

VOLUME 10

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CHAPTER 134

THE EDUCATION ACT

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CHAPTER 134

EDUCATION

An Act to provide for the establishment and operation of a National Council of Education for the Republic and of Regional and Local Councils of Education; to provide for the promotion, development and control of schools, educational institutions and services; to provide for the transfer to the Board of Governors of the Northern Technical College of certain properties, moneys and assets presently vested in the trustee of the charitable foundation known as the Copperbelt Technical Foundation; and to provide for matters incidental to or connected with the foregoing.

[2nd September, 1966]

28 of 1966
 48 of 1970
 56 of 1970
 40 of 1972
 31 of 1973
 13 of 1994
 11 of 2003

PART I

PRELIMINARY

1. This Act may be cited as the Education (Amendment) Act, 2003 and shall be read as one with the Education Act, in this act referred to as the principal Act. Short title

2. In this Act, unless the context otherwise requires-

Interpretation

"aided school" means a school (not being a Government school or private school or an educational institution for which a board of governors is established) which is established or maintained with the assistance of a grant or loan made by the Minister;

"board of governors" means a board of governors established by or under this Act for an educational institution;

"Government school" means a school directly administered and controlled by the Ministry and includes a school, educational institution or class established and maintained by the Minister under this Act;

"Local Council" means a Local Council of Education established under this Act for an area within a region;

"Ministry" means the Ministry of Education;

"National Council" means the National Council of Education for the Republic established by this Act;

"parent", in relation to a pupil, includes the guardian of such pupil;

"private school" means a school in respect of which no financial assistance is provided by the Minister or in respect of which the only financial assistance provided by the Minister is a grant calculated at an annual rate not exceeding-

(a) forty kwacha for each pupil for whom secondary education is provided at the school; and

(b) twenty kwacha for each pupil for whom primary education is provided at the school;

"Regional Council" means a Regional Council of Education established by this Act for a region;

"region" means one of the regions into which the Republic is divided by this Act for the purposes of educational administration;

"registered", in relation to a private school, means registered under this Act;

"school" includes any institution or class of not less than ten persons at which regular instruction is provided or from which regular instruction emanates, whether by correspondence or otherwise.

(As amended by No. 40 of 1972)

3. (1) This Act shall not apply to-

Application

(a) the University of Zambia, the Copperbelt University; or

(b) any school which is established, administered, controlled, licensed or supervised-

(i) under the provisions of any other written law; or

(ii) by any department of the Government other than the Ministry; or

(c) any school at which no instruction is provided and from which no instruction emanates, other than instruction of a religious, social or recreational nature.

(2) The Minister may, by statutory order, exempt from this Act any school to which any of the provisions of this Act would otherwise apply; and any such exemption may be made subject to such conditions and restrictions, if any, as may be specified in the order.

4. (1) It shall be the duty of the Minister, subject to the provisions of this Act, to promote the education of the people of Zambia and the progressive development of institutions devoted to that purpose and to secure the provision of a varied and comprehensive educational service throughout the Republic.

Functions of
Minister

(2) In the exercise and performance of all powers and duties conferred and imposed on him by this Act, the Minister shall have regard to the general principle that, so far as is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure, pupils are to be educated in accordance with the wishes of their parents.

5. For purposes of educational administration, the Republic shall be divided into the following regions: Educational regions

- (a) the Western Region, which shall comprise the Western Province;
- (b) the Northern Region, which shall comprise the Northern Province;
- (c) the Eastern Region, which shall comprise the Eastern Province;
- (d) the Copperbelt Region, which shall comprise the Copperbelt Province;
- (e) the Kabwe Region, which shall comprise the following Districts, that is to say, the Chibombo District, the Kabwe District, the Mkushi District, the Mumbwa District, the Serenje District and the Kapirimposhi District;
- (f) the Lusaka Region, which shall comprise the following Districts, that is to say, the Lusaka District, the Feira District, the Kafue Districts and the Chongwe District;
- (g) the Southern Region, which shall comprise the Southern Province;
- (h) the North-Western Region, which shall comprise the North-Western Province;
- (i) the Luapula Region, which shall comprise the Luapula Province.

6. There shall be a public officer styled the Chief Education Officer for each region, who shall discharge such functions relating to education in that region as may be conferred or imposed upon him by regulations made under this Act or as may be assigned to him by the Minister. Chief Education Officers

PART II

NATIONAL, REGIONAL AND LOCAL COUNCILS OF

EDUCATION

7. (1) There shall be a National Council of Education for the Republic, the functions of which shall be to advise the Minister upon such matters appertaining to education in the Republic as it may think fit and upon any questions referred to it by the Minister.

National
Council of
Education

(2) The members of the National Council shall be appointed by the Minister and the Minister shall appoint a member of the National Council to be Chairman thereof and shall appoint an officer of the Ministry to be secretary thereto.

(3) The National Council shall include persons who are officers of the Ministry and persons representing the University of Zambia, Regional Councils, Local Councils, boards of governors, proprietors of aided and private schools and recognised associations representing teachers.

8. (1) There shall be a Regional Council of Education for each region, the functions of which shall be to advise the Minister upon such matters appertaining to education in its region as it may think fit and upon any questions referred to it by the Minister.

Regional
Councils of
Education

(2) The members of each Regional Council shall be appointed by the Minister and the Minister shall appoint a member of each Regional Council to be the Chairman thereof and shall appoint an officer of the Ministry to be secretary thereto.

(3) Each Regional Council shall include the Chief Education Officer for the region concerned and persons representing Local Councils within the region concerned, proprietors of aided and private schools within the region concerned and recognised associations representing teachers.

9. (1) The Minister may, by statutory order, establish a Local Council of Education for any area within a region, the functions of which shall be to advise the Minister upon such matters appertaining to education in its area as it may think fit and upon any questions referred to it by the Minister.

Local Councils
of Education

(2) The members of each Local Council shall be appointed by the Minister and the Minister shall appoint a member of each Local Council to be the Chairman thereof and shall appoint an officer of the Ministry to be secretary thereto.

(3) Each Local Council shall include persons who are councillors of any municipal, township or District council established under them Local Government Act for the area or any part of the area of the Local Council. Cap. 281

(4) The Minister may, by statutory order, abolish any Local Council.

10. (1) The Minister may, by statutory instrument, make regulations providing for-

Constitution
and procedure
of National,
Regional and
Local Councils
of Education

(a) the composition of the National Council and of the Regional Councils and Local Councils;

(b) the period for which members of the National Council and of the Regional Councils and Local Councils shall hold office and the vacation of office by such members;

(c) the holding of meetings of the National Council and of the Regional Councils and Local Councils, the quorum and procedure at such meetings and the keeping of minutes of the proceedings at such meetings;

(d) the payment of allowances to members of the National Council and of the Regional Councils and Local Councils.

(2) Regulations under this section may make different provision with respect to different councils or different members of a council.

PART III

GOVERNMENT AND AIDED SCHOOLS

11. (1) The Minister may establish and maintain such schools, educational institutions and classes as he may deem necessary or desirable for the purpose of providing-

Establishment, maintenance and closure of Government schools and hostels

(a) primary and secondary education;

(b) *(Repealed by No. 56 of 1970)*

(c) training for teachers; and

(d) further education;

and may establish and maintain hostels for the benefit of pupils in attendance thereat.

(2) The Minister may, whenever he considers it necessary or expedient to do so, close or change the site of any Government school or hostel.

(As amended by No. 56 of 1970)

12. (1) The Minister may, by statutory instrument, make regulations-

Regulations governing Government and aided schools and hostels

(a) prescribing and regulating the conditions of the enrolment of persons as pupils at Government and aided schools and of the admission of pupils to hostels established for the benefit of such pupils, including the fees and charges, if any, to be paid;

(b) prescribing and regulating the school calendar to be observed at Government and aided schools, the subjects of instruction to be provided, the syllabus to be followed in respect of such subjects, the conduct of examinations and the fees, if any, payable in respect of

examinations;

(c) prescribing and regulating the conditions of the suspension, expulsion or exclusion of pupils from Government and aided schools and hostels, on grounds of age or discipline;

(d) providing for the transfer of pupils between different Government and aided schools and hostels;

(e) regulating the establishment and maintenance of aided schools and hostels and, in particular-

(i) controlling the persons or bodies of persons who may be proprietors of such schools and hostels;

(ii) controlling the appointment of the persons or bodies of persons responsible for the management of such schools and hostels;

(iii) controlling the appointment of the teaching staff at such schools;

(iv) providing for the closure of such schools and hostels.

(2) Regulations under this section may make different provision with respect to different Government schools and aided schools and different hostels.

(Amended by Act No. 11 of 2003)

PART IV REGISTRATION OF PRIVATE SCHOOLS

**(No. 40
of
1972)**

13. Registration and renewal of registration of a private school shall be in accordance with the provisions of this Part.

Registration
and renewal of
registration

14. (1) Any person desirous of establishing a private school shall first make an application for the registration thereof to the Minister in accordance with the provisions of this Part.

Registration

(2) For the purposes of this Act, the establishment of a private school shall be deemed to include-

(a) the provision of any additional class, standard, form or course in any private school, whether or not such class, standard, form or course is parallel to any existing class, standard, form or course in the private school;

(b) the reopening of any private school which has remained closed for a consecutive period of six months or more;

(c) the transfer of ownership or management of any private school, whether such transfer takes effect by way of partnership or otherwise;

(d) the transfer of a private school to a new site; and

(e) the alteration of any qualification for admission to a private school.

(3) An application for registration of a private school shall state such particulars as may be prescribed.

(4) If, in regard to a private school for which an application has been made, the Minister is satisfied-

(a) that the school is necessary to meet the educational requirements of the area in which it is or is proposed to be situated; and

(b) that the premises of the school, including any hostel or other buildings to be used in connection with the instruction or accommodation of the pupils attending, are or will be suitable and adequate for the purpose; and

(c) that adequate financial provision has been or will be made for the maintenance of the school; and

(d) that the proprietor of the school is a fit and proper person or body of persons to be the proprietor; and

(e) that a fit and proper person or body of persons will be responsible for the management of the school; and

(f) that efficient and suitable instruction of a nature or level approved by the Minister will be provided at the school in accordance with a syllabus approved by the Minister; and

(g) that the teaching staff to be employed at the school will be sufficiently qualified for the purpose; and

(h) that proper compliance will be made with the provisions of this Act applicable to the school;

he shall cause the private school to be registered for a period not exceeding one year:

Provided that no registration shall continue to be in force beyond the 31st December in the year for which the application for registration is approved.

(5) If, with respect to an application for registration of a private school, the Minister is not satisfied as to any of the matters referred to in subsection (4), the Minister shall notify the proprietor of the private school in writing-

(a) that the application is rejected; or

(b) that the Minister proposes to grant the application after the proprietor has, within such period as the Minister may specify, complied to the satisfaction of the Minister with such requirements regarding any matter referred to in subsection (4) as the Minister may specify.

(6) If the proprietor of a private school, who is notified under paragraph (b) of subsection (5) that the Minister proposes to grant his application subject to compliance with any matter specified in the notice, fails, in the opinion of the Minister, to comply therewith within the specified period, the Minister shall reject the application and shall notify the proprietor in writing accordingly.

(7) Every application for the renewal of registration of a private school shall be made in a prescribed form on or before the 31st October in the year preceding the year for which renewal of registration is applied for and the provisions of this section shall apply *mutatis mutandis* to such application.

(8) No private school shall operate before it is registered or beyond the period for which its registration or renewal of registration has been granted.

15. (1) The Minister shall keep a register of private schools which shall contain such particulars as may be prescribed. Register

(2) On registration a certificate of registration shall be issued which shall contain such particulars as may be prescribed.

(3) A private school shall be deemed to be registered on the day on which a certificate of registration is issued to it

16. (1) Where, in the opinion of the Minister, a private school registered under this Part-

Cancellation of
registration of
private schools

(a) ceases to comply with any of the matters in respect of which the Minister is required to be satisfied under subsection (4) of section *fourteen* for the purpose of registration; or

(b) is being conducted in a manner detrimental to the interests of peace, order or good government or to the physical, mental or moral welfare of the persons receiving instruction thereat; or

(c) has persisted in adopting a different nomenclature from that in which it is for the time being registered; or

(d) has remained closed for a consecutive period of six months or more;

the Minister shall notify the proprietor in writing-

(i) that the registration of the private school shall be cancelled from such date as the Minister may specify; or

(ii) that the Minister proposes to cancel the registration of the private school unless, within a period fixed by the Minister, the proprietor

complies to the satisfaction of the Minister with such requirements regarding any of the matters referred to in this subsection as the Minister may specify.

(2) If the proprietor of a private school, upon whom a notice under this section has been served, fails, within the period fixed by the Minister, to comply to the satisfaction of the Minister with the requirements specified by the Minister, the Minister shall cancel the registration of the private school and notify the proprietor in writing accordingly.

17. The determination of the Minister upon any matter under this Part shall be final and shall not be called in question in any court of law. Minister's determination to be final

18. Any person who conducts a private school- Offences

(a) which is not registered; or

(b) for which the registration has lapsed; or

(c) in respect of which the proprietor has been notified in writing that the registration of the private school has been cancelled;

shall be guilty of an offence and liable on conviction to a fine not exceeding seventy five thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

(As amended by Act No. 13 of 1994)

18A. The Minister shall at convenient intervals, but not less than once in every year, cause to be published in the *Gazette* a list of all private schools registered under this Part. Publication of list of registered private schools

(As amended by Act No. 31 of 1973)

18B. Notwithstanding the foregoing provisions of this Part, the Minister shall cause to be registered under this Part, for the period expiring on the 31st December, 1973, any private school which, immediately prior to the *commencement of Act No. 40 of 1972 was registered as a private school under this Act and until so registered such private school shall be deemed to be registered as a private school under this Part: Saving of registration of private schools

*29th December, 1972.

Provided that nothing in this section shall prevent the Minister from exercising his powers under section *fourteen* or *sixteen* in relation to any private school.

(As amended by Act No. 31 of 1973)

18C. (1) The Minister may, by statutory instrument, make regulations- Regulations

(a) prescribing the manner and form in which applications for the registration and renewal of registration of a private school shall be made, and the information and documents to be submitted in support of such applications;

(b) requiring the keeping of records relating to private schools and the furnishing of information and the making of returns in respect of matters relating to such schools;

(c) prescribing the fees payable for the registration or renewal of registration of private schools;

(d) prescribing such matters as may be prescribed under this Part or which are necessary or convenient to be prescribed for the better carrying out of the provisions of this Part.

*29th December, 1972.

(2) Regulations made under this section may make different provision with respect to different private schools or different classifications of private schools

(As amended by Act No. 31 of 1973).

PART V

BOARDS OF GOVERNORS

19. (1) *(Repealed by No. 56 of 1970)*

Establishment
and
incorporation of
boards

(2) The Minister may, by statutory order, establish a board of governors for any educational institution owned by the Government, and any such board shall be styled by such name as may be assigned thereto by the order.

(3) The members of a board of governors shall be appointed by the Minister, and the Minister shall appoint a member of each board to be the chairman thereof.

(4) Every board of governors shall be a body corporate, having perpetual succession and a common seal and shall be capable of suing and being sued and, subject to the provisions of this Act, of performing all such acts as bodies corporate may by law perform.

(As amended by No. 56 of 1970)

20. (1) It shall be the function of a board of governors, subject to the provisions of this Act-

Functions of
boards

(a) to provide education and educational facilities of such a nature as the Minister may determine;

(b) to administer, maintain and control the educational institution for which it is established;

(c) to establish, administer, maintain and control hostels for the benefit of pupils for whom education or educational facilities are provided.

(2) Subject to the provisions of this Act, a board of governors shall have power for the purposes of discharging its functions-

(a) to purchase or otherwise acquire, hold and alienate real and personal property;

(b) to borrow such sums of money as it may require, by mortgage or otherwise, and to enter into contracts;

(c) to employ persons in such offices in its service as the Minister

may determine on such terms and conditions as the Minister may approve;

(d) with the approval of the Minister, to enter into arrangements for the secondment to offices in its service of public officers and other persons;

(e) to regulate the conditions of the enrolment of persons as pupils at the educational institution for which it is established and of the admission of pupils to hostels controlled by the board, including the fees and charges, if any, to be paid to the board;

(f) to regulate the calendar to be observed at the educational institution for which it is established, the subjects of instruction to be provided, the syllabus to be followed in respect of such subjects, the conduct of examinations and the fees, if any, payable to the board in respect of examinations;

(g) to regulate the conditions of the suspension, expulsion or exclusion of pupils enrolled at the educational institution for which it is established or admitted to hostels controlled by the board;

(h) generally, to do all such things as are necessary or desirable for the aforesaid purposes.

(3) The Minister may give to a board of governors such general or special directions with respect to the exercise of the powers of the board as the Minister may consider necessary and the board shall comply with those directions.

21. (1) The funds of a board of governors shall consist of-

Funds of boards

(a) all fees and charges imposed by the board and payable to the board under the provisions of this Act;

(b) such moneys as may be payable to the board by way of grants and loans made by the Minister under the provisions of this Act;

(c) interest on moneys invested by the board; and

(d) such other moneys as may vest in or accrue to the board for the

purposes of the board, whether by way of gifts or endowments or otherwise.

(2) There shall be paid from the funds of a board of governors-

(a) the allowances payable to the members of the board under this Act;

(b) the expenses incurred by the board in the discharge of its functions, including any salaries, allowances and gratuities payable by the board to persons employed in or seconded to offices in the service of the board.

22. (1) The financial year of a board of governors shall be the period of twelve months ending on the 30th June in each year: Accounts and audit

Provided that the first financial year of a board of governors established under subsection (2) of section *nineteen* shall be the period extending from the date on which the board is established until the 30th June next.

(2) A board of governors shall cause proper accounts to be kept of its income and expenditure and of its assets and liabilities.

(3) The accounts of a board of governors for each financial year of the board shall be audited by the auditor appointed by the board with the approval of the Minister and the auditor so appointed shall have access to all books and records relating to the accounts of the board.

(4) The auditor to a board of governors shall, not later than four months after the end of each financial year of the board, submit a report on the accounts of the board for that financial year to the board and the board shall cause a copy of such report to be furnished to the Minister.

(5) The Minister shall lay a copy of the report of the auditor to a board of governors before the National Assembly within thirty days after it has been furnished to him or, if the National Assembly is not then sitting, within seven days of the commencement of its next sitting.

23. (1) The Minister may, by statutory instrument, make regulations Regulations

providing for-

- (a) the device, custody and use of the common seal of a board of governors;
- (b) the composition of a board of governors;
- (c) the period for which members of a board of governors shall hold office and the vacation of office by such members;
- (d) the appointment and functions of a secretary to a board of governors;
- (e) the establishment, composition and business of committees of a board of governors and the appointment and removal from office of the members thereof;
- (f) the holding of meetings of a board of governors and its committees, the quorum and procedure at such meetings and the keeping of minutes of the proceedings at such meetings;
- (g) the payment of allowances to members of a board of governors;
- (h) the control and management of the funds of a board of governors, including provision with respect to-
 - (i) the control of the receipt and expenditure of moneys by the board;
 - (ii) the establishment and operation by the board of reserve accounts;
 - (iii) the investment of moneys not required by the board for immediate use.

(2) Regulations under this section may make different provisions with respect to different boards of governors or different members of a board of governors.

PART VI

GENERAL PROVISIONS

24. No pupil shall be refused admission to any school or school hostel on the grounds of his race or religion.	No refusal of admission on grounds of race or religion. Exemption of pupils from religious observances
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25. If the parent of a pupil attending any school requests that he be excused from receiving religious instruction or from taking part in or attending any religious ceremony or observance, then, until the request is withdrawn, the pupil shall be excused therefrom accordingly.	Exemption of pupils from religious observances
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26. (1) The Minister may, by directions in writing, prohibit the use in any school of any book or material for any reason which he may think fit.	Power to prohibit use of books
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(2) Any person who uses or permits to be used in any school any book or material the use of which has been prohibited under this section shall be guilty of an offence.

27. (1) It shall be the duty of the Minister to cause inspections to be made of every school and school hostel at such intervals as appear to him to be appropriate and to cause a special inspection of any school or school hostel to be made whenever he considers such inspection to be desirable.	Inspection of schools and hostels
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(2) Any inspection of schools in pursuance of this section shall be made by officers of the Ministry authorised in that behalf by the Minister or appointed by the Minister to be inspectors for the purposes of this Act.

(3) Every inspector authorised to inspect private schools shall be furnished with a certificate issued by the Minister stating that he is an inspector appointed pursuant to this Act and showing such particulars relating to his identity as the Minister may determine.

(4) Any person who obstructs an inspector in the exercise of his duty under this section shall be guilty of an offence.

