

GOVERNMENT OF ZAMBIA

ACT

No. 27 of 1982

Date of Assent: 20th August, 1982

An Act to provide for the establishment of the Legal Services Corporation; to define the functions and powers of the Corporation; and to provide for matters connected with or incidental to the foregoing.

[21st August, 1982

ENACTED by the Parliament of Zambia.

Enactment

PART I
PRELIMINARY

1. This Act may be cited as the Legal Services Corporation Act, 1982.

Short title

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

Inter-pretation

“Chairman” means the person designated Chairman of the Corporation by section *five*;

“Corporation” means the Legal Services Corporation established by section *four*;

“Corporation Counsel” means a person appointed as such under section *fourteen*;

“Director” means the person appointed Director of the Corporation under section *thirteen*;

“member” means a member of the Corporation;

“Secretary” means the person appointed Secretary to the Corporation under section *fifteen*;

“parastatal body” means a statutory corporation or body or a company in which the Government has a majority or controlling interest, and includes a local authority.

3. Save as otherwise provided in this Act, the Legal Practitioners Act shall not apply to the Corporation, the Director or a Corporation Counsel.

Application of Cap. 48

PART II
LEGAL SERVICES CORPORATION

4. There is hereby established the Legal Services Corporation which shall be 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 the provisions of this Act, to do all such acts and things as a body corporate may by law do or perform.

Establishment of Corporation

Composition
of
Corporation

5. (1) The Corporation shall consist of the following members:

- (a) the Attorney-General, who shall be the Chairman;
- (b) the Solicitor-General, who shall be the Vice-Chairman;
- (c) the Director-General of the Zambia Industrial and Mining Corporation Limited, a company registered under the Companies Act;
- (d) the Executive Director for Corporate Planning and Administration of the Zambia Industrial and Mining Corporation Limited aforesaid;
- (e) the Chairman of the Law Association of Zambia;
- (f) two other persons appointed by the President.

Cap. 686

(2) A member appointed by the President under paragraph (f) of subsection (1) may resign upon giving one month's notice in writing to the President and may be removed by the President upon giving like notice.

Functions
of
Corporation

6. The functions of the Corporation shall be to provide legal services to parastatal bodies, and to do all such acts and things as are necessary for that purpose.

Remunera-
tion and
allowances
of members

7. A member other than a public officer or an employee of a parastatal body shall be paid such remuneration or allowances as the Minister may from time to time direct.

Proceedings
of
Corporation

8. (1) Subject to the other provisions of this Act, the Corporation may regulate its own procedure.

(2) For the transaction of its business, the Corporation shall meet at such places and at such times, being not less than once every three months, as the Chairman may determine.

(3) Upon giving notice of not less than fourteen days, a meeting of the Corporation may be called by the Chairman and shall be called if not less than five 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) Four members shall form a quorum at a meeting of the Corporation.

(5) Where the Chairman and the Vice-Chairman are absent from any meeting of the Corporation, there shall preside at that meeting such member as the members present may elect for the purposes of that meeting.

(6) A decision of the Corporation on any question shall be by a majority 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.

(7) The Corporation may invite any person whose presence is in its opinion desirable to attend and to participate in the deliberations of a meeting of the Corporation but such person shall have no vote.

(8) The validity of any proceedings, act or decision of the Corporation shall not be affected by any vacancy in the membership of the Corporation 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 Corporation shall cause minutes to be kept of the proceedings of every meeting of the Corporation and of every meeting of any committee established by the Corporation.

9. (1) The seal of the Corporation shall be such device as may be determined by the Corporation and shall be kept by the Secretary.

Seal of
Corporation

(2) The Corporation may use a wafer or rubber stamp *in lieu* of the seal.

(3) The affixing of the seal shall be authenticated by the Chairman and the Secretary or by the Chairman and one other person authorised in that behalf by a resolution of the Corporation.

(4) Any 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 seal on behalf of the Corporation by the Secretary or any other person generally or specifically authorised by the Corporation in that behalf.

(5) Any document purporting to be a document under the seal of the Corporation or issued on behalf of the Corporation 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.

10. (1) The Corporation may, for the purpose of performing its functions under this Act, establish committees and may delegate to any such committee such of its functions as it thinks fit.

Committees
of
Corporation

(2) The Corporation may appoint as members of a committee established under subsection (1), persons who are or are not members of the Corporation and such persons shall hold office for such period as the Corporation may determine.

