

GOVERNMENT OF ZAMBIA

ACT

No. 3 of 2014

Date of Assent: 21st March, 2014

An Act to provide for an efficient, cost effective and accessible business licensing system; provide a set of principles and interventions to guide regulatory agencies when regulating and licensing business activities in accordance with a law under their mandate; provide for the classification of, and criteria for, licensing; establish an e-registry and assign a control number for laws regulating business; provide for the establishment of regulatory services centers, regulatory clearance systems and a single licensing system for business in each sector or group of businesses in a sector; establish the Business Regulatory Review Committee and the Business Regulatory Review Agency and provide for their functions and powers; and provide for matters connected with, or incidental to, the foregoing.

[24th March, 2014

ENACTED by the Parliament of Zambia.

Enactment

PART I

PRELIMINARY

1. This Act may be cited as the Business Regulatory Act, 2014.

Short title

2. In this Act, unless the context otherwise requires

Interpretation

“business” includes any enterprise, corporate or non-corporate, trade, profession or occupation registered under the Companies Act or Registration of Business Names Act, 2011;

Cap. 388

Act No. 16
of 2011

“Business Regulatory Review Agency” means the Business Regulatory Review Agency established under section *fourteen*;

“certificate” means a document issued to a person or business by a regulatory agency after a registration process;

“Committee” means the Business Regulatory Review Committee established under section *twelve*;

“e-registry” means the electronic registry established under section *eight*;

“licence” means an authorisation granted to a business, after meeting a set of legal criteria, as a tool to fulfill legitimate regulatory purposes such as—

(a) protection of public health and safety;

(b) protection, conservation and preservation of the environment;

(c) national security; and

(d) allocation of scarce national resources;

excluding any authorisation used to manage competition or to generate revenue for a regulating agency or public body;

“licensing” means a process to obtain and issue a licence, permit, certificate or authorisation;

“local authority” means a city, municipal or district council established under the Local Government Act;

“medium business enterprise” means any business enterprise whose total investment, excluding land and buildings, annual turnover and the number of persons employed by the enterprise does not exceed a prescribed numerical value;

“micro business enterprise” means any business enterprise whose total investment, excluding land and buildings, annual turnover and the number of persons employed by the enterprise, does not exceed a prescribed numerical value;

“Patents and Companies Registration Agency” means the Patents and Companies Registration Agency established under the Patents and Companies Registration Agency Act, 2010;

“permit” means a permission granted to a business to carry out any action related to, or which impacts on, the business’s core activity as stated in a licence or certificate which is required for a particular activity without the necessity of a licence or certificate;

Cap. 281

Act No. 15
of 2010

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“ public body ” means the Government, any Ministry or Department of the Government, a local authority, parastatal, board, council, authority, commission or other body appointed by the Government, or established by or under any written law, excluding a professional association or body;

“ Registrar ” means the person appointed as Registrar under the Patents and Companies Registration Agency Act, 2010;

Act No. 15 of
2010

“ registration ” means a process of registering, certifying or listing a business or a person with a regulatory agency, in order to enable that business or person to legitimately start up a business, activity or practice or work in a certain field, as required under any written law, and includes registration for purposes of obtaining data or statistics, and “ registration process ” shall be construed accordingly;

“ regulate business activity ” means the control or regulation of activities undertaken or to be undertaken by a business, and includes licensing, obtaining regulatory requirements or imposing any form of fee, levy, charge or any other regulatory requirement necessary for a business to carry out any commercial, manufacturing, construction or infrastructure development, trading, industrial, hospitality and tourism, agricultural, mining, financial, research, communication, technological, transport, hiring, energy, consultancy, professional or other business activity in a sector or with respect to specific commodities or products, and “ regulating business activity ” or “ regulation of business activity ” shall be construed accordingly;

“ regulatory agency ” means any person or body, except a professional body, which, by law, is empowered to regulate business activity in any sector and includes a Minister;

