

**THE BUSINESS REGULATORY (AMENDMENT) BILL, 2018**

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MEMORANDUM

The object of this Bill is to amend the Business Regulatory Act, 2014, so as to—

- (a) continue the Business Regulatory Review Agency and establish it as a body corporate;
- (b) re-constitute the Business Regulatory Review Committee as the Board of the Agency; and
- (c) provide for matters connected with, or incidental to, the foregoing.

A. MWANSA,  
*Solicitor-General*

# A BILL

ENTITLED

## **An Act to amend the Business Regulatory Act.**

ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the Business Regulatory (Amendment) Act, 2018, and shall be read as one with the Business Regulatory Act, 2014, in this Act referred to as the principal Act.

Short title  
Act No. 3 of  
2014

5 2. The principal Act is amended in the long title by the deletion of the words “establish the Business Regulatory Review Committee” and the substitution therefor of the words Aconstitute the Board of the Agency”.

Amendment  
of long title

3. Section 2 of the principal Act is amended by—

Amendment  
of  
section 2

10 (a) the deletion of the definition of “Committee”; and

(b) the insertion of the following new definitions in the appropriate places:

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

Act No. 3 of  
2012

15 “Board” means the Board of the Agency constituted under section 8;

“Executive Director” means the person appointed as Executive Director under section 17;

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

Act No. 3 of  
2012

**N.A.B. 12, 2018**

Repeal and replacement of Parts III, IV and V      **4.** The principal Act is amended by the repeal of Parts III, IV and V and the substitution therefor of the following:

### PART III

#### THE BUSINESS REGULATORY REVIEW AGENCY

Establishment of Agency      **5.** There is established the Business Regulatory Review Agency which 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 all acts and things that a body corporate may, by law, do or perform. 5  
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Seal of Agency      **6.** (1) The seal of the Agency shall be a device that may be determined by the Agency and shall be kept by the Secretary.  
(2) The affixing of the seal shall be authenticated by the Chairperson or the ViceChairperson and the Secretary or another person authorised in that behalf by a resolution of the Board. 15

(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 Agency by the Secretary or any other person generally or specifically authorised by the Board in that behalf. 20

(4) A document purporting to be a document under the seal of the Agency or issued on behalf of the Agency shall be received in evidence and shall be considered to be so executed or issued, as the case may be, without any further proof, unless the contrary is proved. 25

Functions of Agency      **7.** (1) The functions of the Agency are to provide an efficient, cost effective and accessible business licensing system.  
(2) Despite the generality of subsection (1), the Agency shall  
(a) review a matter relating to business regulation or licensing on its own initiative or on a representation from a person or business; 30  
(b) advise Government on matters relating to business regulation and licensing;  
(c) issue guidelines and standards for regulatory impact assessments and public consultations to be undertaken by regulatory agencies; 35  
(d) manage and update the e-registry;  
(e) approve regulatory frameworks submitted under this Act;

- (f) promote more accessible and systematic public consultation strategies and develop a website portal for public interventions on issues of business regulation;
- 5 (g) advise regulatory agencies on the efficient and cost effective regulation and licensing of business activities;
- (h) monitor and report on the activities of regulatory agencies related to business regulation, quality control and compliance with this Act;
- 10 (i) determine requests for licensing of business activities by a regulatory agency;
- (j) 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; and
- 15 (k) carry out, periodically, regulatory impact assessments on business regulation and licensing.

**8.** (1) There is constituted the Board of the Agency which comprises the following part-time members appointed by the Minister:

Board of  
Agency

- 20 (a) a representative each of the—
- (i) Attorney-General;
  - (ii) Ministry responsible for commerce;
  - (iii) Ministry responsible for finance;
  - (iv) Ministry responsible for local government;
  - 25 (v) Ministry responsible for tourism;
  - (vi) Zambia Association of Chambers of Commerce and Industry;
  - (vii) Zambia Association of Manufacturers;
  - (viii) Economic Association of Zambia;
  - 30 (ix) Law Association of Zambia;
- (b) two representatives of an organisation representing persons operating businesses in the tourism and hospitality sector; and
- 35 (c) two other persons with expertise in business licensing regulatory matters.
- (2) The representatives referred to in subsection (1)(a) and (b) shall be nominated by their respective organisations.

(3) The Minister shall appoint the Chairperson from among the members, except members appointed under subsection (1)(a) (i), (ii), (iii), (iv) and (v).

(4) The members of the Board shall elect the Vice-Chairperson from amongst themselves. 5

(5) A person shall not be nominated or appointed as a member of the Board if that person—

(a) has been convicted of an offence under any law and sentence to a term of imprisonment of not less than six months without the option of a fine; 10

(b) is legally disqualified from performing the duties of a member of the Board; or

(c) is adjudged or declared bankrupt.

Functions of Board      **9.** (1) The Board is the governing body of the Agency and shall exercise and perform the functions of the Agency. 15

(2) Without limiting the generality of subsection (1), the functions of the Board are to—

(a) approve the policies, programmes and strategies of the Agency;

(b) approve the annual work plan, action plans and activity reports of the Agency; 20

(c) approve the annual budget estimates and financial statements of the Agency;

(d) 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 25

(e) monitor and report on the activities of regulatory agencies related to business regulation, quality control and compliance with this Act. 30

(3) In the performance of its functions, the Board may—

(a) require a public body or a person to provide it with such information as the Board may require for the performance of its functions; 35

(b) invite representations from the public;