

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 69 OF 2011

The National Flag and Armorial Ensigns Act
(Laws, Volume 2, Cap. 6)

The National Flag and Armorial Ensigns
Regulations, 2011

ARRANGEMENT OF REGULATIONS

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IN EXERCISE of the powers contained in section *six* of the National Flag and Armorial Ensigns Act, the following Regulations are hereby made:

PART I

PRELIMINARY

Title	1. These Regulations may be cited as the National Flag and Armorial Ensigns Regulations, 2011.
Interpretation	2. In these Regulations, unless the context otherwise requires — “Armorial Ensigns” means the heraldic device declared as the Armorial Ensigns of Zambia under subsection (3) of section <i>two</i> of the Act; “licence” means the licence issued by the Minister under regulation 8; “local authority” means a district, municipal or city council established under the Local Government Act; and “National Flag” means the flag declared as such under subsection (1) of section <i>two</i> of the Act.
Cap. 281	

PART II

NATIONAL FLAG AND ARMORIAL ENSIGNS

Prohibition of flying National Flag without licence	3. (1) Subject to these Regulations, a person shall not use for any purpose whatsoever or fly the National Flag without a licence. (2) Notwithstanding sub-regulation (1), the National Flag may be flown— (a) at buildings or premises owned or occupied by the Government; (b) at buildings or premises owned or occupied by local authorities; (c) at buildings or premises owned or occupied by any statutory body or corporation; (d) at public or aided educational institutions; and (e) on any motor vehicle, boat or ship in or by which a Minister is travelling. (3) A person may use the National Flag for any Government purpose.
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4. Subject to regulations 5 and 6, the National Flag may be flown by any person—	National Flag to be flown on certain occasions
(a) on the following public holidays:	
(i) Africa Freedom Day;	
(ii) Heroes Day;	
(iii) Unity Day; and	
(iv) Independence Day; and	
(b) on such other day or occasion as the Minister may declare for that purpose.	
5. (1) The National Flag shall be flown with due respect, and when flown with other flags, it shall be in a more prominent position than the other flags.	Manner of flying and maintaining National Flag
(2) The National Flag shall be kept clean and shall be maintained in a reasonable state of repair.	
6. The National Flag shall be flown only between the hours of sunrise to sunset.	National Flag to be flown during day time
7. (1) Subject to sub-regulations (2) and (3), a person shall not use for any purpose whatsoever, reproduce or display the design or any part of the design of the Armorial Ensigns without a licence.	Prohibition of display, use, etc. of Armorial Ensigns without licence
(2) A person may use or reproduce the design or any part of the design of the Armorial Ensigns for Government purposes.	
(3) A person may display the Armorial Ensigns on Government buildings.	

PART III

LICENSING

8. (1) A person who wishes to use or fly the National Flag, or use, reproduce or display the Armorial Ensigns shall apply to the Minister for a licence in Form I set out in the First Schedule.	Application for licence
(2) The Minister may request for further or additional information in relation to an application for a licence in Form II set out in the First Schedule.	
(3) The Minister shall, where an application for a licence meets the requirements of these Regulations, grant the applicant a licence in Form III set out in the First Schedule.	

(4) The Minister shall, where the Minister rejects an application for a licence, inform the applicant of the rejection in Form IV set out in the First Schedule.

Cancellation
of licence

9. (1) The Minister may cancel a licence if the holder—
- (a) obtained the licence by fraud or deliberate or negligent submission of any false information or statement;
 - (b) upon being requested by the Minister to provide additional information, fails to do so within the specified period; or
 - (c) contravenes the Act, these Regulations or any terms and conditions of the licence.

(2) The Minister shall, where the Minister cancels a licence, inform the holder of the cancellation in Form V set out in the First Schedule.

PART IV

GENERAL PROVISIONS

Fee

10. The fees prescribed in the Second Schedule shall be payable in respect of the matters stated therein.

General
penalty

11. A person who contravenes any provision of these Regulations commits an offence and is liable, upon conviction —
- (a) in the case of a first offence, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both; and
 - (b) in the case of a continuing offence, to an additional penalty not exceeding five hundred penalty units in respect of each day during which the offence continues.