“ regulatory clearance system ” means a mechanism, electronic or manual, for supporting licensing in order to achieve a one-stop clearance system for regulatory requirements and a single licensing system for regulating business activity;

“ regulatory framework ” means a legal system for regulating business activity;

“ regulatory requirement ” means any documentation, registration particulars, data, statistics, vital statistics, standards, specifications, certifications, notifications or other information required for licensing to enable persons to start up business, continue doing business or cease to do business under the relevant law regulating that business;

“regulatory service” means the rendering of decentralised services by a local authority or the Patents and Companies Registration Agency, or both undertaking the services jointly with regulatory agencies, so as to ensure efficient licensing under the relevant laws regulating that business sector or group of business by—

- (a) providing an accessible and less burdensome system for clearing regulatory requirements;
- (b) issuing data or other information on registered businesses that are required to be licensed; and
- (c) ensuring effective liaison and coordination amongst regulatory agencies;

“regulatory services centre” means a one-stop unit established by the Patents and Companies Registration Agency or a local authority, or both undertaking the services jointly with other relevant regulatory agencies, to provide for an efficient regulatory clearance system and single licensing system;

“sector” means a business sector of the economy;

“single licensing system” means a licensing system designed to facilitate compliance with multiple licensing requirements by multiple regulatory bodies through a single regulatory point or a regulatory service centre; and

“small business enterprise” means any business enterprise whose total investment, excluding land and buildings, annual turnover and the number of persons employed by the enterprise, does not exceed the prescribed numerical value.

Application
and
categorisation
of licensing
system

3. (1) Notwithstanding any other law, this Act applies to all regulatory agencies.

(2) Notwithstanding any other law, this Act applies to the regulation of business activity, subject to the terms and conditions for applying and issuing any licence, permit, certificate or authorisation under the relevant law regulating that business.

(3) For the avoidance of doubt, this Act shall be complementary to any law regulating business and that law shall continue to regulate that business subject to the procedures and criteria for licensing, principles and interventions provided under this Act.

(4) After the commencement of this Act, the following shall be the categorisation of the licensing system:

- (a) licence, which shall be valid in all areas under the jurisdiction of a local authority and shall—

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(i) be issued on minimum proof of qualifications necessary to ensure the competency of the proprietor;

(ii) enable the start up of business for a core activity;

(iii) be renewable as specified in the written law;

(iv) attract a fee calculated on the value placed on the licence, as may be prescribed, after taking into account the legal criteria for issue of the licence; and

(v) be issued on such terms and conditions as may be prescribed;

(b) permit, which may—

(i) not be valid in all areas under the jurisdiction of a local authority;

(ii) be a one-off issue or used to authorise various or particular kinds of business activities or multiple activities connected to the core activity under a licence or certificate after start up of a business;

(iii) be or not be renewable;

(iv) attract a fee or charge for processing and issuing the permit, which charge may be imposed annually or after a prescribed period or until the permit is revoked; and

(v) be issued on such terms and conditions as may be prescribed;

(c) certificate, which—

(i) may or may not be valid in all areas under the jurisdiction of a local authority;

(ii) is a one-off issue;

(iii) may attract a fee or charge for the certificate, which may be imposed as a one-off charge, annually or after a prescribed period on the holder, until the certificate is revoked; and

(d) authorisation, which—

(i) shall be in letter form;

(ii) may or may not be valid in all areas under the jurisdiction of a local authority; and

(iii) is a one-off issue, where a fee or charge may not be imposed.

PART II

REGULATING BUSINESS ACTIVITIES

General principles and interventions for regulating business

4. (1) Notwithstanding any other law and subject to section *three*, the regulation of business activity shall be governed by the principles and interventions specified under subsections (2) and (3).

