

CHAPTER 140

THE NATIONAL COUNCIL FOR SCIENTIFIC RESEARCH ACT

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SCHEDULE-Powers of the National Council for Scientific Research

CHAPTER 140

NATIONAL COUNCIL FOR SCIENTIFIC RESEARCH

55 of 1967

3 of 1970

32 of 1973

13 of 1994

An Act to establish a National Council for Scientific Research; to provide for its membership and to specify its functions; and to provide for matters incidental thereto.

[11th August, 1967]

1. This Act may be cited as the National Council for Scientific Research Act.

Short title

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

Interpretation

"chairman" means the chairman of the National Council for Scientific Research;

"Council" means the National Council for Scientific Research;

"Secretary-General" means the Secretary-General appointed pursuant to subsection (1) of section *ten*.

3. There is hereby established a Council to be known as the National Council for Scientific Research, which shall be a body corporate with perpetual succession and a common seal and which shall be capable of suing and being sued and, subject to the provisions of this Act, of doing all such acts as a body corporate may by law perform.

Establishment of Council

4. (1) The President shall appoint-

Composition of Council

(a) a Minister as the chairman of the Council; and

(b) a Minister or any other person as the vice-chairman of the

Council.

(2) The members of the Council shall be-

(a) the Permanent Secretary to the Ministry responsible for national development and planning (*ex officio*);

(b) two representatives of the University of Zambia;

(c) two persons with experience in the field of commerce and industry;

(d) two persons with experience in the field of civil engineering and the construction industry;

(e) five persons with experience respectively in the fields of agriculture, education, health, natural resources and social sciences;

(f) not more than six other persons.

(3) All members of the Council shall be appointed by the President.

(As amended by No. 3 of 1970 and No. 32 of 1973)

5. (1) Members of the Council shall, subject to the provisions of this section, hold office for a period of three years. Tenure of office
and vacancies

(2) Five of the members first appointed to the Council, not being *ex officio* members, shall, as decided by lot, retire after one year. Five other members first appointed to the Council, not being *ex officio* members, shall, as decided by lot, retire after two years.

(3) A retiring member of the Council shall be eligible for reappointment.

(4) The office of a member of the Council shall be vacated-

(a) upon his death;

(b) if he is absent from two consecutive meetings of the Council without reasonable cause;

(c) upon the expiry of one month's notice in writing of his intention to resign his office given by him to the chairman;

(d) if he becomes mentally or physically incapable of performing his duties as a member;

(e) if he is called upon by the President to resign.

(5) 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 member or by reason that any person not entitled so to do took part in the proceedings.

(As amended by No. 3 of 1970)

6. (1) The Council shall hold its meetings at such places and times as Meetings the chairman may determine.

(2) The Council may, subject to the provisions of this Act, regulate its meetings as it thinks fit.

(3) In the absence of the chairman and the vice-chairman from any meeting of the Council the members present at that meeting may elect one of their number to preside at the meeting.

(4) The Council shall meet not less frequently than twice a year.

(5) The quorum of any meeting of the Council shall not be less than one-half of the number of all the members of the council.

(6) All decisions at any meeting of the Council shall be by resolution by majority vote of the members thereat, and in the event of an equality of votes the chairman shall have a casting vote in addition to his deliberative vote.

(As amended by No. 32 of 1973)

7. (1) For the better exercise of the functions and powers of the Council, the Council may establish one or more committees and include as members of any committee persons who are not members of the Council. Committees of
Council

(2) The Council may vest in and impose on any committee of the Council such of the Council's functions and powers as it thinks fit.

(3) The procedure of any committee of the Council, including the quorum, shall be fixed by the Council.

8. If a member of the Council or of any committee of the Council or his spouse is directly or indirectly financially interested in any matter being considered by the Council or any of the committees of the Council he shall immediately at that meeting disclose that interest and shall not be present at the meeting in his capacity as a member while such matter is being discussed and shall not take part in any discussion or vote on that matter or any question arising therefrom. Disclosure of
interest

9. Members of the Council and of its committees shall not receive any remuneration in respect of their services but the Council may, out of its funds, pay allowances to cover expenses reasonably incurred by them in respect of attendance at meetings or while otherwise engaged on the business of the Council. Allowances

10. (1) The Council shall appoint on such terms and conditions as it thinks fit an officer to be known as the Secretary-General in whom, subject to the control of the Council, shall be vested the management of the business of the Council. The Council shall not appoint or terminate the services of the Secretary-General without the approval of the President. Secretary-
General

(2) The Secretary-General shall be entitled to attend all meetings of the Council unless specifically required by the chairman not to attend during the Council's deliberations on any specific item or items.

