GOVERNMENT OF ZAMBIA

ACT

No. 8 of 1991

Date of Assent: 28th August, 1991

An Act to amend the Local Courts Act

[6th September, 1991

ENACTED by the Parliament of Zambia. Enactment

1. This Act may be cited as the Local Courts (Amendment) Act, 1991, and shall be read as one with the Local Courts Act, hereinafter referred to as the principal Act. Short title Cap. 54

2. The principal Act is amended in subsection (1) of section *two*— Amendment of section 2

(*a*) by the repeal of the definition of "the Adviser";

(*b*) by the deletion of the definition of "authorised officer", and the substitution therefor of the following:

"authorised officer" means the Director of Local Courts, Deputy Director of Local Courts, local courts officer, principal resident magistrate, senior resident magistrate, resident magistrate and such other magistrates, as the Chief Justice may designate for the purpose of this Act."

(*c*) by the deletion of the definition of "local courts officer" and the substitution therefor of the following:

"local courts officer" means senior local courts officer, local courts officer and assistant local courts officers appointed under section *three*.";

(*d*) by the insertion in the appropriate places of the following new definitions:

"Commission" means the Judicial Service Commission established under Article *one hundred and nine* of the Constitution;

"Deputy Director" means the Deputy Director of Local Courts appointed under section *three*;

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"Director" means the Director of Local Courts appointed under section *three;*

"Local Court Messenger" includes a senior local court messenger;

"matrimonial case" means a case involving divorce, matrimonial disputes, adultery, violating the virginity of a girl, causing pregnancy, abduction of a married woman and polygamy;

"president" means a presiding justice or senior presiding justice.

Repeal and replacement of section 3

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

Appointment of officers

3. (1) The Commission may appoint a Director of Local Courts, a Deputy Director of Local Courts and such number of local courts officers as it may consider necessary for the purposes of this Act.

(2) The Director of Local Courts, the Deputy Director of Local Courts and local courts officers shall exercise such powers and perform such duties as are conferred or imposed upon them by or under the provisions of this Act.

Amendment of section 5

4. Section *five* of the principal Act is amended in the proviso to subsection (1)—

(*a*) in paragraph (i) by the deletion of "two hundred kwacha" and the substitution therefor of "fifteen thousand kwacha";

(*b*) in paragraph (ii) by the deletion of "one hundred kwacha" and the substitution therefor of "five hundred kwacha";

(*c*) in paragraph (iii) by the deletion of "one year" and the substitution therefor of "two years".

Amendment of section 6

5. Section *six* of the principal Act is amended—

(*a*) by the deletion of subsection (2) and the substitution therefor of the following:

(2) The president and other members of a local court shall be appointed by the Commission for a period of three years and shall be eligible for re-appointment.

(*b*) by the deletion of subsection (5) and the substitution therefor of the following:

(5) "The Minister may, by statutory notice, delegate, to the Director, the powers conferred upon him by subsection (1)".

6. Section *seventeen* of the principal Act is amended in subsection (3) by the deletion of "ten kwacha" and the substitution therefor of "one hundred kwacha". Amendment of section 17

7. Section *thirty-five* of the principal Act is amended in subsection (1)— Amendment of section 35

(*a*) by the insertion immediately after paragraph (*c*) of the following new paragraph:

(*d*) "make an order for the payment of such monthly sum for the maintenance of a divorced spouse as the court may consider just and reasonable having regard to the means and circumstances of the parties for a period not exceeding three years from the date of divorce or until re-marriage whichever is the earlier;

(*e*) make an order for the maintenance of any child below the age of eighteen years whether born in or out of marriage:

Provided that where the child is born out of marriage an order under this paragraph shall be made with the consent of the parent against whom the order is to be made when that parent is not the natural parent of the child.

(*b*) by the re-numbering of paragraph (*d*) as paragraph (*f*).

8. Section *thirty-six* of the principal Act is amended— Amendment of section 36

(*a*) by the deletion of subsection (1) and the substitution therefor of the following:

(1) Subject to the provisions of section *thirty-eight*, a local court, may, on the application of any interested person, grant letters of administration of the estate of a person who has died intestate and whose estate falls to be administered and distributed in accordance with the Intestate Succession Act or under customary law. Act No. 5 of 1989

(*b*) by the insertion immediately after subsection (3) of the following new subsection:

(4) Where any administrator administers contrary to customary law, the estate of any person who has died intestate and to whom subsection (2) of section *two* of the Intestate Succession Act applies— No. 5 of 1989

(*a*) he shall be guilty of an offence and liable upon conviction to a fine not exceeding one thousand kwacha or imprisonment for a term not exceeding six months, or to both;

(*b*) in addition to any penalty which may be imposed under this subsection, the court may order the restitution to any beneficiary of the property which he has been deprived off and shall revoke the appointment of the administrator.

Amendment of section 42

9. Section *forty-two* of the principal Act is amended in the proviso to subsection (1) by the deletion of the fines and periods of imprisonment stated therein and the substitution therefor of the following:

Amount of fine	*Maximum period of imprisonment in default*
Not exceeding K100	14 days
Exceeding K100 but not exceeding K500	1 month
Exceeding K500 but not exceeding K1,000	3 months
Exceeding K1,000 but not exceeding K2,000	6 months
Exceeding K2,000	9 months

Amendment of section 44

10. (1) Section *forty-four* of the principal Act is amended by the deletion of subsection (2) and the substitution therefor of the following:

(2) Compensation ordered to be paid under the provisions of section *thirty-nine* shall be paid into the court which shall transmit the compensation to the owner as soon as possible.

General amendments

11. The principal Act is amended by the deletion of the words "the Adviser" wherever they appear and the substitution therefor of the words "the Director";

THE ZAMBIA INSTITUTE OF MASS COMMUNICATIONS ACT, 1991

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

PART II

ZAMBIA INSTITUTE OF MASS COMMUNICATIONS AND COUNCIL

PART III

ADMINISTRATION

PART IV

FINANCIAL AND OTHER PROVISIONS

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