(As amended by No. 40 of 1972)

27A. (1) An inspector shall have power, on production of the certificate issued to him under subsection (3) of section *twenty-seven* to any person reasonably requiring it-

Powers of
inspectors

(a) at any reasonable time to enter any premises, where he reasonably believes that regular instruction for formal education is provided or from where he reasonably believes that such instruction emanates by correspondence or other similar method, to require information or explanation with respect to such instruction from any person appearing to him to be in charge of such premises or to be concerned with the administration or imparting of such instruction and to demand the production of, and to inspect and make copies of, any book or document relating to such instruction;

(b) to require any person receiving instruction relating to formal education at any private school to furnish information or explanation with respect to such instruction and with respect to any allowances, grants or bursaries paid or payable to such person under this Act during the period of his instruction.

(2) It shall be the duty of an inspector to furnish to the Minister such reports and other information in respect of matters referred to in this section as the Minister may from time to time direct.

(No. 40 of 1972)

28. (1) The Minister may recognise any association representing teachers.

Teachers'
associations

(2) An association of teachers recognised by the Minister may advise and make representations to the Minister and be consulted by the Minister on any matter appertaining to education.

29. (1) The Minister may recognise any association of parents and teachers formed in connection with any school.

Parent and
teacher
associations

(2) The Minister may, by statutory instrument, make regulations prescribing the conditions necessary for the recognition of any

association of parents and teachers formed in connection with a Government or aided school and its procedure and functions.

30. (1) The Minister may make grants or loans-

Grants and
loans

(a) to a board of governors for the purpose of enabling it to discharge its functions under this Act;

(b) to the proprietor of any school for the purpose of establishing, maintaining or assisting in the maintenance of that school or any hostel established for the benefit of pupils attending that school;

(c) to any person or the parent of any person by way of a bursary or scholarship for the furtherance of the education of that person.

(2) The fund established pursuant to section *three* of the Cattle Marketing and Control (Repeal) Act, 1960, and known as the Cattle Marketing and Control Board Bursaries Fund shall be administered by the Minister or by any person or persons appointed by him from time to time in that behalf in accordance with his directions, and shall be applied to and in furtherance of the education of persons in veterinary science.
(As amended by No. 48 of 1970)

Act No.
15 of 1960

31. All expenses incurred by the Minister in the discharge of his functions under this Act, including the expenses incurred in-

Expenses of
administration

(a) the payment of allowances to members of the National Council and of each Regional Council and Local Council;

(b) the establishment and maintenance of Government schools and hostels;

(c) the making of grants and loans under section *thirty*;
shall be paid from moneys appropriated by Parliament for the purpose.

32. (1) The Minister may, by statutory instrument, make regulations-

Regulations

(a) prescribing and regulating the language or languages to be used as the medium of instruction in schools;

(b) for safeguarding the health of pupils attending schools and, in

particular, providing for-

- (i) the entry and inspection at all reasonable times by a Government medical officer or other medical practitioner of any school, school hostel or other building or premises whatsoever at any school;
- (ii) the closing of any school, school hostel or other building or premises whatsoever at any school on the grounds of health;
- (iii) the compulsory medical and dental examination of pupils;
- (iv) the furnishing by the parents of pupils of information and evidence relating to the health of pupils;
- (v) the exclusion of pupils from school on the grounds of health;
- (vi) the supply of meals and other refreshment to pupils;

(c) requiring-

- (i) the compulsory enrolment of prescribed classes of persons as pupils in schools;
 - (ii) the compulsory attendance at schools of pupils enrolled therein;
- and providing for the manner in which such compulsory enrolment or attendance is to be ensured;

(d) prescribing the conditions governing the making of grants and loans under section *thirty*;

(e) prescribing the functions of Chief Education Officers;

(f) generally for the better carrying out of the purposes of this Act.

(2) Regulations under this section may make different provision with respect to different areas, different schools or classifications of schools or different classifications of pupils.

33. (1) Any person who is guilty of an offence under the provisions of this Act shall be liable, on conviction, to a fine not exceeding three thousand penalty units or to imprisonment for a period not exceeding one year, or to both. Penalties

(2) Regulations made under this Act may prescribe penalties for contraventions of the regulations, not exceeding the penalties mentioned in subsection (1).

(As amended by Act No. 13 of 1994)

PART VII

TRANSITIONAL PROVISIONS

34. Any school which, immediately before the commencement of this Act, was- Government schools
Cap. 135

(a) a Government school to which the provisions of the Education Act, 1956, applied; or

(b) a local education authority school for the purposes of the African Education Act;

shall be deemed to be a Government school for the purposes of this Act.

35. (1) The Minister may, by statutory instrument, make regulations- General purpose funds

(a) establishing a general purpose fund for a government school, an aided school or a private school;

(b) providing for the payment of fees in aid of general purpose funds;

(c) specifying the extra curricular activities and other things having as their objects the spiritual, physical and intellectual welfare of pupils in attendance at a school of which moneys standing to the credit of a general purpose fund established for that school may be expended;

(d) specifying the purposes for which and the circumstances in which the moneys standing to the credit of a general purpose fund established for a school may be expended; and

(e) providing for the care and administration of general purpose funds and for the safeguarding of other moneys which may be voluntarily collected for the purpose of a particular school.

(2) In the exercise of the powers conferred upon him by paragraph (b)

of subsection (1), the Minister may-

- (a) fix different fees for different classes of pupils and for different schools;
- (b) provide for the grant of rebate; and
- (c) prescribe the circumstances in which fees may be refunded or remitted, whether in whole or in part.

(3) The Minister may make grant in aid of the general purpose fund of any school.

(4) Notwithstanding anything to the contrary contained in any other written law, fees paid and moneys voluntarily collected in accordance with the provisions of regulations made under this section shall be paid into general purpose funds established under paragraph (a) of subsection (1) and moneys standing to the credit of a general purpose fund shall be expended for the activities and the purposes and in the circumstances specified by the Minister under the provisions of paragraph (c) or (d) of subsection (1).

(As amended by Act No. 31 of 1973)

36. Any private school which, immediately before the commencement of this Act, was registered under the provisions of the Education Act, 1956, or the African Education Act shall be deemed to have been registered under the provisions of this Act.

Private schools
Cap. 135

37. (1) On the commencement of this Act, all property, assets, rights, liabilities, obligations and agreements vested in, acquired, incurred or entered into by or on behalf of the board of governors established under the African Education Act for the College of Further Education, Lusaka, shall be deemed to be vested in or to have been acquired, incurred or entered into by or on behalf of the Board of Governors of the Evelyn Hone College of Further Education established by this Act; and accordingly, every such right, liability or obligation may be enforced by or against the Board of Governors of the Evelyn Hone College of Further Education established by this Act to the same extent as it could have been enforced by or against the board of governors established under the African Education Act for the College of Further Education, Lusaka.

Boards of
governors
Cap. 135

(2) On the commencement of this Act, all property, assets, rights, liabilities, obligations and agreements vested in, acquired, incurred or entered into by or on behalf of the board of governors established under the African Education Act for the Northern Technical College, Ndola, or the registered trustees shall be deemed to be vested in or to have been acquired, incurred or entered into by or on behalf of the Board of Governors of the Northern Technical College established by this Act; and accordingly, every such right, liability or obligation may be enforced by or against the Board of Governors of the Northern Technical College established by this Act to the same extent as it could have been enforced by or against the board of governors established under the African Education Act for the Northern Technical College, Ndola, or the registered trustees.

Cap. 135

(3) The officer having charge of any register relating to property deemed to be vested by this section shall, on application, make the required alterations in the register, and endorsements on the deeds relating to the property, if presented therefor; and no stamp duty or other duties or fees shall be payable in respect thereof.

(4) For the purposes of this section, "registered trustees" means the Trustees of the Northern Technical College appointed by virtue of and in accordance with a certificate of incorporation granted on the 5th November, 1965, under the provisions of the Land (Perpetual Succession) Act.

Cap. 186

38. The Copperbelt Technical Foundation Limited, as the trustee of the charitable foundation called the Copperbelt Technical Foundation, is hereby authorised to assign, transfer or pay to the Board of Governors of the Northern Technical College established by this Act the whole or any part of the properties, moneys and other assets vested in or held by or on behalf of or accruing to the Copperbelt Technical Foundation Limited as such trustee; and the receipt of the Board of Governors of the Northern Technical College for any properties, moneys or other assets assigned, transferred or paid to such Board under the provisions of this section shall be a complete acquittance, release and discharge of the Copperbelt Technical Foundation Limited in respect thereof, notwithstanding anything contained in the trust deed dated the 22nd May, 1956, whereby the Copperbelt Technical Foundation was established.

Transfer of
certain
properties, etc.,
to Board of
Governors of
the Northern
Technical
College

SUBSIDIARY LEGISLATION

EDUCATION

SECTION 9-THE LOCAL COUNCILS OF EDUCATION (ESTABLISHMENT) ORDER

Order by the Minister

Statutory
Instruments
308 of 1966
102 of 1970

1. This Order may be cited as the Local Councils of Education (Establishment) Order.

Title

2. (1) For each region there shall be the Local Councils specified in relation to that region in the second column of the Schedule.

Establishment
of Local
Councils

(2) Each Local Council shall be established for the area specified in relation to that council in the third column of the Schedule.

SCHEDULE

(Paragraph 2)

LOCAL COUNCILS OF EDUCATION

<i>Region Council</i>	<i>Local Council</i>	<i>Area of Local</i>
Western Region	Kalabo Council of Education	.. Kalabo District.
	Kaoma Council of Education	.. Kaoma District.
	Lukulu Council of Education	.. Lukulu District.
	Mongu Council of Education	.. Mongu-Lealui
District.	Senanga Council of Education	.. Senanga District.
	Sesheke Council of Education	.. Sesheke District.
Northern Region	Chinsali Council of Education	.. Chinsali District.
	Isoka Council of Education	.. Isoka District.
	Kasama Council of Education	.. Kasama District.
	Luwingu Council of Education	.. Luwingu District.

	Mbala Council of Education..	Mbala District.
	Mpika Council of Education ..	Mpika District.
	Mporokoso Council of Education ..	Mporokoso
District.		
Eastern Region	Chadiza Council of Education ..	Chadiza District.
	Chama Council of Education ..	Chama District.
	Chipata Council of Education ..	Chipata District.
	Katete Council of Education ..	Katete District.
	Lundazi Council of Education ..	Lundazi District.
	Petauke Council of Education ..	Petauke District.
Copperbelt Region		Chililabombwe Council
of Education	Chililabombwe District	
	Chingola Council of Education ..	Chingola District.
	Kalulushi Council of Education ..	Kalulushi
District.		
	Kitwe Council of Education ..	Kitwe District.
	Luanshya Council of Education ..	Luanshya
District.		
	Mufulira Council of Education ..	Mufulira District.
	Ndola Rural Council of Education..	Ndola
Rural District.		
	Ndola Urban Council of Education	
	Ndola Urban District.	
Kabwe Region	Chibombo Council of Education ..	Chibombo
District.		
	Kabwe Council of Education. ..	Kabwe District.
	Mkushi Council of Education ..	Mkushi District.
	Mumbwa Council of Education ..	Mumbwa
District.		
	Serenje Council of Education ..	Serenje District.
	Kapirimposhi Council of Education	
	Kapirimposhi District	
Lusaka Region	Lusaka Rural Council of Education.	Lusaka
		District, excluding the
		City of Lusaka and the
		area within four
		kilometres of the City
		of Lusaka.
	Lusaka Urban Council of Education.	City of
		Lusaka and the area
		within four kilometres
		of the City of Lusaka.

	Feira Council of Education .. Feira District.
Southern Region	Choma Council of Education .. Choma District.
	Gwembe Council of Education .. Gwembe District.
	Kalomo Council of Education .. Kalomo District.
	Livingstone Council of Education ..
	Livingstone District.
	Mazabuka Council of Education .. Mazabuka
District.	
	Monze Council of Education .. Monze District.
	Namwala Council of Education .. Namwala
District.	
North-Western	Kabompo Council of Education .. Kabompo
District.	
Region.	Kasempa Council of Education.. Kasempa District.
	Mwinilunga Council of Education. ..
	Mwinilunga District.
	Solwezi Council of Education .. Solwezi District.
	Zambezi Council of Education .. Zambezi District.
Luapula Region	Kawambwa Council of Education. ..
	Kawambwa District.
	Mansa Council of Education ... Mansa District.
	Mwense Council of Education .. Mwense District.
	Nchelenge Council of Education .. Nchelenge
District.	
	Samfya Council of Education .. Samfya District.

(As amended by No. 102 of 1970)

**SECTION 10-THE COUNCILS OF EDUCATION
REGULATIONS**
Regulations by the Minister

Statutory
Instruments
309 of 1966
326 of 1966
152 of 1969
245 of 1969
189 of 1971
97 of 1976

1. These Regulations may be cited as the Councils of Education Regulations.

Title

2. In these Regulations, unless the context otherwise requires-

Interpretation

"council" means the National Council, a Regional Council or a Local Council.

3. The National Council, a Regional Council and a Local Council shall consist of the members respectively prescribed in respect of such councils in Parts I, II and III of the Schedule.

Composition of councils

4. (1) A member of a council shall, subject to the provisions of this regulation, hold office for a period of three years.

Tenure of office

(2) The office of a member of a council shall become vacant-

(a) if the holder of the office dies or resigns from his office by notice in writing addressed to the secretary to the council; or

(b) if the holder of the office is removed from office by the Minister.

(3) Whenever the office of a member of a council becomes vacant, the Minister shall appoint a person to fill the vacancy and that person shall, subject to the provisions of this regulation, hold office for the remainder of the period during which the member whose place he fills would, but for his office becoming vacant, have continued in office.

(4) If the chairman or any other member of a council is absent or is for any other cause prevented from or incapable of discharging the functions of his office, the Minister may, if he thinks fit, appoint another person to hold office as the chairman or member of the council, as the case may be, during the absence or incapacity of the person whose place he fills.

5. (1) Meetings of a council shall be held as and when necessary and shall be convened in accordance with the directions of the chairman of the council:

Procedure of councils

Provided that the National Council shall hold a meeting not less often than once in every twelve months and a Regional Council or Local Council shall hold a meeting not less often than twice in every twelve months.

(2) At any meeting of a council, one-half of the whole number of members of which the council consists shall form a quorum.

(3) There shall preside at any meeting of a council-

(a) the chairman of the council; or

(b) in the absence of the chairman of the council, the person, if any, appointed to hold office in his place; or

(c) in the absence of the chairman of the council and of the person, if any, appointed to hold office in his place, such member of the council as the council may elect for that meeting.

(4) Any question proposed for decision by a council shall be determined by a majority of the votes of the members present and voting at a meeting of the council at which a quorum is present.

(5) At all meetings of a council, each member present shall have one vote on a question proposed for decision by the council and, in the event of an equality of votes, the person presiding at the meeting shall have, in addition to a deliberative vote, a casting vote.

6. (1) The chairman of a council may invite any person whose presence is desirable to attend a meeting of that council.

Attendance of
non-members at
meetings

(2) The District Secretary for the District in which the area of a Local Council is situate shall be entitled to attend any meeting of that Council.

(3) Any person who attends a meeting of a council in pursuance of the provisions of this regulation shall be entitled to take part in the consideration and discussion of any question proposed for decision, but shall not be entitled to vote thereon.

7. (1) A council shall cause minutes to be kept of the proceedings at every meeting of the council and shall cause to be recorded therein the

Minutes of
proceedings at

names of every member present at that meeting.

meetings

(2) A copy of the minutes of the proceedings of a council shall be furnished to the Minister and to every member of the council and to such other persons, if any, as the council may direct.

8. There shall be payable to a member of a council who is not a public officer- Allowances

(a) a subsistence allowance at the rate of six kwacha in respect of every night necessarily spent away from his home; and

(b) reasonable travelling and out-of-pocket expenses necessarily incurred by him;

while he is engaged on the business of the council.

SCHEDULE

(Regulation 3)

COMPOSITION OF COUNCILS

PART I

NATIONAL COUNCIL

The Permanent Secretary to the Ministry and three other officers of the Ministry.

One person representing the University of Zambia.

Nine persons representing Regional Councils, each one of whom shall represent a

different Regional Council.

Three persons representing Local Councils.

One person representing boards of governors.

Two persons representing proprietors of aided schools, of whom-

(a) one shall be a person nominated by the Episcopal Conference of Bishops: and

(b) one shall be a person nominated by the Christian Council.

One person representing proprietors of private schools.

One person representing recognised associations of teachers.

PART II

REGIONAL COUNCILS

The Permanent Secretary for the Province in which the region is situate.
The Chief Education Officer for the region and one other officer of the Ministry.

A number of persons equal to the number of Local Councils established within the region, each one of whom shall represent a different Local Council.

Two persons representing the proprietors of aided and private schools within the region.

One person representing recognised associations of teachers.

(As amended by S.I. No. 97 of 1976)

PART III

LOCAL COUNCILS

1. The District Secretary of the District within the area of which the Local Council is situate. Cap. 281

2. Two officers of the Ministry.

3. Four Councillors representing the Council established under the Local Government Act, within the area of which the Local Council is situate.

4. Two persons representing the proprietors of aided and private schools within the area of the Local Council.

5. One person representing recognised associations of teachers.

(As amended by No. 326 of 1966, Nos. 152 and 245 of 1969 and No. 189 of 1971)

THE EDUCATION (AIDED EDUCATIONAL INSTITUTIONS) REGULATIONS

Statutory
Instrument
No.
43 of 1993

ARRANGEMENT OF REGULATIONS

Regulation

1. Title
2. Interpretation
3. Proprietors
4. Managing Agency
5. Governing Constitution
6. Establishment of Board of Management
7. Composition of Board of Management
8. Functions of Board of Management
9. Funds of Board
10. Provincial Education Officer
11. Education Secretary
12. Principals
13. Staffing
14. Discipline of staff
15. Parent-Teachers' Association
16. Miscellaneous provisions on resources
17. Channels of communication

1. These Regulations may be cited as the Education (Aided Educational Institutions) Regulations.

Title

2. In these Regulations, unless the context otherwise requires-

Interpretation

"aided educational institution" means an aided school or hostel;

"Board of Management" means the Board established under regulation

6;

"constitution" means the constitution referred to in regulation 5;

"Education Secretary" means the person appointed as such under regulation 11;

"Managing Agency" means the Managing Agency referred to in regulation 4;

"proprietor" means a person referred to in regulation 3;

"Provincial Education Officer" means a civil servant appointed as such;
and

"District Education Officer" shall be construed accordingly.

3. (1) There shall be a proprietor of every aided educational institution who shall be the person or body of persons in whom is vested the ownership, custody or control of the place at which the educational Institution is conducted and of the buildings, equipment and other things provided for the pupils attending or accommodated at the educational institution. Proprietor

(2) Except with the approval of the Minister, no person or body of persons other than those mentioned in the Schedule shall be the proprietor of an aided educational institution.

4. There shall be for every aided educational institution a Managing Agency appointed by the proprietor for the management, conduct and discipline of the educational institution on behalf of the proprietor which duties shall be carried out in accordance with the Act, these Regulations and the policy established by the proprietor and the Agency. Managing Agency

5. (1) Each aided educational institution shall operate in accordance with a constitution approved by the proprietor and the Managing Agency. Governing constitution

(2) The constitution referred to in sub-regulation (1) shall not become

operative until it has been approved by the Minister.

6. There shall be for every aided education institution a Board of Management, to which the proprietor shall delegate authority for the management, conduct and discipline of the institution.

Establishment
of Board of
Management

7. (1) The Board of management shall consist of the following members:

Composition of
Board of
Management

(a) the proprietor or his appointed representative;

(b) the Minister or his appointed representative;

(c) a representative of the Managing Agency appointed by the Agency;

(d) the Education Secretary;

(e) a representative of the Parent-Teachers' Association;

(f) the Principal of the institution;

(g) one member of staff of the institution, appointed by the proprietor; and

(h) such number of representatives, not exceeding three, other bodies as the proprietor may appoint to the Board.

(2) There shall be a Chairman, who shall be appointed by the proprietor from among the members appointed under sub-regulation (1).

(3) There shall be a secretary who shall be elected by the Board from among the members of the Board.

(4) Subject only to the Act, these Regulations and its constitution, the Board shall meet not less than two times each year.

8. The functions of the Board shall be-

**Functions of
Board of
Management**

- (a) to provide education and educational facilities of such a nature as the Minister, and the proprietor or Managing Agency may determine;
- (b) to administer, maintain and control the educational institution for which it is established;
- (c) to borrow such sums of money as the institution may require;
- (d) to employ such persons as it may determine;
- (e) to enter into arrangements for the secondment into its service of civil servants and other persons;
- (f) to regulate the conditions of enrolment of pupils at the education institution, including the fees and charges, if any, to be paid to the Board;
- (g) to regulate the calendar to be observed at the educational institution, the subjects of instruction to be provided and the syllabi to be followed in respect of such subjects;
- (h) to decide on the conditions of suspension, or exclusion of pupils enrolled at the educational institution;
- (i) to carry out any other functions specified by the constitution of the Board; and
- (j) to do all such things as are necessary or desirable for the achievement of the aforesaid purposes.

