

GOVERNMENT OF ZAMBIA

ACT

No. 24 of 1993

Date of Assent: 26th April, 1993

An Act to provide for the winding up and dissolution of the Prescribed Minerals and Materials Commission; to vest the undertaking of the Prescribed Minerals and Materials Commission in the Government; to repeal the Prescribed Minerals and Materials Commission Act; and to provide for matters connected with or incidental to the foregoing.

[30th April, 1993

ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the Prescribed Minerals and Materials Commission (Dissolution) Act, 1993 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—

Interpretation

"appointed date" means such date as the Minister shall appoint under section *three*;

"Commission" means the Prescribed Minerals and Materials Commission constituted by section *five* of the Prescribed Minerals and Materials Commission Act.

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

Winding-up of affairs of Commission and its dissolution

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

(3) Notwithstanding anything to the contrary contained in the Prescribed Minerals and Materials Commission Act, or in any other written law, the Commission 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.

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

Vesting of
assets and
liabilities of
Commission
in
Government

4. (1) Subject to the other 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 Commission.

(2) Subject as hereinafter provided, every deed, bond or agreement (other than an agreement for personal service) to which the Commission 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 Commission 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 Commission not being a party thereto and beneficially interested therein there were substituted, as 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 Commission shall be construed in accordance with the said subsection, as far as applicable.

Registration
of property
to be
transferred
by
Commission

5. Whenever in pursuance of this Act, any property, rights, liabilities and obligations of the Commission are deemed transferred in respect of which transfer any written law provides for registration, the Commission 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.

6. (1) Any person who immediately before the dissolution of the Commission was working for the Commission may voluntarily transfer from the Commission 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 Commission he gives notice in writing to the Government of his intention not to transfer from the service of the Commission.

(3) Any person to whom subsections (1) and (2) apply shall be deemed to have voluntarily retired from the service of the Commission from the date of his notification to the Government of his intention not to transfer.

(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 Commission.

(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.

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.

Legal
proceedings

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

Repeal of
Cap. 332

8. The Prescribed Minerals and Materials Commission Act,
shall stand repealed on the appointed date.

**THE ZAMBIA IRON AND STEEL AUTHORITY
(DISSOLUTION) ACT, 1993**

ARRANGEMENT OF SECTIONS

Section

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