

Zambia

Zambia National Public Health Institute Act, 2020

Act 19 of 2020

Legislation as at 18 December 2020

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Zambia National Public Health Institute Act, 2020

Act 19 of 2020

Published in Government Gazette on 18 December 2020

Assented to on 18 December 2020

Commenced on 30 April 2021 by *Zambia National Public Health Institute Act (Commencement) Order, 2021*

[This is the version of this document from 18 December 2020.]

An Act to provide for the coordination of public health security; continue the existence of the Zambia National Public Health Institute and provide for its functions; establish the Public Health Emergency Operations Centre; establish the National Public Health Laboratory; establish the National Public Health Emergency Fund; and provide for matters connected with, or incidental to, the foregoing.

ENACTED by the Parliament of Zambia.

Part I – Preliminary provisions

1. Short title and commencement

This Act may be cited as the Zambia National Public Health Institute Act, 2020, and shall come into operation on the date appointed by the Minister by statutory instrument.

2. Interpretation

In this Act, unless the context otherwise requires—

"authorised officer" includes—

- (a) a person appointed as an authorised officer under *section 10*;
- (b) an officer appointed under the Mines and Minerals Development Act, 2015;
[Act No. 11 of 2015]
- (c) an inspector of factories appointed under section 6 of the Factories Act;
[Cap. 441]
- (d) an officer appointed under the Animal Health Act, 2010;
[Act No. 12 of 2010]
- (e) an officer appointed under the Environmental Management Act, 2011;
[Act No. 12 of 2011]
- (f) an inspector appointed under the Public Health Act;
[Cap. 295]
- (g) a health inspector appointed under the Food Safety Act, 2019;
[Act No. 7 of 2019]

- (h) a radiation safety officer appointed under the Ionising Radiation Protection Act, 2005;
[Act [No. 16 of 2005](#)]
- (i) a person appointed under the Workers Compensation Act, 1999;
[Act [No. 10 of 1999](#)]
- (j) an inspector appointed under the Energy Regulation Act, 2019; and
[Act [No. 12 of 2019](#)]
- (k) an inspector appointed under the Local Government Act, 2019;
[Act [No. 2 of 2019](#)]

"bio-bank" has the meaning assigned to the words in the National Health Research Act, 2013;
[Act [No. 2 of 2013](#)]

"Board" means the Board of the Zambia National Public Health Institute constituted under [section 5](#);

"Board Secretary" means a person appointed as a Board Secretary under [section 8](#);

"Centre" means the Public Health Emergency Operations Centre established under [section 12](#);

"Director-General" means a person appointed as Director-General under [section 8](#);

"Examinations Council of Zambia" means the Examinations Council of Zambia established under the Examinations Council of Zambia Act;

[[Cap. 137](#)]

"Fund" means the National Public Health Emergency Fund established under [section 15](#);

"global health security" means an activity required to minimise the danger and impact of acute public health events that endanger the collective health of populations living across geographical regions and international boundaries;

"Institute" means the Zambia National Public Health Institute continued under [section 3](#);

"Laboratory" means the National Public Health Laboratory established under [section 14](#);

"legally disqualified" means the absence of legal capacity as provided in section 4 of the Mental Health Act, 2019;

[Act [No. 6 of 2019](#)]

"one health approach" means an approach to designing and implementing programmes, policies, legislation and research in which multiple sectors communicate and work together to achieve better public health outcomes;

"pathogen" means a bacterium, virus or other micro-organism that may cause disease;

"public health" means the art and science of preventing disease, prolonging life and promoting health through organised efforts of society;

"public health emergency" means an occurrence or imminent threat of an illness or health condition, caused by bioterrorism, epidemic or pandemic disease, or a novel and highly fatal infectious chemical or biological toxin agent;

"public health security" means an activity required to minimise the danger and impact of acute public health events that endanger the collective health of population living across geographical regions and international boundaries;

"rapid response team" means a technical team constituted to identify, investigate and control an outbreak before it can spread;

"school certificate" means a certificate awarded by the Examinations Council of Zambia to a candidate who passes subjects, in a grade twelve examination conducted by the Examinations Council of Zambia, that the Examinations Council of Zambia requires for the award of the certificate or its equivalent from an institution recognised by the Zambia Qualifications Authority;

"surveillance" means a systematic ongoing collection, collation and analysis of data for public health purposes and timely dissemination of public health information for assessment and public health response, where necessary; and

"Zambia Qualifications Authority" means the Zambia Qualifications Authority established under the Zambia Qualifications Authority Act, 2011.