9. (1) The funds of the Board shall consist of-

Funds of boards

- (a) all fees and charges payable to the Board under the provisions of the Act;
- (b) such monies as may be paid to the Board by way of grants and loans made by the Minister or any other person or organisation;
- (c) interest on monies invested by the Board; and
- (d) such other monies as may vest in or accrue to the Board for the purposes of the Board, whether by way of gifts or endowments or otherwise.

(2) There shall be paid from the funds of the Board of Management the expenses incurred by the Board in the discharge of its functions,

including all salaries, allowances, gratuities and passages payable by the Board to persons employed in the service of the aided educational institution.

(3) The Board of Management shall cause proper accounts to be kept of its income and expenditure and the Secretary of the Board shall give a detailed report of such accounts to the Board.

10. (1) The Provincial Education Officer shall be the representative of the Minister at provincial level and shall carry out the duties assigned to him generally or specifically by the Minister. Provincial Education Officer

(2) In carrying out his duties, the Provincial Education Officer shall, on administrative matters, deal directly with the Principal of the aided educational institution and shall deal with the proprietor and the Managing Agency, through the Education Secretary in all matters pertaining to policy, posting, transfers, discipline, recruitment, change in class patterns and change of the status of the institution.

(3) The channels referred to in this regulation shall, with necessary modifications, also be followed by the District Education Officers in dealing with aided educational institutions.

11. (1) The proprietor shall appoint an Education Secretary who shall be responsible for the day-to-day administration of the aided educational institution. Education Secretary

(2) The duties of the Education Secretary shall, in particular, but without prejudice to the generality of subsection (1)-

(a) facilitate and initiate dialogue on policy matters between the proprietor, the Managing Agency and the Board of Management on the one hand and the Minister on the other;

(b) ensure that all communications between the Minister and the proprietor, the Managing Agency and the Board of Management, on matters pertaining to policy, posting, transfer, discipline, recruitment, change in class patterns and change of the status of the institution are channelled through his office;

(c) safeguard the rights and interests of the proprietor and the Managing Agency;

(d) liaise with churches in matters pertaining to education;

(e) co-ordinate, consult and disseminate information to and from the Minister, the proprietor, the Managing Agency and the Board of Management; and

(f) consolidate and submit to the Minister responsible for education annual capital and recurrent estimates as determined by the Board of Management.

12. (1) The principal and his deputy shall be appointed on the recommendation of the proprietor made through the Education Secretary to the Minister.

Principals

(2) Both the Principal and his deputy shall be members of the particular church that owns the institution.

(3) The Principal shall be responsible for-

(a) the day-to-day running of the educational institution and shall not make decisions relating to policy, which matter shall be subject to the prior approval of the proprietor or the Managing Agency and the Board of Management; and

(b) supporting and promoting the religious ethos of the school.

13. (1) Teaching staff shall be seconded to or recruited for the aided educational institution through the Education Secretary after consultation with the Managing Agency and Board of Management.

Staffing

(2) The staff shall adhere to the code of conduct stipulated by the church and shall be supportive of the religious ethos of the institution.

(3) Teaching staff shall preferably belong to the particular church that owns the aided educational institution.

(4) Non-teaching staff shall be seconded or recruited by the Board of Management after consultation with the Managing Agency through the Principal.

14. (1) The Principal shall be accountable to the Board of Management for the discipline of staff and, in this regard, the procedure laid down in the Act, in these Regulations and in directives issued by the proprietor shall be adhered to. Discipline of staff

(2) The members of staff seconded to the aided educational institution whose conduct is alleged to be incompatible with the ethos of the institution, the code of conduct or other lawful directives shall be-

(a) notified in writing of the misconduct alleged;

(b) suspended from office pending investigation; and

(c) afforded an opportunity of appearing before and being heard by the Board with respect to the matter.

(3) The Provincial Education Officer and the District Education Officer shall be informed of every disciplinary proceeding commenced or concluded under this regulation.

(4) The Board of Management may set up a Disciplinary Committee to consider and decide on disciplinary matters.

(5) Depending on the outcome of the investigations and decisions of the Board, a seconded member of staff may be retained or returned to the Ministry responsible for education while a member of staff appointed by the Board may be retained or dismissed.

15. (1) There shall be established for each aided educational institution a Parent-Teachers' Association. Parent-Teachers' Association

(2) The functions of Parent-Teachers' Association shall be to-

- (a) ensure, through regular contacts between parents and teachers, the welfare and best possible education of pupils;
- (b) carry out any other functions approved by the Board of Management;
- (c) submit to the Board of Management proposals to raise funds and how to control funds for projects;
- (d) assist in maintaining security at the institutions; and
- (e) make to the Board of Management, through the Association representatives, recommendations on matters pertaining to school policy.

16. (1) There shall be equitable distribution of funds per capita to church and Government institutions.

Miscellaneous provisions on resources

(2) Amounts paid for boarding, running expenses, student requisites, personal emoluments, passages and capital development shall be indicated separately on payment vouchers.

(3) Donations given to the Ministry responsible for education in the form of money or kind shall be allocated also to aided educational institutions.

(4) Aided educational institutions shall have the right of access to Government stores to the same extent as government schools.

17. The following channels of communication shall be adhered to:

Channels of communication

- (a) all matters relating to policy shall be channelled to the Education Secretary, who shall refer the matters to the proprietor, the Managing Agency or the Board of Management;
- (b) all matters relating to institutional administration shall be communicated to the Principal of the institution directly, with a copy of the Education Secretary.

SCHEDULE

(Regulation 3)

Catholic Church

United Church of Zambia

Salvation Army

Anglican Church

Brethren in Christ Church

Christian Council of Zambia

Seventh-Day Adventist Church

THE EDUCATION (PRIMARY AND SECONDARY SCHOOLS) REGULATIONS [ARRANGEMENT OF REGULATIONS]

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2. Interpretation
3. Application
4. Primary and secondary education

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5. Applications for enrolment and admission
6. Applications to be considered and determined by Head
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8. Educational standards of pupils
9. Numbers and sex of pupils
10. Attendance of pupils
11. Clothing of pupils
12. Repetition of classes
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- 24. Suspension, etc., of pupils to be in accordance with this Part
- 25. Suspension from attendance at school and exclusion from hostel
- 26. Report of suspensions and exclusions
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SECTION 12-THE EDUCATION (PRIMARY AND SECONDARY SCHOOLS) REGULATIONS *Regulations by the Minister*

Statutory
Instrument
254 of 1973
58 of 1977
3 of 1985
173 of 1985
76 of 1986
55 of 1990
2 of 1994
Act No.
13 of 1994

PART I

PRELIMINARY

<p>1. These Regulations may be cited as the Education (Primary and Secondary Schools) Regulations,</p>	<p>Title</p>
<p>2. (1) In these Regulations, unless the context otherwise requires-</p> <p>"primary education" means the first seven years of formal education;</p> <p>"primary school" means a school at which the whole or any part of a course of primary education is provided; and references to a grade at a primary school shall be construed in accordance with the provisions of regulation 4;</p> <p>"parent" in relation to a pupil includes the guardian of such pupil;</p> <p>"pupil" means a child who is enrolled under these Regulations as a pupil at a school;</p> <p>"school" means a school to which these Regulations apply in accordance with the provisions of regulation 3;</p> <p>"secondary education" means formal education (other than technical education, training for teachers or further education) suitable for persons who have completed a course of primary education;</p> <p>"secondary school" means a school at which the whole or any part of a course of secondary education is provided; and references to a grade at a secondary school shall be construed in accordance with the provisions of regulation 4;</p>	<p>Interpretation</p>
<p>(2) References in these Regulations to the National Anthem or the National Flag are references to the National Anthem of Zambia or the National Flag of Zambia, as the case may be.</p>	
<p>3. (1) These Regulations apply only to a Government or aided school at which primary or secondary education is provided.</p> <p>(2) Nothing in these Regulations shall apply in relation to-</p> <p>(a) any correspondence course, educational broadcasting, television service, or special educational institution run or provided by the Ministry; or</p> <p>(b) any part-time evening educational classes conducted or organised by the Ministry.</p>	<p>Application</p>

(3) The Minister may at convenient intervals cause to be published in the *Gazette* a list of all schools to which these Regulations apply.

Primary and secondary education

4. For the purposes of these Regulations-

(a) a complete course of primary education shall comprise seven grades, each grade representing one year of the course;

(b) a complete course of secondary education shall comprise five grades, each grade representing one year of the course.

PART II

GENERAL CONDITIONS OF ENROLMENT AT SCHOOLS AND ADMISSION TO SCHOOL HOSTELS

5. (1) Application for the enrolment of a child as a pupil at a school or for the admission of a child to a school hostel shall be made by the parent of the child to the Head of the school. Applications for enrolment and admission

(2) The applicant shall furnish the Head with such information and evidence as the Head may require to enable him to give proper consideration to the application.

(3) Every applicant shall complete and sign the appropriate form of application prescribed in the Schedule.

(4) Any person who, for the purpose of procuring the enrolment of a child at a school or the admission of a child to a school hostel, knowingly makes to the Head of a school any false statement material to an application for enrolment or admission either verbally or in writing,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding three thousand penalty units or to imprisonment for a period not exceeding one year, or to both.

(5) No child shall be entitled to attend a school or be accommodated at a school hostel if his parent knowingly made to the Head of a school any false statement material to the application for enrolment or admission of the child.

(6) Selections to Grade 8 and Grade 12 shall be made in accordance with the selection system in force at the time.

(As amended by Act No. 13 of 1994)

6. (1) The Head of a school shall consider every application for the enrolment of a child at the school or for the admission of a child to a school hostel accommodating pupils attending that school and shall, subject to the provisions of these Regulations and of any other Regulations in force under the Act, determine whether the child shall be enrolled or admitted, as the case may be.

Applications to be considered and determined by Head

(2) The Head shall cause the applicant to be informed of his decision regarding the application.

(3) Nothing in this regulation shall preclude the Head from deferring his decision on any application for such period as he deems necessary to enable him to give proper consideration to it.

7. (1) No child shall be enrolled at a school unless he is of an appropriate age.

Age of pupils

(2) A child shall not be of an appropriate age for enrolment at a primary school as a pupil in Grade I unless on the 31st January of the year of enrolment such child will have attained the age of seven years but not have attained the age of nine years:

Provided that where a class cannot be fully enrolled with children of appropriate age, the Head of a school may enrol children who exceed the

appropriate age.

(3) A child shall not be of an appropriate age for enrolment at a secondary school as a pupil in Grade 8 if, on the 31st January of the year of enrolment, he will have attained the age of seventeen years.

(4) In selecting children for enrolment, the Head of a school shall, in general, give preference-

(a) in the case of a primary school, to older children;

(b) in the case of a secondary school, to younger children.

(5) Notwithstanding anything contained in this regulation, the Minister may from time to time by a circular, vary the appropriate age in respect of any school or schools.

(6) Nothing contained in this regulation shall affect the age of entry to private schools.

8. (1) Except in the case of a child to be enrolled at a primary school as a pupil in Grade I, no child shall be enrolled at a school unless- Educational standard of pupils

(a) he has attained such standard of education as will enable him to profit by the instruction to be provided in the class in which he will be placed; and

(b) during the whole or part of the academic year immediately preceding the year of enrolment he has been in full-time attendance at another school in Zambia or at a school outside Zambia which is part of a formal school system.

(2) For the purposes of determining whether a child satisfies the requirements of this regulation, the Head of a school shall-

(a) in the case of a child who has previously attended another school in Zambia, require the production of a certificate of transfer issued in

respect of the child under regulation 13;

(b) in the case of a child who has previously attended a school outside Zambia, require the production of a report issued by the authorities of that school specifying the standard of education attained by the child and the reasons for his withdrawal from the school.

(3) A child who has previously attended another school in Zambia shall not be regarded as having attained a satisfactory standard of education for the purpose of being enrolled in a secondary school as a pupil in Grade 8 unless he has attained a qualifying mark in the Grade 8 Selection Examination conducted by the Ministry. Qualifying mark shall mean a mark above the national or regional cut-off mark in force at the time.

(4) A child who has previously attended a school in Zambia shall not be regarded as having attained a satisfactory standard of education for the purpose of being enrolled in a secondary school as a pupil in Form IV unless he has passed at least six subjects, among which must be English language, in the Junior Secondary School (Form III) Examination, and any child who has previously attended a school outside Zambia shall not be so regarded unless he has passed the equivalent of such examination.

9. (1) No child shall be enrolled at a school or admitted to a school hostel unless a suitable vacancy exists in the class or hostel in which the child will be placed. Numbers and sex of pupils

(2) The number of pupils receiving instruction in any one class shall not exceed-

(a) in the case of a primary school, 40;

(b) in the case of a secondary school-

(i) in Grade 8, Grade 9 and Grade 10, 40;

(ii) in Grade 11 and Grade 12, 35.

(3) The Minister may from time to time, by statutory order, vary the number of pupils permitted in any class under sub-regulation (2) in respect of any school specified in such statutory order.

(4) In the case of a school classified by the Minister as a co-educational school, regard shall be had to the desirability of maintaining a proper balance between the numbers of boys and girls respectively attending the school.

(5) In the case of a school classified by the Minister as a school for pupils of one sex only, no child shall be enrolled unless he is of the appropriate sex.

10. The parent of every child to be enrolled at a school or admitted to a school hostel shall ensure that the child presents himself at the school or school hostel on the first day of the school term or, where the child is to be enrolled or admitted during the course of the school term, on such day as the Head of the school may specify.

Attendance of pupils

11. (1) The Head of a school may-

Clothing of pupils

(a) require the parent of every child enrolled at the school or admitted to a school hostel to provide the child with such items of clothing as the Head may specify;

(b) require every child enrolled at the school or admitted to a school hostel accommodating pupils attending that school to wear specified items of clothing on such occasions (whether during or after school hours) as the Head may specify.

(2) For the purposes of this regulation, "clothing" includes footwear.

(3) Any pupil whose parent fails to provide the items of clothing specified by the Head may be suspended from school or hostel until he is provided with such clothing.

12. (1) No pupil shall be permitted to repeat a grade or form other than-

Repetition of classes

(a) Grade IV or Grade VII at a primary school; or

(b) Grade 10 or Grade 12 at a secondary school.

(2) No pupil shall be permitted to repeat a grade mentioned in sub-regulation (1) more than once and then only if-

(a) he has failed to pass an examination conducted for pupils receiving instruction in that grade or form, or has not written such examination on grounds of ill-health;

(b) he is of an appropriate age; and

(c) the Head of the school is satisfied that the repetition of the grade or form by that pupil will not prevent any pupil in a lower class from progressing to that grade.

13. (1) No pupil shall be permitted to transfer from the school at which he is enrolled to another school unless the Head of the school at which the pupil is enrolled is satisfied that reasonable grounds for the transfer exist and the parent of the pupil has ascertained that a vacancy exists in the school to which it is desired that the pupil should be transferred.

Transfer of
pupils between
schools

(2) Where a pupil is permitted to transfer from the school at which he is enrolled to another school, the Head of the school at which the pupil is enrolled shall issue to the parent of the pupil a certificate of transfer stating the grounds for the transfer and the standard of education attained by the pupil and the parent shall furnish such certificate with the application for enrolment to the Head of the school to which it is desired that the pupil should be transferred.

14. Notwithstanding anything contained in this Part, the Minister may give to the Head of a school such special directions as he may consider necessary with respect to-

Powers of
Minister

(a) the enrolment at a school of a particular child;

(b) the transfer between schools of a particular child;

(c) the clothing with which children may be required to be provided under regulation 11 and the Head shall comply with those directions.

PART III

FEES

15. (1) Subject to sub-regulation (5), the fees set out in the second schedule shall be payable in respect of the matters therein prescribed. No tuition or boarding fees

(2) The fees shall be payable in advance on or before the first day of the school term to which they relate; or, in the case of a pupil joining the school after the first day of term, on or before the first day on which such pupil attends the school.

(3) Where a pupil withdraws from the school before the completion of a term, a refund of fees paid shall be made in accordance with sub-regulation (4)

Provided that no fees shall be refunded if the pupil is expelled from school on grounds of discipline or if his withdrawal from school is connected with discipline.

(4) For the purpose of calculating a refund of fees, the total number of days in the term shall be divided into four equal parts, and the refund shall be *pro rated* according to the number of quarters of the term, or part thereof, that the pupil was in attendance at the school.

(5) The fees set out in Part 1 of the Second Schedule shall be payable by any pupil who is a Zambian, is in possession of a certificate from the United Nations Commission for Refugees certifying that he is a bona fide refugee, or if either of his parents.

(a) is a Zambian; or

(b) is an employee of the Government of the Republic of Zambia; and in the case of any other pupil, the fees set out in Part II of the Second Schedule shall be payable.

(As amended by S.I. No. 3 and 173 of 1985)

PART IV

SCHOOL CALENDAR AND INSTRUCTION AT SCHOOLS

16. (1) The academic year in every school shall follow the calendar year and shall consist of three school terms. School calendar

(2) The Minister shall prepare an annual school calendar to determine the period of school terms and the days during each school term on which pupils shall be required to attend school for instruction.

(3) The school calendar prepared by the Minister shall be so arranged as to ensure that the number of school days in the academic year to which it relates is not less than 185 nor more than 200.

(4) The school calendar prepared in accordance with this regulation shall be observed at all schools except to such extent as the Minister may, either generally or in any particular case, authorise.

17. (1) Instruction shall be provided at all primary schools in the following subjects, that is to say: Art and Crafts; English; Environmental Science; Extra-curricula Activities; Handwriting; Homecraft; Mathematics; Music; Physical Education; Practical Skills; Reading; Religious Education; Social Studies; Zambian Languages. Instruction at
primary schools

(2) The Minister may require or authorise the provision of instruction in any subject not mentioned in sub-regulation (1) at any particular primary school or classification of primary schools.

(3) The syllabus to be followed in each subject in which instruction is provided at a primary school shall be the official syllabus approved by the Minister.

18. (1) Instruction shall be provided at all secondary schools in the subjects of English and Mathematics and in such of the following subjects as the Head of the school may determine that is to say: Art and Crafts; Civics; Commercial Subjects; Extra-curricula Activities; Literature; French; Geography; History; Homecraft; Industrial Arts; Physical Education; Latin; Music; Oriental Languages; Religious Knowledge; Sciences; Zambian Languages.

Instruction at
secondary
schools

(2) The Minister may require or authorise the provision of instruction in any subject not mentioned in sub-regulation (1) at any particular secondary school or classification of secondary schools.

(3) The syllabus to be followed in respect of each subject in which instruction is provided at a secondary school shall be the official syllabus approved by the Minister.

19. (1) For the purpose of promoting national unity and a proper respect for the National Anthem and the National Flag as the secular symbols of national consciousness-

National
Anthem and
National Flag

(a) instruction shall be provided at all schools in the singing of the National Anthem and in the proper manner in which pupils should behave on formal occasions at which the National Anthem is played or sung or the National Flag is flown; and

(b) at all schools, pupils shall be required formally to sing the National Anthem and to salute the National Flag on such occasions as the Head may, subject to this regulation, determine.

(2) Whenever pupils are required in accordance with this regulation-

(a) formally to sing the National Anthem, the pupils shall sing the National Anthem while standing at attention;

(b) formally to salute the National Flag, the pupils shall raise the right hand to the temple with the open palm facing outwards while standing at attention.

(3) Subject to the provisions of sub-regulation (4), the Minister may

give to the Head of school such directions as he may consider necessary with respect to the occasions on which pupils attending the school shall be required to sing the National Anthem or salute the National Flag and the Head shall comply with those directions.

(4) No pupil shall be required to sing the National Anthem or to salute the National Flag as part of any religious ceremony or observance.

PART V

CORPORAL PUNISHMENT

20. Corporal punishment shall be administered to a pupil only on reasonable grounds and only where it appears that other disciplinary measures would be inadequate or inappropriate to meet the circumstances of the case.	Circumstances justifying punishment
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21. (1) Corporal punishment shall be administered to pupils only by-	Persons authorised to administer punishment
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(a) the Head of the school; or

(b) a teacher to whom authority has been delegated by the Head; and shall in every case be administered by a person of the same sex as the pupil.

(2) Wherever practicable, corporal punishment shall be administered in the presence of another member of the staff of the school.

22. Corporal punishment shall be moderate and reasonable in nature and shall be administered only on the palms of the hands or across the buttocks with a light cane or suitable strap.	Nature of punishment
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23. (1) There shall be kept at every school one or more registers of corporal punishment in which shall be recorded the following	Register of corporal
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particulars of every case in which corporal punishment is administered to a pupil: punishment

- (a) the date of the punishment;
- (b) the name of the pupil;
- (c) the nature of the punishment;
- (d) the grounds for the punishment.

