to amended written law and effect of repealing written law
- (2) Where a written law repeals and re-enacts, with or without modification, any provision of a former written law or the Constitution, references in any other written law to the provisions so repealed shall be construed as references to the provisions so re-enacted.
- (3) Where a written law repeals in whole or in part any other written law, the repeal shall not-
- (a) revive anything not in force or existing at the time at which the repeal takes effect; or
 - (b) affect the previous operation of any written law so repealed or anything duly done or suffered under any written law so repealed; or
 - (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under any written law so repealed; or
 - (d) affect any penalty, forfeiture, or punishment incurred in respect of any offence committed against any written law so repealed; or
 - (e) affect any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid, and any such investigation, legal proceedings, or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the repealing written law had not been made.

(As amended by No. 43 of 1970)

The Laws of Zambia

15. Where any Act, Applied Act or Ordinance or part thereof is repealed, any statutory instrument issued under or made in virtue thereof shall remain in force, so far as it is not inconsistent with the repealing written law, until it has been repealed by a statutory instrument issued or made under the provisions of such repealing written law, and shall be deemed for all purposes to have been made thereunder.

Effect of repeal of written law on statutory instrument made under it

16. Where one written law amends another written law, the amending written law shall, so far as it is consistent with the tenor thereof, be construed as one with the amended written law.

Construction of amending written law with amended written law

17. Upon the expiry of any written law, the provisions of subsection (3) of section *fourteen* shall apply as if such written law had been repealed.

Effect of expiry of written law

PART IV

STATUTORY INSTRUMENTS

18. Every statutory instrument shall be published in the *Gazette* and shall be judicially noticed.

Publication of statutory instruments

19. (1) Subject to the provisions of this section-

Commence-ment of statutory instruments

(a) the date of commencement of a statutory instrument shall be the date of its publication in the *Gazette* or, where a later date is specified therein, such later date; and

(b) every statutory instrument shall be deemed to come into force immediately on the expiration of the day next preceding the date of its commencement.

(2) A statutory instrument made and published on the date of commencement of the written law under which the instrument is made shall be deemed to come into force simultaneously with that written law.

(3) References in this section to the date of commencement of the written law under which a statutory instrument is made shall, where different provisions of that written law come into force on different dates, be construed as references to the date of commencement of the particular provision under which the instrument is made.

(4) The provisions of this section shall be without prejudice to the operation of section *twenty-three*.

20. (1) Any reference in a statutory instrument to "the Act" or "the Ordinance" shall be construed as a reference to the Act or Ordinance, as the case may be, under which the instrument was made.

General provisions relating to statutory instruments

(2) Terms and expressions used in a statutory instrument shall have the same meaning as in the written law under which the instrument was made.

(3) A statutory instrument may at any time be amended or repealed by the authority by which it was made or, if that authority has been lawfully replaced by another authority, by that other authority.

(4) Any provision of a statutory instrument which is inconsistent with any provision of an Act, Applied Act or Ordinance shall be void to the extent of the inconsistency.

(5) A statutory instrument may provide in respect of any contravention of any provision of that statutory instrument:

- (a) that the offender shall be liable-
 - (i) to any fine not exceeding two thousand five hundred penalty units or any term of imprisonment not exceeding two years or both;
 - (ii) in the case of a continuing offence, to an additional penalty not exceeding a fine of twenty five penalty units in respect of each day on which the offence continues;
 - (iii) in respect of a second or subsequent contravention, to a higher penalty not exceeding either of the limits prescribed in sub-paragraph (i);
- (b) that the court convicting the offender may or shall as the case may be, order the forfeiture to the State of anything with which the contravention was done or which was used in, or for the purpose of, or in relation to or in connection with, the commission of the contravention;
- (c) for the punishment of any director or other principal officer of a body of persons or other person purporting to act in any such capacity, where a contravention committed by, or in connection with, the affairs of a body of persons, was done with the consent or connivance of, or was attributable to the neglect of, any such director, principal officer or other person.

(6) Any act done under or by virtue of or in pursuance of a statutory instrument shall be deemed to be done under or by virtue of or in pursuance of the written law conferring power to make the instrument.

The Laws of Zambia

(7) Every statutory instrument shall be deemed to be made under all powers thereunto enabling, whether or not it purports to be made in exercise of a particular power or particular powers.

(8) Where a written law confers power on any authority to make a statutory instrument for any general purpose, and also for any special purposes, the enumeration of the special purposes shall not be deemed to derogate from the generality of the powers conferred with reference to the general purpose.

