

THE EMOLUMENTS COMMISSION ACT, 2022

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title and commencement
2. Interpretation
3. Supremacy of Act

PART II

THE EMOLUMENTS COMMISSION

4. Seal of Commission
5. Functions of Commission
6. Composition of Commission
7. Proceedings of Commission
8. *Ad hoc* committees
9. Emoluments of members
10. Director-General and other staff
11. Disclosure of interest
12. Prohibition of publication or disclosure of information to unauthorised persons
13. Oath on appointment
14. Immunity

PART III

DETERMINATION OF EMOLUMENTS AND FACTORS FOR CONSIDERATION

15. Principles for determination of emoluments
16. Review cycle
17. Special review
18. Study to precede review

19. Procedure for submission of proposals
20. Factors to be considered when preparing and submitting proposals
21. Requirement to submit data annually
22. Determination of emoluments
23. Communication of approved emoluments
24. Hiring of expert
25. Application to Commission

PART IV
FINANCIAL PROVISIONS

26. Funds of Commission
27. Financial year
28. Accounts
29. Annual report

PART V
GENERAL PROVISIONS

30. Directive of Commission on non-compliance
31. Compliance notice by Commission
32. Privileged reports
33. Non-compliance by relevant authority
34. General offence
35. Regulations
36. Transitional provisions

GOVERNMENT OF ZAMBIA

ACT

No. 1 of 2022

Date of Assent: 8th April, 2022

An Act to provide for the membership, functions, operations and financial management of the Emoluments Commission; provide for a harmonised framework to govern the determination and management of emoluments for chiefs and officers in a State organ and State institution; enhance the capacity of a State organ and State institution to attract, retain and motivate officers and staff with requisite qualifications, skills and experience in order to improve service delivery; and provide for matters connected with, or incidental to, the foregoing.

[12th April, 2022

ENACTED by the Parliament of Zambia.

Enactment

PART I

PRELIMINARY

1. This Act may be cited as the Emoluments Commission Act, 2022 and shall come into operation on the date appointed by the President by Statutory Instrument.

Short title and commencement

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

Interpretation

“associate” has the meaning assigned to the word in the Anti-Corruption Act, 2012;

Act No. 3 of 2012

“Chairperson” means the person appointed Chairperson of the Commission under section 6;

“chief” has the meaning assigned to the word in the Constitution;

Cap. 1

“Commission” means the Emoluments Commission established under Article 232 of the Constitution;

Cap. 1

Cap. 1	“Constitutional office holder” has the meaning assigned to the words in the Constitution;
Cap. 1	“councillor” has the meaning assigned to the word in the Constitution;
	“Director-General” means the person appointed as Director-General of the Commission under section 10;
Cap. 1	“emoluments” has the meaning assigned to the word in the Constitution;
Act No. 6 of 2019	“legally disqualified” means the absence of legal capacity as provided under section 4 of the Mental Health Act, 2019;
	“member” means a person appointed as a member of the Commission under section 6;
Cap. 1	“Member of Parliament” has the meaning assigned to the words in the Constitution;
Cap. 1	“oath” has the meaning assigned to the word in the Constitution;
	“officer” means a public officer, State officer, councillor, Constitutional office holder and judge;
	“pay policy” means a framework of intended action on emoluments by a State organ or State institution to enhance the capacity to attract and motivate personnel with requisite skills and experience;
Cap. 1	“political party” has the meaning assigned to the words in the Constitution;
Cap. 1	“public officer” has the meaning assigned to the words in the Constitution;
Act No. 3 of 2012	“relative” has the meaning assigned to the word in the Anti-Corruption Act, 2012;
	“relevant authority” means the authority responsible for recommending emoluments of a chief, State organ or State institution;
Cap. 1	“State institution” has the meaning assigned to the words in the Constitution;
Cap. 1	“State officer” has the meaning assigned to the words in the Constitution;
Cap. 1	“State organ” has the meaning assigned to the words in the Constitution; and
	“Vice-Chairperson” means the person elected Vice-Chairperson of the Commission under section 6.

3. Subject to the Constitution, where there is an inconsistency between the provisions of this Act and the provisions of any other written law on the determination of emoluments, the provisions of this Act shall prevail to the extent of the inconsistency.

Supremacy
of Act
Cap. 1

PART II
THE EMOLUMENTS COMMISSION

4. (1) The seal of the Commission shall be a device that may be determined by the Commission and kept by the Director-General or an officer designated by the Director-General.

Seal of
Commission

(2) The affixing of the seal shall be authenticated by the Chairperson or the Vice-Chairperson and the Director-General or any other person authorised in that behalf by a resolution of the Commission.

(3) A contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under seal may be entered into or executed without seal on behalf of the Commission by the Director-General or any other person generally or specifically authorised by the Commission in that behalf.

(4) A document purporting to be under the seal of the Commission or issued on behalf of the Commission shall be received in evidence and shall be deemed to be so executed or issued, without further proof, unless the contrary is proved.

5. (1) Subject to the Constitution, the Commission shall determine, harmonise and rationalise emoluments for a chief and an officer in a State organ or State institution.

Functions of
Commission
Cap. 1

(2) Despite the generality of subsection (1), the functions of the Commission are to —

- (a) ensure compliance of the provisions of this Act by a State organ, State institution and the House of Chiefs;
- (b) formulate and review the pay policy relating to a State organ, State institution and the House of Chiefs;
- (c) issue guidelines to relevant authorities on the parameters of emoluments for officers;
- (d) harmonise and rationalise emoluments to ensure fairness and equity;
- (e) coordinate and undertake research on emoluments to facilitate the development of standards relating to the determination of emoluments;