

CHAPTER 301

THE TROPICAL DISEASES RESEARCH CENTRE ACT

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title
2. Interpretation

PART II

TROPICAL DISEASES RESEARCH CENTRE

3. Tropical Disease Research Centre
4. Establishment of Board
5. Composition of Board
6. Functions of Board
7. Proceedings of Board
8. Seal of Board
9. Committees of Board
10. Disclosure of interest
11. Immunity of members

PART III

ADMINISTRATION

12. Director and Deputy Director
13. Secretary and other staff
14. Rights of Board in discoveries by its employees, etc.
15. Prohibition of publication or disclosure of information to unauthorised persons

PART IV

FINANCIAL AND OTHER PROVISIONS

Section

16. Funds of Board
17. Financial year
18. Accounts
19. Annual report
20. Regulations

CHAPTER 301

TROPICAL DISEASES RESEARCH
CENTRE

Act No.
31 of 1982
13 of 1994

An Act to constitute the Tropical Diseases Research Centre; to establish the Tropical Diseases Research Board; to define the functions and powers of the Board, and to provide for matters connected with or incidental to the foregoing

[1st April, 1984]

PART I

PRELIMINARY

1. This Act may be cited as the Tropical Diseases Research Centre Act. The Minister, under Statutory Instrument No. 39 of 1984 appointed 1st April, 1984 as the date on which this Act comes into operation. The Minister may, by statutory instrument appoint:

Short title

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

Interpretation

"Board" means the Tropical Diseases Research Board established by section *four*;

"Centre" means the Tropical Diseases Research Centre constituted under section *three*;

"Chairman" means the person designated Chairman of the Board by section *five*;

"Deputy Director" means the person appointed Deputy Director of the Board under section *twelve*;

"Director" means the person appointed Director of the Board under section *twelve*;

"member" means a member of the Board;

"Secretary" means the person appointed Secretary of the Board under section *thirteen*;

"Vice-Chairman" means the person designated Vice-Chairman of the Board under section *five*.

PART II

TROPICAL DISEASES RESEARCH CENTRE

3. (1) There is hereby constituted the Tropical Diseases Research Centre for the purposes of conducting research and training in tropical diseases and related matters.

(2) The Board may establish such number of branches of the Centre as it thinks necessary.

4. There is hereby established the Tropical Diseases Research Board 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 be law do or perform.

5. (1) The Board shall consist of the following members:

Composition of
Board

- (a) the Director of Medical Services, who shall be the Chairman;
- (b) the Permanent Secretary of the Province in which the Centre is located;
- (c) the Secretary-General of the National Council for Scientific Research;
- (d) the Dean of the School of Medicine of the University of Zambia;
- (e) the administrative head of the Central Hospital nearest the Centre;
- (f) the Director of Veterinary Services;
- (g) a representative of the World Health Organisation; and
- (h) two persons appointed by the Minister.

(2) There shall be a Vice-Chairman elected by the Board.

(3) A member appointed under paragraph (h) of subsection (1) shall hold office for three years, but shall be eligible for reappointment:

Provided that any such member may resign upon giving one month's notice in writing to the Minister and may be removed by the Minister at any time.

6. (1) The functions of the Board shall be to conduct research and training in tropical diseases and to do all such acts and things as are necessary for or conducive to the attainment of that purpose.

Functions of
Board

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

may-

- (a) formulate plans and policies for the Centre;
- (b) conduct research and develop research methodologies;
- (c) support research programmes relating to disease control and primary health care;
- (d) train scientists in research related to tropical diseases;
- (e) provide facilities for international research and training;
- (f) liaise with other scientific bodies within and outside Zambia;
- (g) collect and disseminate scientific information including the publication of scientific reports, journals and other such documents and literature relating to the work of the Centre.

(3) The Board may by directions in writing and subject to such terms and conditions as it thinks fit, delegate to the Director, Deputy Director, any member or the Secretary any of its functions under this Act.

(4) The Minister may give to the Board such general or specific directions with respect to the discharge of its functions as he may consider necessary and the Board shall give effect to such directions.

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

Proceedings of
Board

(2) The Board shall meet for the transaction of business at least once every twelve 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) Five members shall form a quorum at any meeting of the Board.

(5) There shall preside at any meeting of the Board-

(a) the Chairman; or

(b) in the absence of the Chairman, the Vice-Chairman; or

(c) in the absence of the Chairman and the Vice-Chairman, such member as the members present may elect for the purpose of that meeting.

(6) 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.

(7) Where any member referred to in paragraphs (a) to (g) of subsection (1) of section *four* is for any reasonable cause unable to attend any meeting of the Board, his Ministry or organisation, as the case may be, may, in writing, nominate another person to attend such meeting in his stead and such person shall be deemed to be a member for the purpose of such meeting.

(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 by reason 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.

8. (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.

(3) The affixing of the seal shall be authenticated by the Chairman or the Vice-Chairman, and the Secretary or one other person authorised in that behalf by a resolution of the Board.

(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.

9. (1) The Board may, for the purpose of performing its functions under this Act, establish committees and 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.

10. (1) If a person is present at a meeting of the Board or any Disclosure of

committee of the Board at which any matter is the subject of interest consideration and in which matter such person or his spouse is directly or indirectly interested in a private capacity, he shall, as soon as practicable after the commencement of the meeting, disclose such interest and shall not, unless the Board otherwise directs, take part in any consideration or discussion of, or vote on, any question touching such matter.

(2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which it is made.

11. No action or other proceedings shall lie or be instituted against any member 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 members

PART III

ADMINISTRATION

12. (1) 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 administration of the Centre. Director and Deputy Director

(2) The Board may appoint, on such terms and conditions as it may determine, a Deputy Director to assist the Director.

(3) The Director, or in his absence the Deputy Director, shall attend meetings of the Board and may address such meetings, but shall not vote on any matter:

Provided that the person presiding at any meeting of the Board may, for good cause, require the Director or Deputy Director, as the case may be, to withdraw from such meeting.

(4) The provisions of section *ten* shall apply, *mutatis mutandis*, to the

Director and the Deputy Director.

13. (1) There shall be a Secretary of the Board who shall be Secretary and appointed by the Board on such terms and conditions as the Board may other staff determine.

(2) The Secretary shall be responsible for the administration of the day-to-day affairs of the Board under the general 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 under this Act.

14. Where in the course of his duties an employee of the Board makes any discovery, invention or improvement, the Board shall be deemed to be the owner for all purposes of the rights therein. Rights of Board in discoveries by its employees, etc.

15. (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 twelve thousand five hundred 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 twelve thousand five penalty units or to imprisonment for a term not exceeding three years, or to both.

(As amended by Act No. 13 of 1994)

PART IV

FINANCIAL AND OTHER PROVISIONS

16. (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 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 Board may invest in such manner as it thinks fit such of its funds as it does not immediately require for the performance of its functions.

17. The financial year of the Board shall be the period of twelve months ending on the 31st December in each year. Financial year

18. The Board shall cause to be kept proper books of accounts and other records relating to its accounts. Accounts

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

20. The Minister may, by statutory instrument, make regulations for the better carrying out of the purposes of this Act. Regulations