(As amended by Act No. 4 of 1989 and Act No. 13 of 1994)

21. Any reference to a written law in any other written law shall include a reference to any statutory instrument made under the written law to which reference is made.

Reference to written law to include statutory instruments

22. (1) All rules, regulations and by-laws shall be laid before the National Assembly as soon as may be after they are made, and, if a resolution is passed within the next subsequent twenty-one days on which the National Assembly has sat after any such rule, regulation or by-law is laid before it that the rule, regulation or by-law be annulled, it shall thenceforth be void but without prejudice to the validity of anything previously done thereunder, or to the making of any new rule, regulation or by-law.

Rules to be laid before the National Assembly

(2) The reference to rules in subsection (1) shall not include a reference to rules of court.

PART V

POWERS AND DUTIES

23. Where by an Act which is not to come into force immediately on the publication thereof there is conferred-

Exercise of power between publication and commencement of Act

- (a) a power to make or a power exercisable by making statutory instruments; or
- (b) a power to make appointments; or
- (c) a power to do any other thing for the purposes of the Act;

that power may be exercised at any time on or after the date of publication of the Act in the *Gazette*:

Provided that no instrument, appointment or thing made or done under that power shall, unless it is necessary to bring the Act into force, have any effect until the commencement of the Act.

24. Where any written law confers any power or imposes any duty, the power may be exercised and the duty shall be performed from time to time as occasion requires.

Time for exercise of power

The Laws of Zambia

25. Where any written law confers a power on any person to do or enforce the doing of an act or thing, all such powers shall be understood to be also given as are reasonably necessary to enable the person to do or enforce the doing of the act or thing.

Implied power

26. Where by any written law a power to make any appointment is conferred, the authority having power to make the appointment shall also have power (subject to any limitations or qualifications which affect the power of appointment) to remove, suspend, reappoint or reinstate any person appointed in the exercise of the power.

Power to appoint includes power to remove

27. Where by or under any written law any board, commission, committee, council or similar body, whether corporate or unincorporate, is established, any person who is by such written law empowered to appoint any or all of the members thereof may-

Power to appoint alternate or temporary members

- (a) appoint one or more duly qualified persons to be alternate members of the same, and any one such alternate member may attend any meeting of the same when a substantive member is temporarily unable to attend;
- (b) appoint a duly qualified person to be a temporary member of the same in the place of any substantive member who is precluded by illness, absence from Zambia or other cause from exercising his functions as such;

and when attending any meeting of such board, commission, committee, council or similar body, whether corporate or unincorporate, such alternate or temporary member shall be deemed for all purposes to be a member of the same.

28. Where by any written law a power is conferred on any authority to appoint the members of any board, commission, committee, council or similar body, that authority may appoint a chairman, a vice-chairman and a secretary of the same.

Power to appoint chairman, etc.

29. Where by any written law any authority is empowered to appoint a person-

Appointment by name or office

- (a) to exercise any power or perform any duty; or
- (b) to be a member of any board, commission, committee, council or similar body, whether corporate or unincorporate; or
- (c) to be or do any other thing;

that authority may make the appointment either by appointing a person by name or by appointing the holder of an office by the terms designating his office; and any such appointment of the holder of an office shall be construed as the appointment of the person for the time being lawfully holding, acting in or performing the functions of the office.

30. Any reference in a written law to the holder of an office by the term designating his office shall be construed as a reference to the person for the time being lawfully holding, acting in or performing the functions of the office.

Reference to holder of office includes a person discharging functions of office

(As amended by No. 13 of 1965)

31. Where by any written law any act or thing may or is required to be done by more than two persons, a majority of them may do it.

