

THE SERVICE COMMISSIONS ACT, 2016

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GOVERNMENT OF ZAMBIA

ACT

No. 10 of 2016

Date of Assent: 6th June, 2016

An Act to provide for a principled and value based decentralised human resource management system for the public service; provide for the composition, additional functions, operations and financial management of the Judicial Service Commission, Civil Service Commission, Teaching Service Commission, Zambia Correctional Service Commission, Zambia Police Service Commission and Local Government Service Commission pursuant to the Constitution; provide for the establishment of human resource management committees in Government institutions; repeal and replace the Service Commissions Act, 1991; repeal Part X of the Local Government Act, 1991; and provide for matters connected with, or incidental to, the foregoing.

[7th June, 2016

PART I

PRELIMINARY PROVISIONS

1. (1) This Act may be cited as the Service Commissions Act, 2016.

Short title
and
commencement

(2) This Act shall come into operation on such date as the Minister may appoint by statutory instrument.

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

Interpretation

“appropriate Commission” in relation to—

(a) an office, means the Service Commission which, under this Act, is charged with responsibility in respect of that office; and

(b) a Government institution, means the Service Commission which, under this Act, is charged with responsibility for the offices in that Government institution;

“associate” means—

- (a) a person who is a nominee or an employee of a member;
- (b) a conjugal partner or former spouse of a member;
- (c) a firm of which a member, or the member's nominee, is a partner or a person in charge or in control of its business or affairs;
- (d) a company in which a member or the member's nominee, is a director or is in charge or in control of its business or affairs, or in which a member, alone or together with the member's nominee, holds a controlling interest or shares amounting to more than thirty percent of the total share capital; or
- (e) the trustee of a trust, where —
 - (i) the trust has been created by a member; or
 - (ii) the total value of the assets contributed by a member before or after the creation of the trust, amounts at any time, to not less than twenty percent of the total value of the assets of the trust;

- Cap. 24 “Chief Administrator” has the meaning assigned to it in the Judicature Administration Act;
- Cap. 1 “Civil Service” means the Civil Service established by the Constitution;
- Cap. 1 “Civil Service Commission” means the Civil Service Commission established by the Constitution;
- “Commission” means, as the case may require, the Judicial Service Commission, Civil Service Commission, Teaching Service Commission, Zambia Correctional Service Commission, Zambia Police Service Commission or Local Government Service Commission;
- Cap. 1 “committee” means a human resource management committee established under section *thirty-three*;
- Cap. 1 “councillor” has the meaning assigned to it in the Constitution;
- Cap. 1 “Emoluments Commission” means the Emoluments Commission established by the Constitution;
- “employee” includes a person holding or acting in an office, and “employed”, “employer” and other cognate terms shall be construed accordingly;

- “Government institution” includes a Government Ministry, department, agency or institution, a statutory body, commission and a local authority;
- “Judicial Service” means the Judicial Service established by the Constitution; Cap. 1
- “Judicial Service Commission” means the Judicial Service Commission established by the Constitution; Cap. 1
- “local authority” has the meaning assigned to it in the Constitution; Cap. 1
- “Local Government Service” means the Local Government Service established by the Constitution; Cap. 1
- “Local Government Service Commission” means the Local Government Service Commission established by the Constitution; Cap. 1
- “member” means a member of a Commission;
- “oath ” has the meaning assigned to it in the Constitution; Cap. 1
- “public service” has the meaning assigned to it in the Constitution; Cap. 1
- “relative” means—
- (a) a member’s son, daughter, brother, sister, nephew, niece, parent, uncle, aunt, grandparent or cousin; and
- (b) a member’s spouse or the spouse of any of the persons mentioned in paragraph (a);
- “relevant regulations” means the regulations made by an appropriate Commission under section *forty-one*;
- “relevant responsible officer in relation to a committee” means the responsible officer of the Government institution of which the committee is part;
- “repealed Act” means the Service Commissions Act; Cap. 259
- “responsible officer” means an officer appointed as such pursuant to Part IV;
- “Secretary to the Cabinet” means the person appointed as such under the Constitution; Cap. 1
- “Service Commissions” means the Judicial Service Commission, Civil Service Commission, Teaching Service Commission, Zambia Correctional Service Commission, Zambia Police Service Commission and Local Government Service Commission;

