

THE SERVICE COMMISSIONS BILL, 2016

MEMORANDUM

The objects of this Bill are to—

- (a) provide for a principled and value based decentralised human resource management system for the public service;
- (b) provide for the composition, 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;
- (c) provide for the establishment of human resource management committees in Government institutions;
- (d) repeal and replace the Service Commissions Act, 1991;
- (e) repeal Part X of the Local Government Act, 1991; and
- (f) provide for matters connected with, or incidental to, the foregoing.

L. KALALUKA,
Attorney-General

N.A.B. 2, 2016
10th March, 2016

THE SERVICE COMMISSIONS BILL, 2016

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A BILL

ENTITLED

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.

PART I

PRELIMINARY PROVISIONS

1. (1) This Act may be cited as the Service Commissions Act, 2016. Short title and commencement

5 (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—

10 (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;

15 “associate” means—

(a) a person who is a nominee or an employee of a member;

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- (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; 5
 - (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 10
 - (e) the trustee of a trust, where—
 - (i) the trust has been created by a member; or 15
 - (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; 20
- 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; 25
- “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; 30
- “committee” means a human resource management committee established under section *thirty-three*;
- “councillor” has the meaning assigned to it in the Constitution;
- Cap. 1 “Emoluments Commission” means the Emoluments Commission established by the Constitution; 35
- “employee” includes a person holding or acting in an office, and “employed”, “employer” and other cognate terms shall be construed accordingly;