(3) The Council shall appoint on such terms and conditions as it

thinks fit a Deputy Secretary-General to assist the Secretary-General and to act in the place of the Secretary-General when the Secretary-General is unable for any reason to perform his functions.

11. (1) The seal of the Council shall be such as may be determined by the Council. Miscellaneous administrative provisions

(2) The fixing of the seal of the Council shall be authenticated by the signatures of one of such members of the Council as may be authorised in that behalf by the Council and of the Secretary-General or some other person authorised by the Council to act in his stead in that behalf.

(3) Any document purporting to be a document executed under the seal of the Council authenticated as aforesaid shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

(4) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Council by any person generally or specifically authorised by the Council to do so.

(5) No stamp duty, transfer duty or other duty shall be payable in respect of any transfer of property to the Council.

(No. 3 of 1970)

12. (1) All rights in all discoveries, inventions and in all improvements in respect of processes, apparatus and machines made by persons in the employment of the Council or persons holding bursaries awarded by the Government or any other body in consultation with the Government shall be vested in the Council. Discoveries and inventions to be vested in Council

(2) Discoveries, inventions and improvements mentioned in subsection (1) shall be made available by the Council for use in the public interest subject to such conditions and the payment of such fees or royalties as the Council may determine.

(3) The Council may apply for letters patent in respect of any discovery, invention or improvement referred to in subsection (1) and shall, for that purpose, be regarded as the assignee of the discoverer or inventor.

(No. 3 of 1970)

13. (1) It shall be the function of the Council to co-ordinate and promote scientific research in Zambia with a view to ensuring that the requirements of the country's development plans are properly supported by scientific research and that the maximum use is made of the results from such research in the carrying out of those development plans. Functions of Council

(2) Without prejudice to the generality of subsection (1), the functions of the Council shall be-

(a) to advise the Government on national scientific research policy and activities within Zambia;

(b) to co-ordinate scientific research and activities within Zambia;

(c) to determine priorities in the national research programme, particularly in relation to development plans;

(d) to promote and encourage such research as is required to meet Zambia's needs;

(e) to encourage branches of science which have unique Zambian conditions as their field of study;

(f) to assess and advise on the adequacy of scientific and technological research and development being carried out in Zambia;

(g) to maintain close liaison with those bodies responsible for the application of research results whether Government Ministries, public or private industries, companies or organisations;

(h) to maintain liaison with other scientific bodies within and outside Zambia and to advise on research co-operation;

- (i) to advise the Government on the provision and use of finance for scientific research purposes, and to advise on the recruitment and use of research staff;
- (j) to receive and consider reports from its committees in the various fields;
- (k) to recommend the establishment of any new research institutes which it may deem to be necessary;
- (l) to collect and disseminate scientific information including the publication of scientific reports, journals and other such documents and literature;
- (m) to advise upon and encourage the training of research personnel by provision of bursaries, fellowships and other material assistance;
- (n) to encourage voluntary scientific associations;
- (o) to advise on the best ways of arousing public interest in and appreciation of the value of scientific research;
- (p) to compile an inventory of scientific research resources;
- (q) to advise on the testing and standardisation of scientific research apparatus;
- (r) to present to Government not less than once a year a report on the activities of the Council.

14. (1) The powers of the Council shall be-

**Powers of
Council**

- (a) to regulate the custody and use of the common seal;
- (b) to acquire, hold, manage and dispose of property;
- (c) to delegate such of its powers as it thinks fit to the Secretary-General;

(d) to authorise any person or persons to enter into or execute any agreement or contract on behalf of the Council to enable it to carry out its functions;

(e) to establish or take over by mutual agreement such research organisations or institutes under its own control as it may find expedient;

(f) to provide support for research projects by way of grants or loans, by the provision of accommodation or equipment, by arranging the common use of equipment or in such other way as it deems advisable;

(g) to call for reports on research work being carried out by any organisation anywhere in Zambia;

(h) to do all such things as appear to it to be necessary, desirable or expedient to carry out its functions.

(2) Without prejudice to the generality of subsection (1), the powers of the Council shall be those set out in the Schedule.

(As amended by No. 3 of 1970)

15. (1) The funds of the Council shall consist of-

Funds of Council

(a) such sums as may be payable to the Council from moneys appropriated therefor by Parliament; and

(b) such other moneys or assets as may accrue to the Council whether in the course of its business or otherwise.

(2) The Council shall have power to raise, upon such terms and conditions as it may determine, funds by levying fees or such other financial arrangements as it may deem expedient for services rendered by the Council, by accepting grants or donations, and by raising loans.

(3) The Council shall have power to apply its funds to meet its expenses in carrying out its functions and exercising the powers conferred on it by this Act.

