

GOVERNMENT OF ZAMBIA

**ACT**

No. 25 of 1993

Date of Assent: 26th April, 1993

**An Act to provide for the winding up and dissolution of the Zambia Iron and Steel Authority; to vest the undertaking of the Zambia Iron and Steel Authority in the Government; to repeal the Zambia Iron and Steel Authority Act; and to provide for matters connected with or incidental to the foregoing.**

[30th April, 1993

ENACTED by the Parliament of Zambia.

1. This Act may be cited as the Zambia Iron and Steel Authority (Dissolution) Act, 1993 and shall come into operation on such date as the Minister may, by statutory instrument, appoint.

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

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

" Authority " means the Zambia Iron and Steel Authority constituted by section *three* of the Zambia Iron and Steel Authority Act.

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

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

(3) Notwithstanding anything to the contrary contained in the Zambia Iron and Steel Authority Act, or in any other written law, the Authority 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.

Enactment

Short title  
and  
commence-  
ment

Interpreta-  
tion

Act No. 8 of  
1989

Winding-up  
of affairs of  
Authority  
and its  
dissolution

Act No. 8 of  
1989

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

Vesting of  
assets and  
liabilities of  
Authority 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 Authority.

(2) Subject as hereinafter provided, every deed, bond or agreement (other than an agreement for personal service) to which the Authority 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 therefor, as if—

(a) the Government had been a party thereto;

(b) for any reference to the Authority 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 Authority 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 Authority shall be construed in accordance with the said subsection, as far as applicable.

Registration  
of property  
to be  
transferred  
by Authority

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

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

(3) Any person to whom subsections (1) and (2) apply and who does not transfer to the Government shall be deemed to have voluntarily retired from the service of the Authority 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 Authority.

(5) The salary of an employee transferred to the service of the Government in accordance with subsections (1) or (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 Authority 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 Authority may be instituted by or against the Government.

Repeal of Act  
No. 8 of 1989

8. The Zambia Iron and Steel Authority Act, 1989 shall stand repealed on the appointed date.

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