[Act No. 13 of 2011]

Part II – The Zambia National Public Health Institute

3. Establishment of Institute

- (1) The Zambia National Public Health Institute established as a department of the ministry responsible for health is continued as a body corporate with perpetual succession and a common seal, capable of suing and being sued in its corporate name and with power, subject to this Act, to do an act and thing that a body corporate may, by law, do or perform.
- (2) The First Schedule applies to the Institute.

4. Functions of Institute

The functions of the Institute are to—

- (a) advise the Minister on matters and measures relating to public health security and global health security;
- (b) coordinate multi-sectoral stakeholders for the purpose of monitoring, evaluation and addressing public health in order to support and conduct surveillance and disease intelligence;
- (c) promote partnerships and collaborations among local, regional and international entities to address emerging and re-emerging diseases and public health emergencies;
- (d) harmonise disease control and prevention policies, and surveillance systems among local, regional and international entities;
- (e) establish, coordinate and maintain a national early warning and response surveillance platform to address a health threat and health emergency;
- (f) support and conduct public health hazard mapping and risk assessment at national, provincial, district and sub-district levels;
- (g) generate data to inform policy and public health security intervention programs;
- (h) support and manage an integrated one health information platform in order to achieve a one health approach to public health security;
- (i) contribute to capacity development and coordinate the public health workforce in order to enhance public health security;
- (j) facilitate the accreditation of a public health laboratory by a competent authority;
- (k) establish and manage the Centre and other emergency operations centres with relevance to public health;
- (l) in collaboration with other institutions, assess the health damage resulting from an epidemic or natural disorder and provide support;

- (m) serve as the national focal point for the implementation of the international health regulations;
- (n) recommend to the Minister the declaration of a public health emergency and disease outbreak based on available public health data;
- (o) support and coordinate rapid response teams in responding to events of public health security;
- (p) conduct public health research;
- (q) establish and maintain a bio-bank for pathogens and materials relating to public health in accordance with the National Health Research Act, 2013;

[Act No.2 of 2013]

- (r) establish and manage epidemic preparedness prevention control and management committees at national, provincial, district and sub-district levels;
- (s) educate the public on public health;
- (t) monitor trends in public health and their impact on the Republic's socio-economic development and make recommendations to the appropriate authority; and
- (u) develop, publish and disseminate information on public health.

5. Board of Institute

- (1) There is constituted the Board of the Institute which consists of the following part-time members appointed by the Minister:
 - (a) a representative of the—
 - (i) Attorney-General;
 - (ii) ministry responsible for health;
 - (iii) ministry responsible for animal health;
 - (iv) ministry responsible for water, sanitation and environmental protection;
 - (v) ministry responsible for local government; and
 - (vi) ministry responsible for agriculture;
 - (b) a representative of a public health institute;
 - (c) a representative of the Disaster Management and Mitigation Unit;
 - (d) a representative of the Occupational Health and Safety Institute; and
 - (e) a person with the relevant knowledge and experience in public health or a related field.
- (2) The members of the Board under subsection (1) shall be nominated by their respective ministries, institutions or organisations for the purposes of appointment by the Minister.
- (3) The Minister shall appoint a Chairperson from among the members of the Board.
- (4) The members of the Board shall elect a Vice-Chairperson from among themselves.
- (5) A person shall not be qualified for appointment as a member of the Board if that person—
 - (a) is not a citizen;
 - (b) has not served at senior management level for at least five years;
 - (c) is an undischarged bankrupt;
 - (d) is legally disqualified from holding the office of a member;

- (e) is convicted of an offence under this Act or any other written law and is sentenced to imprisonment for a period exceeding six months without the option of a fine within a period of five years preceding the appointment; or
 - (f) is an employee of the Institute.
- (6) The First Schedule applies to the Board.