- “separation” means the termination of an employment relationship whether by retirement, resignation, retrenchment, redundancy or dismissal;
- Cap. 1 “Teaching Service” means the Teaching Service established by the Constitution;
- Cap. 1 “Teaching Service Commission” means the Teaching Service Commission established by the Constitution;
- Cap. 1 “Zambia Correctional Service” means the Zambia Correctional Service established by the Constitution;
- Cap. 1 “Zambia Correctional Service Commission” means the Zambia Correctional Service Commission established by the Constitution;
- Cap. 106 “Zambia Defence Force” has the meaning assigned to it in the Defence Act;
- Cap. 1 “Zambia Police Service” means the Zambia Police Service established by the Constitution; and
- Cap. 1 “Zambia Police Service Commission” means the Zambia Police Service Commission established by the Constitution.
- Values and principles of public service
- 3.** The values and principles of the public service include—
- (a) responsive, prompt, effective, impartial and equitable provision of services;
 - (b) efficient, effective and economic use of national resources;
 - (c) high standard of integrity and professional ethics;
 - (d) inclusiveness in the policy-making process;
 - (e) accountability for administrative acts;
 - (f) subject to paragraph (g), fair competition and merit as the basis of appointments and promotions; and
 - (g) affording adequate and equal opportunities for appointment, training and advancement at all levels of the public service of—
 - (i) both gender;
 - (ii) members of all ethnic groups; and
 - (iii) the youth and persons with disabilities.

4. The values and principles of human resource management in the public service include—
- (a) qualification, merit, competence, relevant experience and good conduct as the basis of appointment and promotion;
 - (b) competitive selection in filling vacancies;
 - (c) impartiality and fairness in the exercise of disciplinary action;
 - (d) equal opportunities for appointments, training and advancement of members of both gender and members of all ethnic groups; and
 - (e) consideration of the youth and persons with disabilities in the appointments to public service.

Values and principles of human resource management in public service

PART II

THE SERVICE COMMISSION

The Judicial Service Commission

5. (1) The Judicial Service Commission consists of—
- (a) the Chairperson, appointed by the President and who is a person who holds or qualifies to hold high judicial office or has held high judicial office;
 - (b) a judge nominated by the Chief Justice;
 - (c) the Attorney-General, with the Solicitor-General as the alternate;
 - (d) the Permanent Secretary responsible for public service management;
 - (e) a magistrate nominated by the Chief Justice;
 - (f) a representative of the Law Association of Zambia nominated by that Association and appointed by the President;
 - (g) the Dean of a Law School of a public higher education institution, nominated by the Minister responsible for justice; and
 - (h) one member appointed by the President.
- (2) The Vice-Chairperson of the Commission shall be elected by the members from amongst themselves, except that the members referred to in paragraphs (b), (c) and (e) of subsection (1) shall not be appointed or elected as Vice-Chairperson.

Composition of Judicial Service Commission

Functions of
Judicial
Service
Commission
Cap. 1

6. The functions of the Judicial Service Commission are as provided in the Constitution and to—

- (a) make recommendations to the President regarding the appointment and terms and conditions of service of the Chief Administrator;
- (b) appoint, confirm, promote, second, re-grade, transfer, discipline and separate the employees of the Judicial Service;
- (c) authorise the withholding, reduction, deferment or suspension of salary of employees in the Judicial Service;
- (d) hear and determine complaints and appeals from employees in the Judicial Service; and
- (e) perform such other functions as are necessary or incidental to the regulation of human resource management in the Judicial Service.

The Civil Service Commission

Composition
of Civil
Service
Commission

7. The Civil Service Commission consists of the following full-time members appointed by the President:

- (a) the Chairperson;
- (b) the Vice-Chairperson; and
- (c) five other members.

