

GOVERNMENT OF ZAMBIA

ACT

No. 25 of 1985

Date of Assent: 24th December, 1985

An Act to establish the Export Council of Zambia and the Export Board of Zambia; to define the functions and powers of the Council and of the Board; and to provide for matters connected with or incidental to the foregoing.

[27th December, 1985]

ENACTED by the Parliament of Zambia.

Enactment

PART I

PRELIMINARY

1. This Act may be cited as the Export Development Act, 1985, and shall come into operation on such date as the Minister may, by statutory instrument, appoint.

**Short title
and
commence-
ment**

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

**Inter-
pretation**

“Board” means the Export Board of Zambia established by section *nine*;

“Council” means the Export Council of Zambia established by section *three*;

“Deputy Director” means the person appointed Deputy Director of the Board under section *nineteen*;

“Director” means the person appointed Director of the Board under section *nineteen*;

“Secretary” means the person appointed Secretary of the Board under section *twenty*;

PART II

EXPORT COUNCIL OF ZAMBIA

Establish-
ment and
composition
of Council

3. There is hereby established the Export Council of Zambia which shall consist of the following members—

- (a) the Prime Minister, who shall be the Chairman;
- (b) the Minister responsible for commerce, who shall be the vice-chairman;
- (c) the Ministers responsible for industry, finance, agriculture, foreign affairs, co-operatives, mines, tourism and transport;
- (d) the Governor of the Bank of Zambia;
- (e) the Director-General of the Zambia Industrial and Mining Corporation Limited;
- (f) the chief executive of the Zambia Consolidated Copper Mines Limited;
- (g) not more than four other members nominated by organisations or associations recognised by the Minister responsible for commerce as representing exporters and other persons concerned with export trade.

Functions
of Council

4. (1) The functions of the Council shall be—

- (a) to supervise the implementation of this Act;
- (b) to formulate and approve national policies aimed at developing, promoting and encouraging export of goods and services from Zambia;
- (c) to deal with any appeals or complaints received by it under this Act.

(2) The Council may give to the Board such general or specific directions with respect to the discharge of its functions as it may consider necessary, and the Board shall give effect to such directions.

Proceedings
of Council

5. (1) Subject to the provisions of this Act, the Council may regulate its own procedure.

(2) The Council shall meet for the transaction of business at least twice every twelve months at such places and at such times as the Council chairman may decide.

(3) Upon giving notice of not less than twenty-one days, a meeting of the Council may be called by the Council chairman or in his absence by the Council vice-chairman:

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 shorter notice.

(4) Seven Council members shall form a quorum at any meeting of the Council.

(5) There shall preside at any meeting of the Council its chairman or in his absence, its vice-chairman or in their absence, such member as the members present may elect for the purpose of that meeting.

(6) A decision of the Council on any question shall be by a majority of the members present and voting at the meeting and, in the event of an equality in 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 is in its opinion 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 Council 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.

(10) The Secretary of the Board shall be the Secretary to the Council.

6. All expenses incurred by the Council in the performance of its functions under this Act shall be paid out of the funds of the Board.

Expenses
of
Council

7. (1) If any person is present at a meeting of the Council at which any matter in which such person or his spouse is directly or indirectly interested in a private capacity is the subject of consideration 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.

Disclosure
of interest

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

8. No action or other proceedings shall lie or be instituted against any Council 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.

Immunity
of Council
members

PART III

EXPORT BOARD OF ZAMBIA

Establish-
ment of
Board

9. There is hereby established the Export Board of Zambia 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 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.

Seal of
Board

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

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

(3) The affixing of the seal shall be authenticated by the Board chairman or the Board vice-chairman, and the Secretary or such other person as may be authorised by the Board in that behalf.

(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 Board by the Secretary or any other person generally or specifically authorised by the Board in that behalf.

(5) Any document purporting to be a document under the seal of the Board or issued on behalf of the Board shall be received in evidence and shall be deemed so executed or issued, as the case may be, without further proof, unless the contrary is proved.

Composition
of Board

11. (1) The Board shall consist of the following members —

- (a) the chairman who shall be appointed by the Council;
- (b) not less than five but not more than nine other members appointed by the Council from among persons who have had experience in industry, trade and finance or any other field connected with export development and promotion; and at least half of such members shall be chosen from the business sector.