(3) Subject to any specific or general direction of the Corporation, any committee established under subsection (1) may regulate its own procedure.

11. (1) If a member is present at a meeting of the Corporation or any committee of the Corporation at which any matter is the subject of consideration and in which matter the member

Disclosure
of
interest

or his 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 Corporation 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 this section shall be recorded in the minutes of the meeting at which it is made.

Immunity
of members

12. No action or other proceeding shall lie or be instituted against any member for or in respect of any act or thing done or omitted to be done in good faith in the exercise or purported exercise of his functions under this Act.

PART III

ADMINISTRATION AND PROVISION OF LEGAL SERVICES

Director

13. (1) There shall be appointed by the President, on such terms and conditions as the President may determine, a Director of the Corporation who shall be the chief executive officer of the Corporation and who shall, subject to the other provisions of this Part, be responsible for the performance of the professional functions of the Corporation.

(2) No person shall qualify for appointment as Director unless he is qualified for appointment as Judge of the High Court.

(3) In the exercise of his professional functions the Director shall not be subject to the direction or control of any other person or authority:

Provided that in matters involving general considerations of policy relating to professional matters, the Attorney-General may give to the Director such directions as he thinks necessary and the Director shall give effect to such directions.

(4) The Director shall attend meetings of the Corporation but shall not vote on any matter:

Provided that the person presiding at any meeting of the Corporation may, for good cause, require the Director to withdraw from such meetings.

(5) The office of Director shall be an office in the public service.

Corporation
Counsel

14. (1) The Corporation may appoint, on such terms and conditions as it may determine, such number of Corporation Counsel as it thinks necessary to assist the Director in the discharge of his functions under this Act.

(2) The professional functions of the Director under this Act may be performed by him in person or by any Corporation Counsel acting in the name of the Director and in accordance with his general or special directions.

15. (1) There shall be a Secretary to the Corporation who shall be appointed by the Corporation on such terms and conditions as the Corporation may determine. Secretary and other staff

(2) The Secretary shall be responsible for the administration of the day-to-day affairs of the Corporation under the general supervision of the Director.

(3) The Corporation may appoint, on such terms and conditions as it may determine, such other staff as it thinks necessary for the performance of its functions under this Act.

16. (1) The Director may charge and collect such fees as the Corporation may from time to time determine: Legal fees

Provided that such fees shall not be in excess of any costs prescribed under section *seventy* of the Legal Practitioners Act. Cap. 48

(2) Subject to the provisions of subsection (1), Part IX of the Legal Practitioners Act shall apply, *mutatis mutandis*, to the Corporation. Cap. 48

17. The Director and Corporation Counsel shall perform their functions in accordance with the highest professional standards. Professional conduct

PART IV
FINANCIAL AND MISCELLANEOUS PROVISIONS

18. (1) The funds of the Corporation shall consist of such moneys as may— Funds of Corporation

- (a) be appropriated by Parliament for the purposes of the Corporation;
- (b) be paid to the Corporation by way of fees, grants or donations; and
- (c) vest in or accrue to the Corporation.

(2) The Corporation may—

- (a) accept moneys by way of grants or donations from any source in Zambia and, subject to the approval of the Minister, from any source outside Zambia;
- (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;
- (c) charge and collect fees for legal services; and
- (d) charge and collect fees in respect of any training programmes, seminars, consultancy services, and other services provided by the Corporation.

(3) There shall be paid from the funds of the Corporation—

- (a) the salaries, allowances and loans of the staff of the Corporation;

(b) such reasonable travelling, transport and subsistence allowances of members of any committee of the Corporation when engaged on the business of the Corporation, at such rates as the Minister may determine; and

(c) any other expenses incurred by the Corporation in the discharge of its functions.

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

**Financial
year**

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

Accounts

20. The Corporation shall cause to be kept proper books of account and other records relating to its accounts.

**Annual
report**

21. (1) As soon as practicable, but not later than six months after the expiry of each financial year, the Corporation shall submit to the Minister a report concerning its activities during such financial year.

(2) The report referred to in subsection (1) shall include information on the financial affairs of the Corporation and there shall be appended thereto—

(a) a balance sheet;

(b) an audited statement of revenue and expenditure; and

(c) such other information as the Minister may require.

(3) The Minister shall, not later than seven days after the first sitting of the National Assembly next after the receipt of the report referred to in subsection (1), lay it before the National Assembly.

Regulations

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