Functions of
Civil Service
Commission
Cap. 1

8. (1) The functions of the Civil Service Commission are as provided in the Constitution and to—

- (a) second, re-grade, transfer and separate employees in the Civil Service;
- (b) facilitate the transfer of employees across the Service Commissions;
- (c) transfer employees from one Government institution to another Government institution within the Civil Service;
- (d) authorise the withholding, reduction, deferment or suspension of salary of employees in the Civil Service;
- (e) hear and determine complaints and appeals from employees whose cases have been determined by Government institutions within the Civil Service;
- (f) set and promote a code of ethics and human resource management principles and values for the Civil Service, in accordance with the values and principles set out in section *four*;

- (g) establish standards and guidelines on human resource management for the Civil Service;
 - (h) monitor and evaluate compliance with the code of ethics, human resource management principles and values and any other standards and guidelines on human resource management for the Civil Service in the execution of delegated powers and functions by the Government institutions within the Civil Service;
 - (i) impose appropriate sanctions, including withdrawal of delegated human resource management functions, on erring Government institutions within the Civil Service; and
 - (j) perform such other functions as are necessary or incidental to the regulation of human resource management in the Civil Service.
- (2) The Civil Service Commission may, by regulation, delegate any of its functions to responsible officers or human resource management committees.
- (3) References in subsection (1) to Government institutions include references to responsible officers and committees of Government institutions.
- (4) For purposes of this section, a Government institution is within the Civil Service if the employees of the Government institution are in the Civil Service.

The Teaching Service Commission

9. The Teaching Service Commission consists of the following full-time members appointed by the President:

- (a) the Chairperson;
- (b) the Vice Chairperson; and
- (c) five other members.

Composition
of Teaching
Service
Commission

10. (1) The functions of the Teaching Service Commission are as provided in the Constitution and to—

- (a) second, transfer, re-grade and separate employees in the Teaching Service;
- (b) facilitate the transfer of staff across the Service Commissions;

Functions of
Teaching
Service
Commission
Cap. 1

- (c) transfer employees from one Government institution to another Government institution within the Teaching Service;
- (d) authorise the withholding, reduction, deferment or suspension of salary of employees in the Teaching Service;
- (e) hear and determine complaints and appeals from employees whose cases have been determined by Government institutions within the Teaching Service;
- (f) in consultation with the Teaching Council, set and promote a code of ethics and human resource management principles and values for the Teaching Service, in accordance with the values and principles set out in section *four*;
- (g) establish standards and guidelines on human resource management for the Teaching Service;
- (h) monitor and evaluate compliance with the code of ethics, human resource management principles and values and any other standards and guidelines on human resource management for the Teaching Service, in the execution of delegated powers and functions by Government institutions in the Teaching Service;
- (i) impose appropriate sanctions, including withdrawal of delegated human resource management functions, on erring Government institutions within the Teaching Service; and
- (j) perform such other functions as are necessary or incidental to the regulation of human resource management in the Teaching Service.

(2) The Teaching Service Commission may, by regulations, delegate any of its functions to responsible officers or committees.

(3) References in subsection (1) to Government institutions include references to responsible officers and committees of Government institutions.

(4) For purposes of this section, a Government institution is within the Teaching Service if the employees of the Government institution are in the Teaching Service.

The Zambia Correctional Service Commission

Composition
of Zambia
Correctional
Service
Commission

11. The Zambia Correctional Service Commission consists of the following full-time members appointed by the President:

- (a) the Chairperson;
- (b) the Vice-Chairperson; and
- (c) five other members.

- 12.** (1) The functions of the Zambia Correctional Service Commission are as provided in the Constitution and to—
- Functions of Zambia Correctional Service Commission
- (a) second, transfer, re-grade and separate employees in the Correctional Service;
 - (b) facilitate the transfer of staff across the Service Commissions;
 - (c) transfer employees from one Government institution to another Government institution within the Zambia Correctional Service;
 - (d) authorise the withholding, reduction, deferment or suspension of salary of employees in the Zambia Correctional Service;
 - (e) hear and determine complaints and appeals from employees whose cases have been determined by Government institutions within the Zambia Correctional Service;
 - (f) set and promote a code of ethics and human resource management principles and values for the Zambia Correctional Service, in accordance with the values and principles set out in section *four*;
 - (g) establish standards and guidelines on human resource management for the Zambia Correctional Service;
 - (h) monitor and evaluate compliance with the code of ethics, human resource management principles and values and any other standards and guidelines on human resource management for the Zambia Correctional Service, in the execution of delegated powers and functions by the Government institutions within the Zambia Correctional Service;
 - (i) impose appropriate sanctions, including withdrawal of delegated human resource management functions, on erring Government institutions in the Zambia Correctional Service; and
 - (j) perform such other functions as are necessary or incidental to the regulation of human resource management in the Zambia Correctional Service.
- (2) The Commission may, by regulation, delegate any of its functions to responsible officers or human resource management committees.
- (3) References in subsection (1) to Government institutions include references to responsible officers and committees of Government institutions.