(2) Every entry in a register of corporal punishment shall be signed by the person who administered the punishment and, if the punishment was administered in the presence of another person, by that person.

(3) A register of corporal punishment shall be produced on request to any officer of the Ministry authorised by the Minister to make an inspection of the school.

PART VI

SUSPENSION, EXPULSION AND EXCLUSION OF PUPILS ON GROUNDS OF DISCIPLINE

24. No pupils shall be suspended, expelled or excluded from any school or school hostel on the grounds of discipline except in accordance with the provisions of this Part.

Suspension,
etc., of pupils to
be in
accordance with
this Part

25. (1) Subject to the provisions of this regulation, the Head of a school may suspend from attendance at the school-

Suspension
from attendance
at school and

exclusion from
hostel

(a) any pupil whose language or behavior is habitually or continually such as to endanger the maintenance of a proper standard of conduct in the school;

(b) any pupil who has committed an act of a reprehensible nature;

(c) any pupil who fails to attend school regularly without reasonable excuse; or

(d) any pupil who wilfully refuses to sing the National Anthem or to salute the National Flag when he is lawfully required to do so under these Regulations.

(2) Subject to the provisions of this regulation, the Head of a school may exclude from any school hostel accommodating pupils attending the school any pupil whose accommodation at the hostel is prejudicial to the maintenance of discipline in the hostel.

(3) Before any pupil is suspended from attendance at school or excluded from a school hostel under the provisions of this regulation, the Head shall-

(a) notify the pupil and his parent of the action which he proposes to take and of the grounds thereof; and

(b) afford the pupil and his parent a reasonable opportunity of making representations against the action which he proposes to take; and

(c) give proper consideration to any representations made by the pupil or his parent:

Provided that the Head may suspend the pupil from attendance at school or exclude the pupil from a school hostel without notifying his parent or affording his parent an opportunity of making representations where substantial delay would be thereby involved and it appears to the Head that such delay would seriously prejudice the interests of the school.

26. The Head of a school shall immediately report the full facts of a case of suspension or exclusion made by him to the Chief Education Officer for the region concerned.

Reports of suspensions and exclusions

27. Where any pupil has been suspended from attendance at school or excluded from a school hostel under the provisions of this Part, the pupil and his parent shall be entitled, within fifteen days after the date when the suspension or exclusion takes effect, to make representations in writing to the Chief Education Officer for the region concerned regarding the suspension and any further action that the Chief Education Officer may take.

Right to make representations to Chief Education Officer

28. (1) After considering any representations made to him under regulation 27, the Chief Education Officer may-

Powers of Chief Education Officer

(a) in a case where a pupil has been suspended from attendance at school-

(i) direct the Head of the school to withdraw the suspension in force against the pupil;

(ii) direct the Head of the school to expel the pupil from the school, either permanently or for a period determined by the Chief Education Officer;

(iii) direct the transfer of the pupil to another school;

(iv) give such other directions as appear to be just in the circumstances;

(b) in a case where a pupil has been excluded from a school hostel-

(i) confirm the exclusion of the pupil from the hostel;

(ii) direct the Head of the school to re-admit the pupil to the hostel;

(iii) direct the transfer of the pupil to another school hostel;

(iv) give such other directions as appear to be just in the circumstances;

and the Head shall give effect to such directions.

(2) Any directions given by the Chief Education Officer under this regulation may be made subject to such conditions as the Chief Education Officer may determine.

(3) A pupil and his parent may appeal to the Minister against the Chief Education Officer's decision in sub-regulation (1) and the Minister's decision made after reviewing the full facts of the case shall be final.

29. The Education (Primary and Secondary Schools) Regulations are hereby revoked.

Revocation of regulations.
S.I. No.
310 of 1966

FIRST SCHEDULE

(Regulation 5)

PRESCRIBED FORMS

Form ME/P/1

REPUBLIC OF ZAMBIA
EDUCATION ACT, 1966

EDUCATION (PRIMARY AND SECONDARY SCHOOLS)
REGULATIONS, 1973

APPLICATION FOR ENROLMENT AS A PUPIL AT A
GOVERNMENT OR AIDED SCHOOL

To: *THE HEAD,*

.....School

FOR OFFICIAL USE

Enrolment

No

Date of Enrolment

.....

Day Scholar/Boarder

.....

Class

PART I

PARTICULARS OF PUPIL

1. Surname
2. Christian or forenames
3. Sex
4. Place of birth
5. Date or approximate date of birth
6. Religious denomination, if any
7. Proposed date of admission to school
8. Present school or last school attended
9. Standard of education attained
10. (a) Has the pupil been successfully vaccinated against smallpox?

(b) If so, when?

11. Particulars of any physical handicaps or serious illnesses suffered

12. Additional information, if any, concerning the pupil

PART II

PARTICULARS OF PARENT OR GUARDIAN

13. Surname .

14. Christian or forenames ..

15. Relationship to pupil

16. Occupation

17. Residential address

.....

Telephone No

18. Business address

.....

Telephone No

19. Postal address.

20. Whether resident in Zambia

PART III

I apply for the enrolment of the child named above as a pupil at the

School and declare

that the information given on this form is, to the best of my knowledge and belief, true and correct.

If the child is enrolled as a pupil, I agree-

(a) that the pupil will attend punctually whenever properly required to do so;

(b) that the pupil will be provided with and will wear the correct school uniform;

(c) that the pupil will take part in such sports and other secular activities as may be arranged for the pupil by the school;

(d) that the pupil will in other respects observe and be subject to the rules and discipline of the school;

(e) that I will accept full responsibility for the payment of the prescribed tuition fees, if any, and for meeting all other expenses that may be incurred in respect of the pupil during the pupil's attendance at school.

.....

Signature of Parent or Guardian

Date....., 19.....

Form ME/P/2

REPUBLIC OF ZAMBIA

EDUCATION ACT, 1966

EDUCATION (PRIMARY AND SECONDARY SCHOOLS)

REGULATIONS, 1973

APPLICATION FOR ADMISSION OF A PUPIL TO A SCHOOL
HOSTEL

To: The Head,

.....School

FOR OFFICIAL USE

Enrolment No

Date of Enrolment as Pupil

Class

Date of admission as boarder

PART I

PARTICULARS OF PUPIL

1. Surname
2. Christian or forenames
3. Sex
4. Date or approximate date of birth
5. Date or proposed date of admission to school
6. Proposed date of admission to hostel
7. Any special information regarding the health of the pupil and any special wishes regarding the treatment of the pupil in the event of illness
8. (a) In the event of illness necessitating the removal of the pupil to hospital, do you agree that the Head of the school may act on your behalf in his discretion in authorising the performance of surgical operations if it is not possible to get in touch with you?

(b) If not, what arrangements do you wish to be made?

PART II

PARTICULARS OF PARENT OR GUARDIAN

9. Surname .
10. Christian or forenames
11. Relationship to pupil
12. Occupation
13. Residential address
..... Telephone No
14. Distance from residential address to this school km
15. Business address
..... Telephone No
16. Postal address

17. Whether resident in Zambia

PART III

I apply for the admission of the pupil named above to a school hostel accommodating pupils attending

the School and declare that the information given on the form is, to the best of my knowledge and belief, true and correct.

If the pupil is admitted to a school hostel, I agree-

(a) that the pupil will observe and be subject to the rules and discipline of the hostel;

(b) that I will accept full responsibility for the payment of the prescribed boarding fees, if any, and for meeting all other expenses that may be incurred in respect of the pupil during the pupil's accommodation at the hostel.

.....

Signature of Parent or Guardian

Date, 19.....

NOTES

(1) Pupils accommodated at a school hostel will in the event of illness normally be attended and treated by the School Medical Officer.

(2) The Head of the school will observe as far as possible the stated wishes of the parent or guardian regarding health treatment of the pupil, but is required to act in his discretion on behalf of the parent or guardian in cases of emergency.

(3) Medical expenses incurred on behalf of a pupil will be charged direct to the parent or guardian.

SECOND SCHEDULE

(Regulation 15) **FEES**

PART I

<i>Zambians</i>	Fee units
1. In a day primary school	Nil
2. In a day secondary school	Nil
3. Boarder in a primary school	65 per term
4. Boarder in a secondary school	80 per term

PART II

Non-Zambians	Fee units
1. In a day primary school	25 per term
2. In a day secondary school	50 per term
3. Boarder in a primary school	100 per term
4. Boarder in a secondary school	150 per term

(As amended by S.I. No. 2 of 1994 and Act No. 13 of 1994)

THE EDUCATION (TEACHER TRAINING INSTITUTIONS) REGULATIONS [ARRANGEMENT OF REGULATIONS]

PART I

PRELIMINARY

Regulation

1. Title
2. Interpretation

PART II

CONDITIONS OF ENROLMENT AND ADMISSION

3. Age of students
4. Application to be considered by Principal

PART III FEES, RECORDS, SYLLABUSES, EXAMINATIONS AND CALENDARS

5. Prescribed fees
6. Records of students enrolled
7. Instruction
8. Institution calendar and length of course
9. Examination and certification
10. Power of Minister to vary length of course

PART IV SUSPENSION, EXPULSION AND EXCLUSION OF STUDENTS ON GROUNDS OF DISCIPLINE

11. Suspension, etc., of students to be in accordance with this Part
12. Suspension from attendance at institution and from hostel
13. Report of suspension and exclusion
14. Right to make representations to Chief Education Officer
15. Powers of Chief Education Officer
16. Principal may recommend discharge of student

17. National Anthem and National Flag

18. Revocation of regulations

**SECTION 12-THE EDUCATION (TEACHER TRAINING
INSTITUTIONS) REGULATIONS**
Regulations by the Minister

Statutory
Instrument
253 of 1973
Act No.
13 of 1994

PART I

PRELIMINARY

1. These Regulations may be cited as the Education (Teacher Training Institutions) Regulations. Title

2. (1) In these Regulations, unless the context otherwise requires- Interpretation
"parent" in relation to a student includes the guardian of such student;
"requisite standard of general education" means the educational standard prescribed by the Minister from time to time;
"Teacher Training Institution" means an institution or college in which are given general education and specific training for entry to, and advancement in, the teaching profession.

(2) References in these Regulations to the National Anthem or the National Flag are references to the National Anthem of Zambia or the National Flag of Zambia, as the case may be.

PART II

CONDITIONS OF ENROLMENT AND ADMISSION

3. No student shall be enrolled in a Teacher Training Institution (hereinafter called the "Institution") or admitted to an institution hostel unless he will have-

Age of students

- (a) attained the age of seventeen years on the 31st of January of the year of enrolment;
- (b) signed an undertaking to serve with the Ministry as a teacher for, at least, two years on completion of his course;
- (c) attained the requisite standard of general education;
- (d) obtained a medical certificate as to his physical fitness.

4. (1) The Principal of an institution shall consider every application for enrolment of a student at the institution or for admission of a student to an institution hostel accommodating students attending that institution and shall, subject to the provisions of these Regulations and of any other regulations for the time being in force under the Act, determine whether the student shall be enrolled or admitted, as the case may be.

Applications to be considered by Principal

(2) The applicant shall furnish the Principal with such information and evidence as the Principal may require to enable him to give proper consideration to the application.

(3) Nothing in this regulation shall preclude the Principal from deferring his decision on any application for such period as he deems necessary to enable him to give proper consideration to it.

(4) The Principal shall cause the applicant to be informed of his decision regarding the application.

(5) Any person who, for the purpose of procuring the enrolment of himself or another at an institution or the admission of himself or another at an institution hostel, knowingly makes to the Principal of an institution any false statement material to an application for enrolment or admission, either verbally or in writing, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand penalty units or to imprisonment for a period not exceeding one year or to both.

(6) No student shall be entitled to attend an institution or be accommodated at an institution hostel if he or any person applying on his behalf knowingly made to the Principal of the institution any false statement material to the application.

(As amended by Act No. 13 of 1994)

PART III

FEES, RECORDS, SYLLABUSES, EXAMINATIONS AND CALENDARS

5. The Minister may, if he thinks fit, prescribe tuition and boarding fees which are payable in respect of all or any students enrolled at an institution or admitted to an institution hostel. In prescribing the fees, the Minister may lay down different scales for-

Prescribed fees

- (a) different areas of Zambia;
- (b) different institutions; or
- (c) different classes of persons.

6. Every institution shall, within three months of the commencement of the course, render to the Chief Education Officer for the region concerned a return in quadruplicate, of which two copies shall be forwarded by the Chief Education Officer to the Minister, giving the following details of students enrolled at the institution:

Records of students enrolled

- (a) name, date of birth and sex;
- (b) national registration number;
- (c) district, village, chief;
- (d) the nature and date of commencement of the course; and
- (e) the educational standard of each student enrolled.

7. (1) Instruction shall be provided at every institution in such subjects as the Minister may prescribe.

Instruction

(2) The syllabus to be followed in respect of each subject in which instruction is provided at an institution shall be as determined by the Minister.

8. (1) The length of the course shall be two years.

Institution
calendar and
length of course

(2) The academic year at every institution shall follow the calendar year and shall consist of three terms.

(3) The Minister shall prepare an annual institution calendar to determine the period of each institution term and the days during which students shall be required to attend the institution for instruction.

(4) The institution calendar prepared by the Minister shall be so arranged as to ensure that the number of instruction days in the academic year to which it relates is not less than 130 nor more than 150 for students in the first year and not less than 200 nor more than 220 for students in the second year.

(5) The institution calendar prepared in accordance with this regulation shall be observed at all institutions except to such extent as the Minister may, either generally or in any particular case, authorise.

9. The examination and certification of the students shall be the responsibility of the Minister.

Examination
and certification

10. Notwithstanding anything contained in this Part, the Minister may vary the length of the course from time to time.

Power of
Minister to vary
length of course

PART IV

SUSPENSION, EXPULSION AND

EXCLUSION OF STUDENTS ON GROUNDS OF DISCIPLINE

11. No student shall be suspended, expelled or excluded on grounds of discipline except in accordance with the provisions of this Part.

Suspension, etc., of students to be in accordance with this Part

12. (1) Subject to the provisions of this regulation, the Principal of an institution may suspend from attendance at the institution-

Suspension from attendance at institution and from hostel

(a) any student whose language or behaviour is habitually or continually such as to endanger the maintenance of a proper standard of conduct in the institution;

(b) any student who has committed an act of a reprehensible nature;

(c) any student who fails to attend the institution regularly without reasonable excuse; or

(d) any student who wilfully refuses to sing the National Anthem or to salute the National Flag when he is lawfully required to do so under these Regulations.

(2) Subject to the provisions of this regulation, the Principal of an institution may exclude from any institution hostel accommodating students attending the institution any student whose accommodation in the hostel is prejudicial to the maintenance of discipline in the hostel.

(3) Where the Principal has cause to believe that the health of a student warrants, he shall have the right to order such student to be medically examined; and may exclude such student from attending classes and other institution activities.

(4) Before any student is suspended from attendance at an institution or

excluded from the institution hostel under the provisions of this regulation, the Principal shall-

- (a) notify the student and, where practicable, his parent of the action which he proposes to take and of the grounds thereof; and
- (b) afford the student and his parent a reasonable opportunity of making representations against the action which he proposes to take; and
- (c) give proper consideration to any representations made by the student or his parent:

Provided that the Principal may suspend the student from attendance at the institution without notifying his parent or affording his parent an opportunity of making representations where substantial delay would be thereby involved and it appears to the Principal that such delay would seriously prejudice the interests of the institution, or where the student has attained the age of eighteen years.

- | | |
|---|--|
| 13. The Principal of an institution shall immediately report the full facts of a case of suspension or exclusion made by him to the Chief Education Officer for the region concerned. | Report of suspension and exclusion |
| 14. Where any student has been suspended from attendance at an institution or excluded from an institution hostel under the provisions of these Regulations, the student and his parent shall be entitled, within fifteen days after the date when the suspension or exclusion takes effect, to make representations to the Chief Education Officer for the region concerned regarding the suspension and any further action which the Chief Education Officer may take. | Right to make representations to Chief Education Officer |
| 15. (1) After considering any representations made to him under regulation 14, the Chief Education Officer may- | Powers of Chief Education Officer |
| <ul style="list-style-type: none">(a) in a case where a student has been suspended from attendance at an institution-(i) direct the Principal of the institution to withdraw the suspension in force against the student; | |

(ii) direct the Principal of the institution to expel the student from the institution, either permanently or for a period determined by the Chief Education Officer;

(iii) direct the transfer of the student to another institution;

(iv) give such other directions as appear to be just in the circumstances;

(b) in a case where a student has been excluded from a hostel-

(i) confirm the exclusion of the student from the hostel;

(ii) direct the Principal of the institution to readmit the student to the hostel;

(iii) direct the transfer of the student to another institution hostel;

(iv) give such other directions as appear just in the circumstances;

and the Principal shall give effect to such directions.

(2) Any directions given by the Chief Education Officer under this regulation may be made subject to such conditions as the Chief Education Officer may determine.

(3) A student or his parent may appeal to the Minister against the Chief Education Officer's decision in sub-regulation 15 (1) and the Minister's decision, after reviewing the full facts of the case, shall be final.

16. Notwithstanding anything contained in these Regulations, the Principal may recommend to the Chief Education Officer the discharge of any student if his work is unsatisfactory, and if such student is unlikely to profit from further training.

Principal may recommend discharge of student

17. (1) For the purpose of promoting national unity and a proper respect for the National Anthem and the National Flag as the secular symbols of national consciousness-

National Anthem and NationalFlag

(a) instruction shall be provided at all institutions in the singing of the National Anthem and in the proper manner in which students should behave on formal occasions at which the National Anthem is played or sung or the National Flag is flown; and

(b) at all institutions, students shall be required formally to sing the

National Anthem and to salute the National Flag on such occasions as the Principal may, subject to these regulations, determine.

(2) Whenever students are required in accordance with this regulation-

(a) formally to sing the National Anthem, the students shall sing the National Anthem while standing at attention;

(b) formally to salute the National Flag, the students shall raise their right hand to the temple with the open palm facing outwards while standing at attention.

(3) Subject to the provisions of sub-regulation (4), the Minister may give to the Principal of an institution such directions as he may consider necessary with respect to the occasions on which students attending the institution shall be required to sing the National Anthem or salute the National Flag, and the Principal shall comply with those directions.

(4) No student shall be required to sing the National Anthem or to salute the National Flag as part of any religious ceremony or observance.

18. The Education (Teacher Training Institutions) Regulations are hereby revoked.

Revocation of regulations.
S.I. No.
155 of 1967

**SECTION 19-THE BOARD OF GOVERNORS OF THE
TEACHERS COLLEGE, KABWE (ESTABLISHMENT)
ORDER**
Order by the Minister

***Statutory
Instrument
322 of
1967***

1. This Order may be cited as the Board of Governors of the Teachers College, Kabwe (Establishment) Order.

Title

2. There is hereby established for the Teachers College, Kabwe, a board of governors to be styled the Board of Governors of the Teachers College, Kabwe.

Establishment of board of governors

THE EDUCATION (BOARDS OF GOVERNORS) REGULATIONS

[ARRANGEMENT OF REGULATIONS]

Regulation

1. Title
2. Common seal
3. Composition of boards
4. Tenure of office
5. Vice-chairman of board
6. Secretary
7. Establishment, composition and business of committees
8. Procedure of board and its committees
9. Attendance of non-members at meetings
10. Pecuniary interest in matters under discussion
11. Minutes of proceedings at meetings
12. Allowances
13. Estimates of revenues and expenditure
14. Investments
15. Arrangements for handling receipts and payments

SCHEDULE-Common seals

SECTION 23-THE EDUCATION (BOARDS OF GOVERNORS) REGULATIONS *Regulations by the Minister*

***Statutory
Instrument
311 of
1966***

1. These Regulations may be cited as the Education (Boards of Governors) Regulations.

Title

2. (1) The common seal of a board of governors shall be-

Common seal

(a) in the case of the Board of Governors of the Evelyn Hone College of Further Education, the device prescribed in Part I of the Schedule;

(b) in the case of the Board of Governors of the Northern Technical College, the device prescribed in Part II of the Schedule.

(2) The common seal of a board of governors shall be kept in the custody of the secretary to the board.

(3) Any instrument which, if made by a private person, would be required to be under seal, shall be executed under the common seal of a board of governors and the affixing of the seal shall be authenticated by the signature of the chairman of the board and by that of one other member of the board.

(4) Save as provided by sub-regulation (3), any appointment made by a board of governors and any instrument, agreement, contract or other document to be executed by the board or on its behalf, shall be deemed to be duly executed either if sealed and authenticated as in sub-regulation (3) is provided or if signed by an officer in the service of the board duly authorised in that behalf under the terms of a resolution of the board.