Power of majority

- 32.** Any power conferred or duty imposed on the Attorney-General by any written law may be exercised or performed by the Solicitor-General- Law officers
- (a) in the case where the Attorney-General is unable to act owing to illness or absence; and
 - (b) in any case or class of cases where the Attorney-General has authorised the Solicitor-General to do so.
- 33.** Where by or under any written law any board, commission, committee, council or similar body, whether corporate or unincorporate, is established, the powers of such board, commission, committee, council or similar body shall not be affected by- Powers of board, etc., not affected by vacancy, etc.
- (a) any vacancy in the membership thereof; or
 - (b) any defect afterwards discovered in the appointment or qualification of a person purporting to be a member thereof.
- 34.** Where by or under any written law any board, commission, committee, council or similar body is constituted to be a body corporate having perpetual succession and a common seal, and any document is required to be sealed with such common seal, then, in the absence of express provision to the contrary, such common seal shall be affixed by the chairman of such board, commission, committee, council or similar body and shall be authenticated by his signature and by the signature of one other member of such board, commission, committee, council or similar body. Affixing of common seal
- PART VI**
- GENERAL PROVISIONS REGARDING TIME AND DISTANCE**
- 35.** In computing time for the purposes of any written law- Computation of time
- (a) a period of days from the happening of an event or the doing of any act or thing shall be deemed to be exclusive of the day on which the event happens or the act or thing is done;
 - (b) if the last day of the period is Sunday or a public holiday (which days are in this section referred to as "excluded days") the period shall include the next following day, not being an excluded day;
 - (c) where any act or proceeding is directed or allowed to be done or taken on a certain day, then, if that day happens to be an excluded day, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards, not being an excluded day;
 - (d) where an act or proceeding is directed or allowed to be done or taken within any time not exceeding six days, excluded days shall not be reckoned in the computation of the time.
- 36.** Where no time is prescribed, or allowed within which anything shall be done, such thing shall be done without unreasonable delay, and as often as due occasion arises. Provisions where no time prescribed

37. Where in any written law a time is prescribed for doing any act or taking any proceeding and power is given to a court or other authority to extend such time, then, unless a contrary intention appears, such power may be exercised by the court or other authority although the application for the same is not made until after the expiration of the time prescribed.

Construction of power to extend time

38. In the determination of any distance for the purpose of any written law, the measured distance shall be reduced to that distance which would be recorded if the distance were measured in a straight line on a horizontal plane.

Measurement of distance

PART VII

GENERAL PROVISIONS REGARDING LEGAL PROCEEDINGS

39. Any civil or criminal proceedings taken by or against any person in virtue of his office shall not be discontinued or abated by his death, resignation, or absence or removal from office, but may be carried on by or against, as the case may be, the person for the time being holding that office.

Ex-officio proceedings not to abate on death, etc.

40. The imposition of a penalty or fine by or under the authority of any written law shall not, in the absence of express provision to the contrary, relieve any person from liability to answer for damages to any person injured.

Imposition of a penalty no bar to civil action

41. (1) Where an act or omission constitutes an offence against any two or more statutory enactments or both under a statutory enactment and the Common Law or any customary law, the offender shall be liable to be prosecuted and punished under either or any of such statutory enactments or at Common Law or under customary law, but shall not be liable to be punished twice for the same offence.

Provisions as to offences under two or more laws

(2) For the purpose of this section, "statutory enactment" means any order in Council, British Act or written law.

42. Where an act or omission constitutes an offence and the penalty for such offence is amended between the time of the commission of such offence and the conviction therefor, the offender shall, in the absence of express provision to the contrary, be liable to the penalty prescribed at the time of the commission of such offence.

Amendment of penalty

43. (1) Where in any written law a penalty is prescribed for an offence against that written law, such provision shall mean that the offence shall be punishable by a penalty not exceeding the penalty prescribed.

Penalties prescribed may be maximum penalties, but may be cumulative

The Laws of Zambia

(2) Where in any written law more than one penalty is prescribed for an offence, the use of the word "and" shall mean that the penalties may be inflicted alternatively or cumulatively.

44. (1) Where under the provisions of any written law any animal or any thing is adjudged by any court or other authority to be forfeited, it shall, in the absence of express provision to the contrary, be forfeited to the Republic and the net proceeds thereof, if it is ordered by a competent authority to be sold, shall be paid into the general revenues of the Republic, unless other provision is made.

Disposal of forfeits

(2) Nothing in this section shall affect any provision in any written law whereby any portion of any fine or forfeit or of the proceeds of any forfeit is expressed to be recoverable by any person or may be granted by any authority to any person.

45. Any fine or penalty imposed by or under the authority of any written law shall, in the absence of express provision to the contrary, be paid into the general revenues of the Republic

Disposal of fines and penalties

46. (1) Where under any written law the consent or authority of the Attorney-General or the Director of Public Prosecutions is necessary before any action or prosecution is commenced, any document purporting to be the consent or authority of the Attorney-General or the Director of Public Prosecutions shall be received as *prima facie* evidence in any proceedings without proof being given that the signature to such consent or authority is that of the Attorney-General or the Director of Public Prosecutions, as the case may be.

Evidence of signature of Attorney-General or Director of Public Prosecutions

(2) Where under section *thirty-two* the Solicitor-General is exercising the powers of the Attorney-General, the provisions of this section shall apply to the Solicitor-General as they apply to the Attorney-General.

