

REPUBLIC OF ZAMBIA

THE ZAMBEZI RIVER AUTHORITY ACT

CHAPTER 467 OF THE LAWS OF ZAMBIA

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ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Council of Ministers
4. Zambezi River Authority
5. References to Higher Authority for Power and to Corporation in written law or other documents
6. Transfer of employees
7. Transfer of assets, liabilities and obligations
8. Laying of annual report of Authority before National Assembly
9. Limitation of liability of Authority and its officials
10. Repeal of Part III of Order in Council and of Cap. 812
11. Savings and transitions

CHAPTER 467

ZAMBEZI RIVER AUTHORITY Act No.
17 of 1987

An Act to give effect to certain provisions of an interstate agreement relating to the utilisation of the Zambezi River concluded between the governments of the Republics of Zambia and Zimbabwe; to repeal Part III of the Federation of Rhodesia and Nyasaland (Dissolution) Order in Council, 1963; to repeal the Central African Power Act; and to provide for matters connected with or incidental to the foregoing.
[24th September, 1987]

1. (1) This Act may be cited as the Zambezi River Authority Act. Short title

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

"Agreement" means the agreement between the Republic of Zambia and the Republic of Zimbabwe relating to the utilisation of the Zambezi River, which agreement is set out in the Schedule;

"appointed date" means the date appointed by the Minister under section one as the date of commencement of this Act;

"assets" includes rights of any description;

"Authority" means the Zambezi River Authority continued in existence by section four;

"Corporation" means the Central African Power Corporation constituted by section thirty-six of the Order in Council.

"Council" means the Council of Ministers continued in existence by section three;

"Higher Authority for Power" means the Higher Authority for Power constituted by section thirty-three of the Order in Council;

"National Electricity Undertakings" means the Zambia Electricity Supply Corporation and the Zimbabwe Electricity Supply Authority and includes any successor organisation and references to a National Electricity Undertaking shall be construed accordingly;

"obligations" includes obligations of any description, whether statutory, contractual, delictual or otherwise;

"Order in Council" means the Federation of Rhodesia and Nyasaland (Dissolution) Order in Council, 1963, of the United Kingdom;

"the two states" means the Republic of Zambia and the Republic of Zimbabwe and reference to a state shall be construed accordingly.

3. (1) The Higher Authority for Power constituted by section thirty-three of the Order in Council shall, notwithstanding section ten, continue in existence and shall, on and after the appointed date, be known as the Council of Ministers. Council of Ministers

(2) The composition, functions, and procedure of the Council shall be as set out in Articles 4, 5 and 6 of the Agreement.

4. (1) Notwithstanding section ten the Corporation shall continue to exist as a body corporate as if established under this Act with a common seal and capable of suing and being sued, in its corporate name, and with power, subject to the provisions of the Agreement, this Act or any law, of doing all such acts and things as a body corporate may do or perform Zambezi River Authority

(2) On and after the appointed date the Corporation shall be known as the Zambezi River Authority.

(3) The composition, functions, administration, financial procedures, privileges and immunities of the Zambezi River Authority shall be as set out in Articles 8, 9, 10, 11, 12, 13, 14, 15 and 17 of the Agreement.

5. (1) On and after the appointed date, any reference to the Higher Authority for Power in any written law or other legal document shall, where appropriate, be construed as a reference to the Council. References to Higher Authority for Power and to Corporation in written law or other documents

(2) On and after the appointed date, any reference to the Central African Power Corporation in any written law or other legal document shall, where appropriate, be construed as a reference to the Authority.

