

GOVERNMENT OF ZAMBIA

ACT

No. 13 of 1980

Date of Assent: 24th September, 1980

An Act to provide for the establishment of the National Energy Council and determine its composition, functions and powers; and to provide for matters connected with or incidental to the foregoing.

[29th September, 1980

ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the National Energy Council Act, 1980.

Short title

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

Interpretation

“Chairman” means the Chairman of the Council, or any other person appointed to act as Chairman under section *nine*;

“Council” means the National Energy Council established under section *three*;

“energy” includes electricity, petroleum and petroleum products, coal, wood, nuclear power and any other form of power or fuel;

“member” means a member of the Council, and includes the Chairman;

“Secretary” means the Secretary of the Council appointed under section *eleven*.

3. There is hereby established a Council to be known as the National Energy Council, 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,

Establishment of Council

subject to the provisions of this Act, to do all such acts and things as a body corporate may do by law and as are necessary for, and incidental to, the carrying out of its functions and powers as set out in this Act.

Composition  
of Council

4. (1) The Council shall consist of the following members—
- (a) the Chairman;
  - (b) two representatives of the University of Zambia who shall be nominated by the Vice-Chancellor;
  - (c) two persons who shall have had experience in matters relating to commerce and industry;
  - (d) two persons who shall have had experience in matters relating to engineering and energy; and
  - (e) not more than five other persons.
- (2) All members shall be appointed by the Minister.

Tenure of  
office and  
vacancies

5. (1) Subject to the provisions of this section, members shall hold office for a period of three years:

Provided that the first members appointed to the Council, other than the Chairman, shall vacate office after the expiration of one year, two years or three years as may be specified in their respective letters of appointment.

- (2) A retiring member shall be eligible for re-appointment.
- (3) The office of a member shall become vacant—
- (a) upon his death;
  - (b) if he is absent without the permission of the Chairman, or without reasonable cause, from three consecutive meetings of the Council of which he has had notice;
  - (c) upon the expiry of one month's notice in writing of his intention to resign his office addressed to the Chairman;
  - (d) upon ceasing to hold the office, or being a representative of the institution or body, by virtue of which he was appointed a member;
  - (e) at the expiry of the period for which he was appointed or re-appointed;
  - (f) if any circumstances arise, that, if he were not a member, would cause him to be disqualified for appointment as such; or
  - (g) if he is required by a resolution of the Council to resign.

(4) Whenever the office of a member becomes vacant before the expiry of the term prescribed in subsection (1), the Minister may appoint another person to fill the vacancy:

Provided that such member shall hold office only for the unexpired term.

(5) The validity of any proceedings, act or decision of the Council shall not be affected by any vacancy in the membership of the Council, or by any defect in the appointment or nomination of any member.

6. A person shall not be qualified for appointment or nomination as a member, as the case may be, if—

Disqualifi-  
cation from  
membership

- (a) he has not attained the age of 21 years;
- (b) he is, under any law in force in Zambia, adjudged or otherwise declared to be of unsound mind;
- (c) he has been sentenced to a term of imprisonment of or exceeding six months;
- (d) he is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt;
- (e) his freedom of movement is restricted or he is detained under the authority of any law in force in Zambia.

7. The functions of the Council shall be to—

Functions  
of Council

- (a) advise the Minister on—
  - (i) energy policy;
  - (ii) matters relating to the conservation and use of energy;
  - (iii) environmental policy in relation to energy;
  - (iv) minimum standards to be prescribed with regard to the quality and reliability of supply of energy and associated installations;
  - (v) any legislation affecting energy; and
  - (vi) the provision of adequate safety of employees;
- (b) submit to the Minister such recommendations as it may deem necessary to safeguard the interests of users of energy;
- (c) advise the Minister with regard to any scale of charges proposed by any supplier or distributor of energy;
- (d) at least once a year, compile and submit to the Minister detailed patterns of national production, distribution, consumption and pricing of energy;

- (e) relate the energy requirements of Zambia to other national needs, and advise the Minister as to the best methods of meeting the national energy requirements and of using any shared resources;
- (f) from time to time, compile inventories of energy resources, forecasts of trends of production, consumption and pricing of energy; and
- (g) undertake, whether alone or in conjunction with others, research and development in the field of energy.

Powers of  
Council

## 8. The powers of the Council shall be to—

- (a) regulate the custody and use of its common seal;
- (b) call for reports, data or information relating to energy or the development of any shared energy resource, from any person or organisation in Zambia;
- (c) appoint suitable persons to investigate, or conduct a study of, and report on, any matter falling within the functions of the Council as it may, from time to time, deem necessary;
- (d) authorise any person to enter into or execute any agreement or contract on behalf of the Council for the purpose of carrying out its functions;
- (e) provide support for energy projects by way of grants or loans, the provision of accommodation or equipment, or by the common or other use of equipment as it deems fit;
- (f) do all such things as appear to it to be desirable or expedient in order to carry out its functions.

Proceedings  
of Council

## 9. (1) Subject to the provisions of this Act, the Council may regulate its own procedure.

(2) The Council shall hold meetings at such places and at such times as it may determine for the transaction of its business, but not less than twice in each calendar year:

Provided that the Chairman may at any time call a meeting of the Council and shall do so when requested in writing by not less than one-half of the total number of members.

(3) At any meeting of the Council one-half of the total number of members shall constitute a quorum.

(4) In the absence of the Chairman from any meeting of the Council, the members present at that meeting may elect one of their number to preside at such meeting.