PART VIII

GENERAL MISCELLANEOUS PROVISIONS

47. Save as is otherwise expressly provided, whenever any form is prescribed by any written law, an instrument or document, which purports to be in such form, shall not be void by reason of any deviation therefrom which does not affect the substance of such instrument or document, or which is not calculated to mislead.

Deviation from forms

48. The production of a copy of the *Gazette* containing any written law, Order in Council, or any notice, or of any copy of any written law, Order in Council, or any notice, purporting to be printed by the Government Printer, shall be *prima facie* evidence in all courts and for all other purposes whatsoever of the due making and tenor of such written law, Order in Council or notice.

Gazette, etc., to be *prima facie* evidence

49. (1) For the purpose of ascertaining the content of any Applied Act or any statutory instrument made thereunder, published in or with the Federal *Gazette*, a reference may be made to the Federal *Gazette*, containing such Applied Act or statutory instrument, or to a copy thereof, purporting to be printed by or on the authority of the Government Printer, and either such copy shall be *prima facie* evidence for all purposes whatsoever of the Applied Act or statutory instrument so printed.

Evidence of Applied Acts

(2) Where in any Applied Act it is stated that such Act has been "Reprinted in terms of section 3 of the Amendments Incorporation Act, 1955" such Applied Act shall, for all purposes, be *prima facie* evidence of the Applied Act so reprinted.

(3) In this section-

"Federal *Gazette*" means the Government *Gazette* of the former Federation of Rhodesia and Nyasaland;

"Government Printer" means the Government Printer of the former Federation of Rhodesia and Nyasaland.

50. (1) Where any written law confers power on any person to make any statutory instrument and provision may be made by such statutory instrument in respect of fees or other charges, such statutory instrument may provide for all or any of the following matters:

Provision in statutory instruments relating to fees

- (a) specific fees or charges;
- (b) maximum or minimum fees or charges;
- (c) maximum and minimum fees or charges;
- (d) *ad valorem* fees or charges;
- (e) the payment of fees or charges either generally or under specified conditions or in specified circumstances; and
- (f) the reduction, waiver or refund, in whole or in part, of any such fees or charges, either upon the happening of a certain event or in the discretion of a specified person.

(2) Where any reduction, waiver or refund, in whole or in part, of any fee or charge is provided for, such reduction, waiver or refund may be expressed to apply or to be applicable either generally or specifically-

The Laws of Zambia

- (a) in respect of certain matters or transactions or classes of matters or transactions;
- (b) in respect of certain documents or classes of documents;
- (c) when any event happens or ceases to happen;
- (d) in respect of certain persons or classes of persons; or
- (e) in respect of any combination of such matters, transactions, documents, events or persons;

and may be expressed to apply or to be applicable subject to such conditions as may be specified in the statutory instrument or in the discretion of any person specified therein.

51. (1) No written law shall in any manner whatsoever affect the rights of the Republic unless it is therein expressly provided or unless it appears by necessary implication that the Republic is bound thereby.

Savings of rights of the Republic

(2) Where any British Act binds the Crown, then that Act *mutatis mutandis* shall, to the like extent and subject to the same limitations, bind the Republic.

(As amended by No. 27 of 1965)

52. This Act shall bind the Republic.

This Act to bind the Republic

REPUBLIC OF ZAMBIA

THE ACTS OF PARLIAMENT ACT

CHAPTER 3 OF THE LAWS OF ZAMBIA

CHAPTER 3 THE ACTS OF PARLIAMENT ACT CHAPTER 3

THE ACTS OF PARLIAMENT ACT

Copyright Ministry of Legal Affairs, Government of the Republic of Zambia

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Enactments to be styled "Acts"
3. Words of enactment
4. Sections and subsections
5. Preparation of presentation copies
6. The assent
7. Numbering
8. Original copies
9. Publication
10. Commencement

FIRST SCHEDULE-Words of enactment

SECOND SCHEDULE-Form of authentication statement

THIRD SCHEDULE-Form of statement of the President's assent

CHAPTER 3

ACTS OF PARLIAMENT

64 of 1964

An Act to provide for the form and commencement of Acts; to provide for the procedure following the perusing of Bills; and to provide for matters incidental to or connected with the foregoing.