(2) Licensing shall be based on the following principles, which shall be taken into account when developing licensing systems or applying and interpreting licensing provisions under any other written law:

- (a) licensing shall be for the purpose of regulating business for a clearly defined public policy goal or objective that cannot be better achieved through other means;
- (b) a law shall specify clear criteria when an application for a licence, permit, certificate or authorisation may be granted or rejected, or when a licence, permit, certificate or authorisation may be suspended, amended, transferred or revoked, and shall provide a procedure for appeals;
- (c) a permit or certificate shall be valid for at least three years, unless it is for a specific short term purpose or the regulatory agency has compelling reasons to reduce this period;
- (d) a licence shall be valid throughout the country;
- (e) licences shall be valid for unlimited periods, except when periodic review of qualifications and criteria are necessary to fulfill regulatory objectives;
- (f) procedures for regulating business activity shall be simplified, to the greatest extent possible, taking into account the sector, the turnover or expected turnover of the business, the number or optimal number of employees of the business and nature and extent of the business;
- (g) a fee, levy or charge payable in respect of a licence, permit or certificate shall be minimal, clearly fixed and imposed for the sole purpose of defraying administrative costs of licensing, except for a licence issued for high value or scarce national resources or which is aimed at protecting the environment, public health, safety and security;

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(h) regulatory agencies shall exchange regulatory requirements through the use of a regulatory clearance system, and shall not duplicate information requests on businesses;

(i) public bodies shall endeavour to use e-governance in licensing and obtain regulatory requirements from another regulatory agency which has already collected those requirements; and

(j) licensing shall not be continued for more than five years without an evaluation being done of its effectiveness in achieving the public policy goal or objective for which it was intended.

(3) The following interventions apply to licensing and business regulation:

(a) regulatory agencies shall, at all times, endeavour to use regulatory services centres to regulate business activity;

(b) regulatory agencies shall, as far as is possible, use a single licensing system for licensing business activity;

(c) micro, small and medium business enterprises shall be regulated in a manner that encourages growth and graduation from a lower business size to a higher one;

(d) regulatory requirements for micro, small and medium business enterprises shall be minimised to the greatest extent possible;

(e) a regulation that imposes the least burden necessary for doing business and that provides the least administrative burden on the regulatory agency shall be preferred; and

(f) a regulatory agency shall respond to an application for licensing as early as possible but not later than within the prescribed period after the application is lodged and, if no response is given on the last day of the prescribed period, the application shall be deemed to be approved and the licence, permit, certificate or authorisation shall be deemed to have been duly issued.

5. (1) Without prejudice to the principles and interventions set out in section *four*, a public body shall only establish a licensing system to fulfill legitimate regulatory purposes or if it is the most effective and efficient means of protecting a clearly defined risk to—

Conditions
for
imposition
of
licensing

- (i) public health;
- (ii) public safety or national security;
- (iii) environmental protection, conservation and preservation;
- (iv) consumer protection; and
- (v) upholding of standards for goods, food, drugs and services;

(2) A licensing system shall only be established under subsection (1) if it—

- (a) does not unnecessarily burden business enterprises to which it is applied or proposed to apply;
- (b) does not overly add to the administrative cost of the public body or regulatory agency concerned;
- (c) is not overly bureaucratic or cumbersome; and
- (d) has the input of the relevant stakeholders.

Procedure
for
imposition
of new
policy or
law

6. (1) A public body shall only submit to Cabinet for approval a policy or proposed law to regulate business activity if the policy or proposed law has the prior approval of the Business Regulatory Review Agency.

