
THE BUSINESS REGULATORY ACT, 2014

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SCHEDULE

GOVERNMENT OF ZAMBIA

ACT

No. 3 of 2014

Date of Assent: 21st March, 2014

An Act to provide for an efficient, cost effective and accessible business licensing system; provide a set of principles and interventions to guide regulatory agencies when regulating and licensing business activities in accordance with a law under their mandate; provide for the classification of, and criteria for, licensing; establish an e-registry and assign a control number for laws regulating business; provide for the establishment of regulatory services centers, regulatory clearance systems and a single licensing system for business in each sector or group of businesses in a sector; establish the Business Regulatory Review Committee and the Business Regulatory Review Agency and provide for their functions and powers; and provide for matters connected with, or incidental to, the foregoing.

[24th March, 2014]

ENACTED by the Parliament of Zambia.

Enactment

PART I

PRELIMINARY

1. This Act may be cited as the Business Regulatory Act, 2014.
2. In this Act, unless the context otherwise requires
“ business ” includes any enterprise, corporate or non-corporate, trade, profession or occupation registered under the Companies Act or Registration of Business Names Act, 2011;

Short title

Interpretation

Cap. 388

Act No. 16
of 2011

“Business Regulatory Review Agency” means the Business Regulatory Review Agency established under section *fourteen*;

“certificate” means a document issued to a person or business by a regulatory agency after a registration process;

“Committee” means the Business Regulatory Review Committee established under section *twelve*;

“e-registry” means the electronic registry established under section *eight*;

“licence” means an authorisation granted to a business, after meeting a set of legal criteria, as a tool to fulfill legitimate regulatory purposes such as—

(a) protection of public health and safety;

(b) protection, conservation and preservation of the environment;

(c) national security; and

(d) allocation of scarce national resources;

excluding any authorisation used to manage competition or to generate revenue for a regulating agency or public body;

“licensing” means a process to obtain and issue a licence, permit, certificate or authorisation;

Cap. 281

“local authority” means a city, municipal or district council established under the Local Government Act;

“medium business enterprise” means any business enterprise whose total investment, excluding land and buildings, annual turnover and the number of persons employed by the enterprise does not exceed a prescribed numerical value;

“micro business enterprise” means any business enterprise whose total investment, excluding land and buildings, annual turnover and the number of persons employed by the enterprise, does not exceed a prescribed numerical value;

Act No. 15
of 2010

“Patents and Companies Registration Agency” means the Patents and Companies Registration Agency established under the Patents and Companies Registration Agency Act, 2010;

“permit” means a permission granted to a business to carry out any action related to, or which impacts on, the business’s core activity as stated in a licence or certificate which is required for a particular activity without the necessity of a licence or certificate;

- “ public body ” means the Government, any Ministry or Department of the Government, a local authority, parastatal, board, council, authority, commission or other body appointed by the Government, or established by or under any written law, excluding a professional association or body;
- “ Registrar ” means the person appointed as Registrar under the Patents and Companies Registration Agency Act, 2010;
- “ registration ” means a process of registering, certifying or listing a business or a person with a regulatory agency, in order to enable that business or person to legitimately start up a business, activity or practice or work in a certain field, as required under any written law, and includes registration for purposes of obtaining data or statistics, and “ registration process ” shall be construed accordingly;
- “ regulate business activity ” means the control or regulation of activities undertaken or to be undertaken by a business, and includes licensing, obtaining regulatory requirements or imposing any form of fee, levy, charge or any other regulatory requirement necessary for a business to carry out any commercial, manufacturing, construction or infrastructure development, trading, industrial, hospitality and tourism, agricultural, mining, financial, research, communication, technological, transport, hiring, energy, consultancy, professional or other business activity in a sector or with respect to specific commodities or products, and “ regulating business activity ” or “ regulation of business activity ” shall be construed accordingly;
- “ regulatory agency ” means any person or body, except a professional body, which, by law, is empowered to regulate business activity in any sector and includes a Minister;
- “ regulatory clearance system ” means a mechanism, electronic or manual, for supporting licensing in order to achieve a one-stop clearance system for regulatory requirements and a single licensing system for regulating business activity;
- “ regulatory framework ” means a legal system for regulating business activity;
- “ regulatory requirement ” means any documentation, registration particulars, data, statistics, vital statistics, standards, specifications, certifications, notifications or other information required for licensing to enable persons to start up business, continue doing business or cease to do business under the relevant law regulating that business;

Act No. 15 of
2010

“regulatory service” means the rendering of decentralised services by a local authority or the Patents and Companies Registration Agency, or both undertaking the services jointly with regulatory agencies, so as to ensure efficient licensing under the relevant laws regulating that business sector or group of business by—

(a) providing an accessible and less burdensome system for clearing regulatory requirements;

(b) issuing data or other information on registered businesses that are required to be licensed; and

(c) ensuring effective liaison and coordination amongst regulatory agencies;

“regulatory services centre” means a one-stop unit established by the Patents and Companies Registration Agency or a local authority, or both undertaking the services jointly with other relevant regulatory agencies, to provide for an efficient regulatory clearance system and single licensing system;

“sector” means a business sector of the economy;

“single licensing system” means a licensing system designed to facilitate compliance with multiple licensing requirements by multiple regulatory bodies through a single regulatory point or a regulatory service centre; and

“small business enterprise” means any business enterprise whose total investment, excluding land and buildings, annual turnover and the number of persons employed by the enterprise, does not exceed the prescribed numerical value.

Application
and
categorisation
of licensing
system

3. (1) Notwithstanding any other law, this Act applies to all regulatory agencies.

(2) Notwithstanding any other law, this Act applies to the regulation of business activity, subject to the terms and conditions for applying and issuing any licence, permit, certificate or authorisation under the relevant law regulating that business.

(3) For the avoidance of doubt, this Act shall be complementary to any law regulating business and that law shall continue to regulate that business subject to the procedures and criteria for licensing, principles and interventions provided under this Act.

(4) After the commencement of this Act, the following shall be the categorisation of the licensing system:

(a) licence, which shall be valid in all areas under the jurisdiction of a local authority and shall—