6. Functions of Board

- (1) The Board is the governing body of the Institute.
- (2) Despite the generality of subsection (1), the functions of the Board are to—
- (a) provide strategic direction to the Institute;
 - (b) approve the annual budget estimates and financial statements of the Institute;
 - (c) approve the annual workplan, action plans and activity reports of the Institute;
 - (d) approve the policies, programmes and strategies of the Institute; and
 - (e) monitor and evaluate the performance of the Institute against approved budgets and plans.

7. Delegation of functions

- (1) The Board may, subject to any conditions imposed and guidelines issued by the Board, delegate to the Director-General any of the Board's functions under this Act.
- (2) The Minister may give to the Board, general or specific directions relating to the performance of its functions and the Board shall give effect to those directions to the extent that they are not inconsistent with this Act.

8. Director-General, Board Secretary and other staff of Institute

- (1) The Board shall appoint a Director-General of the Institute who shall be the chief executive officer and be responsible for the day-to-day administration of the Institute.
- (2) A person qualifies for appointment as Director-General if that person—
- (a) has a school certificate; and
 - (b) holds a bachelor's degree and post graduate degree in public health or related field accredited, recognised and validated by the Zambia Qualifications Authority;
- (3) The Director-General may attend meetings of the Board and of any committee and may address those meetings, but shall have no vote.
- (4) The Board shall appoint a Board Secretary and other staff of the Institute that the Board considers necessary for the performance of its functions under this Act.
- (5) The Board Secretary shall perform board secretarial functions.

9. Emoluments and other conditions of service of Director-General, Board Secretary and other staff

- (1) The Emoluments Commission shall, on the recommendation of the Board, determine the emoluments of the Director-General, Board Secretary and other staff of the Institute.
- (2) The Board shall determine the conditions of service, other than emoluments, of the Director-General, Board Secretary and other staff of the Institute.

Part III – Inspectorate

10. Authorised officer

- (1) The Board shall, by *Gazette* notice appoint an authorised officer for the purpose of ensuring compliance with the Act.
- (2) The Board shall provide an authorised officer with an identity card for the purpose of inspections, which shall be evidence of the authorised officer's appointment.
- (3) An authorised officer shall, in performing any function under this Act—
 - (a) be in possession of the identity card under subsection (2); and
 - (b) show the identity card to a person who requests to see it or is subject to an investigation under this Act.

11. Powers of authorised officer

- (1) An authorised officer may, for the purposes of enforcing the provisions of this Act, at any reasonable time, without prior notice, and on the authority of a warrant—
 - (a) enter, inspect or search any premises for the proper performance of the duty, which is required or authorised by this Act;
 - (b) take reasonable measures in line with international health regulations to prevent the entry and spread of a communicable disease from a foreign country into the Republic through quarantine and isolation of a suspect and new entrant;
 - (c) take measures that protect or promote public health security based on available scientific evidence or precautionary principle;
 - (d) search a person on any premises if there are reasonable grounds to believe that the person has possession of a document or article that has a bearing on an investigation, provided that a person shall only be searched by a person of the same sex;
 - (e) examine a document or article found on any premises that has a bearing on an investigation;
 - (f) require the production of a record, report or document on any premises or information to be given about any document or article by—
 - (i) the owner of the premises;
 - (ii) the person in control of the premises;
 - (iii) a person who has control of the document or article; or
 - (iv) any other person who may have the information;
 - (g) take for analysis a sample of any substance or thing which an authorised officer has reasonable grounds to suspect may contain or be contaminated by, a substance that is a risk to health;
 - (h) require the occupier of any workplace or premises to provide the authorised officer with assistance and facilities that are necessary to enable the authorised officer to exercise the authorised officer's functions under this Act;
 - (i) examine, take extracts from or make copies of any book or document found on the premises that has a bearing on an investigation;

