

IN THE HIGH COURT FOR ZAMBIA

2013/HP/1785

AT THE PRINCIPAL REGISTRY

HOLDEN AT LUSAKA

(Civil Jurisdiction)



BETWEEN:

PETER CHINDA

PLAINTIFF

AND

ZAMBIA WILDLIFE AUTHORITY

1ST DEFENDANT

THE ATTORNEY GENERAL

2ND DEFENDANT

***BEFORE THE HONOURABLE MADAM JUSTICE P. K. YANGAILO
ON 26TH JANUARY, 2018.***

For the Plaintiff:

Ms. M. Mwiinga - Keith Mweemba Advocates

For the Defendants:

*Mr. T. Msimuko and Ms. Aggie Bowa - Attorney
General's Chambers*

RULING

CASE AUTHORITIES REFERRED TO:

- 1. Zambia Consolidated Copper Mines vs. Jackson Munyika Siame and 33 Others (2004) ZR 193; and*
- 2. Goodson Kapuka and Others vs. Mwinilunga District Council, Minister of Finance (As a Corporation sole - Third Party) (2006) ZR 158.*

LEGISLATION AND OTHER WORKS REFERRED TO:

- 1. The High Court Act, Chapter 27 of the Laws of Zambia;*
- 2. The Zambia Wildlife Act No. 14 of 2015;*
- 3. The Interpretation and General Provisions Act Chapter 2 of the Laws of Zambia;*
- 4. The Zambia Wildlife Act No. 12 of 1998; and*
- 5. The State Proceedings Act Chapter 112 of the Laws of Zambia.*

In this Ruling, I will refer to the Appellant as the 1st Defendant and the Respondent as the Plaintiff. This is an Appeal by the 1st Defendant brought pursuant to **Order XXX Rule 10** of **The High Court Act**¹ against the Ruling of the Deputy Registrar made on 7th October, 2016, in which the learned Deputy Registrar refused to grant an Order to strike out the 1st Defendant from the proceedings and ordered that the proceedings against the 1st Defendant, an entity dissolved by the repealing Act may be continued as though the repealing written law had not been made.

One ground of appeal was advanced as follows: -

1. The Learned Honourable Deputy Registrar erred in law and in fact by refusing to Order that the 1st Defendant be struck out from the proceedings based on his findings that **Regulation 5 (2)** of the Second Schedule of **The Zambia Wildlife Act**² contravened **Section 14 (3) (e)** of **The Interpretation and General Provisions Act**³;

The 1st Defendant and Plaintiff filed herein their Heads of Arguments.

The 1st Defendant contends that **Section 147** of **The Zambia Wildlife Act**² provides for the repeal of **The Zambia Wildlife Act**⁴ under which the 1st Defendant was established pursuant to **Section 4** of the repealed Act⁴. The 1st Defendant further contends that **Regulation 5 (2)** of the Second Schedule of **The Zambia Wildlife Act**² provides for procedure of winding up the affairs of the 1st Defendant and is couched in the following terms: -

