

GOVERNMENT OF ZAMBIA

ACT

No. 22 of 1992

Date of Assent: 27th July, 1992

An Act to provide for the winding up and dissolution of the Legal Services Corporation; to vest the undertaking of the Legal Services Corporation in the Government; to repeal the Legal Services Corporation Act; and to provide for matters connected with or incidental to the foregoing.

[31st July, 1992

ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the Legal Services Corporation (Dissolution) Act, 1992, and shall come into operation on such date as the Minister may, by statutory instrument, appoint.

Short title and commencement

2. In this Act, unless the context otherwise requires—
“appointed date” means such date as the Minister shall appoint under section *three*;

Interpretation

“Corporation” means the Legal Services Corporation constituted by Part II of the Legal Services Corporation Act.

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3. (1) From the commencement of this Act the Corporation shall exist only for the purpose of winding up its affairs, and for no other purpose.

Winding-up of affairs of Corporation and its dissolution

(2) The Minister shall before commencing the winding up ensure that a proper record of the Corporation's assets and liabilities is published in the *Gazette* for the information of the public.

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(3) Notwithstanding anything to the contrary contained in the Legal Services Corporation Act, or in any other written law, the Corporation shall have, for the purpose of winding up its affairs, power to do anything which is necessary or expedient for that purpose or which is incidental thereto, including in particular, but without prejudice to the generality of that power, power to enter into and carry out agreements and arrangements for the transfer of its property, rights, liabilities and obligations to any person or the Government.

(4) When the Minister is satisfied that all necessary agreements and arrangements have been made for the winding-up of the affairs of the Corporation so that it may be dissolved, he shall, by statutory instrument, order that the Corporation shall be dissolved on such date as may be appointed in the statutory instrument.

Vesting of
assets and
liabilities
of
Corporation
in
Government

4. (1) Subject to the provisions of this Act, there shall, on the appointed date, be transferred to, and vest in, the Government by virtue of this Act and without further assurance all property, rights, liabilities and obligations which immediately before the appointed date were property, rights, liabilities and obligations of the Corporation.

(2) Subject as hereinafter provided, every deed, bond and agreement (other than an agreement for personal service) to which the Corporation was a party immediately before the commencement of this Act, whether in writing or not, and whether or not of such a nature that rights, liabilities and obligations thereunder could be assigned, shall, unless its subject-matter or terms make it impossible that it should have effect as modified in the manner provided by this subsection, have effect as from the date of the assignment thereof, as if—

- (a) the Government had been a party thereto;
- (b) for any reference to the Corporation there were substituted, as respects anything falling to be done on or after the commencement of this Act, a reference to the Government;
- (c) for any reference to any officer of the Corporation not being a party thereto and beneficially interested therein there were substituted, as

**THE LEGAL SERVICES CORPORATION
(DISSOLUTION) ACT, 1992**

ARRANGEMENT OF SECTIONS

Section

1. Short title and commencement
2. Interpretation
3. Winding up and dissolution of affairs of Corporation and its dissolution
4. Vesting of assets and liabilities of Corporation in Government
5. Registration of property to be transferred by Corporation
6. Employees
7. Legal proceedings
8. Repeal

respects anything falling to be done on or after the commencement of this Act, a reference to such officer of the Government as the Government shall designate.

(3) Subject to the provisions of subsection (2), documents, other than those referred to therein, which refer specifically or generally to the Corporation shall be construed in accordance with the said subsection as far as applicable.

5. Whenever in pursuance of this Act, any property, rights, liabilities and obligations of the Corporation are deemed transferred in respect of which transfer any written law provides for registration, the Corporation shall make an application in writing to the proper officer of the appropriate registration authority for the registration of such transfer, and such officer shall make such entries in the appropriate register as shall give effect to such transfer and, where applicable, issue to the transferee concerned a certificate of title in respect of the said property or make necessary amendments to the register, as the case may be, and if presented therefor, make endorsement on the deeds relating to the title, right or obligation concerned; and no registration fees, stamp duty or other duties shall be payable in respect thereof.

Registration
of property
to be
transferred
by
Corporation

6. (1) Any person who immediately before the dissolution of the Corporation was working for the Corporation may voluntarily transfer from the Corporation to the Government.

Employees

(2) Any person who is eligible to transfer under subsection (1) shall be deemed to have transferred to the Government unless within three months after the dissolution of the Corporation he gives notice in writing to the Government of his intention not to transfer from the service of the Corporation.

(3) Any person to whom subsections (1) and (2) apply and who does not voluntarily transfer to the service of the Government under subsection (2) shall be deemed to have voluntarily retired from the service of the Corporation from the date of his notification to the Government of his intention not to transfer or the expiration of the three months period prescribed by subsection (2) whichever is the earlier.

(4) Any person who is deemed to have retired under subsection (3) shall be entitled to be paid all retirement benefits which he would have been paid if he had voluntarily retired in accordance with the relevant rules and conditions of the Corporation.

(5) The salary of an employee transferred to the service of the Government in accordance with subsections (1) and (2), shall be no less favourable than those which were applicable to him immediately before the transfer; and for the purposes of determining any right to gratuity or any other superannuation benefit, the service of the employee with the Government shall be regarded as continuous with the service immediately preceding the transfer.

Legal
Proceedings

7. (1) Without prejudice to the other provisions of this Act where any right, liability or obligation vests in the Government by virtue of this Act, the Government and all other persons shall, as from the commencement of this Act, have the same rights, powers and remedies (and in particular the same rights as to the instituting or defending of legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting or enforcing that right, liability or obligation as they would have had if it had at all times been a right, liability or obligation of the Government.

(2) Any legal proceedings or application to any authority pending immediately before the commencement of this Act by or against the Corporation may be continued by or against the Government.

(3) After the commencement of this Act, proceedings in respect of any right, liability or obligation which was vested in, held, enjoyed, incurred or suffered by, the Corporation may be instituted by or against the Government.

Repeal of
Act No. 27
of 1982

8. The Legal Services Corporation Act shall stand repealed on the appointed date.

THE SMALL CLAIMS COURTS ACT, 1992

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title and commencement
2. Interpretation

PART II

ESTABLISHMENT OF SMALL CLAIMS COURTS

3. Establishment of small claims courts
4. Constitution of a small claims court
5. Jurisdiction of a small claims court
6. Appointment of arbitrators
7. Qualifications for appointment as arbitrator
8. Tenure of office
9. Conflict of interest
10. Appointment of small claims courts officers
11. Sittings

PART III

PROCEEDINGS OF A SMALL CLAIMS COURT

12. Proceedings to be in open court
13. Parties to appear in person
14. Aim of small claims court when adjudicating
15. Language to be used
16. Court not to be bound by rules of evidence

PART IV

POWERS OF A SMALL CLAIMS COURT

17. General powers
18. Issue of summons
19. Counterclaims
20. Powers relating to orders
21. Powers relating to enforcement of awards
22. Finality of awards
23. Costs
24. Powers relating to warrants of distress

*Copies of this Act can be obtained from the Government Printer,
P.O. Box 30136, 10100, Lusaka. Price K60 each.*

PART V

OFFENCES RELATING TO ADMINISTRATION OF JUSTICE

Section

25. Contempt of a small claims court
26. Obstruction of officers of small claims courts
27. Adjudication without authority
28. Funds of a small claims court
29. Administrative expenses
30. Immunity of arbitrators and officers of small claims courts
31. Rules