- (j) use any computer system on any premises, or require the assistance of any person on the premises to use that computer system, to—
 - (i) search any data contained in, or available to the computer system;
 - (ii) reproduce any record from the data; or
 - (iii) seize any output from the computer for examination or copying;
 - (k) take any plant, substance or thing from any premises if the authorised officer believes, on reasonable grounds, that the plant, substance or thing has been used in the commission of an offence under this Act; and
 - (l) attach and, if necessary, remove from the premises for examination and safeguarding any document or article that appears to have a bearing on an investigation.
- (2) An authorised officer who removes a document or article from any premises under subsection (1) shall—
- (a) issue a receipt for the document or article to the owner or person in control of the premises; and
 - (b) return the document or article as soon as practicable after achieving the purpose for which it was removed.
- (3) In the exercise of powers of entry and search under this section, an authorised officer may use reasonable force that is necessary and justifiable in the circumstances, and may be accompanied or assisted by other persons that the authorised officer considers necessary for assistance to enter into, or on, any premises.
- (4) A person commits an offence if that person—
- (a) delays or obstructs an authorised officer in the performance of the authorised officer's functions;
 - (b) refuses to give an authorised officer reasonable assistance that the authorised officer may require for the purpose of exercising the authorised officer's powers;
 - (c) without reasonable excuse, refuses or fails to comply with a requirement made or to answer any questions asked by an authorised officer;
 - (d) impersonates or falsely represents oneself as an authorised officer;
 - (e) without reasonable excuse, fails to produce or conceals a record, report or document requested by an authorised officer; or
 - (f) gives an authorised officer false or misleading information in answer to an inquiry made by the authorised officer.
- (5) A person convicted of an offence under subsection (4) is liable, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.
- (6) An authorised officer shall furnish the Director-General with a written report and any other information relating to an inspection, that the Director-General may require.
- (7) Nothing in this section requires a person to disclose or produce information or a document, if the person would in an action in a court be entitled to refuse to disclose or produce the information or document.

Part IV – Public Health Emergency Operations Centre

12. Establishment of Centre

There is established the Public Health Emergency Operations Centre to be managed by the Institute.

13. Functions of Centre

The functions of the Centre are to—

- (a) direct and support an incident or event with public health implications through the establishment of a scalable system of oversight, organisation and coordination, utilising an emergency incidence response strategy;
- (b) provide technical guidance to response operation teams and coordinate the response;
- (c) collect and analyse data, and plan future action based on the likely cause of an event and resources available;
- (d) provide logistical and service support to active responses including financial and administrative management;
- (e) demobilise and evaluate a public health emergency operations following an active response;
- (f) leverage resources for emergency response;
- (g) be a platform for coordinating multi-sectoral stakeholders for the purpose of responding to a public health emergency;
- (h) design standard operating procedures for key preparedness actions;
- (i) develop a detailed communication strategy on public health emergency response;
- (j) identify and address critical transnational public health matters; and
- (k) respond in a timely manner to requests for operational and technical support from agencies, institutions, public or private bodies and any person in the event of an occurrence of an incident with public health implications.

Part V – Establishment of the National Public Health Laboratory

14. Establishment of Laboratory

- (1) There is established the National Public Health Laboratory as a reference laboratory for detection, analysis, isolation and characterisation of infectious and non-infectious agents, toxins and any other agent of public health concern.
- (2) The Institute shall manage the Laboratory which shall be used to—
 - (a) analyse or examine material sent to the Laboratory and issue a certificate of analysis;
 - (b) collect, share and provide materials for research;
 - (c) coordinate and strengthen laboratory systems and networks with the capacity to support surveillance, emergency, preparedness and response to public health threats and public health laboratory functions; and
 - (d) collect, contain, secure and store samples, pathogen isolates and relevant materials from outbreaks and other events of public health importance.

- (3) The Institute shall charge fees for the analysis of materials and any other services provided by the Laboratory, as prescribed.
- (4) The Board shall appoint a person who shall be responsible for the day-to-day administration of the Laboratory.
- (5) The Board shall appoint public analysts that the Board may consider necessary for the purpose of performing its functions under this section.
- (6) A certificate of analysis issued under this section shall be received in evidence and shall be deemed to be so issued, without further proof, unless the contrary is proved.
- (7) The Board may establish satellite laboratories in the provinces or districts.

Part VI – National Public Health Emergency Fund

15. Establishment of Fund

- (1) There is established the National Public Health Emergency Fund for—
 - (a) the provision of public health emergency commodities;
 - (b) the operations of the epidemic preparedness, prevention, control and management committees, in the management of public health emergencies in their areas; and
 - (c) any other matter relating to the preparedness, prevention and mitigation of a public health emergency.
- (2) The Fund consists of monies that may—
 - (a) be appropriated to the Institute by Parliament for the purposes of the Fund;
 - (b) be collected from a levy that the Minister responsible for finance may prescribe, in consultation with the Minister;
 - (c) be paid to the Institute by way of fees, donations and grants from any source, with the approval of the Minister;
 - (d) vest in, or accrue to, the Fund; and
 - (e) by or under any other written law, be payable to the Fund.

