

The Laws of Zambia

REPUBLIC OF ZAMBIA

THE EXPORT DEVELOPMENT ACT

CHAPTER 418 OF THE LAWS OF ZAMBIA

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THE EXPORT DEVELOPMENT ACT

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CHAPTER 418

EXPORT DEVELOPMENT

No 25 of 1985
13 of 1994
No 29 of 1994

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

(As amended by Act No. 29 of 1994)

PART I

PRELIMINARY

1. This Act may be cited as the Export Development Act.*(1)

Short title

* The Export Development Act shall be deemed to have come into operation on 27th December, 1985.

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

Interpretation

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

"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*;

(As amended by Act No 29 of 1994)

PART II

REPEALED BY ACT NO. 29 OF 1994

PART III

EXPORT BOARD OF ZAMBIA

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.

Establishment 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. Seal of Board

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

*The Export Development Act shall be deemed to have come into operation on 27th December, 1985.

(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.

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.

(As amended by Act No. 29 of 1994)

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. Tenure of office and vacancy

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

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

- (a) if he is declared to be 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 Minister 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 Minister.

(As amended by Act No. 29 of 1994)

13. A member other than a public officer shall be paid such remuneration or allowance as the Minister 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 Minister, the export of goods and services from Zambia.

Functions of Board

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

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- (a) recommend for the approval of the Minister-
 - (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.

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(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.

(As amended by Act No. 29 of 1994)

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

(2) The Board shall meet for the transaction of business at least once every three months 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. (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.

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.

(As amended by Act No. 29 of 1994).

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.

Immunity of Board members

(As amended by Act No. 29 of 1994).

PART IV

ADMINISTRATION

19. (1) Subject to the approval of the Minister, 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.

Director and Deputy Director

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(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 seventeen shall apply *mutatis mutandis* to the Director and the Deputy Director.

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.

Secretary and other staff

(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.

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.

Prohibition of publication or disclosure of information to unauthorised persons

(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 thirty thousand penalty units or to imprisonment for a term not exceeding three years, or to both.

(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 thirty thousand penalty units or to imprisonment for a term not exceeding three years, or to both.

(As amended by Act No 29 of 1994 and Act No. 13 of 1994).

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 Minister, from any source outside Zambia;
- (b) subject to the approval of the Minister, 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) the salaries, allowances and loans of the staff of the Board;
- (b) 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 Minister may determine; and
- (c) 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.

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 Minister a report concerning its activities during such financial year. Annual report

(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 Minister 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 Minister of the report referred to in subsection (1), lay it before the National Assembly.

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.

(As amended by Act No. 29 of 1994)

27. 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. Regulations

(As amended by Act No. 29 of 1994)

Endnotes

1 (Popup - Popup)

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