(4) For purposes of this section, a Government institution is within the Zambia Correctional Service if the employees of the Government institution are in the Zambia Correctional Service.

The Zambia Police Service Commission

Composition
of Zambia
Police Service
Commission

13. The Zambia Police Service Commission consists of the following full-time members appointed by the President:

- (a) the Chairperson;
- (b) the Vice Chairperson; and
- (c) five other members.

Functions of
Zambia
Police
Service
Commission
Cap.1

14. (1) The functions of the Zambia Police Service Commission are as provided in the Constitution and to—

- (a) second, transfer, re-grade and separate employees in the Zambia Police Service;
- (b) facilitate the transfer of staff across the Service Commissions;
- (c) transfer employees from one Government institution to another Government institution within the Zambia Police Service;
- (d) authorise the withholding, reduction, deferment or suspension of salary of employees in the Zambia Police Service;
- (e) hear and determine complaints and appeals from employees whose cases have been determined by Government institutions within the Zambia Police Service;
- (f) set and promote a code of ethics and human resource management principles and values for the Zambia Police Service, in accordance with the values and principles set out in section *four*;
- (g) establish standards and guidelines on human resource management for the Zambia Police Service;
- (h) monitor and evaluate compliance with the code of ethics, human resource management principles and values and any other standards and guidelines on human resource management for the Zambia Police Service, in the execution of delegated powers and functions by the Government institutions within the Zambia Police Service;
- (i) impose appropriate sanctions, including withdrawal of delegated human resource management functions, on erring Government institutions in the Zambia Police Service; and

- (j) perform such other functions as are necessary or incidental to the regulation of human resource management in the Zambia Police Service.
- (2) The Commission may, by regulation, delegate any of its functions to responsible officers or committees.
- (3) References in subsection (1) to Government institutions include references to responsible officers and human resource management committees of Government institutions.
- (4) For purposes of this section, a Government institution is within the Zambia Police Service if the employees of the Government institution are in the Zambia Police Service.

The Local Government Service Commission

15. The Local Government Service Commission consists of the following full-time members appointed by the President:

Composition
of Local
Government
Service
Commission

- (a) the Chairperson;
- (b) the Vice Chairperson; and
- (c) five other members.

16. (1) The functions of the Local Government Service Commission are as provided in the Constitution and to—

Functions of
Local
Government
Service
Commission
Cap. 1

- (a) second, re-grade, transfer and separate employees in the Local Government Service;
- (b) facilitate the transfer of staff across the Service Commissions;
- (c) transfer employees from one local authority to another local authority within the Local Government Service;
- (d) authorise the withholding, reduction, deferment or suspension of salary of employees in the Local Government Service;
- (e) hear and determine complaints and appeals from employees whose cases have been determined by local authorities within the Local Government Service;
- (f) set and promote a code of ethics and human resource management principles and values for the Local Government Service, in accordance with the values and principles set out in section *four*;

- (g) establish standards and guidelines on human resource management for the Local Government Service;
 - (h) monitor and evaluate compliance with the code of ethics, human resource management principles and values and any other standards and guidelines on human resource management for the Local Government Service, in the execution of delegated powers and functions by the local authorities within the Local Government Service;
 - (i) impose appropriate sanctions, including withdrawal of delegated human resource management functions, on erring local authorities within the Local Government Service; and
 - (j) perform such other functions as are necessary or incidental to the regulation of human resource management in the Local Government Service.
- (2) The Local Government Service Commission may, by regulation, delegate any of its functions to responsible officers or committees.
- (3) References in subsection (1) to local authorities include references to responsible officers and committees of local authorities.
- (4) For purposes of this section, a local authority is within the Local Government Service if the employees of the local authority are in the Local Government Service.

PART III

PROVISIONS APPLICABLE TO ALL SERVICE COMMISSIONS

Exercise of powers by Commissions

17. A Commission shall exercise its powers in connection with an office for which it is responsible under this Act in accordance with the provisions of the relevant regulations.

Eligibility for appointment as member of Commission
Cap. 1

18. (1) Subject to the Constitution and the other provisions of this Act, a person is not eligible for appointment as a member of a Commission if that person—

- (a) is adjudged or declared bankrupt under any written law;
- (b) is a member of the National Assembly;
- (c) is a councillor;
- (d) is not a citizen of Zambia;
- (e) is detained under any written law or that person's freedom of movement is restricted;

- (f) is a member of another Commission;
- (g) holds an office in a political party; or
- (h) does not have at least ten years experience in—
 - (i) public management;
 - (ii) finance and administration;
 - (iii) human resource management; or
 - (iv) labour law.

(2) Subsection (1) does not apply to a person who is eligible for appointment as a member of a Commission by virtue of the office which the person occupies.

19. Subject to the other provisions of this Act, a member of a Commission shall hold office for a term of five years and may be re-appointed for a further term of five years.

Tenure of office of members

20. A Commission shall appoint a Secretary to that Commission and such other members of staff as the Commission considers necessary for its purposes.

Secretary and other staff

21. (1) A member of a Commission shall, on appointment, take an oath in accordance with the Official Oaths Act.

Oath on appointment
Cap. 5

(2) The Secretary, and other members of staff of a Commission shall, on appointment, take an oath in accordance with the Official Oaths Act.

Cap. 5

22. (1) Subject to the provisions of this Act, the office of a member of a Commission becomes vacant—

Vacancies

- (a) at the expiry of the term for which the member was appointed or re-appointed;
- (b) upon the member’s death;
- (c) if the member is adjudged or declared bankrupt under any written law;
- (d) if the member is absent from three consecutive meetings of the Commission of which the member has had notice, without the prior approval of the Commission;
- (e) upon the expiry of one month’s notice of the member’s intention to resign, given by the member, in writing, to the President;
- (f) if the member is mentally or physically incapable of performing the functions of a member;
- (g) if the member is removed by the President for inability or failure to discharge the functions of office;

- (h) if the member is convicted of an offence under this Act or any other written law exceeding six months without the option of a fine; or
- (i) in the case of a member appointed in a representative capacity or by virtue of the member's office, upon the member ceasing to be a representative or vacating office, as the case may be.

(2) The President shall, where there is a vacancy in the membership of a Commission before the expiry of the term of office, appoint another person to replace the member who vacates office, but that person shall only hold office for the remainder of the term.

(3) Where there is a vacancy in the office of the Chairperson of a Commission, the Vice Chairperson of the Commission shall perform the functions of the Chairperson until the President appoints the Chairperson.

(4) Where the offices of both the Chairperson and the Vice Chairperson of a Commission are vacant, or if the persons holding both offices are for any reason unable to perform the functions of office, until persons are appointed to those offices and assume the functions of office or the persons holding those offices resume their functions, the functions shall be performed by such member of the Commission as the President may designate.

(5) Where at any time, there are less than three members of a Commission or less than four members in the case of the Judicial Service Commission besides the Chairperson or the member appointed to act as Chairperson is, for any reason, unable to perform the functions of office, the President may appoint a suitably qualified person as a member of the Commission and the person so appointed shall continue to act as a member until—

- (a) the office in which that person is acting is filled;
- (b) the holder of that office resumes the functions; or
- (c) that person's appointment to act is revoked by the President.

Proceedings
of
Commission

23. (1) Subject to the other provisions of this Act, a Commission may regulate its own procedure.

(2) A Commission shall meet for the transaction of its business at least twice in each quarter of the year at such places and times as the Chairperson may determine.

(3) The Chairperson may, upon giving notice of not less than seven days, call a meeting of a Commission and shall call a special meeting to be held within seven days of receipt of a written request to the Chairperson by at least three members.

(4) The Chairperson may, if the urgency of any particular matter does not permit the giving of the notice required under subsection (3), call a special meeting of the Commission on giving shorter notice.

(5) The quorum at a meeting of a Commission, other than the Judicial Service Commission, is four members.

(6) The quorum at a meeting of the Judicial Service Commission is five members.