(2) There shall be a vice-chairman elected by the Board from amongst its members.

Tenure of
office and
vacancy

12. (1) A member shall hold office for a period of three years from the date of his appointment and may be re-appointed upon the expiration of such term.

(2) A member may resign upon giving one month's notice in writing to the Council and may be removed by the Council upon giving like notice.

(3) The office of a member shall become vacant—

- (a) if he is declared to be of unsound mind;
- (b) if he is adjudged bankrupt;
- (c) if he is detained, or his freedom of movement is restricted, under any law in force in Zambia for a period in excess of six months;
- (d) if he is sentenced to a term of imprisonment of not less than six months;
- (e) if he is convicted of any offence involving dishonesty;
- (f) upon the expiration of not less than one month's notice given in writing by the member to the Council of the member's intention to resign from the Board;
- (g) if he is absent from three consecutive meetings of the Board without reasonable cause; or
- (h) upon the expiration of not less than one month's notice given in writing to the member by the Council.

13. A member other than a public officer shall be paid such remuneration or allowance as the Council may from time to time determine.

Remuneration and allowances of members

14. (1) The functions of the Board shall be to do all such acts and things as are necessary to develop, promote and encourage, in accordance with the policies approved by the Council, the export of goods and services from Zambia.

Functions of Board

(2) Without prejudice to the generality of subsection (1), the Board may—

(a) recommend for the approval of the Council—

- (i) policies relating to the development, promotion, and encouragement of export of goods and services from Zambia;
- (ii) policies relating to the adoption, entering into or ratification of multi-lateral and bi-lateral agreements which affect exports from Zambia;
- (iii) measures aimed at improving existing laws, systems and programmes with a view to maximising exports from Zambia;

(b) complement the efforts of exporters in Zambia by—

- (i) collecting and disseminating information, statistics and other relevant data relating to markets or potential markets abroad;
- (ii) assisting them to benefit from incentives, credits, credit guarantee schemes, export guarantee schemes, etc.;

- (iii) providing technical know-how and specialised assistance;
 - (iv) advising them on acquiring inputs for manufacturing goods for export;
 - (v) co-ordinating the organisation of, and participation in, trade affairs in Zambia;
 - (vi) advising them on maintaining the quality, supply and prices of goods and services for export;
- (c) promote export trade by—
- (i) participating in trade affairs abroad and assisting and co-ordinating Zambian exporters to so participate;
 - (ii) disseminating abroad information on Zambia, Zambian goods and services with a view to developing markets for Zambian exports;
 - (iii) liaising with organisations abroad with a view to developing markets for Zambian exports;
 - (iv) liaising with Zambian missions abroad and foreign missions in Zambia to co-ordinate efforts to promote Zambian exports;
 - (v) assisting and co-ordinating trade delegations to and from Zambia; and
- (d) organise training programmes, seminars and workshops on activities connected with exports from Zambia.

(3) The Board may, in accordance with regulations made by statutory instrument, establish a revolving export fund denominated in a foreign currency and out of such fund may lend any foreign exchange for the purpose of securing imported inputs required to fill exports orders of non-traditional products in excess of the quantities, if any, exported by that enterprise in its preceding financial year.

(4) The Board may, by directions in writing and subject to such terms and conditions as it thinks fit, delegate to the Director, any member or the Secretary any of its functions under this Act.

**Proceedings
of Board**

15. (1) Subject to the provisions of this Act, the Board may regulate its own procedure.

(2) The Board shall meet for the transaction of business at least once every month at such places and at such times as the Chairman may decide

(3) Upon giving notice of not less than fourteen days, a meeting of the Board 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) The particulars of any business to be transacted at a meeting of the Board shall be circulated to the members with the notice of the meeting.

(5) Five members shall form a quorum at any meeting of the Board.

(6) There shall preside at any meeting of the Board its Chairman or in his absence, its Vice-Chairman or in their absence, such member as the members present may elect for the purpose of that meeting.

(7) A decision of the Board on any question shall be by a 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.

