

Zambia Institute of Mass Communications (Repeal) Act, 1996 [No. 19 of 1996] 697

GOVERNMENT OF ZAMBIA

ACT

No. 19 of 1996

Date of assent: 18th June, 1996

An Act to provide for the repeal of the Zambia Institute of Mass Communications Act, 1991; and to provide for matters connected with or incidental to the foregoing.

[28th June, 1996]

ENACTED by the Parliament of Zambia: Enactment

1. This Act may be cited as the Zambia Institute of Mass Communications (Repeal) Act, 1996. Short title

2. In this Act, unless the context otherwise requires— Interpretation
"appointed date" means such date as the Minister shall appoint under section three;

"Institute" means the Zambia Institute of Mass Communication established under the Zambia Institute of Mass Communications Act; Act No. 9 of 1991

"Trust" means the Zambia Institute of Mass Communication Educational Trust established under the Land (Perpetual Succession) Act. Cap. 288

3. (1) The Minister shall, before the commencement of this Act, ensure that a proper record of the Institute's assets and liabilities is published in the Gazette for the information of the public. Winding-up of affairs of the Institute

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

Vesting of assets and transfer of liabilities

4. (1) On the appointed date, there shall be transferred to, and shall vest in and be owned by the Trust without further assurance all property, rights, liabilities and obligations which, immediately before the appointed date, were the property, rights, liabilities and obligations of the Institute by virtue of the repealed Act.

(2) The Minister shall, by statutory instrument provide for the transfer of any property, rights, liabilities or obligations to the Trust without further assurance on such terms and conditions as may be specified in the statutory instrument.

(3) The property, rights, liabilities or obligations specified in the statutory instrument made under subsection (2) shall, on the coming into force of the statutory instrument, vest in, or, as the case may be, subsist against the trust.

(4) The provisions of section five shall apply, with the necessary modifications, to the Trust on the coming into force of the statutory instrument.

Registration of property to be transferred

5. (1) Whenever in pursuance of this Act, any property, rights, liabilities or obligations, of the Institute are transferred to the Trust in respect of which transfer a written law provides for registration, the Institute shall make an application in writing to the proper officer or the appropriate registration authority for the registration of the transfer.

(2) The officer referred to in subsection (1) shall make such entries in the appropriate register as shall give effect to the transfer and, where appropriate, issue the transferee concerned with a certificate of title in respect of the property, or make necessary amendments to the register, as the case may be, and shall make endorsement on the deeds relating to the title, right or obligation concerned.

(3) No registration fees or duty shall be payable in respect of any transfer effected.

Legal Proceedings

6. (1) Without prejudice to the other provisions of this Act, where any rights, liabilities or obligations vest in the Institute by virtue of the repealed Act, the Trust and all other persons shall 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 those rights, liabilities or obligations as they would have had if it had at all times been a right, liability or obligation of the Institute under the repealed Act.

**THE ZAMBIA INSTITUTE OF MASS
COMMUNICATIONS (REPEAL) BILL, 1996**

ARRANGEMENT OF CLAUSES

Clause

1. Short title
2. Interpretation
3. Winding-up of affairs of the Institute
4. Vesting of assets and transfer of liabilities
5. Registration of property to be transferred
6. Legal proceedings
7. Employees
8. Repeal of Act No. 9 of 1991

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(2) Any legal proceedings or application to any authority pending immediately before the commencement of this Act by or against the Institute in relation to the assets transferred to the Trust may be continued by or against the Trust.

(3) After the commencement of this Act proceedings in respect of any right or obligation which was vested in, held, enjoyed, incurred or suffered by the Institute may be instituted by, or against the Trust.

7. (1) The Minister may, by statutory instrument, approve arrangements under which all or some of the employees of the Institute shall be transferred to the Trust.

Transfer of
staff from
the Institute

(2) Where a person is transferred in accordance with the arrangements made under subsection (1), his terms and conditions with the Trust shall be no less favourable than those enjoyed while in the employment of the Institute, and for the purposes of determining his rights to or obligations for any pension, gratuity, leave or other benefits, his previous service with the Institute shall be treated as service with the Trust.

8. The Zambia Institute of Mass Communications Act, 1991, is hereby repealed.

Repeal of
Act No. 9 of
1991