(7) There shall preside at any meeting of a Commission—

(a) the Chairperson;

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

(c) in the absence of both the Chairperson and Vice Chairperson, such member as the members present shall elect for the purpose of that meeting.

(8) A decision of a Commission shall be made by the majority of the members present and voting at the meeting and in the event of an equality of votes, the Chairperson shall have a casting vote, in addition to a deliberative vote.

(9) A decision of a Commission may be made without a meeting by circulating an agenda, the proposed decision and any other relevant documents among the members and the members endorsing the proposed decision, in writing, except that any member is entitled to require that the decision be deferred until the subject matter is considered at a meeting of the Commission.

(10) A member may dissent from a decision of a Commission and have the member's declaration of interest or dissent and reasons set out in the record of the meeting at which the decision is made.

(11) A Commission may invite any person whose presence is in its opinion desirable to attend and participate in the deliberations of a meeting of the Commission, but that person shall have no vote.

(12) The validity of any proceedings, act or decision of a Commission shall not be affected by a vacancy in the membership of the Commission or by a defect in the appointment of any member or by reason that a person not entitled to do so, took part in the proceedings.

(13) A Commission shall cause minutes to be kept of the proceedings of every meeting of the Commission and a committee established by the Commission.

Committees
of
Commission

24. (1) A Commission may, for the purpose of performing its functions under this Act, constitute any committee and delegate to the committee any of its functions under this Act.

(2) A Commission may appoint as a member of a committee constituted under subsection (1), a person who is or is not a member of the Commission and such person shall hold office for such period as the Commission determines.

(3) Subject to any specific or general direction of the Commission and relevant regulations, a committee may regulate its own procedure.

Remuneration
and
allowances
for members

25. A member of a Commission or a committee of a Commission shall be paid such remuneration and allowances as the Emoluments Commission determines.

Disclosure
of
interest

26. (1) A person who is present at a meeting of a Commission or a committee of a Commission at which any matter is the subject of consideration, and in which matter the person or that person's relative or associate is directly or indirectly interested in a private capacity shall, as soon as is practicable after the commencement of the meeting, disclose the interest and shall not, unless the Commission or the committee otherwise directs, take part in any consideration or discussion of, or vote on, any question relating to that matter.

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

Prohibition
of
publication
or
disclosure of
information
to
unauthorised
persons

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

(2) A person who contravenes subsection (1) commits an offence and is liable, upon conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a term 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 subsection (1), unlawfully publishes or communicates the information to any other person, commits an offence and is liable, upon conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

28. (1) A report, statement or other communication or record of a meeting, inquiry or proceeding of a Commission or a report, statement or other communication or record made by a member for purposes of the Commission in the course of duty, and any application form, report or other communication dispatched to the Commission in connection with the performance of its functions, and in the possession of the Commission, is privileged and shall not be produced in any legal proceeding unless the Chairperson so directs in writing or a court so orders.

Report of
Commission
privileged

(2) In this section “ court ” means a court of competent jurisdiction.

29. An action or other proceeding shall not lie or be instituted against a member or a member of staff of the Commission for 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 or functions conferred under this Act.

Immunity of
members and
staff

30. The expenses of a Commission shall be paid out of funds appropriated by Parliament for the performance of the Commission’s functions under this Act.

Expenses of
Commission

PART IV

HUMAN RESOURCE MAANAGEMENT

31. (1) Subject to the Constitution, the power to appoint persons to hold or act in an office in the Civil Service, Teaching Service, Zambia Correctional Service, Zambia Police Service and Local Government Service, including the power to confirm appointments, exercise disciplinary control over persons holding or acting in those offices and remove the persons from office, vests in the President.

Appointment
of
officers to
offices in
public service
Cap. 1

(2) The President shall directly appoint persons to the following offices:

(a) Deputy Secretary to the Cabinet, Inspector-General of Police, Deputy Inspector-General of Police,

Commissioner of Police, Commissioner-General of Correctional Services, Deputy Commissioner-General of Correctional Services, Commissioner of Correctional Services and any other person holding or acting in any of those offices;

(b) Ambassador, High Commissioner or Principal Representative of Zambia in another country.

(3) The powers of the President in relation to other offices in the public service shall be exercised by the Service Commissions, on the President's behalf, in accordance with this Act.

