

GOVERNMENT OF ZAMBIA

ACT

No. 29 of 1994



Date of Assent: 29th September, 1994.

**An Act to amend the Export Development Act, 1985**

[21st October, 1994

ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the Export Development (Amendment) Act, 1994, and shall be read as one with the Export Development Act, 1985, in this Act referred to as the principal Act.

Short title  
Act No. 25 of  
1985

2. The principal Act shall be deemed to have come into operation on 27th December, 1985.

Commence-  
ment of  
principal Act

3. The long title of the principal Act is amended—

Amendment  
of title

- (a) by the deletion of "the Export Council of Zambia and";  
(b) by the deletion of "of the Council and".

4. Section *two* of the principal Act is amended—

Amendment  
of section 2

- (a) by the deletion of the definition of "Council";  
(b) by the deletion of the definition of "Secretary" and the substitution therefor for the following definition:

"Secretary" means the person appointed Secretary of the Board under section *twenty*.

5. The principal Act is amended by the repeal of Part II.

Repeal of  
Part II

6. The principal Act is amended by the repeal of section *eleven* and the substitution therefor of the following section:

Repeal and  
replacement  
of section 11

11. (1) The Board shall consist of not fewer than six and not more than ten members, who shall be appointed by the Minister from among persons duly nominated by organisations or associations recognised by Government as representing exporters and other persons concerned with the export trade.

Composition  
of Board

(2) A person shall not be eligible for appointment as a member unless he has had experience in industry, trade, agriculture or finance or in a field connected with export development and promotion.

(3) In appointing members, the Minister shall ensure that at least two-thirds of the members are from the business sector concerned with the export trade sector.

(4) The Board shall elect a Chairman and a Vice-Chairman from amongst its members.

Amendment  
of section 12

7. Section *twelve* of the principal Act is amended by the deletion of "Council" wherever it appears and the substitution therefor of "Minister".

Amendment  
of section 13

8. Section *thirteen* of the principal Act is amended by the deletion of "Council" and the substitution therefor of "Minister".

Amendment  
of section 14

9. Section *fourteen* of the principal Act is amended—

(a) in subsection (1) by the deletion of "Council" and the substitution therefor of "Minister";

(b) in paragraph (a) of subsection (2) by the deletion of "for the approval of the Council" and the substitution therefor of "to the Minister".

Amendment  
of section 15

10. Section *fifteen* of the principal Act is amended in subsection (2) by the deletion of "month" and the substitution therefor of "three months".

Repeal and  
replacement  
of section 17

11. The principal Act is amended by the repeal of section *seventeen* and the substitution therefor of the following section:

Disclosure  
of interest

17. (1) If a person is present at a meeting of the Board, or of a committee of the Board, at which any matter in which the person or his spouse is directly or indirectly interested in a private capacity is the subject of consideration, the person shall, as soon as practicable after the commencement of the meeting, disclose the interest and shall not, unless the Board decides otherwise, take part in any consideration or discussion of, or vote on, any question touching the matter.

(2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which it is made.

Repeal and  
replacement  
of section 18

12. The principal Act is amended by the repeal of section *eighteen* and the substitution therefor of the following section:

Immunity  
of Board  
members

18. No action or other proceedings shall lie or be instituted against a member of the Board or of a committee of the Board 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.

13. Section *nineteen* of the principal Act is amended— Amendment  
of section 19
- (a) in subsection (1) by the deletion of "Council" and the substitution therefor of "Minister".
- (b) in subsection (4) by the deletion of "section *seven*" and the substitution therefor of "section *seventeen*".
14. Section *twenty-one* of the principal Act is amended— Amendment  
of section 21
- (a) in subsection (2) by the deletion of "five thousand kwacha" and the substitution therefor of "thirty thousand penalty units";
- (b) in subsection (3) by the deletion of "five thousand kwacha" and the substitution therefor of "thirty thousand penalty units".
15. Section *twenty-two* of the principal Act is amended— Amendment  
of section 22
- (a) by the deletion of "Council" wherever it occurs and the substitution therefor of "Minister";
- (b) in subsection (3)—
- (i) by the deletion of paragraph (a);
- (ii) by the re-numbering of paragraphs (b), (c) and (d) as (a), (b) and (c) respectively.
16. Section *twenty-five* of the principal Act is amended by the deletion of "Council" wherever it occurs and the substitution therefor of "Minister". Amendment  
of section 25
17. The principal Act is amended by the repeal of section *twenty-six* and the substitution therefor of the following section: Repeal and  
replacement  
of section 26
26. (1) A person who is aggrieved by any decision of the Board may, within thirty days after the date on which he is notified of the decision, appeal to the Minister against the decision, and the Minister may confirm, reverse or vary the decision, stating the reasons for his decision. Appeals
- (2) An appeal that was lodged under this Act before the commencement of this section shall be dealt with as if this section had not commenced, and as if a reference to the council were a reference to the Minister.
18. Section *twenty-seven* of the principal Act is amended by the deletion of "On the recommendation of the council, the" and the substitution therefor of "The" Amendment  
of section 27