3. A board of governors shall consist of sixteen members appointed by the Minister from persons representing the Ministry, local authorities, commerce and industry, and such other persons as the Minister may deem fit. Composition of boards

4. (1) A member of a board of governors shall, subject to the provisions of this regulation, hold office for a period of three years: Tenure of office

Provided that the first members of a board of governors established by or under the Act shall, subject to the provisions of this regulation, hold office for such period as the Minister in each case determines at the time of the appointment, being not less than one year or more than three years.

(2) The office of a member of a board of governors shall become vacant-

(a) if the holder of the office dies or resigns from his office by notice

in writing addressed to the Minister; or

(b) if the holder of the office is, without the leave of the board, absent from two consecutive meetings of the board; or

(c) if the holder of the office is removed from office by the Minister.

(3) Whenever the office of a member of a board of governors becomes vacant, the Minister shall appoint a person to fill the vacancy and that person shall, subject to the provisions of this regulation, hold office for the remainder of the period during which the member whose place he fills would, but for his office becoming vacant, have continued in office.

(4) If a member of a board of governors is absent or is for any other cause prevented from or incapable of discharging the functions of his office, the Minister may, if he thinks fit, appoint another person to hold office as a member of the board during the absence or incapacity of the member whose place he fills.

5. (1) There shall be a vice-chairman of a board of governors, who shall be a member of the board elected by the board. Vice-chairman of board

(2) The vice-chairman of a board of governors shall discharge the functions of the office of the chairman of the board whenever the office of chairman is vacant or the chairman is absent or is for any other cause prevented from or incapable of discharging the functions of his office.

6. (1) There shall be a secretary to a board of governors, who shall be appointed by the board. Secretary

(2) The secretary to a board of governors shall be responsible, in accordance with such instructions as may be given him by the board, for arranging the business for, and keeping the minutes of, the board and its committees and shall have such other functions as the board may direct.

7. (1) A board of governors may establish such standing and occasional committees as it considers necessary or desirable for the discharge of its functions. Establishment, composition and business of committees

(2) A committee of a board of governors shall consist of such persons, whether members of the board or not, as the board may appoint thereto; and the board shall appoint one of the members of the committee to be the chairman thereof.

(3) The members of a committee of a board of governors shall hold office at the pleasure of the board.

(4) A board of governors shall determine the functions of any committee established by it and may delegate to any such committee, either absolutely or conditionally, the power to discharge any functions of the board on behalf of the board.

8. (1) Meetings of a board of governors and of any committee of a board shall be held as and when necessary and shall be convened in accordance with the directions of the chairman of the board or, in the case of meetings of a committee, of the chairman of the committee.

Procedure of
board and its
committees

(2) At any meeting of a board of governors, one-third of the members shall form a quorum and at any meeting of a committee of a board, three members shall form a quorum.

(3) There shall preside-

(a) at any meeting of a board of governors-

(i) the chairman of the board; or

(ii) in the absence of the chairman of the board, the vice-chairman of the board; or

(iii) in the absence of the chairman and the vice-chairman of the board, such member of the board as the board may elect for that meeting;

(b) at any meeting of a committee of a board of governors-

(i) the chairman of the committee; or

(ii) in the absence of the chairman of the committee, such member of the committee as the committee may elect for that meeting.

(4) Any question proposed for decision by a board of governors or a committee of a board shall be determined by a majority of the votes of the members thereof present and voting at a meeting at which a quorum is present.

(5) At all meetings of a board of governors or a committee of a board, each member present shall have one vote on a question proposed for decision by the board or committee, as the case may be, and, in the event of an equality of votes, the person presiding at the meeting shall have, in addition to a deliberative vote, a casting vote.

9. (1) The principal of the educational institution for which a board of governors is established shall be entitled to attend the meetings of the board and its committees unless expressly excluded therefrom by the chairman of the board or committee, as the case may be.

Attendance of
non-members at
meetings

(2) A board of governors or a committee of a board may invite any member of the staff of the educational institution for which the board is established and any other person whose presence is desirable to attend a meeting of the board or committee, as the case may be.

(3) Any person who attends a meeting of a board of governors or of a committee of a board in pursuance of the provisions of this regulation shall be entitled to take part in the consideration and discussion of any question proposed for decision, but shall not be entitled to vote thereon.

10. If a member of a board of governors or of a committee of a board or his spouse-

Pecuniary
interest in
matters under
discussion

(a) tenders for or acquires or holds a direct or indirect pecuniary interest in a contract with the board; or

(b) knowingly acquires or holds a direct or indirect interest in a company or firm applying or negotiating for a contract with the board; or

(c) owns real property or a right in real property or has a direct or indirect pecuniary interest in a company or firm which results in his private interests coming into or appearing to come into conflict with his duties as a member;

the member shall forthwith disclose the facts to the board and shall, if

present, withdraw from any meeting whilst any question relating to any such contract, property or interest is under consideration.

11. (1) A board of governors and a committee of a board shall cause minutes to be kept of the proceedings and all decisions made at every meeting of the board or committee, as the case may be, and shall cause to be recorded therein the names of every member present at that meeting.

Minutes of
proceedings at
meetings

(2) A copy of the minutes of the proceedings of a board of governors or of a committee of a board shall be furnished to the Minister and to every member of the board or committee, as the case may be, and to such other persons; if any, as the board or committee may direct.

12. There shall be payable to a member of a board of governors who is not a public officer-

Allowances

(a) a subsistence allowance at the rate of six kwacha in respect of every night necessarily spent away from his home; and

(b) reasonable travelling and out-of-pocket expenses necessarily incurred by him;

while he is engaged on the business of the board.

13. (1) On or before such date in any financial year as the Minister may determine, a board of governors shall cause to be prepared and adopt estimates (to be called annual estimates) of the revenues and expenditure of the board for the ensuing financial year of the board.

Estimates of
revenues and
expenditure

(2) Where in any financial year it appears to a board of governors that expenditure for a special purpose is desirable and that no or insufficient provision has been made for it in the annual estimates for that financial year, the board may cause to be prepared and adopt supplementary estimates in respect thereof.

(3) All annual and supplementary estimates of a board of governors shall be prepared in such form and contain such information as the Minister may require and shall be submitted to the Minister for his confirmation in writing.

(4) The Minister may confirm the annual or supplementary estimates of a board of governors as a whole or may-

(a) disallow any items contained therein;

(b) impose such modifications and conditions as he thinks fit; and confirm them subject to such disallowances, modifications and conditions.

(5) A board of governors shall not incur any expenditure which is not included in the annual or supplementary estimates of the board as confirmed in writing by the Minister.

14. (1) Any monies received by a board of governors by way of- Investments

(a) fees and charges imposed by the board; or

(b) grants and loans made by the Minister; and not required by the board for immediate use shall not be invested otherwise than in a current account kept at a bank or building society approved by the Minister.

(2) Save as provided by sub-regulation (1), a board of governors may invest any monies not required by it for immediate use in such manner as it thinks fit and may, as occasion requires, realise any investments made by it.

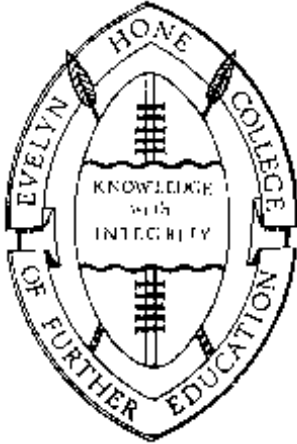
15. Subject to the provisions of these Regulations and any directions given to it by the Minister, a board of governors shall make safe and efficient arrangements for the receipt of monies paid to it and the issue of monies payable by it and those arrangements shall be carried out under the supervision of such officer in the service of the board as the board may determine. Arrangements for handling receipts and payments

SCHEDULE

(Regulation 2)

COMMON SEALS

PART I



PART II



THE EDUCATION (PARENT-TEACHER ASSOCIATION) REGULATIONS [ARRANGEMENT OF REGULATIONS]

*Statutory
Instrument
45 of 1976
97 of 1981*

Regulation

1. Title
2. Interpretation
3. Establishment of association
4. Functions of association

5. Composition of association
6. Formation and composition of committee
7. Tenure of office of member of committee
8. Procedure of meetings of association and committee
9. Minutes of proceedings
10. Raising and control of funds
11. Parent-Teacher Association Fund
12. Parent-Teacher Association Fund Committee
13. Maintenance and operation of account and keeping of records of moneys
14. Submission of financial statement
15. Inspection of books, documents and records of Fund
16. Power to withdraw recognition of association
17. Revocation

SECTION 29-THE EDUCATION (PARENT-TEACHER ASSOCIATION) REGULATIONS

***Statutory
Instrument
45 of 1976
97 of 1981***

Regulations by the Minister

1. These Regulations may be cited as the Education (Parent-Teacher Association) Regulations; Title

2. In these Regulations, unless the context otherwise requires- Interpretation

"association" means a Parent-Teacher Association established in accordance with the provisions of regulation 3;

"Chief Education Officer" means the Chief Education Officer of the Region where a school is situated;

"committee" means an executive committee formed in accordance with the provisions of regulation 6;

"Fund" means a fund established under regulation 11;

"Fund Committee" means a committee appointed in accordance with the provisions of regulation 12;

"lower primary school" means a primary school of up to Grade IV;

"parent" means the father or mother of any pupil attending a school for which an association has been established and any person having the care, custody or control of such pupil;

"Production Committee" means a production committee responsible to and which shall be established by the Head or Principal of a school and comprising members of staff, representatives of parents or local community and, except in the case of a lower primary school, pupils or students;

"school" means a school for which an association is formed;

"teacher" means a teacher of a school.

3. (1) There may be established an association in connection with a Government, aided or private school. Establishment of association

(2) Every association shall be constituted in the manner provided by these Regulations.

(3) No association shall be established as an association unless application for its recognition is made to the Minister through the Chief Education Officer and the Minister has approved it.

(As amended by S.I. No. 97 of 1981)

4. The functions of the association shall be- Functions of association

(a) to ensure, through regular contacts between parents and teachers, the welfare and best possible education of pupils, an enlightening of parents on all aspects of pupils' progress in the school and an enlightening of teachers on the home background of their pupils so as to enable teachers to see their pupils as full individual personalities and thus cater the better for their individual needs;

(b) to raise and control funds in accordance with regulation 10;

(c) to plan and implement through a Production Committee the production projects of the school;

(d) to perform any other functions approved by the Minister.

5. (1) Any parent may be a member of an association where such parent has a child attending school. Composition of association

(2) All members of the teaching staff of a school shall be *ex-officio* members of the association established for that school and shall be entitled to vote at any meeting of the association.

(3) Any of the following persons may be a member of an association:

(a) the District Executive Secretary of the district where the school is situated;

(b) any local chief; or

(c) any other local dignitary.

6. (1) There shall be formed a committee for each association to control and conduct the affairs of the association. Formation and composition of committee

(2) The committee shall consist of-

(a) not more than six members who shall be elected by the association from its members, other than *ex-officio* members, at its annual general meeting;

(b) not more than two members who shall be elected by the teachers from the members of their school teaching staff; and

(c) the Head and the Deputy Head of the school.

(3) On the recommendation of the Head of the school and with the

approval of the Minister, any one or more of the following members may be appointed to the committee referred to in sub-regulation (2):

- (a) the District Executive Secretary of the district where the school is situated;
- (b) any local chief; or
- (c) any other local dignitary.

(4) The members mentioned in paragraph (a) of sub-regulation (2) shall not act as such members unless their names have been approved by the Minister.

(5) The members mentioned in paragraphs (b) and (c) of sub-regulation (2) shall be *ex-officio* members but shall be entitled to vote at any meeting of the committee.

(6) The Head of the school shall convene the first meeting of an association at which shall be elected six members of the committee from the members other than the *ex-officio* members of the association.

(7) At the first meeting of a committee after an election the members shall elect from among their number a chairman and a vice-chairman of the committee.

(8) The chairman and the vice-chairman of the committee shall automatically be the chairman and the vice-chairman of the association.

(9) The Head of the school shall be the secretary to the association and to the committee.

(10) A retiring member of the committee shall be eligible for re-election.

7. (1) A member of a committee shall, subject to the other provisions of this regulation, hold office till the next annual general meeting of the association at which election of members is held. Tenure of office of member of committee

(2) The office of a member of a committee shall become vacant-

(a) if the holder of the office dies, is declared bankrupt, becomes mentally or physically incapable of performing his duties as such member or resigns from his office by notice in writing to the secretary of the committee; or

(b) if the holder of the office ceases to be a parent; or

(c) if the holder of the office who is a member of the teaching staff of the school ceases to be such a member; or

(d) if the Minister terminates by notice in writing the member's holding of the office.

(3) Whenever the office of a member of a committee becomes vacant the association shall, with the approval of the Minister, appoint a person to fill the vacancy and that person shall, subject to the provisions of this regulation, hold office for the remainder of the period during which the member whose place he fills would, but for his office becoming vacant, have continued in office.

8. (1) Subject to the provisions of sub-regulations (6) and (7) of regulation 6, meetings of an association or of a committee shall be held as and when necessary and shall be convened in accordance with the directions of the chairman.

Procedure of
meetings of
association and
committee

(2) At any meeting of the association twelve members of the association, of whom not more than six shall be *ex-officio* members, shall form a quorum.

(3) At any meeting of a committee one half of the total number of members, of which the committee consists shall form a quorum.

(4) There shall preside at any meeting of an association or of a committee-

(a) the chairman; or

(b) in the absence of the chairman, the vice-chairman; or

(c) in the absence of both the chairman and the vice-chairman, such member of the meeting as the meeting may elect for that purpose.

9. (1) The secretary of an association or of a committee shall, unless prevented by illness or other unavoidable cause- Minutes of proceedings

(a) attend all meetings of the association and of the committee;

(b) minute the proceedings at all meetings of the association and of the committee;

(c) deal with all correspondence; and

(d) as soon as possible after each meeting of the association or of the committee, forward to the Minister a copy of the minutes of the meeting, initialled by the chairman.

(2) If the secretary is absent from any meeting of the association or of the committee, the members present shall appoint a person to act as secretary for that meeting.

10. (1) The association may, with the approval of the Chief Education Officer, raise funds for specific projects in the school through raffles and other legitimate means. Raising and control of funds

(2) All funds raised in pursuance of sub-regulation (1) shall be under the control of the Parent-Teacher Association Committee (and not the Parent-Teacher Association Fund Committee) which shall decide how such funds shall be spent on approved school projects.

(3) No association shall have the power to levy any moneys from the pupils of any Government, aided or private school.

11. There shall be established a fund to be called "a Parent-Teacher Association Fund". Parent-Teacher Association Fund

<p>12. (1) There shall be a Parent-Teacher Association Fund Committee which shall consist of a chairman, vice-chairman, secretary, treasurer and two other members.</p>	
	Parent-Teacher Association Fund Committee
<p>(2) The Fund Committee shall be appointed by the association committee.</p>	
<p>(3) No <i>ex-officio</i> member of the association committee shall be eligible for appointment to the Fund Committee.</p>	
<p>(4) At any meeting of the Fund Committee one half of the total number of members of which the Fund Committee consists shall form a quorum.</p>	
<p>13. The Fund Committee shall open and maintain, with a commercial bank, building society or Post Office, an account which shall operate on any three signatures of the members of the Fund Committee and shall keep exact records of any Fund moneys received and paid.</p>	Maintenance and operation of account and keeping of records of moneys
<p>14. At the end of every school year and before the annual general meeting of the association the Fund Committee shall submit to the association committee which in turn shall submit to the annual general meeting of the association a full and detailed statement of the Fund, signed by any three members of the Fund Committee.</p>	Submission of financial statement
<p>15. The treasurer of the Fund shall on demand produce, through the Chief Education Officer, all books, documents and records relating to the Parent-Teacher Association Fund for inspection by a person appointed by the Minister.</p>	Inspection of books, documents and records of Fund
<p>16. The Minister may, for any contravention of any of the provisions of regulations 3 to 15 inclusive, by any association, withdraw his recognition of that association.</p>	Power to withdraw recognition of association

17. The Education (Parent-Teacher Association) Regulations, 1967, are hereby revoked.	Revocation of <i>S.I. No.</i> 156 of 1967
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**SECTION 32-THE EDUCATION (HEALTH)
REGULATIONS
Regulations by the Minister**

***Statutory
Instruments
387 of 1966
151 of 1969***

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| 1. These Regulations may be cited as the Education (Health) Regulations. | Title |
| 2. In these Regulations, unless the context otherwise requires-

"school medical officer" means-

(a) a Government medical officer;

(b) any other medical practitioner designated by the Minister, with the concurrence of the Minister responsible for health, as a school medical officer. | Interpretation |
| 3. These Regulations apply to every-
(a) Government school;
(b) aided school;
(c) registered private school, except those which conduct courses wholly by correspondence;
(d) educational institution for which a board of governors is established. | Application |
| 4. A school medical officer may enter and inspect at all reasonable times any school, school hostel or other premises whatsoever at any school. | Entry and inspection of premises |
| 5. The Minister may, with the concurrence of the Minister responsible for health, close any school hostel or other buildings or premises whatsoever at any school on the grounds of health. | Closing of schools, etc., on grounds of health |

6. (1) The Minister may direct-

Medical and
dental
examination of
pupils

(a) the routine medical and dental examination of pupils attending any school at such intervals as he may specify;

(b) the medical examination of a pupil attending any school, otherwise than at a routine examination referred to in paragraph (a), if such an examination is in the interests of all or any pupils attending the school;

(c) the psychological or psychiatric examination by a psychiatrist or an education psychologist or a school medical officer of a pupil attending any school other than a registered private school.

(2) The Minister may, on the request made in writing by the parent of any pupil or the Head of any school, excuse the pupil or, as the case may be, any classification of pupils from an examination directed by him under paragraph (a) of sub-regulation (1).

(As amended by No. 151 of 1969)

7. (1) The Minister may make provision for-

Medical
treatment of,
and supply of
medicines, etc.,
to, pupils

(a) the treatment by a school medical officer of a pupil accommodated at any school hostel whilst he is so accommodated;

(b) the supply of medicines and dental and surgical appliances to a pupil attending any school; and

(c) the performance, in connection with the health of a pupil attending any school, of X-ray and laboratory examinations.

(2) Nothing in this regulation shall preclude-

(a) the removal of a pupil from a school hostel for treatment by his own medical practitioner;

(b) the treatment of a pupil who is accommodated at a school hostel by a school medical officer in consultation with or in collaboration with his own medical practitioner;

(c) the removal of a pupil from a school hostel to a hospital for treatment at the hospital by a school medical officer;

(d) observance of the responsibilities for the safeguarding and maintenance of health which are set out in the Public Health (Infectious Diseases) Regulations.

Cap. 295

SECTION 32-THE EDUCATION (LANGUAGE) REGULATIONS

Regulations by the Minister

***Statutory
Instrument
312 of
1966***

1. These Regulations may be cited as the Education (Language) Regulations.

Title

2. These Regulations apply to every-

Application

(a) Government school;

(b) aided school;

(c) registered private school;

(d) educational institution for which a board of governors is established;

and references to the expression "school" shall, unless the context otherwise requires, be construed accordingly.

3. Subject to the provisions of these Regulations, the English language shall be used as the medium of instruction in all schools.

English to be
general medium
of instruction

<p>4. (1) Unless the Minister otherwise directs in any particular case, the vernacular language or languages appropriate to the area in which an unscheduled primary school is situated may be used as the medium of instruction in Grades I, II, III and IV at that school.</p>	<p>Use of vernacular in unscheduled primary schools</p>
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(2) For the purposes of this regulation, "unscheduled primary school" means a Government or aided school which is an unscheduled primary school for the purposes of the Education (Primary and Secondary Schools) Regulations.

<p>5. A person may, during any religious instruction given by him in a class forming part of the first four years of a course of primary education, use the language most commonly used in religious observances by members of his religious denomination.</p>	<p>Religious instruction</p>
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<p>6. During the teaching as a subject at a school of any language other than English, the language which is the subject of instruction may be used as the medium of instruction.</p>	<p>Instruction in foreign languages</p>
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<p>SECTION 32-THE SCHOOL (COMPULSORY ATTENDANCE) REGULATIONS <i>Regulations by the Minister</i></p>	<p><i>Statutory Instrument 118 of 1970 Act No. 13 of 1994</i></p>
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<p>1. These Regulations may be cited as the School (Compulsory Attendance) Regulations.</p>	<p>Title</p>
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<p>2. In these Regulations, unless the context otherwise requires-</p>	<p>Interpretation</p>
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"child" means a person in the actual custody of a parent;

"Head" means the headmaster or headteacher of a school;

"parent", in relation to any child, includes a guardian and every person who has the actual custody of the child;

"school" means a school to which these Regulations apply.