(2) A public body that intends to introduce any policy or proposed law for regulating business activity shall—

- (a) give notice, in writing, of that intention to the Business Regulatory Review Agency, at least two months prior to submitting it to Cabinet;
- (b) hold public consultations for at least thirty days with—
 - (i) persons or proprietors of business enterprises who shall be affected by the proposed regulatory framework;
 - (ii) persons or proprietors of business enterprises who shall benefit from the proposed regulatory framework;
 - (iii) regulatory agencies and other public officers who will implement the proposed regulatory framework; and
 - (iv) all other relevant stakeholders which are not included under subparagraphs (i) to (iii); and
- (c) perform a regulatory impact assessment, analysing—
 - (i) the problem that is being addressed by the policy or proposed law;
 - (ii) why Government action is needed to correct the problem;
 - (iii) the objectives of the policy or proposed law;

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- (iv) which options, for dealing with the problem, have been considered and why the policy or proposed law is the best approach, including who is affected by the problem and who is likely to be affected by the solution;
- (v) whether the benefits justify the costs, and what are the likely costs for business and consumers including a calculation of new administrative burdens and the impacts on market entry and exit; and
- (vi) how the policy or proposed law will be implemented.

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(3) A public body or regulatory agency shall, after consultations are concluded and a regulatory impact assessment is performed, under subsection (2), submit to the Business Regulatory Review Agency, a report on the results of the consultations and the regulatory impact assessment.

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7. (1) The Business Regulatory Review Agency shall, on receipt of the report referred to in section six, examine the report in order to determine whether the proposed regulatory framework or any measure under that framework is necessary or justified.

Approval of
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(2) The Business Regulatory Review Agency shall not approve any proposed regulatory framework unless that framework complies with sections four and five.

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(3) The Business Regulatory Review Agency shall, within fourteen days of receipt of the report referred to in section six, communicate its decision, in writing, including the reasons for the decision, to the relevant public body.

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(4) A public body aggrieved by a decision of the Business Regulatory Review Agency may appeal to the Committee against the decision.

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8. (1) There shall be established an electronic registry, which shall be a centralised database and online transaction platform holding information on licences, permits, certificates, authorisations and regulations, including the formalities businesses have to comply with in order to obtain a licence, permit, certificate or authorisation and capable of facilitating the processing of applications online.

E-registry
and
control
numbers

- (2) The electronic registry shall, in particular, contain—
- (a) texts of relevant laws and subsidiary legislation on business regulation and licensing;
 - (b) name or title of the business licence;
 - (c) licence period or validity;
 - (d) licence fees;
 - (e) downloadable application; and
 - (f) contacts of issuing agencies;
- (3) The Committee shall ensure that the e-registry is—
- (a) accessible on the internet and is free of charge; and
 - (b) available for inspection and search by proprietors of business enterprises and members of the public, without charge.
- (4) The Business Regulatory Review Agency shall be responsible for maintaining the e-registry and shall ensure that the e-registry is updated on a continuous basis.
- (5) The e-registry shall provide—
- (a) positive legal security and certainty by ensuring that only those business regulation licences, permits, certificates and authorisations published in the e-registry, have legal effect, validity and enforceability as far as business activities are concerned; and
 - (b) easy access to exhaustive information about business regulation and licensing.
- (6) An Act of Parliament or statutory instrument published in the e-registry shall be assigned a control number by the Business Regulatory Review Agency that shall be displayed with the electronic version of the Act of Parliament or statutory instrument.
- (7) Where a law regulating business activity requires the utilisation of a form, a control number issued by the Business Regulatory Review Agency shall be displayed on the electronic version of the form in the e-registry, which form shall be designed so as to capture information and data that can easily be captured into an electronic database.

Regulatory
services
centres and
regulatory
clearance

9. (1) The Patents and Companies Registration Agency shall, in liaison with other regulatory agencies, establish regulatory services centres in the premises of the local authority or such other premises in a Province as is convenient for regulatory clearance and implementation of a single licensing system for businesses in a sector or group of businesses in a sector.

business

(2) The Patents and Companies Registration Agency shall, for the purposes of subsection (1), liaise with other regulatory agencies to establish comprehensive databases for accounting, electronic data base entry and retrieval, communication and electronic registration, to ensure an effective regulatory clearance system, messenger service and system for information sharing.

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10. (1) Notwithstanding any other law, there is hereby established for businesses in each sector or group of businesses in a sector, a single licensing system.

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(2) Notwithstanding any other law, where a person requires any licence, permit, registration, certificate or authorisation for any business activity, the applicant shall apply, in the manner prescribed under the relevant law dealing with that business activity for such licence, permit, registration, certificate or authorisation giving the full details relating to the business activity, and copy the application to the nearest and relevant regulatory services centre.

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(3) Notwithstanding any other law, where a person holds a licence under any law regulating a business activity, and that person requires another licence, permit, certificate or authorisation, in furtherance of the business activity, that falls under the jurisdiction of the same regulatory agency or another regulatory agency, that person shall apply, in the manner prescribed, for such licence, permit, certificate or authorisation to the regulatory agency that issued the original licence, copied to the nearest regulatory service centre, giving full details relating to the nature and scope of the licence, permit, certificate or authorisation required.

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(4) A regulatory agency shall, on receipt of an application for a licence, permit or authorisation under subsection (2) or (3), process the application through the nearest and relevant regulatory services centre using the single licensing system as provided under this section.

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(5) Where a regulatory agency is not operating from a regulatory services centre, the centre shall, within three days of the receipt of a copy of an application under this section, request the appropriate regulatory agency to submit the relevant information and conditions attaching to the issue of a licence, permit, registration, certificate or authorisation, as prescribed by law, to the regulatory services centre for processing and issue.

(6) A regulatory agency referred to in subsection (5) shall, within five days of a request from the regulatory services centre, made under subsection (5), submit to the centre all the relevant information and conditions relating to the issue of the licence, permit, registration, certificate or authorisation, as prescribed by law, and the centre shall, within fourteen days of receipt of the information, issue the licence, permit, certificate or authorisation to the applicant or endorse on the licence, permit or certificate of the applicant—

(a) the name of the licence, permit, certificate or authorisation applied for;

(b) the nature and scope of the activity authorised under the licence, permit, certificate or authorisation;

(c) the conditions attaching to the licence, permit, certificate or authorisation; and

(d) any other essential information that the regulatory agency concerned may request to be so endorsed;

for and on behalf of the regulatory agency prescribed under the relevant law.

(7) A person or organisation whose licence, permit or certificate has been endorsed, as provided under subsection (6), shall pay to the regulatory services centre the—

(a) fees for the licence, permit or certificate; and

(b) charges for administrative costs pertaining to the processing and issue of the licence, permit, certificate or authorisation.

(8) The centre shall remit the fees relating to the licence, permit or certificate, received under subsection (7), to the appropriate regulatory agency, but shall retain the charges for administrative costs.

(9) A regulatory agency, referred to in subsection (5), shall pay to the regulatory services centre a prescribed commission for issuing or endorsing any licence, permit, certificate or authorisation on its behalf.

(10) Any contravention of any condition or requirement endorsed on any licence, permit or certificate by a regulatory services centre, under this section, shall be a ground for the suspension or revocation of the licence, permit, certificate or authorisation under the law providing for the issuance of that licence, permit, certificate or authorisation.

(11) A regulatory agency shall, when requested to do so by a regulatory services centre, give to that centre any advice or assistance or submit such information as may be necessary for the performance of the centre's functions under this Act.

11. (1) Subject to this section, the Patents and Companies Registration Agency and a local authority shall, in collaboration with other appropriate regulatory agencies, establish effective mechanisms for the operationalisation of a single licensing system established by section *ten*, including the establishment of an accounting system for the settlement of fees and commissions.

Mechanisms
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(2) A joint team comprising the Patents and Companies Registration Agency, appropriate local authority and relevant regulatory agency shall carry out, if necessary, regulatory inspections of businesses, as may be required under any written law.