6. The Authority shall in accordance with Article 29 of the Agreement, transfer or take such steps as are necessary to effect the transfer of such of its employees as may be appropriate in order to give effect to that Article. Transfer of employees

7. (1) The Authority shall transfer, or take such steps as are necessary to effect the transfer of any of its assets, liabilities and obligations to the two states and their respective National Electricity Undertaking, in accordance with such agreement or agreements as the two states may enter into for the purpose. Transfer of assets, liabilities and obligations

(2) For the purposes of any transfer under this section-

(a) all agreements, instruments and working arrangements giving rise or otherwise related to any asset, liability or obligation which subsisted immediately before the date of transfer shall, on and after that date have effect and be enforceable as if references therein to the Corporation or the Authority, as the case may be, were references to the state or National Electricity Undertaking to which the asset, liability or obligation is transferred and, where the Authority, whether under its old or new name, was a party thereto, as if the state or National Electricity Undertaking concerned had been a party thereto instead of the Authority;

(b) any legal proceeding or cause of action connected with any transferred asset, liability or obligation which was pending or existing by or against the Authority, whether under its old or new name, immediately before the date of transfer may be continued by or against the state or National Electricity Undertaking, to which the asset, liability or obligation is transferred as though the state or National Electricity Undertaking concerned were the Authority.

(3) Where title to any immovable property or any right or obligation relating to such property is transferred to a state or National Electricity Undertaking under this section, it shall not be necessary for the Registrar of Deeds or any other authority responsible for registering any document to make any alterations or endorsements on title deeds or other documents in his registers in respect of such immovable property or any right or obligation relating to such property:

Provided that whenever he is requested in writing to do so by the state or National Electricity Undertaking concerned, or by any other person having an interest in such property or in a right or obligation relating to it, he shall make the necessary alterations or endorsements at no cost to the state, National Electricity Undertaking or other person so requesting.

8. The Minister shall lay a copy of each annual report of the Authority before the National Assembly within thirty days after receiving it: Laying of annual reports of Authority before National Assembly

Provided that, if by reason of the prorogation or dissolution of Parliament, this section cannot be complied with within the stipulated time, the Minister shall lay the annual report before the National Assembly within thirty days after the date on which the National Assembly first meets.

9. No action, whether civil or criminal shall lie against the Authority, its Board members, employees or agents in respect of anything done in good faith and without negligence in accordance with the provisions of the Agreement or this Act: Limitation of liability of Authority and its officials

Provided that the protection from liability afforded by this section shall not have the effect of preventing any person from obtaining redress in a court of competent jurisdiction for any breach of contract.

10. (1) Part III of the Federation of Rhodesia and Nyasaland (Dissolution) Order in Council, 1963, of the United Kingdom is repealed in so far as it applies to Zambia.
App. 1 Repeal of Part III of Order in Council and of Cap. 812 of the old edition

(2) The Central African Power Act is repealed. Cap. 812 of the old edition

11. (1) Notwithstanding the repeal of Part III of the Order in Council and of the Central African Power Act- Savings and transitions App. 1 Cap. 812 of the old edition

(a) anything done, or any determination or decision made, by the Higher Authority for Power including any order or directive given by it to the Corporation under that Part or that Act which, immediately before the appointed date, had, or was capable of acquiring, legal effect shall, on and after that date, with necessary modifications have or be capable of acquiring the same legal effect as if it had been duly done or made by the Council under this Act;

(b) anything done, or any determination or decision made, by the Corporation under that Part or that Act which, immediately before the appointed date had, or was, capable of acquiring legal effect shall, on or after that date, with necessary modifications, have or be capable of acquiring the same legal effect as if it had been done or made by the Authority

under this Act as read with any appropriate agreement or agreements made for the purpose under this Act;

(c) subject to section seven, all assets, liabilities and obligations of the Corporation which vested in or subsisted against the Corporation immediately before the appointed date shall, on and after that date, continue to vest in or subsist against the Authority;

(d) subject to section six any person who, immediately before the appointed date, was employed by the Corporation shall, on and after that date, continue to be employed by the Authority;

(e) any legal proceeding pending or cause of action existing immediately before the appointed date by or against the Corporation may, subject to sections six and seven, be continued by or against the Authority.

(2) The Council may amend or revoke any decision, order or directive saved under paragraph (a) of subsection (1).

(3) The Authority may amend or revoke any determination or decision saved under paragraph (b) of subsection (1).