Responsible
officer

32. (1) A public officer shall be appointed by the appropriate Commission to be the responsible officer in respect of a Government institution.

(2) A public officer is eligible to be appointed as a responsible officer if the public officer is—

- (a) a Permanent Secretary;
- (b) a Chief Executive of a statutory body;
- (c) a Town Clerk;
- (d) a Council Secretary;
- (e) the head of a Government institution; or
- (f) any other officer who is considered fit by the Commission.

(3) A responsible officer of a Government institution or local authority shall serve as responsible officer for a period of five years from the date of the officer's appointment, and is eligible to be re-appointed for a further term of five years.

(4) A responsible officer shall have oversight over all human resource matters in the Government institution for which the responsible officer is appointed.

(5) A responsible officer shall make the decisions delegated to the officer on appointments, confirmations, promotions, separations, regrading, secondments, transfers or disciplinary action in accordance with relevant regulations and the specific and general guidance and directions of the appropriate Commission.

(6) The appropriate Commission may terminate the appointment of an officer as a responsible officer if the officer—

- (a) ceases to fall within paragraphs (a) to (f) of subsection (2);

- (b) abuses the officer's position as a responsible officer; or
- (c) is incompetent.

33. (1) There is established a human resource management committee in every Government institution.

Establishment
of human
resource
management
committees

(2) A committee shall consist of the following members who shall be appointed by the appropriate Commission:

- (a) the head of each Government institution;
- (b) a union representative nominated collectively by the trade unions that represent employees of the Government institution;
- (c) two persons from outside the public service who are—
 - (i) members of the Zambia Institute of Human Resource Management or any equivalent body specified in relevant regulations; and
 - (ii) recommended by the relevant responsible officer; and
- (d) where the Government institution has no human resource department, the public officer responsible for human resource management.

(3) The persons referred to in paragraphs (b) and (c) of subsection (2) shall be members of the committee for a period of five years, and may be re-appointed for a further period of five years.

(4) Subject to any specific or general direction of a Commission and any provision of relevant regulations, a committee shall regulate its own procedure.

(5) The committee of a Government institution shall not be subordinate to any other committee on human resource management of that or any other Government institution.

(6) The appropriate Commission shall have regulatory and oversight powers over a committee.

34. (1) A committee shall make recommendations to the relevant responsible officer on all appointments, confirmations, promotions, separations, re-gradings, secondments, transfers or disciplinary action falling under the responsible officer under the provisions of this Act, relevant regulations or directions issued by a Commission.

Functions of
committee

(2) Where the relevant responsible officer is satisfied with a recommendation of the committee, the relevant responsible officer shall implement the recommendation.

(3) Where the relevant responsible officer is dissatisfied with a recommendation of the committee, the relevant responsible officer shall, with reasons, refer the matter to the committee for re-consideration.

(4) The committee shall reconsider the matter referred to it under subsection (3) and confirm its original recommendation or make a new recommendation to the relevant responsible officer.

(5) Where the relevant responsible officer decides not to implement a recommendation of the committee made after reconsideration of a matter, the responsible officer shall send a report to the appropriate Commission setting out the—

- (a) recommendation made by the committee;
- (b) the decision made by the responsible officer and the reasons therefor; and
- (c) any further information the responsible officer considers would enable the Commission to understand the issues involved.

(6) A person dissatisfied with a decision under subsection (5) may appeal to the appropriate Commission.

Subcommittees
of human
resource
management
committee

35. (1) A committee may establish subcommittees to—

- (a) address specified matters relating to human resource management; or
- (b) perform specified functions of the committee.

(2) A committee may appoint as a member of a subcommittee a person who is not a member of the committee.

(3) A committee may terminate the appointment of a person to a subcommittee at any time.

(4) Subject to any specific or general directions of a committee and any provision of relevant regulations, a subcommittee may regulate its own procedure.

Records

36. (1) A committee shall maintain records of its proceedings and proceedings of its subcommittees.

(2) The records shall be maintained for a period of an employee's service and a further period of ten years from the date the employee's separation.