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

(9) The validity of any proceedings, act or decision of the Board shall not be affected by any vacancy in the membership of the Board or by any defect in the appointment of any member or that any person not entitled so to do 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 meeting of any committee established by the Board.

16. (1) The Board may, for the purpose of performing its functions under this Act, establish committees whose Chairman shall be a Board member and may delegate to any such committee such of its functions as it thinks fit.

Committees
of Board

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

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

17. The provisions of section *seven* shall apply *mutatis mutandis* to members of the Board and to members of any committee of the Board.

Disclosure
of interest

18. The provisions of section *eight* shall apply *mutatis mutandis* to the members of the Board and to members of any committee of the Board.

Immunity
of members

PART IV

ADMINISTRATION

Director
and Deputy
Director

19. (1) Subject to the approval of the Council, the Board shall appoint, on such terms and conditions as it may determine, a Director who shall be the chief executive officer of the Board and who, subject to the control of the Board, shall be responsible for the overall management and the administration of the affairs of the Board and the Board may in like manner, appoint a Deputy Director to assist the Director.

(2) The Deputy Director shall discharge the functions of the Director whenever the office of Director is vacant or the Director is absent or is for any other cause unable to discharge the functions of his office.

(3) The Director, or in his absence the Deputy Director, shall attend meetings of the Board and may attend meetings of any committee established by the Board and may address such meetings, but shall not vote on any matter:

Provided that the person presiding at any such meeting, may for good cause, require the Director or the Deputy Director, as the case may be, to withdraw from the meeting.

(4) The provisions of section *seven* shall apply *mutatis mutandis* to the Director and the Deputy Director.

Secretary
and other
staff

20. (1) There shall be a Secretary of the Board who shall be appointed by the Board on such terms and conditions as the Board may determine.

(2) The Secretary shall carry out the day-to-day affairs of the Board under the supervision of the Director.

(3) The Board may appoint, on such terms and conditions as it may determine, such other staff as it considers necessary for the performance of its functions.

Prohibition
of
publication
or
disclosure
of
information
to
unauthorised
persons

21. (1) No person shall, without the consent in writing given by or on behalf of the Board, publish or disclose to any person, otherwise than in the course of his duties, the contents of any document, 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 knowingly contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding five thousand kwacha or to imprisonment for a term not exceeding three years, or to both such fine and imprisonment.

(3) If any person having 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 five thousand kwacha or to imprisonment for a term not exceeding three years, or to both such fine and imprisonment.

PART V

FINANCIAL AND OTHER PROVISIONS

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

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

(2) The Board may—

- (a) accept moneys by way of grants or donations from any source in Zambia and, subject to the approval of the Council, from any source outside Zambia;
- (b) subject to the approval of the Council, 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 Board.

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

- (a) all expenses incurred by the Council in the performance of its functions under this Act;
- (b) the salaries, allowances and loans of the staff of the Board;
- (c) such reasonable travelling, transport and subsistence allowances for members or members of any committee of the Board when engaged on the business of the Board, at such rates as the Council may determine; and
- (d) any other expenses incurred by the Board in the performance of its functions.

(4) The Minister may, from time to time, direct the Board to pay into the general revenues of the Republic such portion of its surplus funds as he shall determine.

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

Financial year .

24. (1) The Board shall cause to be kept proper books of account and other records relating to its accounts.

Accounts

(2) The Board shall receive a comprehensive report relating to its accounts at least once in every three months.

**Annual
report**

25. (1) As soon as practicable, but not later than six months after the expiry of each financial year, the Board shall submit to the Council 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 Board and there shall be appended thereto—

(a) a balance sheet;

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

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

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

**Appeals to
Council**

26. (1) Where any person is aggrieved by any decision made by the Board or any other person acting for or on behalf of the Government, relating to the export of goods and services from Zambia, he may, within thirty days of such decision, appeal to the Council.

(2) The Council may confirm, alter, vary, amend or rescind any decision appealed against, stating reasons for its decision.

Regulations

27. On the recommendation of the Council, the Minister may, by statutory instrument, make regulations prescribing anything which by this Act is required or permitted to be prescribed, and for the better carrying out of the purposes of this Act.