PART III

THE BUSINESS REGULATORY REVIEW COMMITTEE

12. (1) There is established the Business Regulatory Review Committee, which shall consist of the following members appointed by the Minister:

Establishment
of
Business
Regulatory
Review
Committee

(a) the Permanent Secretary in the Ministry responsible for commerce;

(b) the Permanent Secretary in the Ministry responsible for finance;

(c) the Permanent Secretary in the Ministry responsible for local government;

(d) the Permanent Secretary responsible for legal matters in the Ministry responsible for justice;

(e) two representatives of an organisation representing persons operating businesses in the commercial and manufacturing sectors;

(f) a representative of the Economic Association of Zambia;

(g) a representative of the Law Association of Zambia;

(h) a representative of an organisation representing persons operating businesses in the tourism and hospitality sector; and

(i) two other persons with expertise in business licensing regulatory matters.

(2) The representatives referred to in paragraphs (e) to (h) of subsection (1) shall be recommended by their respective organisations and appointed by the Minister.

(3) The Minister shall appoint, from amongst the members of the Committee, the Chairperson and Vice-Chairperson of the Committee.

(4) The Committee shall be responsible for advising the Government on all matters relating to business regulation, licensing, regulatory agencies, the enabling business environment and business licensing reforms generally.

(5) Notwithstanding the generality of subsection (4), the Committee shall—

- (a) review, on its own initiative or upon a representation from any person or business, any matter relating to business regulation or licensing;
- (b) review proposed Government policy and laws on business regulation and advise the Government, as may be appropriate;
- (c) issue guidance and standards for regulatory impact assessments to be undertaken by regulatory agencies;
- (d) cause to be carried out, periodically, regulatory impact assessments on business regulation;
- (e) issue guidance and standards for undertaking public consultations by the regulatory agencies;
- (f) promote more accessible and systematic public consultation strategies and develop a website portal for public interventions on issues of business regulation;
- (g) assist in building capacity in regulatory agencies;
- (h) keep under constant review licences and other regulations relating to business activity and advise the Government and responsible regulatory agency as may be appropriate;
- (i) examine all requests for the imposition of licensing by a regulatory agency;
- (j) hear appeals by regulatory agencies after the decision of the Business Regulatory Review Agency;
- (k) organise fora where regulatory agencies and the business sector are brought together to discuss the regulatory environment for doing business; and
- (l) perform such other functions as the Minister may assign to the Committee.

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(6) The Committee shall—

- (a) design an annual action plan for the implementation of regulatory services centres and a single licensing system and oversee and coordinate the implementation of the action plan;
- (b) produce, at least once a quarter, a report on the quality of business regulation, and propose any actions necessary to improve the business environment so as to support the developmental policies of the Government; and
- (c) monitor and report on the activities of regulatory agencies related to business regulation, quality control and compliance with this Act.

(7) The Schedule applies to the Committee.

13. The Committee shall, in the performance of its functions under this Act—

Powers of
Committee

- (a) invite representations from the general public, where necessary;
- (b) undertake and publish, studies, research and evaluations for purposes of this Act;
- (c) require any public body or any person to provide it with such information as the committee may require for the performance of its functions;
- (d) liaise with other research bodies within and outside Zambia carrying out comparable studies, research and evaluation; and
- (e) do all such things as appear to be necessary, or expedient for the performance of its functions.

PART IV

THE BUSINESS REGULATORY REVIEW AGENCY

14. There is established the Business Regulatory Review Agency which shall serve as the secretariat to the Committee and which shall perform such other functions as may be imposed by this Act or any other written law.

Establishment
of Business
Review
Regulatory
Agency

15. (1) The Public Service Commission shall appoint as public officers the Director and other staff of the Business Regulatory Review Agency.

Director and
other staff

(2) The Director shall be the chief executive officer of the Business Regulatory Review Agency and responsible for its general administration.