16. Administration and management of Fund

- (1) The Institute shall administer and manage the Fund for the purposes specified in [section 15](#).
- (2) The Institute may invest any monies of the Fund that are not immediately required for the purposes of the Fund in a manner authorised by the Board.
- (3) The Board shall ensure that prudent controls are established for the Fund relating to—
 - (a) fiscal controls and accounting procedures governing the Fund;
 - (b) reporting procedures for the matters relating to the Fund; and
 - (c) investment of the monies of the Fund.
- (4) The Board shall cause to be kept proper books of accounts and other records relating to the Fund.
- (5) The Fund shall be audited annually by the Auditor-General or an auditor appointed by the Auditor-General.

Part VII – General provisions

17. Appeals

- (1) A person aggrieved by a decision of the Institute may, within seven days of receipt of the decision, appeal to the Minister.
- (2) A person who is aggrieved by a decision of the Minister under subsection (1) may appeal to the High Court

18. Immunity from execution of judgement

Where judgement has been obtained against the Institute, execution, attachment or process of any nature thereof, shall not be issued against the Institute or against any property of the Institute, but the Institute shall cause to be paid out of the revenue of the Institute the amounts that may, by the judgement or order, be awarded against the Institute to the person entitled to that amount.

19. Public health security information management system

- (1) Subject to the Statistics Act, 2018, and any other relevant written law, the Institute shall establish a repository of information concerning disease surveillance, public health security and management of public health emergencies, as prescribed.

[Act No. 13 of 2018]

- (2) Subject to subsection (1), the Institute shall—
 - (a) collect information on aspects of public health security, disease surveillance and management of public health emergencies;
 - (b) process and analyse the information under paragraph (a); and
 - (c) disseminate information to members of the public on promotive, preventive and curative measures.

20. Regulations

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

21. Savings and transitional provisions

The Second Schedule applies to the savings and transitional provisions.

First Schedule (Sections 3 (2) and 5 (6))

Part I – Administration of the Board

1. Seal of Institute

- (1) The seal of the Institute shall be a device as may be determined by the Institute and shall be kept by the Director-General.
- (2) The affixing of the seal shall be authenticated by the Chairperson or Vice-Chairperson and the Director-General, or any other person authorised in that behalf by a resolution of the Board.

- (3) A contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under seal, may be entered into or executed without a seal on behalf of the Institute by the Director-General or another person generally or specifically authorised by the Board in that behalf.
- (4) A document purporting to be a document under the seal of the Institute or issued on behalf of the Institute shall be received in evidence and shall be deemed to be, so executed or issued, without further proof, unless the contrary is proved.

2. Tenure of office of a member and vacancy

- (1) Subject to the other provisions of this Act, a member of the Board shall hold office for a period of three years from the date of appointment and may be reappointed for a further like period but shall not successively hold office for more than two terms.
- (2) The office of a member of the Board becomes vacant if that member of the Board—
 - (a) dies;
 - (b) is adjudged bankrupt;
 - (c) is absent from three consecutive meetings of the Board of which that member of the Board has had notice, without the prior approval of the Board;
 - (d) resigns from office;
 - (e) is legally disqualified from performing the duties of a member of the Board;
 - (f) is convicted of an offence under this Act or any other law; or
 - (g) ceases to represent the institution that nominated that member of the Board.
- (3) Subject to the other provisions of this Act, a member of the Board shall, on the expiration of the period for which the member of the Board is appointed, continue to hold office until another member of the Board, is appointed to succeed that member of the Board, but in no case shall the member of the Board hold office for more than three months after the expiration of the member's term.
- (4) The Minister shall, where the office of a member of the Board becomes vacant, appoint another person in place of the member of the Board who vacates office, and the member shall hold office for the remainder of the term.