3. (1) These Regulations shall apply only to Government or aided schools at which primary or secondary education is provided. Application

(2) Nothing in these Regulations shall apply to any correspondence course or part-time educational class.

4. The Minister shall appoint public officers to act as Attendance Officers whose functions will be to do all things necessary to ensure compliance with these Regulations. Attendance Officers

5. (1) If it appears to an Attendance Officer that a child enrolled at a school is not attending the school regularly, the Attendance Officer shall serve upon the parent of such child a notice in writing requiring him within five days from the service thereof to present the child to the Head. Attendance Officer to serve notice on parent

(2) Any parent who fails to comply with a notice under sub-regulation (1) shall be guilty of an offence.

(3) In any proceedings for an offence against this regulation, it shall be a sufficient defence if the parent proves that he was unable, or that it would have been unreasonable, or that it was not reasonably practicable, to comply with the notice.

6. (1) The parent of every child enrolled at a school shall ensure that the child attends the school regularly and, if any child enrolled at a school fails to attend regularly thereat, the parent of such child shall be guilty of an offence. Duty of parent to ensure regular attendance

(2) Subject to sub-regulation (3), a child shall be deemed to have failed to attend regularly at the school if he shall have been absent therefrom for a total of five school days during any period of one month.

(3) In any proceedings for an offence against this regulation, the child shall not be deemed to have failed to attend regularly at the school by reason only of his absence therefrom-

(a) with leave of the Head or other authorised person; or

(b) at any time when he was prevented from attending by illness or any unavoidable cause.

7. (1) Subject to the provisions of this regulation, any person guilty of an offence against these Regulations shall be liable on conviction, in the case of a first offence to a fine not exceeding thirty penalty units, in the case of a second offence to a fine not exceeding one hundred and fifty penalty units, and in the case of a third or subsequent offence to a fine not exceeding three hundred penalty units or to imprisonment for a term not exceeding one month, or to both. Enforcement of school attendance

(2) It shall be the duty of an Attendance Officer to institute proceedings for such offences as aforesaid whenever in his opinion the institution of such proceedings is necessary for the purpose of enforcing the duty imposed upon a parent by these Regulations, and no such proceedings shall be instituted except by or on behalf of an Attendance Officer.

(3) Where the court before which a prosecution is brought for an offence against these Regulations is satisfied that the child in respect of whom the offence is alleged to have been committed has failed to attend regularly at the school at which he is enrolled, then, whether or not the parent is convicted, the court may direct that the child be brought before a juvenile court by the Attendance Officer by or on whose behalf the proceedings were instituted, and the juvenile court may, if it is satisfied that it is necessary so to do for the purpose of securing the regular attendance of the child at the school, make any order which such a court has power to make under section *ten* of the Juveniles Act in the case of juveniles in need of care who are brought before it under that section. Cap. 53

(4) Where proceedings have been instituted for an offence against these Regulations alleged to have been committed in respect of any child and it appears to the officer by whom the proceedings were instituted on behalf of the Attendance Officer that there is reasonable cause to believe that the punishment of the parent would not be sufficient for the purpose of securing the regular attendance of the child at school, it shall be his duty to apply to the court for a direction under sub-regulation (3); and where such application is made such a direction shall be given unless the court is satisfied that no such direction is necessary for the purpose aforesaid.

(5) In any proceedings for an offence against these Regulations, it shall be a sufficient defence if the parent satisfies the court that he has insufficient control over the child to ensure his regular attendance at school; and on the parent being acquitted on this ground the court shall make a direction under sub-regulation (3).

(6) For the purposes of the Juveniles Act, any child in respect of whom a direction has been made under this regulation that he be brought before a juvenile court shall be deemed to be a child about to be brought, or brought, before such a court under section *ten* of that Act, and any order made by the juvenile court under this regulation shall be deemed to be an order made under that section, and all the provisions of that Act shall have effect accordingly, save that in relation to any such child subsection (1) of section *ten* of the said Act shall have effect as if the words "police officer or" were omitted therefrom, and subsection (1) of section *fifteen* of the said Act shall have effect as if the words "or police officer" were omitted therefrom. Cap. 53

(7) Notwithstanding anything herein contained, no direction under this regulation shall be made in respect of any child who is over the age of eighteen years or who is married (whether under the Marriage Act or under customary law). Cap. 50

(As amended by Act No. 13 of 1994)

8. (1) A child enrolled at a school remains so enrolled until- Termination of enrolment

(a) he has completed the segment in which he was enrolled; or

(b) his enrolment is cancelled or terminated by the Head or the parent.

(2) For the purposes of this regulation, each of the following courses is a "segment":

(a) in relation to schools at which no selection examinations are required before entering Grade V, the courses comprising-

- (i) Grades I to IV inclusive; and
- (ii) Grades V to VII inclusive;
- (c) the courses comprising-
 - (i) Forms I to III inclusive; and
 - (ii) Forms IV to V inclusive.

SECTION 35-THE EDUCATION (GENERAL PURPOSE FUNDS) REGULATIONS

***Statutory
Instrument
313 of
1966***

Regulations by the Minister

1. These Regulations may be cited as the Education (General Purpose Funds) Regulations. Title

2. In these Regulations, unless the context otherwise requires-

Interpretation

"general purpose fund" means a general purpose fund established for a school under the Education Act, 1956;

"school" means a Government school.

3. (1) A general purpose fund shall vest in the Head of the school for which the fund was established.

Vesting of funds

(2) The Head of a school shall, subject to the provisions of these Regulations, be responsible for the care and administration of any general purpose fund vested in him.

4. The Head of a school shall maintain a current account with a commercial bank in respect of a general purpose fund into which shall be paid all monies (other than monies referred to in regulation 10) standing to the credit of the fund which are not required for immediate use.

Moneys to be paid into current bank account

5. Subject to the provisions of regulation 10, where immediately before the *commencement of these Regulations any monies standing to

Monies in Post Office Savings

the credit of a general purpose fund were-

(a) in the Post Office Savings Bank or a building society; or

(b) invested in any security;

Bank, etc., or
invested in
securities

the Head of the school shall, as soon as practicable, withdraw the moneys referred to in paragraph (a) and realise the investments referred to in paragraph (b) and shall pay those monies and the proceeds of those investments into the current account maintained under regulation 4.

*2nd September, 1966.

6. On and after the *commencement of these Regulations, the Head of a school shall not, except with the approval of the Minister, accept any monies, whether by way of gift or otherwise, for the credit of a general purpose fund.

Receipt of
monies

*2nd September, 1966.

7. (1) Subject to the provisions of regulation 10, monies standing to the credit of a general purpose fund may be expended by the Head of the school on any of the purposes specified in the Schedule, being extra curricula activities and other things having as their objects the spiritual, physical and intellectual welfare of the pupils in attendance at the school.

Expenditure of
moneys

*2nd September, 1966.

(2) Where a recognised association of parents and teachers has been formed in connection with a school, the Head of the school shall, so far as practicable, consult such association regarding the expenditure of any monies standing to the credit of a general purpose fund.

(3) All payments from a general purpose fund shall, where practicable, be made by a cheque drawn on the current bank account maintained in respect of the fund in favour of the payee and shall be signed by the Head of the school.

8. (1) The Head of a school shall cause proper accounts to be kept showing the assets and liabilities of the general purpose fund at the end of each school year and recording all transactions relating to the fund.

Accounts to be
kept

(2) All books, documents and records relating to a general purpose fund shall be produced on request of any officer of the Ministry authorised by the Minister to make an inspection of the school.

9. (1) When all the monies (other than monies referred to in regulation 10) standing to the credit of a general purpose fund have been expended, the fund shall be wound up and the final accounts of the fund shall be audited, as soon as practicable, by a suitable person appointed by the Head of the school. Winding-up of fund and audit

(2) The person appointed to audit the final accounts of a general purpose fund shall have access to all books, documents and records relating to the fund and shall submit a report on the accounts of the fund to the Head of the school.

(3) The Head of a school shall forward any report submitted to him under sub-regulation (2) to the Minister through the Chief Education Officer for the region concerned, and shall retain in his custody or dispose of the books, documents and records relating to the fund in accordance with the directions of the Minister.

10. (1) The foregoing provisions of these Regulations shall not apply in relation to any moneys standing to the credit of a general purpose fund immediately before the *commencement of these Regulations which are made up of or derived from a private donation or endowment made or given to a school for a particular purpose specified by the person by whom the donation or endowment was made or given. Special provisions relating to private donations

(2) All moneys referred to in sub-regulation (1) shall vest in the Head of the school and shall be expended by him, after consulting such recognised association of parents and teachers as may have been formed in connection with the school, in accordance with the wishes of the donor thereof.

*2nd September, 1966.

SCHEDULE

(Regulation 7)

PURPOSES ON WHICH GENERAL PURPOSE FUNDS MAY BE EXPENDED

1. Athletics, field games and other sports.
2. Speech training, eurhythmics, music, dramatics and other arts generally
3. Handicrafts and hobbies other than needlework, domestic science, wood work and metalwork.
4. Films and other entertainments of an intellectual or cultural nature.
5. Intellectual or cultural pastimes such as chess, philately, photography and other occupations of a mentally stimulating nature.
6. The transport of school children for educational or cultural visits to places of interest, etc.
7. Toys or games of an instructive nature for use in infants' schools.

SECTION 32-THE EDUCATION (SCHOOLS ACCOUNTS) REGULATIONS Regulations by the Minister

***Statutory
Instrument
46 of 1975
58 of 1977
11 of 1990***

1. These Regulations may be cited as the Education (Schools Accounts) Regulations.

Title
17 of 1994

2. In these Regulations, unless the context otherwise requires-

Interpretation

"aided school" means a school (not being a Government or private school or an educational institution for which a board of governors is established) which is established or maintained with the assistance of a grant or loan made by the Minister;

"Government school" means a school directly administered and controlled by the Ministry and includes a school, educational institution, or class established and maintained by the Minister under the Act;

"Head of School" means any person, by whatever name called, who is the head of a school to which these Regulations apply, and Deputy Head of School shall be construed accordingly;

"levy" means any contribution, deposit, fee, or other money payment by a pupil;

"Parent-Teacher Association" means an association of parents and teachers recognised by the Minister under section *twenty-nine* of the Act;

"primary education" means the first seven years of formal education;

"primary school" means a school at which the whole or any part of a course of primary education is provided;

"pupil" means a child who is enrolled as a pupil at a school;

"secondary education" means formal education (other than technical education, training for teachers or further education) suitable for persons who have completed a course of primary education;

"secondary school" means a school at which the whole or any part of a course of secondary education is provided;

"school" means a school to which these Regulations apply.

3. (1) These Regulations shall apply to a Government school or aided school at which primary or secondary education is provided, but shall not apply in relation to- Application

(a) any correspondence course, educational broadcasting, television service, or special educational institution run or provided by the Ministry; or

(b) any part-time educational classes conducted or organised by the Ministry.

4. (1) Save as provided in these Regulations, no levy shall be made on any pupil. Levies

(2) Any article made by a pupil as part of homecraft, metalwork, woodwork, or other classes may be sold to the pupil who made the article at a price to be determined by the Head of School and the

proceeds of such sale shall be paid into the General Revenues of the Republic.

Provided that no charge shall be made to any pupil for any food prepared as part of domestic science classes.

(3) Any school club, society, or other organisation recognised by the Head of School may impose on its pupil members such levy as the Head of School may approve, and the Head of School and the Chief Education Officer shall have the right to examine the accounts of such club, society, or other organisation.

5. (1) Where any pupil loses or wilfully causes damage to any item of school property, the school shall recover from such pupil a sum of money to be determined by the Head of School which shall be paid into the General Revenues of the Republic. Recovery of money for loss or damage to school property

(2) The cost of replacing or repairing any lost or damaged item of school property shall be met from the funds allocated to the school under the appropriate vote for that year.

6. (1) Each school shall have a fund to be called the "School Fund" which shall be the only fund to which pupils shall be required to contribute. School Fund

(2) Each primary school pupil shall contribute five hundred kwacha (K500.00) per school year and each secondary school pupil shall contribute one thousand kwacha (K1,000.00) per school year to the school fund.

(As amended by S.I. No. 17 of 1994)

(3) The contribution to the School Fund shall be payable during the first term of the school year and shall not be refundable.

(4) A pupil who transfers from one school to another shall be exempt from contributing to the School Fund of the new school upon production of documentary evidence of a full contribution for that year to the School Fund of the school from which such pupil has immediately

transferred.

(5) The School Fund shall be used for financing the activities of the school, including sports, athletics and other activities of an intellectual or cultural nature.

(6) Nothing in this Regulation shall prevent a school from raising money through tuck-shops, raffles, sales of agricultural products, or through other self-help schemes:

Provided that where school agricultural products were originally financed by Government funds, the proceeds of the sale of such products shall be paid into the General Revenues of the Republic.

7. (1) Each school shall have a School Fund Committee which shall consist of the following persons: School Fund Committee

(a) the Head of School who shall be Chairman;

(b) the Deputy Head of School;

(c) one member appointed by the Head of School from among the teaching staff of the school;

(d) the Chairman of the Parent-Teacher Association or his representative;

(e) three pupil representatives appointed by the Head of School in the case of a primary school or elected by the pupils in the case of a secondary school.

(2) The School Fund Committee shall be responsible for administering the School Fund in accordance with these Regulations.

8. (1) The Head of School shall open and maintain with any of the commercial banks, a bank account to be called the "School Fund Account", and shall pay into such account all contributions to the School Fund. School Fund Account

(2) No withdrawal may be made from the School Fund Account except with the prior approval of a majority of all the members of the School Fund Committee and unless the withdrawal is signed for by at least three members one of whom shall be the Chairman of the Parent-Teacher Association or his representative and one of whom shall be a pupil.

(3) The Head of School shall cause special receipts provided by the Ministry to be issued for all contributions made to and shall obtain receipts for all payments made out of the School Fund.

(4) The Head of School shall prepare a reconciliation of the cash-book with the cash balance shown in the School Fund Account and on hand as on the last day of each month and present such reconciliation for signature by any three members of the School Fund Committee.

(As amended by S.I. No. 58 of 1977)

9. The Head of School shall, on demand by a person appointed in writing by the Chief Education Officer, produce for inspection all books of account, documents and records relating to the School Fund.	Inspection of books of account
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10. (1) Once each year at a time to be notified in writing by the Chief Education Officer, the Head of School shall lay before an official appointed in writing by the Chief Education Officer all books of account relating to the School Fund for the purpose of auditing, and the official shall have the right to demand and receive any voucher, receipt, record, or other document in support of the accounts which may be under the control of the Head of School.	Audit of School Fund Account
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(2) The official who audits the books of account of the School Fund shall send three copies of the audited accounts to the Chief Education Officer and three copies to the Head of School.

(3) The Head of School shall present the three copies of the audited accounts to the School Fund Committee for signature by the Chairman of the Parent-Teacher Association and two other members of the School Fund Committee and shall send one copy so signed to the Chief Education Officer.

11. (1) Any school may run a tuck-shop for the purpose of raising extra funds for the school. School tuck-shops

(2) Every school tuck-shop shall be run by a tuck-shop committee consisting of two teachers and two pupils from each of the houses in the school.

(3) The tuck-shop committee shall keep proper accounts of the tuck-shop and present to the Head of School at the end of every school term a statement of such accounts signed by any three members of the tuck-shop committee.

(4) All profits made from the tuck-shop shall be paid into the School Fund.

SECTION 18-THE EDUCATION (REGISTRATION OF PRIVATE SCHOOLS) REGULATIONS
Regulations by the Minister

***Statutory
Instrument
99 of 1975
60 of 76
25 of 1990
77 of 1992
61 of 1995
76 of 1995
Act No.
13 of 1994***

1. These Regulations may be cited as the Education (Registration of Private Schools) Regulations,

2. No private school shall be registered or shall renew its registration unless application forms for the registration or renewal of the registration of the school have been completed by the proprietor of the said school and approved by the Minister in accordance with the provisions of these Regulations.

Short title No registration or renewal of registration without application forms being approved

3. Every applicant for the registration or renewal of the registration of Applicant for

a private school shall complete and sign the appropriate forms of application prescribed in the First or Second Schedule.	registration or renewal of registration to complete and sign forms
<p>4. (1) The application forms shall be completed by the applicant in quadruplicate and submitted by him as follows:</p> <p>(a) the original copy to the Minister;</p> <p>(b) the duplicate and triplicate copies to the Chief Education Officer of the area in which the school is or will be situated.</p> <p>(2) The Chief Education Officer shall in turn forward to the Minister the said duplicate copy together with his comments on the application and shall retain the triplicate copy.</p> <p>(3) The quadruplicate copy shall be retained by the applicant.</p>	Procedure
5. On receipt of the completed application forms the Minister shall, after due consideration of the application, inform the applicant whether the application has been approved, rejected, or held in abeyance pending further inquiries.	Minister to inform applicant of result of application
<p>6. (1) Every application for the renewal or registration of a private school shall be made on or before the 1st day of July in the year preceding the year for which the renewal or the registration is applied.</p> <p>(2) Late applications shall not be considered.</p> <p><i>(As amended by S.I. No. 25 of 1990)</i></p>	Application to be made by 1st July
7. The Minister shall issue to any private school registered in accordance with these Regulations a certificate of registration in the form prescribed in the Third Schedule.	Certificate of registration to be issued

8. Every completed application from shall be accompanied by a non-refundable fee to be charged according to the following scale:

Registration fee

Education (Registration of Private Schools) Regulations

	<i>Primary Fee units</i>	<i>Secondary Fee units</i>	<i>Tertiary Fee units</i>
(a) Initial registration of a private school	500	1,000	5,000
(b) Renewal of registration of a private school	300	700	3,000

(As amended by S.I. No. 76 of 1995 and Act No. 13 of 1994)

9. Revoked by *S.I. No. 61 of 1995*

10. Any person desirous of obtaining registration for any private school, which includes more than one type of institution, shall make a separate application in respect of each such type.

Separate application for each type of school

11. In regard to a private school for which an application for registration is made, the Minister shall be satisfied that-

Matters in regard to which Minister is to be satisfied

(a) the school is necessary to meet the educational requirements of the area in which it is situated;

(b) the premises of the school, including any hostel or other buildings used or to be used in connection with the instructions or accommodation of persons attending thereat, are suitable for the purpose;

(c) adequate financial provision has been made for maintenance of the school;

(d) efficient and suitable instruction of a nature or standard approved by the Minister is provided at the school in accordance with a syllabus approved by the Minister;

(e) the teaching staff employed at the school is sufficiently qualified for the purpose; and

(f) proper compliance shall be made with the provisions of the Act applicable to the school.

<p>12. (1) The proprietors of a registered private school shall obtain the Minister's approval in respect of the following matters: school curriculum, syllabus, text books, calendar, time-table, issue of certificates, employment of new teachers, et cetera.</p>	<p>Minister to approve and Inspectors to be satisfied of certain matters</p>
<p>(2) Inspectors shall, during their routine inspection of the institutions, satisfy themselves in respect of the matters referred to in sub-regulation (1).</p>	
<p>13. Officers authorised or appointed by the Minister to inspect private schools shall be issued with identity certificates which shall be produced to the proprietor of a private school by the said officers on their entry, with the consent of the proprietor, to his premises.</p>	<p>Inspectors to be issued with identity certificates</p>
<p>14. The identity certificate shall be in the form prescribed in the Sixth Schedule.</p>	<p>Form of identity certificates</p>
<p>15. (1) The Minister shall cause to be kept a register of names of the officers issued with identity certificates.</p>	<p>Register of names of officers issued with, and surrender and loss of identity certificates</p>
<p>(2) An officer issued with an identity certificate shall surrender it to the Minister when he ceases to perform the functions of his office and the surrender shall be indicated against the officer's name in the register of the officers issued with identity certificates.</p>	
<p>(3) When an officer loses an identity certificate, he shall report, through the Permanent Secretary, the loss thereof to the Police and to the Minister and, in any such case, the Minister shall cause a new identity certificate to be issued under a different serial number.</p>	
<p>(4) The Permanent Secretary shall cause the loss of the identity certificate to be published in the <i>Gazette</i>.</p>	

16. It shall be the duty of the proprietor of a registered private school- Records and information
(a) to cause registers to be kept of-

(i) the enrolment of students at the school;

(ii) the daily attendance of students at the school;

(iii) the teachers employed at the school, showing their names, qualifications and periods of employment;

(b) at the end of each school term, to furnish the Minister, in the form prescribed in the Fourth Schedule, with the correct return of the enrolment and daily attendance of students and, in the form prescribed in the Fifth Schedule, with the statistics return of staff at the school.

17. (1) The proprietor of a registered private school who intends to close such school for any reason other than vacation shall, by notice in writing, inform the Minister of the proposed date of closure and the reasons for such closure. Notice of intention to close school

(2) The notice referred to in sub-regulation (1) shall be given not later than thirty days in the case of a temporary closure, or not later than nine months in the case of a permanent closure, before the proposed date of closure.

(As amended by S.I. No. 60 of 1976)

18. Any person who contravenes any of the provisions of these Regulations shall be liable on conviction to a fine not exceeding two thousand penalty units. Penalty

(As amended by Act No. 13 of 1994)

19. The Education (Private Schools) Regulations, 1966, are hereby revoked. Revocation of S.I. No. 385 of 1966

FIRST SCHEDULE

(Regulation 3)

REPUBLIC OF ZAMBIA
THE EDUCATION ACT
THE EDUCATION (REGISTRATION OF PRIVATE SCHOOLS) REGULATIONS, 1975
APPLICATION FOR THE REGISTRATION OF PRIVATE SCHOOLS

To be completed in quadruplicate:

1. Original to the Minister;
2. Duplicate and Triplicate to the Chief Education Officer
3. Quadruplicate to be retained by applicant.

PART I

(To be completed by applicant)

To: The Minister
Ministry of Education
P.O. Box RW93
Lusaka

I, *(Full name in BLOCK LETTERS)*

Address:

do hereby apply for registration of a private school in accordance with section 18C (a) of the Act.

Date:.....

*Signature
of
Applicant*

*The following information to
be completed in full :*

1.(a) Name of the proposed school:

(b) Address:

(c) Precise location (showing land reference numbers (where applicable), Plot, or Farm No., etc.):

(d) Telephone No.:

2. Particulars of the Proprietor(s):

(a) Name(s):

(b) Address:

.

.

(c) Telephone No.(s):

(d) Date of birth: .

(e) Nationality:

(f) Date of entry into Zambia (non-Zambians only):

(g) Qualifications (certified copies of relevant documents to be enclosed):

.

.

(h) Teaching experience (give names of institutions, classes and period involved):

3. Finance:

(a) Details of fixed capital:.

(b) Details of recurrent expenditure:

4. State whether the school will be affiliated to any other institution or organisation inside or outside Zambia:

5. Give the classification of the school (i.e. primary, secondary, etc.):

6. State whether the school is registered under any other Act in Zambia, e.g. Companies Act. Send a copy of any such registration (including dates):

7. Types of courses to be offered:

(a) By formal teaching:

(b) By tutorial:.

(c) By laboratory:

(d) By other methods (specify):

8. Course taught (give a list of all courses offered or taught by the school and subjects taught in each course):

9. The following information to be given about each course:

(a) Length of course in years/months/weeks:.

(b) Hours or number of lessons per week for class instruction

(c) Levels at which instruction is offered:

(d) Type of certificate to be awarded:

10. Entry requirements:

(a) Academic:

(b) Age limit (if any):

(c) Uniform required (if any):

11. Fees:

(a) State the types of fees charged (enrolment, tuition, boarding, etc.):

(b) State the total amount of fees per year for each category:

(c) Mode of collecting fees (at once, by instalments, etc. (specify)):

(d) If by instalments state the amount and the frequency of instalments:

12. Give a list of the teachers/tutors/etc., their qualifications, subjects taught and whether full or part-time:

<i>Names</i>	<i>Qualifications</i>		<i>Subjects taught</i>
	<i>Academic/Professional</i>		
<i>Full/Part-time</i>			
.....
.....
.....
.....

A set of photostat copies of professional and academic certificates of each member of the teaching staff shall accompany each copy of the application form to the Minister. Original certificates to be shown to the inspectors on demand.

13. List of equipment under the following headings:

(a) Classroom:

(b) Laboratory:

(c) Office: .

(Separate list to be attached if necessary)

14. Institutional facilities (submit building plans):

(i) State whether buildings used are rented or owned:.

(ii) Is water available:

(iii) Is electricity available:

(iv) State whether the school has a library or tuck-shop/canteen: .

(v) State whether toilets at school are water-borne (if not, what type):

(vi) State the number of toilets at school:

(vii) State the maximum number of pupils to be accommodated per class:

(viii) State the total number of pupils in the school by sex:

15. Hostels:

(i) State the name of the Proprietor of the hostels:

.

(ii) State whether the hostels have piped water:

(iii) State whether the hostels have electricity:

(iv) State whether the hostels are within or without the municipal boundary:

(v) Give the sizes and the numbers of rooms and windows:

(vi) Give the number of beds in each room:

(vii) Give the maximum number of occupants per hostel room:

(viii) Give details of the size of the kitchen and dining room:

(ix) State the number of pupils in the hostels by sex:

(x) Give the number of toilets in each hostel:

(xi) Give the details of the estimated cost of accommodation and food per student per week/term/year:

(xii) Give details of the weekly menu:

I hereby certify that the above information is correct and complete.

Date.....

Signed:

Position:.

N.B. 1. Where space is insufficient, please attach a separate sheet.

2. Every application for registration shall be accompanied by the prescribed registration fee as provided in Regulation 8.

Comments by the Chief Education Officer:

(As amended by S.I. No. 25 of 1990)

SECOND SCHEDULE
(Regulation 3)

**REPUBLIC OF ZAMBIA
THE EDUCATION ACT
THE EDUCATION (REGISTRATION OF PRIVATE
SCHOOLS) REGULATIONS, 1975
APPLICATION FOR THE RENEWAL OF
REGISTRATION OF PRIVATE SCHOOLS**

To be completed in quadruplicate:

1. Original to the Minister;
2. Duplicate and Triplicate to the Chief Education Officer;
3. Quadruplicate to be retained by applicant.

PART I

(To be completed by applicant)

To: The Minister

Ministry of Education,

P.O. Box RW93, Lusaka.

I, *(Full name in BLOCK LETTERS)*

Address:

wish to renew the registration of my private school for the year in
accordance with section 18 (a) of the Act. My current Registration Certificate Number
is:

Date:

.....

Signature of Applicant

The following information to be completed in full:

1. State any general changes that have taken place since your last application for
registration/renewal of registration in respect of the following:

(a) Name of school, address, telephone number, location, etc.:

(b) Particulars of the proprietors: .

(c) Finance (capital and recurrent):

(d) Affiliation status:

(e) Registration under other Acts:

(f) Equipment and general facilities and instructional facilities including availability of piped water and electricity and whether buildings used are rented or owned, and sizes and particulars of windows and rooms of any subsequent buildings: .

2. Give specific details on the following:

(a) Types and details of courses including entry qualifications:

(b) Details of the teaching staff (submit photocopies of academic and professional certificates of new teachers):

(c) Details of fees:

(d) Details of enrolment:

(e) Details of hostels and other buildings since last registration:

I hereby certify that the above information is correct and complete.

Date:

Signed :

Position:

N.B. Every application for renewal of registration shall be accompanied by a fee of K25.

Comments by the Chief Education Officer:

THIRD SCHEDULE
(Regulation 7)

REPUBLIC OF ZAMBIA

THE EDUCATION ACT

THE EDUCATION (REGISTRATION OF PRIVATE SCHOOLS) REGULATIONS, 1975

CERTIFICATE FOR THE REGISTRATION OF A PRIVATE SCHOOL

Certificate No.....

In exercise of the powers contained in section 18C of the Act, the private school known as:

situated at:
and whose proprietors are:

is hereby, on this day of, 19.....,
registered and authorised to run the following courses:

Formal Classroom Teaching/Laboratory/Tutorial:

(a) Formal Classroom Teaching:

<i>Subject</i>	<i>From</i>	
<i>To</i>		
.....
.....
.....
.....
.....

(b) Laboratory:

<i>Subject</i>	<i>From</i>	
<i>To</i>		
.....
.....
.....
.....

.....

(c) Tutorial:

Subject
To

From

.....
.....
.....
.....
.....

Recreational:

Name of courses: .

Boarding facilities are *authorised/not authorised (*Delete as applicable):

Reg. No.: .

.....

Minister

FOURTH SCHEDULE

(Regulation 16)

REPUBLIC OF ZAMBIA THE EDUCATION ACT THE EDUCATION (REGISTRATION OF PRIVATE SCHOOLS) REGULATIONS, 1975 RETURN OF THE ENROLMENT AND DAILY ATTENDANCE OF STUDENTS

Name of School:

Enrolment:

Daily Attendance: .

Date Term: starts:

Date Term: ends:

Subject taught	Hours of Instruction		
	per day	per week	per course
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

Date:

Signature:

*Head
of
Instit
ution*

FIFTH SCHEDULE

STATISTICS RETURNS: STAFF AND DIVISION OF WORK

Name of School.....

[illegible]

* Conditions of Service: State whether staff are employed on daily, weekly, monthly, temporary, permanent, part-time basis or any other stipulated conditions of service.

SIXTH SCHEDULE
(Regulation 14)

REPUBLIC OF ZAMBIA

THE EDUCATION ACT

**THE EDUCATION (REGISTRATION OF PRIVATE
SCHOOLS) REGULATIONS, 1975**

IDENTITY CERTIFICATE

Name:

Post:

Passport/National Reg. No.:

This is to certify that the bearer is authorised to inspect all private schools (section 27A).

.....

Permanent Secretary

Serial Number:

Date:

**SECTION 30, 32-THE BURSARIES COMMITTEE
REGULATIONS**
Regulations by the Minister

Statutory
Instrument
182 of 1973

PART I

PRELIMINARY

1. These Regulations may be cited as the Bursaries Committee
Regulations;

Title

2. In these Regulations, unless the context otherwise requires- Interpretation

"Act" means the Education Act; Cap. 134

"Chairman" means the chairman of the Committee and includes any other member for the time being acting as, or performing the functions of, the chairman of the Committee;

"Committee" means the Bursaries Committee established under the provisions of regulation 4;

"member" means a member of the Committee;

3. These Regulations shall apply to persons eligible under section *thirty* of the Act for a grant or loan by way of a bursary or scholarship for the furtherance of the education of such persons. Application

PART II

THE BURSARIES COMMITTEE

4. There is hereby established a Bursaries Committee. Establishment of the Bursaries Committee

5. (1) The Committee shall consist of not more than twelve members appointed by the Minister. Composition of the Committee

(2) The Minister shall designate one of the members as the chairman of the Committee.

(3) The validity of any proceedings, act or decision of the Committee shall not be affected by any vacancy in the membership of the Committee or by any defect in the appointment of a member or by reason that any person not entitled so to do took part in the proceedings of the Committee.

- 6.** The office of a member shall become vacant- Vacancy in the office of a member
- (a) if the holder of the office dies or resigns from office by notice in writing addressed to the Minister; or
- (b) if the holder of the office is removed from office by the Minister.
- 7.** (1) The Minister shall designate a public officer as the Secretary of the Committee. Secretary of the Committee
- (2) The Secretary shall discharge such duties as the Committee or the chairman may determine.
- (3) The Secretary shall be entitled to attend all meetings of the Committee unless specifically required by the chairman not to attend during the Committee's deliberations on any specific item or items.
- 8.** (1) The Committee shall hold its meetings at such places and times as the chairman may determine. Meetings
- (2) The Committee may, subject to the provisions of these Regulations, regulate its meetings as it thinks fit.
- (3) The Chairman shall preside at a meeting of the Committee and in the absence of the chairman the members present at that meeting may elect one of their number to preside at the meeting.
- (4) The chairman and three members shall form a quorum.
- (5) The decisions of the Committee may be made by circulating the relevant papers amongst the members and registering their view in writing.

PART III

FUNCTIONS OF THE COMMITTEE

9. (1) The Committee, acting for and on behalf of the Minister, shall have the power-

Functions of the Committee

(a) to make grants or loans to citizens of Zambia or their parents by way of bursaries or scholarships for the furtherance of education of such citizens;

(b) subject to the approval of the Minister, to make a grant or loan to a person who is not a citizen of Zambia or his parents by way of a bursary or scholarship for furtherance of his education.

(2) The powers of the Committee shall include every power granted by an express provision of these Regulations together with all implied powers necessary to exercise such express powers.

10. A grant or loan under regulation 9 shall be for the following purposes only, that is to say-

Financial assistance

(a) fees for education;

(b) allowance for transport;

(c) allowance for maintenance;

(d) allowance for maintenance of wife and children of the grantee;

(e) allowance for settling-in;

(f) allowance for books;

(g) allowance for excess baggage when a student is returning to Zambia; and

(h) special allowance in such other circumstances of a particular case as the Committee may determine.

11. Where fees or other charges are payable to an institution by a student, the Committee may pay the whole or part of a grant or loan directly to the institution or to the student or to such other person as the Committee may, in its absolute discretion, decide.

Payment of fees and allowances

- | | |
|---|--|
| 12. The Committee may determine the forms to be used and procedure to be followed in connection with an application for a grant or loan. | Forms and procedure |
| 13. The Committee may determine the conditions subject to which a grant or a loan shall be made. | Conditions attached to a grant or loan |
| 14. Where there is an agreement to repay a grant or loan, the Committee may agree to defer or forego such repayment or part thereof. | Committee may agree to defer or forego payment |
| 15. The Committee may increase the amount of a grant or loan in such circumstances as it may deem fit. | Increase of a grant or a loan |
| 16. The Committee may from time to time require a person to whom a grant or loan is made to submit to it such reports relating to his studies as the Committee may determine and such person shall comply with such requirement. | Submission of reports |
| 17. The Committee shall require every person who applies for a grant or loan to enter into an agreement that he shall on completion of his course, serve the Government for a period of not less than two years: | Agreement to serve the Government |

Provided that the Committee may for good and sufficient reasons-

- (a) permit a person to commence his service at such other time as the Committee may determine; or
- (b) permit the person to serve any other person in lieu of the service with the Government.

- | | |
|--|------------------------|
| 18. An application for a grant or a loan shall be refused if the applicant has failed or neglected to repay any previous grant or loan in respect of which any repayment is due or has failed to comply with any condition attached to such previous grant or loan. | Refusal of application |
|--|------------------------|

- | | |
|---|-----------------|
| 1. These Regulations may be cited as the Education (Teacher Training Institutions) (Boarding Fees) Regulations. | Title |
| 2. In these Regulations, unless the context otherwise requires- | Interpretation |
| <p>"boarding fees" means the fees specified in the Schedule;</p> <p>"teacher training institution" means an institution or college in which general education and specific training are given for entry to, and advancement in, the teaching profession.</p> | |
| 3. These Regulations shall not apply to any teacher training institution, that does not belong to the Government or which is not aided by the Government. | Application |
| 4. (1) A Zambian student accommodated in a hostel which is at a teacher training institution, where that student is enrolled, shall pay boarding fees at the rate prescribed in Part I of the Schedule, to cover the cost of board and lodging. | Prescribed fees |
| <p>(2) A foreign student accommodated in a hostel at a teacher training institution, where that student is enrolled, shall pay boarding fees at the rate prescribed in Part II of the Schedule, to cover the cost of board and lodging.</p> <p>(3) A student who is a refugee accommodated in a hostel at a teacher training institution, where that student is enrolled, shall pay boarding fees at the rate prescribed in Part II of the Schedule, to cover the cost of board and lodging.</p> <p>(4) The boarding fees payable under this regulation shall be paid by the student on or before the first day of the institution term in respect of which they are payable or on the day during that term on which the student is first accommodated in the hostel, as the case may be.</p> | |

<p>5. Boarding fees shall be paid either in cash, by postal order or by cheque certified by the bank on which it is drawn.</p>	<p>Manner of payment</p>
<p>6. (1) A Zambian student nominated by the Ministry to undertake in-service training in a teacher training institution shall be fully sponsored by the Ministry.</p>	<p>In-service student</p>
<p>(2) A Zambian student undergoing in-service training but not nominated by the Ministry for such training shall pay boarding fees at the self-sponsored rate prescribed in Part I of the Schedule.</p>	
<p>7. (1) Where a student is accommodated in a hostel which is at a teacher training institution for less than half of any term, half of such boarding fees as have been paid by that student shall, subject to one month's notice being given of the claim for a refund, be refunded to the student who paid such fees.</p>	<p>Refund of fees in certain cases</p>
<p>(2) The provisions of this regulation shall not apply in relation to a student if-</p>	
<p>(a) the student has been suspended or expelled, as the case may be, from an institution or excluded from a hostel which is at a teacher training institution, on the grounds of indiscipline under regulation <i>twelve</i> or <i>fifteen</i> of the Education (Teacher Training Institutions) Regulations, 1973; or</p>	
<p>(b) the Principal of a teacher training institution is not satisfied that good reasons exist for the student's absence from the institution or a hostel which is at a teacher training institution, as the case may be.</p>	
<p>8. The Principal of a teacher training institution shall submit, annually, returns of the actual expenditure of boarding fees to the Minister within a period of three months after the end of each financial year.</p>	<p>Expenditure</p>
<p>9. The Principal of a teacher training institution shall submit, annually, proposed estimates of expenditure of boarding fees for the following academic year to the Minister at least four months prior to the commencement of a particular academic year.</p>	<p>Estimates of expenditure</p>

SCHEDULE

(Regulations 4 and 6)

BOARDING FEES

PART I

Zambians

Fee units

- | | |
|--|--------------|
| 1. Student teacher on pre-service training | 150 per term |
| 2. Student teacher on in-service training sponsored by the Ministry of Education | Nil |
| 3. Self-sponsored student teacher on in-service training | 150 per term |

PART II

Non-Zambians

- | | |
|---|---|
| 1. Non-Zambian student teacher on either in-service or pre-service training | US \$100 or the equivalent in Kwacha per term |
| 2. A refugee student teacher on either in-service or pre-service training | 150 per term |
- (As amended by Act No. 13 of 1994)*

**SECTION 19-THE EDUCATION (PRIMARY SCHOOL
BOARDS) (ESTABLISHMENT) ORDER**
Order by the Minister

***Statutory
Instrument
130 of
1996***

1. This Order may be cited as the Education (Primary Schools Boards) (Establishment) Order. Title

2. There is hereby established a primary school board for each Government primary school in each constituency in the Copperbelt Province as specified in the Schedule.

Establishment
of Boards

SCHEDULE

(Paragraph 2)

**PRIMARY SCHOOL BOARDS: COPPERBELT
PROVINCE**

<i>SN</i>	<i>District</i>	<i>Constituency</i>	<i>School</i>
1.	Chililabombwe	1. 1 Chililabombwe	Kamenza
2.	Chingola	2. 1 Chingola	Nakatindi
		2. 2 Nchanga	Kapopo
3.	Kalulushi	3. 1 Kalulushi	Chibuluma
		3. 2 Lufwanyama	St. Joseph's
4.	Kitwe	4. 1 Wusakile	Bupe
		4. 2 Nkana	Rokana
		4. 3 Kamfinsa	Ndeke
		4. 5 Kwacha	Bulangililo
		4. 6 Chimwemwe	Ishuko
5.	Luanshya	5. 1 Luanshya	Mpelembe
		5. 2 Roan	Nkambo
6.	Masaiti	6. 1 Masaiti	Chamunda
		6. 2 Mpongwe	Mpongwe
7.	Mufulira	7. 1 Mufulira	Mutundu
		7. 2 Kankoyo	Muleya
Winter		7. 3 Kantanshi	Mufulira
8.	Ndola	8. 1 Chifubu	Kamba
		8. 2 Kabushi	Masala
		8. 3 Ndola Central	Northrise

CHAPTER 135

THE AFRICAN EDUCATION ACT

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Unified African Teaching Service
4. Teaching Service and Teaching Service Commission
5. Regulations

CHAPTER 135

AFRICAN EDUCATION

An Act to create a Unified African Teaching Service; to establish a Teaching Service and a Teaching Service Commission; and to provide for matters incidental to or connected with the foregoing.

[15th January, 1952]

38 of 1951
 51 of 1955
 10 of 1958
 11 of 1959
 27 of 1960
 *29 of 1962
 69 of 1965
 28 of 1966
Government
Notices 292 of
 1964
 497 of 1964
Statutory
Instruments
 9 of 1964
 123 of 1965

*Act No. 29 of
 1962 is deemed to
 have come into
 force on 1st
 November, 1961.

1. This Act may be cited as the African Education Act and shall be read as one with the Education Act.

Short title
 Cap. 134

(As amended by No. 28 of 1966)

2. In this Act, unless the context otherwise requires-

Interpretation

"Ministry" means the Ministry of Education;

"Secretary" means the Permanent Secretary, Ministry of Education.

*(As amended by No. 51 of 1955, No. 10 of 1958,
No. 11 of 1959, No. 29 of 1962, G.N. No. 292 of 1964,
No. 69 of 1965 and No. 28 of 1966)*

3. (1) There shall be created a Unified African Teaching Service to which shall belong-

Unified African
Teaching Service

(a) all African teachers who are approved by the Secretary for appointment-

Cap. 134

(i) in local education authority schools and assisted schools;

(ii) at such schools or class of schools as may be exempted from all or any of the provisions of the Education Act under subsection (2) of section *three* of that Act; and

(b) such other persons or classes of persons engaged in the supervision or administration of schools as the Secretary, with the approval of the Minister, may from time to time specify.