Functions of Business Regulatory Review Agency

- 16. The Business Regulatory Review Agency shall—
 - (a) assist the Committee in the exercise of the Committee’s powers and functions under this Act;
 - (b) be responsible for the management and update of the e-registry;
 - (c) approve regulatory frameworks submitted under this Act;
 - (d) coordinate and oversee the implementation of the action plan designed by the Committee under section *twelve*; and
 - (e) perform all such other functions as are necessary for the better carrying out of this Act.

PART V

GENERAL PROVISIONS

Appeals

- 17. (1) A public body aggrieved with a decision of the Business Regulatory Review Agency may appeal to the Committee against the decision within thirty days of the service of the decision.
- (2) A person or organisation aggrieved with the decision of the Committee may appeal to the High Court within thirty days of the service of the decision.

Regulations

- 18. The Minister may, by statutory instrument, make regulations for the better carrying out of the provisions of this Act.

Savings and transitional provisions

- 19. (1) After the commencement of this Act, any one-stop centre or shop established under any other law shall continue to exist as if established under this Act and shall be renamed regulatory services centers under the auspices of the Agency.
- (2) A public body shall, within two years of the commencement of this Act, comply with the provisions of this Act.

FIRST SCHEDULE

(Section 12)

ADMINISTRATION OF COMMITTEE

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1. (1) Subject to this Act, a member of the Committee, who is not an *ex officio* member, shall hold office for a period of three years from the date of appointment and is eligible for re-appointment for a further like period.

Tenure of office of members of Committee

(2) A member of the Committee, who is not an *ex officio* member, may resign upon giving one month's notice, in writing, to the organisation which recommended the member and to the Minister.

(3) A member shall, on the expiration of the period for which the member is appointed, continue to hold office until a successor is appointed, but the further period shall not exceed three months.

2. The Minister may, where the office of a member becomes vacant before the expiry of the term of office, appoint in accordance with section *twelve*, another member in place of the member who vacates office, but that member shall hold office only for the unexpired part of the term.

Filling of casual vacancy

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

Proceedings of Committee

(2) The Committee shall meet for the transaction of business at least once in every quarter at such places and times as the Committee may determine.

(3) A meeting of the Committee may be called by the Chairperson, upon giving notice of not less than fourteen days, and shall be called by the Chairperson if not less than one-third of the members so request in writing, except that if the urgency of any particular matter does not permit the giving of that notice, a special meeting may be called upon a shorter notice given by the Chairperson or one-third of the members of the Committee.

(4) Six members shall constitute a quorum at any meeting of the Committee.

(5) There shall preside at any meeting of the Committee—

(a) the Chairperson;

(b) in the absence of the Chairperson, the Vice-Chairperson;

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

(6) A decision of the Committee 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 that person's deliberative vote.

(7) The Committee may invite any person, whose presence is in its opinion desirable, to attend and to participate in the deliberations of a meeting of the Committee, but that person shall not have any vote.

(8) The validity of any proceedings, acts or decisions of the Committee shall not be affected by any vacancy in the membership of the Committee or by any defect in the appointment of any member or by reason that any person not entitled to do so, took part in the proceedings.

Sub-Committees

4. (1) The Committee may, for the purpose of performing its functions under this Act, constitute sub-committees and delegate to the sub-committees such functions of the Committee as it considers necessary.

(2) Subject to subparagraph (1), the Committee may appoint as members of a sub-committee constituted under subparagraph (1), persons who are, or are not, members of the sub-committee, except that a sub-committee shall be chaired by a member of the Committee.

(3) A person serving as a member of a sub-committee shall hold office for such period as the Committee may determine.

(4) Subject to any specific or general direction of the Committee, a sub-committee may regulate its own procedure.

Allowances

5. There shall be paid to a member of the Committee or a member of a sub-committee such allowances as the Minister may determine.

Disclosure of interest

6. (1) If any person is present at a meeting of the Committee or a sub-committee at which any matter is the subject of consideration, and in which matter that person or that person's relative is directly or indirectly interested in a private capacity, that person shall, as soon as is practicable after the commencement of the meeting, disclose such interest and shall not take part in any consideration or discussion of, or vote on any question relating to, that matter.