- 16.** Members of the Council or of its committees shall not be held personally liable for any loss of the Council's funds. Exemption of members of Council from liability for loss of funds
- 17.** (1) The Council shall appoint auditors to examine the accounts of the Council annually. Audit of accounts
- (2) The expenses of and incidental to any audit shall be borne and paid by the Council out of its funds.
- 18.** On or before the 30th June in every year the Council shall furnish to the President for presentation to the National Assembly a report upon its work during the immediately preceding financial year together with an audited balance sheet and statement of accounts. Annual report to National Assembly
- (As amended by No. 32 of 1973)*
- 19.** With the approval of the President, the Council may, by rule, prescribe for the better carrying out of this Act, and without prejudice to the generality of the foregoing such rules may provide for the form and manner of reports, returns, applications for grants or loans and all other matters which in the opinion of the Council are essential for the performance of its functions or the exercise of its powers. Rules
- 20.** (1) Subject to the provisions of subsection (2), any person in the employment of the Council who- Secrecy
- (a) communicates or reveals any information, thing or matter connected with or related to any discovery, invention or improvement having been or being carried out by an officer of the Council or by persons holding bursaries awarded by the Government or any other body in consultation with the Government to a person to whom he is not authorised on behalf of the Council to communicate or reveal it; or
- (b) communicates or reveals any information, thing or matter which the Council has received from any person to any other person to whom he is not authorised on behalf of the Council to communicate or reveal it; or

(c) communicates or reveals any information, advice or opinion given by the Council to any person to whom he is not authorised on behalf of the Council to communicate or reveal it; or

(d) obtains, reproduces, has in his possession or retains any information, matter, thing, advice or opinion referred to in paragraphs (a), (b) and (c) which he is not authorised on behalf of the Council to obtain, reproduce, have in his possession or retain, as the case may be; shall be guilty of an offence and shall be liable on conviction to a fine not exceeding twenty-five thousand penalty units or to imprisonment for a period not exceeding three years, or to both.

(2) The provisions of subsection (1) shall not apply to anything done-

(a) by a person in the employment of the Council in the course of his lawful duty; or

(b) with the permission of the Secretary-General or of any other officer of the Council authorised in that behalf by the Council.

(No. 3 of 1970 and Act No. 13 of 1994)

21. (1) Any organisation one of whose functions is to carry out scientific or technological research shall register itself as such with the Council in such manner as the Council may prescribe. Registration

(2) Any person responsible for the administration of an organisation one of whose functions is to carry out scientific or technological research and fails to register it as required under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding twenty-five thousand penalty units.

(No. 3 of 1970 and Act No. 13 of 1994)

22. (1) Upon the *commencement of Act No. 3 of 1970, the Agricultural Research Council of Zambia shall be dissolved and shall cease to exist for all purposes except for the purposes of performing any act or executing any document necessary to implement the Dissolution of Agricultural Research Council of Zambia

provisions of this section, and for such purposes the ***President may, by statutory order, nominate any person to perform any such act or to execute any such document on behalf of and in the name of the Agricultural Research Council of Zambia, and such act or document so performed or so executed shall be deemed to be the act or document of the said Agricultural Research Council of Zambia.

*1st January, 1970

***See the Nomination Order, 1970 (S.I. No. 145 of 1970)

(2) Upon the *commencement of Act No. 3 of 1970, all property real or personal, and rights to or over property and all liabilities arising out of the ownership, possession or occupation of property of any kind and all liabilities in tort and all statutory liabilities which were subsisting immediately prior to such commencement and which were vested in, held, enjoyed, incurred or suffered by the Agricultural Research Council of Zambia shall, by virtue of this section, be transferred to and vested in the National Council for Scientific Research in the same tenure as the said property and rights were vested in or inured to the benefit of, and to the same extent as the said liabilities were incurred by, or suffered by, the Agricultural Research Council of Zambia.

*1st January, 1970

(3) Upon the *commencement of Act No. 3 of 1970, the benefit of all deeds, contracts, bonds, securities, instruments, working arrangements or things in action which were subsisting immediately prior to such commencement and were vested in the Agricultural Research Council of Zambia shall, by virtue of this section, be transferred to and vested in and shall inure to the benefit of the National Council for Scientific Research in the same manner as if the National Council for Scientific Research had been contracted with instead of the Agricultural Research Council of Zambia and as if the National Council for Scientific Research had been party to all such deeds, contracts, bonds, securities, instruments or working arrangements instead of the Agricultural Research Council of Zambia and in the same manner as if the National Council for Scientific Research had at all times been entitled to the benefit of all such things in action instead of the Agricultural Research Council of Zambia.