Revocation of
S.I. No. 270
of 1965

12. The National Flag and Armorial Ensigns Regulations, 1965, are hereby revoked.

FIRST SCHEDULE
Regulations 8(1), 8(2), 8(3), 8(4) and 9(2)

PRESCRIBED FORMS



Form I (Regulation
8(1)) (To be
completed in
triplicate)

REPUBLIC OF ZAMBIA

The National Flag and Armorial Ensigns Act
(Laws, Volume 2, Cap 6)

The National Flag and Armorial Ensigns Act

APPLICATION FOR LICENCE TO () USE/FLY NATIONAL FLAG () USE/ REPRODUCE/DISPLAY ARMORIAL ENSIGNS (tick as appropriate)			
	Shaded fields for official use only	Licence Code	
		Date/Time	
Information Required	Information Provided		
1 (a) Name(s) of applicant(s)			
2 (a) Nationality			
(b) Identity card- - National Registration Card No. - Passport No. (Attach certified copies)			
3 Notification address			
Tel:			
Fax:			
E-mail:			
4. Goods for which National flag is to be used		Location	

5. Business, trade, calling or profession for which Armorial Ensigns is to be used/ reproduced/ displayed	Licence No.	Location	
6. Licences previously held by the applicant under the National Flag and Armorial Ensigns Act, Cap. 6 or similar legislation outside Zambia			
7. Licences currently held by applicant in Zambia, if any, under the National Flag and Armorial Ensigns Act, Cap. 6	Licence No.:	Location:	
8. Have you ever been convicted of an offence involving fraud or dishonesty or of any offence under the National Flag and Armorial Ensigns Act or any other law within or outside Zambia? If yes, specify details: Nature of offence: Date of conviction: Sentence:			
9. Have you ever applied for a licence under the National Flag and Armorial Ensigns Act? If yes, please give details below:			
Licence applied for:	Goods/Services / Business/Trade/ Calling/Profession	Location	Date of application
			Status of application (Granted, rejected or pending) *
* If application was rejected, give reasons for rejection:			

Applicant's name

Date

Applicant's signature

FOR OFFICIAL USE ONLY

Received by: _____ RECEIPT NO.

Date Received _____

Amount Received _____

Serial No. of applicant _____ STAMP



Form II
(Regulation 8(2))

REPUBLIC OF ZAMBIA

The National Flag and Armorial Ensigns Act
(Laws, Volume 2, Cap 6)

The National Flag and Armorial Ensigns Regulations Act

REQUEST FOR FURTHER PARTICULARS

To (1) (1) Here
insert the full
names and
address of
applicant

In The matter of (2).....you are hereby

requested to furnish the following information or documents in respect of your
application for: (2) Here
insert the
reference No.
of the
application/
type of
application

(b) (3) Signature
of Minister

(c)

(d)

withindays. If you fail to furnish the requested
information within the stipulated period, your application will be treated as
invalid and shall be rejected.

Dated this.....day of.....20.....

(3)

Minister



REPUBLIC OF ZAMBIA

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LICENCE No.....

LICENCE

Holder's name:

Address:

Goods:

Business/Trade/ Calling/ Profession:

.....

This Licence is granted for a period of commencing on the
..... day of
..... 20

The conditions of grant of the Licence are as shown in the Annexures attached hereto.

Issued atthis.....day of.....

.....
Minister



Form IV
(Regulation 8(4))

REPUBLIC OF ZAMBIA

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NOTICE OF REJECTION OF APPLICATION

(1) Here
insert the
full names
and address
of applicant

To (1).....
.....

(2) Here
insert the
reference
No. of the
application

IN THE MATTER OF (2)you are
hereby notified that your application for (3)has been
rejected on the following grounds:

(3) Here
insert type
of
application

- (a).....
(b).....
(c).....
(d).....

Dated thisday of.....20.....

.....
Minister



REPUBLIC OF ZAMBIA

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NOTICE OF CANCELLATION OF LICENCE

To (1).....
.....

(1) Here
insert the
full names
and address
of applicant

IN THE MATTER OF (2)you are
hereby notified that your licence has been cancelled on the following grounds:

(2) Here
insert the
reference
No. of the
Licence

- (a).....
(b).....
(c).....
(d).....

Dated thisday of20.....

.....
Minister

SECOND SCHEDULE
(Regulations 10)

PRECRIBED FEES

<i>Item</i>	<i>Fee Unit</i>
1. Application fee	3
2. Annual fee	2

LUSAKA
24th June, 2011
[MCTI/52/4/1]

F. MUTATI,
Minister of Commerce, Trade and Industry