3. Proceedings of Board

- (1) Subject to this Act, the Board may regulate its own procedure.
- (2) The Board shall meet for the transaction of business at least once every three months at a place and time that the Board may determine.
- (3) A meeting of the Board may be called by the Chairperson on giving notice of not less than fourteen days and shall be called if not less than one-third of the members of the Board so request, in writing, except that if the urgency of a particular matter does not permit the giving of that notice, a special meeting may be called on giving a shorter notice.
- (4) Six members of the Board shall constitute a quorum at a meeting of the Board.
- (5) There shall preside at a meeting of the Board—
 - (a) the Chairperson;
 - (b) in the absence of the Chairperson, the Vice-Chairperson; and
 - (c) in the absence of the Chairperson and the Vice-Chairperson, a member of the Board that the members of the Board present may elect from amongst themselves for the purpose of that meeting.

- (6) A decision of the Board on any question shall be determined by a majority of the votes of the members of the Board present and voting at the meeting and, in the event of an equality of votes, the person presiding at the meeting shall have, in addition to a deliberative vote, a casting vote.
- (7) Where a member of the Board is, for any reason unable to attend the meeting of the Board, that member of the Board may, in writing, nominate another person from the same organisation to attend the meeting in that member's stead and that person shall be considered to be a member of the Board for purposes of that meeting.
- (8) The Board may invite any person whose presence is, in its opinion desirable, to attend and to participate in the deliberation of a meeting of the Board, but that person shall have no vote.
- (9) The validity of any proceedings, action or decision of the Board shall not be affected by any vacancy in the membership of the Board or any defect in the appointment of any member of the Board or by reason that any person not entitled to do so, took part in the proceedings.
- (10) The Board shall cause minutes to be kept of the proceedings of every meeting of the Board and of every committee of the Board.

4. Committees

- (1) The Board may constitute committees that it considers necessary and delegate any of its functions to these committees.
- (2) The Board may appoint as members of a committee, persons who are, or are not members of the Board, except that at least one member of a committee shall be a member of the Board.
- (3) A person serving as a member of a committee shall hold office for a period that the Board may determine.
- (4) Subject to any specific or general direction of the Board, a committee may regulate its own procedure.

5. Allowances

A member of the Board or a member of a committee of the Board shall be paid allowances that may be determined by the Emolument Commission, on recommendation of the Minister.

6. Disclosure of interest

- (1) A person who is present at a meeting of the Board or a committee of the Board at which any matter is the subject of consideration, and in which that person or that person's relative or associate, is directly or indirectly interested in a private capacity shall, as soon as practicable after the commencement of the meeting, disclose that interest and shall not, unless the Board or the committee otherwise directs, take part in any consideration or discussion of, or vote on, any question relating to that matter.
- (2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which the disclosure is made.
- (3) A person who contravenes subparagraph (1) commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

7. Prohibition of publication or disclosure of information to unauthorised persons

- (1) A person shall not, without the consent in writing given by or on behalf of the Institute, otherwise than in the course of the duties of that person, publish or disclose to any other person, the contents of any document, communication or information, which relates to, or which has come to the knowledge of that person in the course of that person's duties under this Act.

- (2) A person who contravenes subparagraph (1) commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

8. Immunity

An action or other proceeding shall not lie or be instituted against a member of the Board or committee of the Board or a member of staff of the Institute for, or in respect of, an act or thing done or omitted to be done in good faith in the exercise or performance, of any of the powers, functions or duties conferred under this Act.

Part II – Financial provisions

9. Funds of Institute

- (1) The Funds of the Institute consist of monies that may—
 - (a) be paid to the Institute by way of grants and donations; or
 - (b) otherwise vest in or accrue to the Institute.
- (2) The Institute may, subject to the approval of the Minister—
 - (a) accept monies by way of grants or donations from any source in Zambia and any source outside Zambia; and
 - (b) charge and collect fees in respect of programmes, seminars, consultancy services and other services provided by the Institute.
- (3) There shall be paid from the funds of the Institute—
 - (a) the emoluments of the members of staff of the Institute;
 - (b) reasonable travelling and other allowances for the members of the Board and of any committee of the Board when engaged on the business of the Institute, at rates that the Emoluments Commission shall determine on the recommendation of the Minister; and
 - (c) any other expenses incurred by the Institute in the performance of its functions under this Act.
- (4) The Institute may, subject to the approval of the Minister, invest in a manner that it considers appropriate, funds of the Institute which it does not immediately require for the performance of its functions.