37. A committee shall prepare quarterly and annual reports on its proceedings and submit them to the appropriate Commission. Reports

38. (1) The human resource department of a Government institution shall serve as secretariat of the committee. Secretariat

(2) If a Government institution has no human resource department, its officers who deal with human resource matters shall serve as secretariat of the committee.

PART V

GENERAL PROVISIONS

39. (1) A person shall not, in relation to information which a Commission is entitled to in the performance of its functions under the Constitution or this Act, knowingly or negligently give the Commission false or misleading information. Prohibition of wilful provision of false or misleading information

(2) A person who contravenes subsection (1) commits an offence and is liable, upon conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a term not exceeding one year, or to Cap. 1

40. (1) A person shall not, otherwise than in the course of that person's duty, directly or indirectly, influence, or attempt to influence, a decision of a Commission. Prohibition of influencing Commission

(2) A person who contravenes subsection (1) commits an offence and is liable, upon conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a term not exceeding one year, or to both.

41. (1) A Commission may in consultation with the Minister under whose statutory function a Commission falls, by statutory instrument, make regulations for the better carrying out of the provisions of this Act. Regulations

(2) Without prejudice to the generality of subsection (1), regulations made under that subsection may provide for—

- (a) the appointment, confirmation and promotion to any office the Commission is responsible for;
- (b) qualifications for appointment or promotion to any office;
- (c) the disciplinary control of a person holding or acting in an office;
- (d) the termination of an appointment and removal of a persons from office;

- (e) the transfer or secondment of any person holding any office, whether within the service for which the Commission is responsible or not;
 - (f) performance appraisal systems and contracts;
 - (g) the practice or procedure to be followed by a person or body other than the Commission in performing functions given or delegated to it by or under this Act;
 - (h) the consequences of a person or body failing to perform a function in accordance with this Act or regulations made under it, including sanctions or provision for the function to be removed from that person or body;
 - (i) the consequences of any person contravening a provision of this Act, code of ethics, standards, principles or values; or
 - (j) treating any part of a Government institution as a separate institution for some or all of the purposes of this Act.
- (2) Regulations under this section may—
- (a) make different provision for different cases or circumstances;
 - (b) delegate, or authorise the Commission to delegate, any of its functions;
 - (c) authorise a responsible officer or body to delegate any functions that are given or delegated to that officer or body by or under this Act; or
 - (d) provide for offences.

(3) Regulations made by the Judicial Service Commission, Civil Service Commission, Teaching Service Commission, Zambia Correctional Service Commission, Zambia Police Service Commission and Local Government Service Commission may specify the offices over which the respective Commission is responsible.

Repeal of
Cap. 259
and Part X
of Cap. 281
Act No.24
of 1991
Cap. 281

- 42.** (1) The Service Commissions Act, 1991, is repealed.
- (2) Part X of the Local Government Act is repealed.

43. (1) The property, rights, liabilities and employees of a predecessor Service Commission shall, upon commencement of this Act, be transferred to the relevant Service Commission. Transitional provisions

(2) Anything done by, or in relation to, a predecessor Service Commission before the commencement of this Act is to be treated as having been done by, or in relation to, the relevant Service Commission.

(3) Without prejudice to the generality of subsections (1), and (2) the employment of any employee of the predecessor Service Commission is not terminated by the employee's transfer to the relevant Service Commission.

(4) The repeal in section *forty-two* does not affect the employment of any person employed by virtue of the provisions repealed.

(5) In this section—

“predecessor Service Commission” means

(a) the Service Commissions established under section *seven* of the repealed Act; and Cap. 259

(b) the Local Government Service Commission established under the repealed Part X of the Local Government Act; Cap. 281

which are abolished by the repeal of that section under the repealed Act and that Part in the Local Government Act; and Cap. 259
Cap. 281

“relevant Service Commission” means in relation to the—

(a) Public Service Commission established under section *seven* of the repealed Act, the Civil Service Commission; Cap. 259

(b) Police and Prisons Service Commission established under section *seven* of the repealed Act, the Zambia Correctional Service Commission and the Zambia Police Service Commission; Cap. 259

(c) Teaching Service Commission established under section *seven* of the repealed Act, the Teaching Service Commission; and Cap. 259

(d) Local Government Service Commission established under the repealed Part X of the Local Government Act, the Local Government Service Commission. Cap. 281