[24th October, 1964]

1. This Act may be cited as the Acts of Parliament Act.

Short title

The Laws of Zambia

2. All laws made by Parliament shall be styled "Acts". Enactments to be styled "Acts"
3. (1) The provisions of every Act shall be prefaced by the words of enactment specified in the First Schedule. Words of enactment
- (2) The words of enactment shall be taken to extend to all sections of the Act and to any Schedules, tables and other provisions contained therein.
4. Where an Act contains more than one enactment, it shall be divided into sections and sections containing more than one enactment shall be divided into subsections. Sections and subsections
5. (1) As soon as a Bill has been passed by the National Assembly, the Clerk of the National Assembly shall cause the text of the Bill as passed to be sent to the Government Printer who shall print four copies thereof on vellum or on paper of enduring quality and send the copies as printed to the Clerk. Preparation of presentation copies
- (2) As soon as may be after a Bill has been received by the Clerk of the National Assembly in pursuance of the provision of subsection (1), the Speaker or the Deputy Speaker or, in their absence or if they are unable to act, the Clerk of the National Assembly shall-
- (a) cause to be made in the said copies such corrections as relate to misprints, typographical errors and wrong references, if any, as are necessary;
 - (b) carefully compare the said copies with the text of the Bill as passed and if he finds them to be correct sign on each copy a statement in the form set out in the Second Schedule; and
 - (c) cause the said copies to be presented to the President for assent.
- (3) Where a special Bill is passed in the National Assembly after having been supported on second and third readings by the votes of not less than two-thirds of all the members of the Assembly, the Speaker, or the Deputy Speaker if the Speaker is absent or otherwise unable to act shall, before the Bill is presented to the President for his assent, insert in the Bill in whatever form he considers appropriate a certificate that the Bill was passed after having been so supported.
- (4) For the purposes of this section "special Bill" means a Bill for an Act which is required by the Constitution to be supported in the manner described in subsection (3) before it may be passed in the National Assembly.

The Laws of Zambia

- 6.** (1) The President shall signify that he assents to a Bill by signing on each copy of the Bill prepared in accordance with the provisions of section *five*, a statement to that effect in the form set out in the Third Schedule. The assent
- (2) A Bill shall become an Act on the signature by the President of the first of the said copies.
- 7.** (1) Acts shall be numbered consecutively in the order in which they become Acts and the numbering shall begin afresh at the commencement of a calendar year. Numbering
- (2) As soon as the President has signed a copy of an Act under the provisions of section *six*, the Clerk shall cause the number of the Act to be entered on the copy so signed.
- 8.** (1) Whenever the procedure set out in sections *five*, *six* and *seven* purports to have been followed in relation to copies of an Act, the copies shall be deemed to be the original copies of the Act and shall be conclusive evidence of the terms of the Act, its number and the date of assent. Original copies
- (2) Two of the original copies of every Act shall be retained by the President who shall cause one each of the remaining copies to be deposited with the Speaker and the Director of National Archives of Zambia, appointed under the National Archives Act. Cap. 175
- 9.** Every Act shall be published by the Government Printer as soon as may be after the President's assent has been signified, and shall be so published- Publication
- (a) with the omission of the statements contained in the original copies by virtue of the provisions of sections *five* and *six*;
 - (b) with the insertion of a statement of the date on which the President's assent was signified, and the date of commencement;
 - (c) where appropriate, with the inclusion of any certificate given in pursuance of the provisions of subsection (3) of section *five*.
- 10.** (1) Subject to the provisions of this section, the commencement of an Act shall be such date as is provided in or under the Act, or where no date is so provided, the date of its publication as notified in the *Gazette*. Commencement
- (2) Every Act shall be deemed to come into force immediately on the expiration of the day next preceding its commencement.
- (3) A provision in an Act regulating the coming into force of the Act or any part thereof shall have effect notwithstanding that the part of the Act containing the provision has not come into operation.

The Laws of Zambia

(4) Where an Act is made with retrospective effect, the commencement of the Act shall be the date from which it is given or deemed to be given such effect.

(5) The provisions of subsection (4) shall not apply to an Act until there is a notification in the *Gazette* as to the date of its publication and until such date is specified the Act shall be without effect.

FIRST SCHEDULE

(Section 3)

WORDS OF ENACTMENT

ENACTED by the Parliament of Zambia.

SECOND SCHEDULE

(Section 5)

FORM OF AUTHENTICATION STATEMENT

This printed impression has been carefully compared by me with the Bill which has passed the National assembly, and found by me to be a true and correctly printed copy of the said Bill.

Signed

*Speaker/Deputy Speaker/Clerk
of the National Assembly*

Date of Authentication:

THIRD SCHEDULE

(Section 6)

FORM OF STATEMENT OF THE PRESIDENT'S ASSENT

The Laws of Zambia

I hereby signify my assent to the Bill.

Signed.....
President

Date of Assent: