

Zambia

## Zambia Institute of Advanced Legal Education Act, 1996

### Chapter 49

Legislation as at 31 December 1996

FRBR URI: /akn/zm/act/1996/10/eng@1996-12-31

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PDF created on 21 February 2024 at 18:26.

*Collection last checked for updates: 31 December 1996.*

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## Zambia

# Zambia Institute of Advanced Legal Education Act, 1996

## Chapter 49

*Published on 1 April 1996*

**Commenced on 1 April 1996**

*[This is the version of this document as it was at 31 December 1996 to 30 August 2009.]*

**An Act to establish the Zambia Institute of Advanced Legal Education; to constitute the Council of the Zambia Institute of Advanced Legal Education; to define the functions of the Council of the Zambia Institute of Advanced Legal Education; to repeal sections seven to ten of the Legal Practitioners Act; and provide for matters connected to or incidental to the foregoing.**

*[Act No. 10 of 1996; 37 of 1996]*

### Part I – Preliminary

#### 1. Short title

This Act may be cited as the Zambia Institute of Advanced Legal Education Act.

#### 2. Interpretation

In this Act, unless the context otherwise requires—

"**Chairperson**" means the person appointed under section five;

"**Council**" means the Council of the Zambia Institute of Advanced Legal Education;

"**Director**" means the person appointed under section fourteen;

"**former Council**" means the Council of Legal Education established under the Legal Practitioners Act;

*[Cap. 30]*

"**Institute**" means the Zambia Institute of Advanced Legal Education;

"**Secretary**" means the person appointed under section fifteen ;

"**Vice-Chairperson**" means the person appointed under section five.

### Part II – The Council of the Zambia Institute of Advanced Legal Education

#### 3. Establishment of Council of the Zambia Institute of Advanced Legal Education

There is hereby established the Council of the Zambia Institute of Advanced Legal Education, 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 shall, subject to the provisions of this Act, have power to do all such acts and things as a body corporate may by law do or perform.

#### 4. Functions of Council

- (1) The functions of the Council shall be to provide national, regional and international legal post-graduate studies and training in legislative drafting.

- (2) Without prejudice to the generality of subsection (1), the functions of the Council shall be to—
- (a) set minimum educational entry qualifications of persons seeking enrolment as students of the Institute;
  - (b) provide minimum educational qualifications for students who wish to be admitted to the legal bar;
  - (c) provide training in legislative drafting;
  - (d) keep a register of all enrolled students;
  - (e) approve qualifications of students with law degrees equivalent to the law degree offered at any university in Zambia for purposes of admission;
  - (f) approve qualifications of foreign students who wish to be enrolled in the Institute, and who come from countries that have reciprocal arrangements with Zambia;
  - (g) set and hold examinations for candidates for admission as legal practitioners;
  - (h) provide post-graduate judicial training for Magistrates and Judges;
  - (i) encourage international co-operation in post-graduate legal and legislative drafting studies provided by the Council;
  - (j) provide such post-graduate courses of legal studies and set and hold examinations in such courses as the Council may think necessary;
  - (k) prepare and publish a syllabus of courses of study essential for purposes of any examination set and held by the Council;
  - (l) issue certificates to persons who are successful candidates of examinations conducted by the Council; and
  - (m) do all such things connected with or incidental to the foregoing.

## 5. Composition of Council

- (1) The Council shall consist of the following members:
- (a) the Attorney-General, with the Solicitor-General as an alternate member;
  - (b) a Judge appointed by the Chief Justice;
  - (c) the Director of Public Prosecutions;
  - (d) the Chief Parliamentary Draftsman;
  - (e) the Director of the Law Development Commission;
  - (f) a representative of the School of Law of a public university;
  - (g) one representative of the Law Association of Zambia;
  - (h) the Clerk of the National Assembly;
  - (i) two Legal Practitioners appointed;
  - (j) a person from any country in Southern or Eastern Africa; and
  - (k) the Director.
- (2) The Chairperson shall be the Attorney-General.
- (3) The Vice-Chairperson shall be appointed by the Minister from amongst the members.

- (4) The members, other than the member referred to in paragraph (b) of subsection (1), shall be appointed by the Minister.

*[(As amended by Act [No. 37 of 1996](#))]*

## **6. Tenure of office**

- (1) A member referred to in paragraph (b), (f), (h), (i) and (j) of section five shall hold office for a period of three years from the date of his appointment and shall be eligible for re-appointment for a further period of three years.
- (2) A member referred to in paragraph (1) may resign upon giving one month's notice in writing to the organisation that nominated him and to the Minister.
- (3) The Minister may remove a member—
  - (a) if the member is absent without reasonable excuse from three consecutive meetings of the Council of which he has had notice;
  - (b) on ceasing to hold office which the member occupies or on ceasing to be a representative of the organisation which nominated him; or
  - (c) if he is declared bankrupt.

## **7. Seal of Council Council**

- (1) The seal of the Council shall be such device as may be determined by the and shall be kept by the Secretary.
- (2) The affixing of the seal shall be authenticated by the Chairperson or the Vice-Chairperson and the Secretary or one other person authorised in that behalf by a resolution of the Council.
- (3) Any document purporting to be a document under the seal of the Council or issued on behalf of the Council shall be received in evidence and shall be executed or issued, as the case may be, without further proof, unless the contrary is proved.

## **8. Filling of casual vacancy**

Subject to section six, whenever the office of a member becomes vacant before the expiry of the term of office, the Minister, may appoint another person to be a member in place of the member who vacates the office.

## **9. Proceedings of Council**

- (1) Subject to the other provisions of this Act, the Council may regulate its own procedure.
- (2) The Council shall meet for the transaction of business, at least once in every three months at such places and at such times as the Chairperson may decide.
- (3) Upon giving notice of not less than fourteen days, a meeting of the Council may be called by the Chairperson and shall be called if not less than one third of the 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) The quorum at any meeting of the council shall be five.
- (5) There shall preside at any meeting of the Council—
  - (a) the Chairperson;
  - (b) in the absence of the Chairperson, the Vice-Chairperson;

- (c) in the absence of the Chairperson and the Vice-Chairperson, such member as the members present may elect from amongst themselves for the purpose of that meeting.
- (6) A decision of the Council on any question shall be by the 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 Council may invite any person, whose presence in its opinion is desirable, to attend and to participate in the deliberations of a meeting of the Council but such person shall have no vote.
- (8) 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 of any member or by reason that any person not entitled so to do took part in the proceedings.
- (9) The Council shall cause minutes to be kept of the proceedings of every meeting of the Council and every meeting of any committee established by the Council.

## **10. Committees of Council**

- (1) The council may, for the purpose of performing its functions under this Act, establish committees and delegate to any such committee such of its functions as it thinks fit.
- (2) The Council may appoint as members of a committee established under subsection (1), persons who are or are not members of the Council and such persons shall hold office for such period as the Council may determine.
- (3) Subject to any specific or general direction of the Council, any committee established under subsection (1), may regulate its own procedure.

## **11. Disclosure of interest**

- (1) If a member is present at a meeting of the Council or any committee of the Council at which any matter is the subject of consideration and in which matter the member or a member's 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 Council otherwise directs, take part in any consideration or discussion of, or vote on, any question touching such matter.
- (2) A disclosure of interest made under subsection (1) shall be recorded in the minutes of the meeting at which it is made.

## **12. Prohibition of publication or disclosure of information to unauthorised persons**

- (1) A member of the Council shall not without the consent in writing given by, or on behalf of the Council, publish or disclose to any person, otherwise than in the course of his duties, the contents of any documents, communication or information whatsoever, which relates to, and which has come to his knowledge in the course of his duties under this Act.
- (2) Any person who 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 three years, or to both.
- (3) If any person having any 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 ten thousand penalty units or to imprisonment for a term not exceeding three years or to both.

### **Part III – Zambia Institute of Advanced Legal Education**

#### **13. Constitution of Zambia Institute of Advanced Legal Education**

There is hereby constituted the Zambia Institute of Advanced Legal Education which shall be the centre for the provision of post-graduate legal studies and training in legislative drafting.

#### **14. Director and Deputy Director**

- (1) The Council shall appoint the Director of the Institute who shall exercise powers and perform such duties as the Council may delegate to him.
- (2) The Council shall appoint the Deputy Director of the Institute, who shall assist the Director in performing his duties under this Act.

#### **15. Secretary and other staff**

- (1) There shall be a Secretary of the Council appointed by the Council on such terms and conditions as the Council may determine.
- (2) The other staff of the Institute shall be appointed by the Council on such terms and conditions as the Council may determine.

#### **16. Prohibition of publication or disclosure of information to unauthorised persons**

The provisions of section twelve shall apply with the necessary modification to the staff of the Institute.

### **Part IV – Financial provisions**

#### **17. Funds of Council**

- (1) The funds of the Council shall consist of such moneys as may—
  - (a) be appropriated by Parliament for the purposes of the Council;
  - (b) be paid to the Council by way of fees, levy, grants or donations; or
  - (c) vest in or accrue to the Council.
- (2) The Council may—
  - (a) subject to the approval of the Minister, accept moneys by way of donations from any source;
  - (b) subject to the approval of the Minister, raise by way of loans or otherwise, such moneys as it may require for the discharge of its functions; and
  - (c) charge and collect fees in respect of programmes, seminars, consultancy services and other services provided by the Council.
- (3) There shall be paid from the funds of the Council—
  - (a) the salaries, allowances and loans of the staff of the Council;
  - (b) such reasonable travelling, transport and subsistence allowances for members of the Council and any committee of the Council when engaged in the business of the Council, at such rates as the Council may determine; and
  - (c) any other expenses incurred by the Council in the performance of its functions.

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

## **18. Financial year**

The financial year of the Council shall be the period of twelve months ending on the 31st December of every year.

## **19. Accounts**

- (1) The council shall cause to be kept proper books of account and other records relating to its accounts.
- (2) The accounts of the Council shall be audited annually by independent auditors appointed by the Council with the approval of the Minister.
- (3) The auditors' fees shall be paid by the Council.

## **20. Annual report**

- (1) As soon as practicable, but not later than six months after the expiry of each financial year, the Council shall submit to the Minister a report concerning its activities during such financial year.
- (2) The report referred to in subsection (1) shall include a statement on the financial affairs of the Council 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 thirty days after the first sitting of the National Assembly next after receipt of the report referred to in subsection (1), lay it before the National Assembly.

## **Part V – Miscellaneous**

## **21. Savings and transitional provisions**

- (1) Subject to the other provisions of this Act, a person who immediately before the commencement of this Act, held office as a member of the former Council shall on the commencement of this Act, hold office as a member of the Council for a period of three months.
- (2) After the period referred to in subsection (1) the members shall be appointed in accordance with this Act.
- (3) Nothing in this Act affects the rights or liabilities of any person employed by the former Council immediately before the commencement of this Act.
- (4) On the commencement of this Act, all property, assets, rights, liabilities and obligations of the former Council shall vest in the Council established by this Act.
- (5) Any proceedings or cause of action instituted or pending by or against the former Council immediately prior to the commencement of this Act, shall continue as if instituted under this Act.

## **22. Transfer of staff**

- (1) The employees of the former council shall be deemed to have been transferred to the Council from the commencement of this Act.

(2) The service of the employées referred to in subsection (1) shall be treated as continued service.

### **23. Regulations**

The Minister may, by statutory instrument, make Regulations for the better carrying out of the purposes of this Act.

### **24. Repeal of sections seven to ten of Cap. 30**

Section *seven* to *ten* of the Legal Practitioners Act are hereby repealed.

*[Cap. 30]*