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(2) A disclosure of interest made under subparagraph (1) shall be recorded in the minutes of the meeting at which it is made.

(3) In this paragraph, "relative" in relation to a person means—

(a) a parent, son, daughter, brother, sister, niece, uncle, aunt, grandparent or cousin of that person or that person's spouse; and

(b) a spouse of that person.

7. (1) A person shall not, without the consent in writing given by, or on behalf of, the Committee, publish or disclose to an unauthorised person, otherwise than in the course of duties of that person, the contents of any document, communication or information whatsoever, which relates to or which has come to the knowledge of that person in the course of that person's duties under this Act.

Prohibition of, publication of or disclosure of information to unauthorised persons

(2) A person who contravenes subparagraph (1) commits an offence and is liable, upon conviction, to a fine not exceeding three hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

(3) A person who, having any information which to the knowledge of that person has been published or disclosed in contravention of subparagraph (1), unlawfully publishes or communicates the information to any other person, commits an offence and is liable, upon conviction, to a fine not exceeding three hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

8. An action or other proceeding shall not lie or be instituted against a member of the Committee or a subcommittee or a member of staff of the Committee for, or in respect of, any act or thing done or omitted to be done in good faith in the exercise or performance, or purported exercise or performance, of any of the powers, functions or duties conferred under this Act.

Immunity

9. (1) The funds of the Committee shall consist of such moneys as may—

Funds of Committee

(a) be appropriated to the Committee by Parliament for the purposes of the Committee; and

(b) otherwise vest in or accrue to the Committee.

(2) The Committee may—

(a) subject to the prior approval of the Minister, accept moneys by way of grants or donations from any source in or outside Zambia; and

(b) in accordance with the regulations made under this Act, charge fees for services provided by the Committee.

- (3) There shall be paid from the funds of the Committee—
- (a) where appropriate, salaries, allowances, loans, gratuities and pensions of staff of the Business Regulatory Review Agency, and other payments for the recruitment and retention of staff;
 - (b) such reasonable travelling and subsistence allowances for staff, members and members of any sub-committee when engaged on the business of the Committee or of the Business Regulatory Review Agency, at such rates as the Minister may determine; and
 - (c) any other expenses incurred by the Committee and the Business Regulatory Review Agency in the performance of their functions.

(4) The Committee and Business Regulatory Review Agency shall perform their functions in accordance with sound and prudent financial principles and shall ensure as far as possible that their revenues are sufficient to meet expenditure that is properly chargeable to revenue.

(5) The charge or fee imposed on any services and facilities rendered by the Committee or Business Regulatory Review Agency shall be reasonably related to expenses incurred, or to be incurred, by the Committee or Business Regulatory Review Agency in relation to the provision of the service or facility.

Financial
year

10. The financial year of the Committee shall be the period of twelve months ending on 31st December of each year.

Accounts
and Audit

11. (1) The Committee shall cause to be kept proper books of accounts and other records relating to its accounts.

(2) The Committee shall, within ninety days of the expiry of the financial year, submit to the Minister a report concerning its activities during the financial year.

(3) The report referred to in subparagraph (2) shall include statements of income and expenditure and a statement of affairs or balance sheet.

(4) The accounts of the Committee shall be audited annually or whenever necessary by the Auditor-General.

12. (1) As soon as practicable, but not later than six months after the end of the financial year, the Committee shall submit to the Minister a report concerning its activities, including the activities of the Business Regulatory Review Agency, during the last financial year.

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(2) The report referred to in subsection (1), shall include annual accounts and information on the financial affairs of the Committee and there shall be appended to the report—

Annual
report

- (a) an audited 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 receipt of the report referred to in subparagraph (1), lay the report before the National Assembly.

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