

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 38 OF 1988

**The Emergency Powers Act
(Laws, Volume III, Cap. 108)**

**The Emergency (Essential Supplies and Services)
Regulations, 1988**

IN EXERCISE of the powers contained in section three of the Emergency Powers Act, the following Regulations are hereby made:

1. These Regulations may be cited as the Emergency (Essential Supplies and Services) Regulations, 1988.

Title

2. These Regulations shall apply to the whole of the Republic.

Application

3 Any person who is not a citizen of Zambia and whose licence under the Trades Licensing Act has been revoked by the President may be deported from the Republic.

Deportation of certain non-citizens. Cap. 707

4. (1) It is hereby authorised that any property or undertaking, other than land, belonging to—

Power to acquire property

(a) any person referred to in regulation 3; or

(b) any person or company whose licence has been revoked by the President under the Trades Licensing Act:

Cap. 707

may be acquired or possession of, or control over, such property or undertaking may be taken or acquired, by the Republic.

(2) In exercise of the powers contained in sub-regulation (1), the President may authorise any person to enter any property or undertaking and take possession of, or control on behalf of the Republic of, such property or undertaking, and exercise any powers contained in these Regulations in respect of such property or undertaking notwithstanding that no compensation has yet been agreed or paid.

5. A person authorised by the President (hereinafter referred to as an "authorised person") may at any time, without warrant, enter and search any premises belonging to any person or company whose licence has been revoked by the President under the Trades Licensing Act.

Entry and search

Cap. 707

Disposal of
goods and
commodities

6. (1) Any goods or commodities found on any property or undertaking which is the subject of regulation 4 and belonging to, any person or company whose licence has been revoked according to regulations 3 and 4 (1) (b) respectively may be confiscated and thereafter disposed of as the President may direct.

Cap. 690

(2) In these Regulations the words "goods" and "commodities" have the meaning assigned to them in the Control of Goods Act.

Compensa-
tion to be
paid

7. Where any of the powers contained in regulation 6 are exercised, the Minister responsible for finance shall, on behalf of the Republic, pay—

(a) in the case where the goods or commodities were purchased on a wholesale licence, the manufacturer's price;

(b) in a case where the goods or commodities were purchased on a retailers licence, the wholesaler's price.

Disputes

8. (1) Where any dispute arises as to the amount of compensation, the Attorney-General or any person claiming compensation may, if such dispute is not settled within six months, refer the dispute to the National Assembly which shall by resolution determine the amount of compensation to be paid.

(2) No compensation determined by the National Assembly under these Regulations shall be called in question in any Court on the grounds that it is not adequate.

(3) The existence of any dispute shall not affect the right of the President and persons authorised by him to take possession of, or control of, any property or dispose of any goods or commodities confiscated.

Procedure
in National
Assembly

9. Where a dispute as to the amount of compensation is referred to the National Assembly and either party wishes to adduce evidence, such evidence shall be heard by a select committee of the National Assembly. The powers, duties and proceedings of such select committee shall be governed by the Standing Orders of the National Assembly for the time being in force.

Offences
and
penalties

10. Any person who wilfully fails to comply with an order to yield up possession, or who wilfully hinders or obstructs any duly authorised person taking possession of, or control of, any undertaking or property in terms of these Regulations or exercising any rights or performing any functions under these Regulations shall be guilty of an offence and liable on conviction to a fine not exceeding ten thousand kwacha or to imprisonment for a term not exceeding two years, or to both.

11. The Minister responsible for commerce may, by statutory instrument, make orders for the better carrying out of the provisions of these Regulations. Order

LUSAKA
19th February, 1988

KENNETH D. KAUNDA,
President