

THE ENVIRONMENTAL PROTECTION AND POLLUTION CONTROL ACT, 1990

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GOVERNMENT OF ZAMBIA

ACT

No. 12 of 1990

Date of Assent: 20th July, 1990

An Act to provide the protection of the environment and the control of pollution; to establish the environmental Council and to prescribe the functions and powers of the Council; and to provide for matters connected with or incidental to the foregoing.

[23rd July, 1990]

Enacted by the Parliament of Zambia

Enactment

PART I

PRELIMINARY

Short title and
commence-
ment

1. This act may be cited as the Environmental Protection and Pollution Control Act, 1990, and shall come into operation on such date as the Minister may, by statutory instrument, appoint.

Interpretation

2. In this Act, unless the context otherwise requires - "abatement" means the reduction or removal of environmental pollution to permitted or prescribed levels; "Advisory Committee" means the Standing Technical Advisory Committee constituted under section twenty- one;

"**Chairman**" means the Chairman of the Council, appointed under section four;

"**committee**" means a committee constituted by the Council under section mine;

"**conservation**" means the preservation of the natural resources and their protection from misuse, fire or waste;

"**contaminant**" means a substance or physical agent, or a combination of substances and physical agents that may contribute to or create a condition of pollution;

"Council" means the Environmental Council Established by section three;

"Deputy Director" means the Deputy Director of the Council, appointed under section nineteen;

"Director" means the Director of the Council, appointed under section nineteen;

"ecological system" means a living functional system which contains all organisms including man, their environments and the relationships that exists between them;

"environment", except as otherwise defined in PART IX, means land, water, air and other external influences and conditions which affect the development and life of all organisms including man;

"Inspectorate" means the Environmental Inspectorate established under section eighty-one'

"member" means a member of the Council;

"person" means an individual, partnership, corporation or association;

"pollution" means the presence in the environment of one or more contaminants in such qualities and for such duration and under such conditions as may cause discomfort to or endanger the health; safety and welfare of persons, or which may cause injury or damage to plant or animal life or property, or which may interfere unreasonably with the normal enjoyment of life or use of proper or conduct of business;

"pollutor" means the a person who contributes to or creates a condition of pollution;

"Secretary" means the Secretary of the Council, appointed under section twenty;

"standards" means the limits of pollution prescribed under this Act and any regulations made under this Act;

"Vice-Chairman" means the Vice -Chairman of the Council appointed under section four;

PART II

THE ENVIRONMENTAL COUNCIL

Establishment
of Environ-
mental
Council

3. There is hereby established the Environmental Council which shall be a body corporate with perpetual succession and a common seal, capable of suing and of being sued in its corporate name, and with power, subject to this Act, to do all such acts and things as a body corporate may lawfully do or perform.

Compositi
on of
Council

4. (1) The Council shall consist of the following members:
- (a) the Chairman and Vice-Chairman who shall be appointed by the Minister:
 - (b) a representative from each of the following ministries or organisations-
 - (i) the ministry responsible for water, lands and natural resources;
 - (ii) the ministry responsible for agriculture;
 - (iii) the ministry responsible for commerce and trade;
 - (iv) the ministry responsible for mines;
 - (v) the ministry responsible for health;
 - (vi) the ministry responsible for power, transport and communications;
 - (vii) the ministry responsible for general education, youth and sport;
 - (ix) the ministry responsible for higher education science and technology;
 - (x) the ministry responsible for information;
 - (xi) the ministry responsible for local administration;
 - (xii) the ministry responsible for tourism;
 - (xiii) the ministry responsible for legal affairs;
 - (xiv) the National Commission for Development Planning;
 - (xv) the National Council for Scientific Research;
 - (xvi) the University of Zambia;
 - (xvii) the Copperbelt University
 - (xviii) the Industrial Development Company Limited;
 - (xix) the Zambia Consolidated Copper Mines Limited;
 - (xx) the Commercial Farmers Bureau;
 - (xxi) the Chamber of Commerce;
 - (xxii) the Zambia Association of Manufacturers;
 - (xxiii) the Zambia Bureau of Standards;

- (xxiv) a non-governmental organisation concerned with the conservation of nature designated by the Chairman; and
- (xxv) two other persons in their personal capacities appointed by the Minister.

(2) Where any member except the Chairman, Vice-Chairman and a member referred to in paragraph (xxv) of subsection (i) is unable to attend any meeting of the Council his Ministry or organisation as the case may be, may in writing nominate another person to attend in his stead and such person shall be deemed to be a member for the purpose of that meeting.

Tenure of
office and
vacancies

5. (1) The Chairman, Vice-Chairman and members referred to in paragraphs (xiv) to (xxiv) of subsection (i) of section four shall hold office for three years and shall be eligible for re-appointment.

(2) Any member referred to in paragraph (a) of subsection (i) of section four may resign upon giving one month's notice in writing to the Minister and may be removed by the Minister at any time.

(3) The members referred to in paragraph (b) of subsection (I) of section four may resign upon giving one month's notice in writing to the Ministry or authority which appointed him and may be removed by the Ministry or authority which appointed him at any time.

(4) The office of a member shall become vacant -

- (a) if he is declared to be of unsound mind;
- (b) if he is an undischarged bankrupt;
- (c) if he is detained, or his freedom of movement is restricted under any law in force in Zambia for a period in excess of six months;
- (d) if he is sentenced to a term of imprisonment for a period in excess of six months;
- (e) if he is convicted of an offence involving dishonesty;
- (f) upon resignation or removal under subsection (2) and (3); or

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