*1st January, 1970

***See the Nomination Order, 1970 (S.I. No. 145 of 1970).

(4) Upon the *commencement of Act No. 3 of 1970, all subsisting and future liabilities or obligations arising out of any deed, contract, bond, security, instrument, working arrangement, tort or thing in action, imposed upon, suffered or incurred by the Agricultural Research Council of Zambia shall, by virtue of this section, be transferred to, imposed upon, suffered or incurred by the National Council for Scientific Research in the same manner as if the National Council for Scientific Research had been party to each such deed, contract, bond, security, instrument or working arrangement instead of the Agricultural Research Council of Zambia and in the same manner as if the National Council for Scientific Research at all times had been the party bound or obliged by or under each such thing in action instead of the Agricultural Research Council of Zambia or liable by reason of each such tort instead of the Agricultural Research Council of Zambia.

* 1st January, 1970

(5) In the case of property transferred to and vested in the National Council for Scientific Research under the provisions of this section, in respect of the transfer of which any written law provides for registration, it shall be the duty of the National Council for Scientific Research, within one year from the *commencement of Act No. 3 of 1970, to make written application to the proper officer of the appropriate registration authority for the registration of each such transfer and it shall be the duty of each such officer to make such entries in the appropriate register as shall give effect to such transfer and where appropriate to issue to the National Council for Scientific Research a Certificate of Title in respect of the said property or to make necessary amendments to the register, as the case may be, and, if presented therefor, to make endorsement on the deed relating to the title, right or obligation concerned; and no registration or other fees, stamp or other duties shall be payable in respect thereof.

* 1st January, 1970

(6) Where, upon the *commencement of Act No. 3 of 1970, any legal proceeding is pending to which the Agricultural Research Council of Zambia is a party, the National Council for Scientific Research shall be substituted in such proceeding for the Agricultural Research Council of Zambia and such proceeding shall not abate by reason of such substitution.

* 1st January, 1970

(7) Where any person who was, whether on secondment or otherwise, in the service of the Agricultural Research Council of Zambia immediately before its dissolution, transfers from that service to the service of the National Council for Scientific Research, his terms and conditions of service with the National Council for Scientific Research shall be no less favourable than those he enjoyed while in the service of the Agricultural Research Council of Zambia, and his service under the Agricultural Research Council of Zambia shall be treated as service under the National Council for Scientific Research for the purposes of determining rights to or eligibility for pensions, gratuity or leave in respect of his service.

(No. 3 of 1970)

*1st January, 1970.

SCHEDULE

(Section 14 (2))

POWERS OF THE NATIONAL COUNCIL FOR SCIENTIFIC RESEARCH

1. To appoint, and employ, such professional, technical and administrative officers, clerks and other servants as it may deem requisite and to suspend or dismiss them.
2. To pay any person in its employ such salary, wages or other remuneration as it may deem fit and to grant him such leave as it may deem fit.
3. To provide for persons in its employ or their dependants, by means of insurance with an insurance company or a pension fund or in any other manner whatsoever, pecuniary benefits upon retirement, death or termination of service or in the event of sickness or injury.
4. To purchase, take on lease or in exchange or otherwise acquire dwelling-houses for occupation by persons in its employ.
5. To purchase land and construct thereon dwelling-houses for occupation by persons in its employ.
6. To sell or lease dwelling-houses and land for residential purposes to persons in its employ.
7. To pay advance salary, to make loans or to guarantee loans to persons in its employ.

8. To raise money by way of loan or bank overdraft.
9. To purchase, take on lease or in exchange, hire or otherwise acquire or to sell or otherwise dispose of any movable or immovable property, and any rights, including patent rights or privileges which it considers necessary or expedient to acquire or dispose of in the performance of its functions.
10. To construct, maintain, alter and improve any buildings, works, machinery and plant necessary or expedient for the purpose of performing its functions.
11. To work or otherwise beneficially use, to exchange, let, sell or mortgage any of the property rights or privileges acquired or constructed under paragraph 4, 5, 9 or 10.
12. To invest or deal with any of its moneys not immediately required in such securities and in such manner as it may think fit, and to vary or realise such investments.
13. To invite and receive donations from any person towards its expenses.
14. To pay to a discoverer or inventor working as an officer of the Council or as a person holding a research bursary awarded by the Government or any other body in consultation with the Government, such financial reward or bonus relative to the discovery or invention as it may determine.
15. To publish from time to time such scientific and technical information as it may deem necessary.
16. To do all things incidental or conducive to the performance of its functions as specified in this Act and as are in accordance with its approved programme of research.

(No. 3 of 1970)