

**THE PATENTS AND COMPANIES REGISTRATION
AGENCY BILL, 2020**

MEMORANDUM

The objects of this Bill are to—

- (a) continue the existence of the Patents and Companies Registration Agency;
- (b) re-constitute the Board of the Agency and provide for its functions;
- (c) repeal and replace the Patents and Companies Registration Agency Act, 2010; and
- (d) provide for matters connected with, or incidental to, the foregoing.

L. KALALUKA,
Attorney-General

THE PATENTS AND COMPANIES REGISTRATION

AGENCY BILL, 2020

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY PROVISIONS

Section

1. Short title and commencement
2. Interpretation

PART II

THE PATENTS AND COMPANIES REGISTRATION
AGENCY

3. Continuation of Agency
4. Seal of Agency
5. Functions of Agency
6. Board of Agency
7. Functions of Board
8. Delegation of functions and directions
9. Tenure of office and vacancy
10. Proceedings of Board
11. Committees of Board
12. Allowances
13. Disclosure of interest
14. Prohibition of publication or disclosure of information to unauthorised persons
15. Immunity of members of Board and staff of Agency
16. Registrar
17. Deputy Registrar, Secretary and other staff
18. Emoluments and other conditions of service of Registrar, Deputy Registrar, Secretary and other staff

PART III

FINANCIAL PROVISIONS

19. Funds of Agency
20. Financial year
21. Accounts and audit
22. Annual report

PART IV

GENERAL PROVISIONS

- 23. Immunity from execution of judgments
- 24. Regulations
- 25. Repeal of Act No.15 of 2010

SCHEDULE

A BILL

ENTITLED

An Act to continue the existence of the Patents and Companies Registration Agency and re-define its functions; re-constitute the Board of the Agency and provide for its functions; repeal and replace the Patents and Companies Registration Agency Act, 2010; and provide for matters connected with, or incidental to the foregoing.

ENACTED by the Parliament of Zambia

Enactment

PART I

PRELIMINARY PROVISIONS

1. This Act may be cited as the Patent and Companies
5 Registration Agency Act, 2020, and shall come into operation on
the date appointed by the Minister by statutory instrument
2. In this Act, unless the context otherwise requires—
- “Agency ” means the Patents and Companies Registration
Agency continued under section 3;
- 10 “associate ” has the meaning assigned to the word in the
Anti-Corruption Act, 2012;
- “Board ” means the Board of the Agency established under
section 6;
- 15 “Chairperson ” means the Chairperson of the Board appointed
under section 6;

Short title
and
commencement

Interpretation

Act No. 3 of
2012

	“ Deputy Registrar ” means a person appointed as Deputy Registrar under section 17;	
Cap. 1	“ emoluments ” has the meaning assigned to the word in the Constitution;	
Cap. 1	“ Emoluments Commission ” means the Emoluments Commission established under the Constitution;	5
Act No. 6 of 2019	“ legally disqualified ” means the absence of legal capacity as provided in section 4 of the Mental Health Act, 2019;	
	“ Registrar ” means the person appointed as Registrar under section 16;	10
Act No. 3 of 2012	“ relative ” has the meaning assigned to the word in the Anti-Corruption Act, 2012;	
Act No. 15 of 2010	“ repealed Act ” means the Patents and Companies Registration Agency Act, 2010; and	
	“ Vice-Chairperson ” means the Vice-Chairperson of the Board elected under section 6.	15

PART II

THE PATENTS AND COMPANIES REGISTRATION AGENCY

Continuation of Agency	3. (1) The Patents and Companies Registration Agency established under the repealed Act shall continue to exist as if established under this Act.	20
	(2) The Agency is a body corporate with perpetual succession and a common seal, capable of suing and of being sued in its corporate name, and with the power, subject to the provisions of this Act, to do the acts and things that a body corporate may, by law, do or perform.	25
Seal of Agency	4. (1) The seal of the Agency shall be a device that may be determined by the Board and shall be kept by the Registrar.	
	(2) The affixing of the seal shall be authenticated by the Chairperson or the Vice Chairperson and the Registrar or any other person authorised in that behalf by a resolution of the Board, except that where the Agency is registering intellectual property rights, registering or incorporating a company, firm or business, the affixing of the seal shall be authenticated by the Registrar.	30