10. Financial year

The financial year of the Institute shall be a period of twelve months ending on 31st December in each year.

11. Account and audit

- (1) The Institute shall cause to be kept proper books of account and other records relating to its accounts.
- (2) The accounts of the Institute shall be audited annually by the Auditor-General or an auditor appointed by the Auditor-General.
- (3) The auditor's fees shall be paid by the Institute.

12. Annual report

- (1) As soon as practicable, but not later than ninety days after end of the financial year, the Institute shall submit to the Minister a report concerning the activities during the financial year.

- (2) The report referred to in subparagraph (1) shall include information on the financial affairs relating to the Fund and there shall be appended to the report—
 - (a) an audited statement of financial position;
 - (b) an audited statement of comprehensive income; and
 - (c) other information that the Minister may require.
- (3) The Minister shall, not later than seven days after the first sitting of the National Assembly next after receipt of the report referred to in subparagraph (1), lay the report before the National Assembly.

Second Schedule (Section 21)

Savings and transitional provisions

1. Interpretation

In this schedule, unless the context otherwise requires "former department" means the Zambia National Public Health Institute established as a department of the ministry responsible for health.

2. Transfer of staff

- (1) On or after the appointment date, the Minister may, by statutory instrument, approve arrangements under which all or some of the public officers from the former department shall be transferred to the Institute from the public service.
- (2) Where a person is transferred in accordance with the arrangements made under subparagraph (1), the terms and conditions of that person with the Institute shall be no less favourable than those enjoyed while in the public service, and for the purposes of determining rights to, or eligibility for, any pension, gratuity, leave or other benefit, the pensionable service of that person with the public service shall be treated as continuous service.

3. Transfer of assets and liabilities

- (1) On the appointed date, there shall transfer to, and vest in, or subsist against the Institute by virtue of this Act and without further assurance—
 - (a) the affairs of the former department; and
 - (b) subject to this Act, all property, rights and obligations which immediately before the appointed date were the property, rights and obligations of the Government in respect of the former department.
- (2) Except as provided for in this Act, every deed, bond or agreement other than an agreement for personal service to which the Government was a party immediately before the commencement of this Act in respect of the former department, whether in writing or not, and, whether or not of a nature that rights and obligations thereunder could be assigned shall, unless its subject-matter or terms makes it possible that it should have effect as modified in a manner provided by this subsection, have effect as from the date of the assignment thereof as if—
 - (a) the Institute had been a party hereto;
 - (b) for any reference to the Government there were substituted, as respects anything to be done on or after the commencement of this Act, a reference to the Institute; and
 - (c) for any reference to an officer of the former department 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 an officer of the Institute that the Institute shall determine.

- (3) Subject to subparagraph (2), documents other than those referred to in that subparagraph which refer especially to the former department shall be construed in accordance with subparagraph (2) as far as possible.

4. **Registration of property**

Where under this Act any property, rights or obligations of the Government through the former department are deemed transferred in respect of which transfer any written law provides for registration, the Institute shall make an application in writing to the appropriate registration authority for registration of a transfer and that authority shall give effect to the transfer and, where appropriate, issue the transferee concerned a certificate of title in respect of the said property or make necessary amendments to the register, and if presented therefore, make endorsement concerned, and no registration fee, stamp duty or other duties shall be payable in respect of it.

5. **Legal proceedings**

- (1) Any legal proceedings or application of any authority pending immediately before the commencement of this Act by or against the Government in respect of the former department may be continued by or against the Institute.
- (2) Without prejudice to other provisions of the Act, where any right or obligation vests in, or subsists against the Institute by virtue of this Act, the Institute and all other persons affected thereby shall, as from the commencement of this Act, have the same rights, powers and remedies for ascertaining, perfecting or enforcing that right or obligation as they have had if it had at all times been a right or obligation of the Institute.
- (3) After the commencement of this Act, proceedings in any respect of any right or obligation which was vested in, held, enjoyed, incurred, suffered by, or sustained against the Government in respect of the former department, may be continued by or against the Institute.