(5) A decision of the Council shall be by a majority of the votes of the members present and voting at a 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.

10. (1) The Council may appoint such number of committees as it may deem necessary for the performance of its functions.

Committees  
of Council

(2) Each committee appointed under subsection (1) shall consist of a chairman, who shall be appointed by the Council from amongst its members, and not more than five other members who may be appointed by the Council either from amongst its members or from outside.

(3) The Council may delegate to any of its committees such of the Council's functions and powers as it thinks fit.

(4) The procedure of any committee of the Council and its quorum, shall be determined by the Council.

11. (1) There shall be a Secretary who shall be appointed by the Council with the approval of the Minister on such terms and conditions as may be prescribed by the Council.

Secretary  
and other  
officers

(2) The Secretary shall be the chief administrative officer of the Council and, subject to the provisions of this Act and the general and specific directions of the Council, shall be responsible for the administration of the day to day affairs of the Council.

(3) The Council may appoint such other officers and agents as it may deem necessary for the performance of its functions under this Act.

12. (1) If a member of the Council or of any committee of the Council or his spouse is directly or indirectly interested in any contract, proposed contract, or other matter and is present at a meeting of the Council or committee, as the case may be, at which the contract, proposed contract or other matter is the subject of consideration, he shall, as soon as practicable after the commencement of the meeting, disclose such interest, and any such member shall not, unless the Council or Committee, as the case may be, otherwise directs, take part in the consideration or discussion of, or vote on, any question touching that contract, proposed contract or other matter.

Disclosure  
of interest

(2) A disclosure of interest made under subsection (1) shall be recorded in the minutes of the meeting at which it is made.

13. (1) The funds of the Council shall consist of —

Funds of  
Council

(a) such sums of money as may be appropriated by Parliament for the purposes of the Council;

(b) such moneys or assets as may accrue to or vest in the Council as a result of any investments made or transactions entered into in the course of its operations.

(2) The Council shall have power to—

- (a) levy fees or enter into such financial arrangements as it may deem expedient for services rendered by it;
- (b) accept grants, donations and gifts;
- (c) subject to the prior approval of the Minister, raise loans upon such terms and conditions as it may determine; and
- (d) provide loans and guarantees for its staff.

(3) The Council shall have power to defray out of its funds any expenses incurred by it in carrying out its functions and in exercising the powers conferred on it by this Act.

(4) The Council shall cause to be kept proper accounts of all moneys received and expended by it.

Allowances

14. Members of the Council and of any committee of the Council shall not receive any remuneration in respect of their services, but shall be entitled to be paid allowances to cover expenses reasonably incurred by them in respect of attendance at meetings of the Council or committee, as the case may be, or while otherwise engaged on the business of the Council.

Miscellaneous  
administrative  
provisions

15. (1) The seal of the Council shall be such as may be determined by the Council.

(2) The affixing of the seal of the Council shall be authenticated by the signature of one of such members of the Council as may be authorised in that behalf by the Council, and of the Chairman or some other person authorised by the Council to act in his stead in that behalf.

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

(4) Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal, may be entered into or executed on behalf of the Council by any person generally or specifically authorised by the Council in that behalf.

Power to  
enter into  
contracts,  
etc.

16. (1) In the course of the performance of its functions, the Council may enter into such contracts as it may deem fit.

(2) The Council may—

- (a) acquire and hold such movable or immovable property as may be necessary or desirable for the performance of its functions; and
- (b) sell, mortgage, lease or otherwise dispose of any such property.

(3) The Council may, with the approval of the Minister, invest its funds in such a manner and to such an extent as it may deem fit.

17. (1) As soon as may be after the 31st December of every calendar year, but not later than six months thereafter, the Council shall submit to the Minister a report concerning its activities during that year and containing such other information as the Minister may direct.

Annual  
report to  
National  
Assembly

(2) The report of the Council shall, among other things, include a report on the financial affairs of the Council and there shall be appended thereto—

(a) a balance sheet; and

(b) an audited statement of revenues and expenditure during the year.

(3) The Minister shall cause the report mentioned in subsection (1) to be laid before the National Assembly as soon as may be after receiving such report.

18. With the approval of the Minister, the Council may, by statutory instrument, make rules for the proper discharge of its functions under this Act, and, in particular, but without prejudice to the generality of the foregoing, for—

Rules

(a) the form and manner of reports and returns;

(b) applications for grants or loans; and

(c) all other matters which, in the opinion of the Council, are essential for the performance of its functions or the exercise of its powers under this Act.

19. (1) No member or officer of the Council or any other person shall, without consent in writing given on behalf of the Council, publish or disclose to any person otherwise than in the course of his duties the contents or any part of the contents of any document, communication or information whatsoever, which has come to his knowledge in the course of his duties under this Act.

Prohibition  
of publica-  
tion and  
disclosure of  
information  
to  
unauthorised  
persons

(2) Any person who knowingly acts in contravention of the provisions of subsection (1) shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding five thousand kwacha or to imprisonment for a term not exceeding three years, or to both such fine and imprisonment.

(3) If any person having information which to his knowledge has been published or disclosed in contravention of subsection (1) publishes or communicates any such information to any other person, otherwise than for the purpose of any prosecution under this Act or in the course of his duties, he shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding five thousand kwacha or to imprisonment for a term not exceeding three years, or to both such fine and imprisonment.



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# THE CORRUPT PRACTICES ACT, 1980

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