(2) The Unified African Teaching Service shall be governed by regulations made in that behalf under the provisions of this Act:

Provided that African teachers employed as such by the Government at the date of the introduction of such regulations shall be entitled, if they so desire, to retain their existing terms and conditions of service.

* Act No. 29 of 1962 is deemed to have come into force on 1st November, 1961.

(3) No person shall be permitted to join the Unified African Teaching Service as from the 1st November, 1962.

(As amended by No. 51 of 1955, No. 10 of 1958,

*No. 11 of 1959, No. 29 of 1962
and S.I. No. 123 of 1965)*

4. (1) There is hereby established a Teaching Service to which shall belong all persons who make application to join the said Service and are approved for entry to the said Service by the Secretary.

Teaching Service
and Teaching
Service
Commission

(2) Any person who on the 1st November, 1961, was a member of the Unified African Teaching Service may make application to join the Teaching Service with effect from the 1st November, 1961.

(3) Any person who becomes a member of the Unified African Teaching Service after the 1st November, 1961, may make application to join the Teaching Service with effect from the date that he became such a member of the Unified African Teaching Service.

(4) No application to join the Teaching Service under the provisions of subsection (2) or (3) shall be made later than three months after the 16th October, 1962.

(5) The Secretary in his discretion may approve the entry to the Teaching Service of a person who makes application to join the said Service under the provisions of subsection (2) or (3) with effect from such date as is stated in the application of that person.

(6) The Teaching Service shall be governed by regulations made in that behalf under the provisions of this Act.

(7) There is hereby established a Teaching Service Commission which shall advise the Secretary as to the management of the Teaching Service, and which shall be constituted and regulate its procedure in such manner as may be prescribed.

(8) The Minister shall appoint a Regional Teaching Service Committee for each Region, which shall be constituted and regulate its procedure in such manner and carry out such functions as may be prescribed.

(9) The Secretary shall be responsible for co-ordination between the Government, the Teaching Service Commission and the Regional Teaching Service Committees in the control of the Teaching Service and the Unified African Teaching Service.

(No. 29 of 1962 as amended by S.I. No. 123 of 1965 and No. 28 of 1966)

5. (1) The Minister may, by statutory instrument, make regulations for all or any of the following purposes: Regulations

(a) the composition of any board or committee to be constituted under this Act;

(b) the functions, duties and the conduct of the proceedings of any board or committee constituted under this Act;

(c) the establishment and control of a Unified African Teaching Service and the control of the Teaching Service and the conditions of service of the members thereof including the classification, discipline, termination of appointment and leave of, and the payment of pensions and gratuities to, such members;

(d) the establishment of teacher training colleges and the appointment, qualifications, control and the conditions of service of the staffs thereof;

(e) appeals against any refusal or revocation of registration or against any conditions imposed under regulations made under any of the preceding paragraphs;

(f) generally to carry out the purposes of this Act and to prescribe anything required to be prescribed thereunder.

(2) Regulations made under the provisions of paragraphs (c) and (d) of subsection (1) and published in the *Gazette* before the 1st January, 1963, may be given retrospective effect to the 1st November, 1961.

(3) Whenever the Minister is satisfied that any regulation made under paragraph (c) or (d) of subsection (1) should have retrospective effect in

order to confer a benefit upon, or remove a disability attaching to, any person, that regulation may, notwithstanding the provisions of subsection (2), be given retrospective effect for that purpose.

*(As amended by No. 11 of 1959, *No 27 of 1960,
No. 29 of 1962, G.N. No. 292 of 1964,
S.I. No. 123 of 1965 and No. 28 of 1966)*

*This amendment is deemed to have had effect from 20th June, 1953.
(See Act No. 27 of 1960.)

SUBSIDIARY LEGISLATION

AFRICAN EDUCATION THE UNIFIED AFRICAN TEACHING SERVICE REGULATIONS [ARRANGEMENT OF REGULATIONS]

PART I PRELIMINARY

Regulation

1. Title and commencement
2. Interpretation

PART II THE SERVICE

3. Salary scales and qualifications
4. Application of Regulations
5. Appointment of class III employees and probationers
6. Confirmation of probationers
7. Increments
8. Promotion
9. Termination of appointment

PART III

DISCIPLINE

- 10. Absence from duty
- 11. Suspension from duty
- 12. Penalties
- 13. Who may award penalties
- 14. Procedure
- 15. Procedure on dismissal
- 16. Procedure on discharge
- 17. Re-employment of discharged or dismissed employee
- 18. Employee convicted of criminal offence
- 19. Sundry offences
- 20. Complaints
- 21. Appeals

PART IV

ADMINISTRATION

Regulation

- 22. Quarters
- 23. Records of service
- 24. Liability to serve in any part of Zambia

PART V

LEAVE AND TRANSPORT

- 25. Leave
- 26. Sick leave

- 27. Leave on urgent private affairs
- 28. Transport privileges

PART VI

PENSIONS AND GRATUITIES

- 29. Service to be unbroken
- 30. Pensions and gratuities: application
- 31. Qualification for pension or gratuity
- 32. Gratuity and reduced pensions
- 33. Basic pension
- 34. Gratuities
- 35. Special pensions or gratuities
- 36. Pension to cease on conviction
- 37. Further employment of pensioners
- 38. Payment of pension
- 39. Form of application
- 40. Liability of employees to amendments

SCHEDULE-Classes I, II and III employees

SECTION 5-THE UNIFIED AFRICAN TEACHING SERVICE REGULATIONS *Regulations by the Minister*

*Government
Notices*
372 of 1953
378 of 1953
345 of 1957
272 of 1959
34 of 1961
318 of 1962
292 of 1964
497 of 1964
*Statutory
Instruments*
123 of 1965
314 of 1966

PART I

PRELIMINARY

1. These Regulations may be cited as the Unified African Teaching Service Regulations, and shall be deemed to have come into force on the 1st July, 1953.

Title and
commencement

2. In these Regulations, unless the context otherwise requires-

Interpretation

"class I employee" means an employee mentioned in Part I of the Schedule;

"class II employee" means an employee mentioned in Part II of the Schedule;

"class III employee" means an employee mentioned in Part III of the Schedule;

"confirm" means to confirm a class I or class II employee in a permanent and pensionable appointment in the Service, and "confirmed" and "confirmation" shall be construed accordingly;

"discharge" means termination, by due notice, of the appointment of an employee on the ground of his inability to perform efficiently the duties of his post or on the ground of misconduct;

"dismissal" means the termination, without due notice, of the appointment of an employee on the ground of inefficiency, or on the ground of repeated or serious misconduct or of disobedience;

"due notice" means-

(a) in the case of an employee employed on a monthly basis, one month's notice; and

(b) in the case of an employee who has been confirmed, three months' notice, and shall not include any period of leave;

"employee" means a member of the Service;

"manager" means the person acting or appointed as the manager of a school;

"pensionable service" means service which may be taken into account in computing pension under these Regulations;

"probationer" means a class I or class II employee who has not been confirmed;

"qualifying service" means service which may be taken into account in determining whether an employee is eligible by length of service for pension, gratuity or other allowance;

"Regional Committee" means a Regional Teaching Service Committee established under the provisions of section *four* of the Act;

"salary", for the purpose of computing pension, shall not include any allowance or similar emolument whatsoever unless such is specifically approved by the President as pensionable;

"the Service" means the Unified African Teaching Service established under the provisions of subsection (1) of section *three* of the Act;

"service", for the purpose of computation of leave, shall not include any other period of leave, whether vacation leave, sick leave or leave on urgent private affairs.

*(As amended by No. 345 of 1957, No. 34 of 1961
and No. 314 of 1966)*

PART II

THE SERVICE

3. The Secretary may from time to time specify the salary scales applicable to employees and the qualifications necessary for

Salary scales and
qualifications

appointment and for promotion to the various grades.

(As amended by No. 34 of 1961 and No. 314 of 1966)

4. These Regulations shall apply to all employees other than those who have exercised the option, conferred by section *three* of the Act, to retain African Civil Service conditions of service.

Application of
Regulations

(As amended by No. 34 of 1961)

5. (1) Subject to the provisions of sub-regulation (2), a manager may appoint as a class III employee or as a probationer any African who has been approved by a Regional Committee for entry into the Service.

Appointment of
class III employees
and probationers

(2) An appointment under sub-regulation (1) shall not be effective until it has been approved-

(a) in the case of the appointment of an African who is a native of Zambia, by the Regional Committee of the Region in which the school is situate; and

(b) in the case of the appointment of an African who is not a native of Zambia, by the Secretary;

and in either case approval of the appointment may be withheld without any reason being assigned therefor.

(3) A class III employee or a probationer shall be appointed on a monthly basis and upon approved appointment shall receive a letter of appointment.

(4) A probationer shall normally serve as such for a period of not less than four years but the Secretary may, in his discretion and in any particular case, reduce or extend the period of probation.

*(As amended by No. 345 of 1957, No. 34 of 1961
and No. 314 of 1966)*

6. (1) Upon the completion of his probationary period a probationer may be confirmed in his appointment by the Secretary, and for this purpose the Secretary may require such reports as he may deem necessary from the manager of the school at which the probationer is

Confirmation of
probationers

serving and from the Regional Committee concerned.

(2) It shall be the duty of Regional Committees and of managers to ensure that consideration is given to the confirmation of probationers at the appropriate time.

(3) If at any time during his probationary period it appears that a probationer is unlikely to merit confirmation, the manager of his school shall warn him in writing to that effect and such warning shall state the reasons why the probationer is unlikely to merit confirmation.

(4) The Secretary shall have power to terminate an employee's probationary appointment, without assigning any reason therefor, at any time during the probationary period.

(5) No probationer shall be confirmed until he has been medically examined and passed medically fit.

(6) If a probationer is found to be medically unfit he shall be discharged:

Provided that if, in the opinion of a medical practitioner, such probationer is likely to become medically fit for confirmation after medical treatment, his probationary period may be extended so as to allow such treatment to be undertaken.

(As amended by No. 34 of 1961 and No. 314 of 1966)

7. (1) The normal increments in the salary of an employee may be granted by the manager only after he is satisfied that such employee has performed his duties with diligence, efficiency and fidelity:

Increments

Provided that an increment of a manager of a school who is a member of the Service may only be granted by the proprietor of such school.

(2) Increments in salary are not granted as a matter of right.

(No. 34 of 1961)

8. (1) Promotion shall be by recognised qualifications and by merit and, in the case of limited establishments, subject to the existence of suitable vacancies. Promotion

(2) Promotions shall be made by the Secretary and in all cases other than the case of promotion of a manager, who is a member of the Service, the Secretary shall require to be satisfied by a certificate from the manager of the school at which the employee concerned is at the time serving that such employee is possessed of the necessary qualifications both of ability and character.

(3) Promotion of a manager of a school who is a member of the Service shall be made by the Secretary who shall require to be satisfied by a certificate from the proprietor of such school that such manager is possessed of the necessary qualifications both of ability and character.

(4) The Secretary may require any candidate for promotion to undergo such examination or test as he may consider necessary to prove that such candidate is properly qualified.

(5) The Secretary may prescribe such general examinations or tests for promotion as he may deem fit.

(6) Notwithstanding anything in these Regulations contained, the Secretary may in special cases approve the grant of accelerated promotion or the payment of a special salary to an employee.

(As amended by No. 345 of 1957 and No. 34 of 1961)

9. (1) No employee shall retire, resign or be discharged without due notice being given by or to him, as the case may be. Termination of appointment

(2) An employee may retire at any time after he has attained the age of fifty-five years or after completing thirty years' service, whichever is the earlier.

(3) The Secretary may require an employee to retire-

(a) on the recommendation of a Regional Committee at any time after such employee has attained the age of fifty years or has completed twenty-five years' service, whichever is the earlier; or

(b) on grounds of infirmity of mind or body which is likely to be permanent, certified by a registered medical practitioner; or

(c) because the abolition of the post of such employee or the reorganisation of the Service makes such retirement desirable in the interests of economy or efficiency.

(4) An employee who-

(a) is required to retire under this regulation; or

(b) retires or resigns after completing a tour of ten months;

shall be eligible for any leave due to him and, with the approval of the Regional Committee, journey leave and the transport privileges set forth in regulation 28:

Provided that-

(i) such employee shall be entitled to free transport for himself to the place at which he was appointed to the Service and, if not granted leave, he shall be entitled to rations or a cash allowance in lieu thereof sufficient for the journey;

(ii) the Secretary may in any particular case waive the giving of notice by such employee or the serving of a tour of ten months.

(5) An employee, on termination of his appointment otherwise than by dismissal, shall be entitled to a Certificate of Service.

(6) For the purposes of this regulation, "service" shall include all periods of continuous service in the Service, in the African Civil Service or as an aided employee in an assisted school, prior to the introduction of these Regulations.

(As amended by No. 345 of 1957, No. 34 of 1961 and No. 314 of 1966)

PART III

DISCIPLINE

10. (1) Absence from duty without leave or other sufficient cause shall render an employee liable to forfeit his salary for the period of such absence and in addition thereto to any of the penalties set forth in regulation 12. Absence from duty

(2) Ill health will not be accepted as a sufficient cause for absence from duty for a period exceeding two days unless the manager is satisfied that the absence from duty is or was in fact due to ill health and was necessary.

(3) Notwithstanding any other provisions of these Regulations, if an employee is absent without leave for more than fourteen consecutive days then-

(a) in the case of a manager who is a member of the Service, his proprietor; and

(b) in the case of any other employee, his manager;
may with the approval of the Secretary summarily terminate the appointment of such employee with effect from the first day of this absence.

(4) Any employee whose appointment has been terminated under the provisions of sub-regulation (3) may be reinstated in his employment if such employee, within two months from the first day of his absence, satisfied the Secretary that there was reasonable cause for his absence.

(As amended by No. 34 of 1961)

11. (1) In any case of repeated serious misconduct or continued inefficiency likely to lead to the discharge or dismissal of an employee- Suspension from duty

(a) in the case of a manager of a school who is a member of the

Service, the proprietor of such school; or

(b) in the case of any other employee, the manager under whose supervision such employee is serving;

may, pending the decision in the matter, suspend such employee from duty:

Provided that if an employee is arrested on a criminal charge he shall be suspended from duty with effect from the date of his arrest.

(2) Pending a decision on his case, an employee who has been suspended from duty shall receive no salary but shall receive ration allowance at the rates appropriate to the district in which he is serving and in the case of suspension following arrest such allowance shall be paid to the wife of the employee.

(3) Part or all of any salary withheld under the provisions of sub-regulation (2) may be restored-

(a) in the case of a class I employee, at the discretion of the Secretary; and

(b) in any other case, at the discretion of the Regional Committee; whether such employee is discharged or not.

(As amended by No. 34 of 1961 and No. 314 of 1966)

12. The following penalties may be imposed upon an employee found guilty of inefficiency or misconduct: Penalties

(a) dismissal;

(b) discharge;

(c) his increment may be stopped and shall not be paid during the period of stoppage. A stopped increment may be restored, and shall then become payable from the date of such restoration until the end of the current incremental period when the employee shall become eligible for further increments;

(d) his increment may be deferred. When such increment is restored, the date of such restoration shall thereupon become the incremental date of the employee;

(e) his increment may be suspended. Such increment may at any time thereafter be stopped or deferred or may be restored with effect from the date on which it became due, as circumstances may require:

Provided that if such increment is not so restored, or otherwise dealt with, within a year of the date on which it became due it shall then be either stopped or deferred;

(f) his salary may be either permanently or temporarily reduced. Such reduction may be to a lower scale but shall in no case be to a point lower than the point at which the employee was appointed. A reduction of salary shall only be to a specific point in a recognised salary scale;

A permanent reduction of salary means one by which an employee will receive less than he would have received until he reaches the maximum of the scale but a permanent reduction of salary shall not debar an employee from being eligible for normal increment;

A temporary reduction of salary means a reduction for a specific number of months not exceeding twelve. At the end of the period of temporary reduction the employee shall revert to his former unreduced rate of salary. If the employee's incremental date falls within the period of temporary reduction his increment may be granted (subject to satisfactory service after the date on which the reduction commenced) and at the end of the period of reduction he shall commence to receive the full rate of salary for which he would have been eligible had his salary not been reduced.

(As amended by No. 378 of 1953 and No. 34 of 1961)

13. The power to award penalties shall be vested in the persons mentioned below and to the extent herein specified-

Who may award penalties

(a) the Secretary may impose upon any employee any of the penalties set out in regulation 12;

(b) a proprietor may, subject to review and confirmation by the Secretary, impose upon any manager who is a member of the Service any of the penalties set out in regulation 12;

(c) a manager may, subject to review and confirmation by the Regional Committee, impose upon any employee any of the penalties set out in regulation 12:

Provided that a manager may not discharge or dismiss-

(i) a class I employee without the prior approval of the Secretary;
and

(ii) a class II employee without the prior approval of the Regional Committee.

(As amended by No. 34 of 1961 and No. 314 of 1966)

14. (1) In any case where it is proposed to impose a penalty upon an employee on the ground of inefficiency he shall, before a penalty is imposed- Procedure

(a) be informed in writing in what respect he is regarded as inefficient;

(b) be informed in writing of a specific period within which to improve his standard of efficiency; and

(c) be afforded an opportunity to make such representations as he may wish.

(2) In any case where it is intended to impose a penalty upon an employee on the ground of misconduct or disobedience he shall, before a penalty is imposed-

(a) be informed in writing in what respect he has misconducted himself or been disobedient; and

(b) be afforded an opportunity to exculpate himself.

(3) When an employee is orally warned of inefficiency or misconduct the terms of the warning and of any exculpatory statement shall be entered in his record of service.

(As amended by No. 34 of 1961)

15. An employee who is dismissed shall-

Procedure on dismissal

(a) forfeit any vacation leave for which he may have qualified and the transport privileges set forth in regulation 28;

(b) not be granted any pension or gratuity; and

(c) be entitled to free transport for himself only to the place where he was appointed to the Service, together with rations or a cash

allowance in lieu thereof sufficient for the journey.

(As amended by No. 34 of 1961)

16. An employee who is discharged-

Procedure on
discharge

(a) shall be eligible for any leave due to him and the transport privileges set forth in regulation 28 if he has completed a tour of at least ten months;

(b) shall be entitled to free transport for himself to the place at which he was appointed to the Service and to rations or a cash allowance in lieu thereof sufficient for the journey if he has not completed ten months' service; and

(c) shall, at the discretion of the President, be awarded such pension or gratuity, if any, for which he may be eligible unless the Public Service Commission concurs in the refusal of the President to grant such pension or gratuity or, as the case may be, in his decision to withhold them, reduce them in amount or suspend them.

(As amended by No. 34 of 1961 and No. 123 of 1965)

17. No employee who has been discharged or dismissed under the provisions of these Regulations shall be re-employed except with the written permission of the Secretary.

Re-employment of
discharged or
dismissed
employee

(As amended by No. 34 of 1961)

18. If any employee is convicted of a criminal offence he may be dismissed from the Service.

Employee
convicted of
criminal offence

(As amended by No. 34 of 1961)

19. Any employee who-

Sundry offences

(a) without the consent of the manager of his school engages for personal profit in any commercial or other pursuit;

(b) conducts himself in any way which interferes with the efficient conduct of the school;

(c) uses for purposes unconnected with the Service information which he may have gained in the course of his duties, whether such information is oral or in the form of official correspondence or copies thereof;

(d) receives any valuable present other than the ordinary gifts of personal friends (wherein the Secretary shall be the sole judge) whether

in the shape of money, goods or other personal benefits;

(e) is disobedient or insolent in the course of his duties;

(f) is negligent or lazy;

(g) renders himself unfit for his duty by reason of the use of intoxicants or drugs;

(h) is guilty of immoral conduct;

(i) does anything by word or deed which is likely to bring the Service into disrepute;

(j) uses his position as an employee to further the ends of any political party or to expound his own political views;

(k) uses his position as an employee to encourage disrespect for or disobedience to the lawfully constituted Government or any laws or orders lawfully promulgated;

shall be deemed to be guilty of serious misconduct.

(As amended by No. 34 of 1961 and No. 123 of 1965)

20. (1) Every employee other than a manager shall have the right of preferring, through the manager of the school at which he is serving, any general or special complaint to the Regional Committee which shall investigate the complaint and-

Complaints

(a) in the case of a class I employee, refer the matter together with its recommendation thereon to the Secretary for a decision; or

(b) in any other case, give its decision on the complaint.

(2) Every manager of a school who is a member of the Service shall have the right of preferring through a proprietor of such school any general or special complaint to the Secretary who shall investigate the complaint and give his decision thereon.

(As amended by No. 34 of 1961 and No. 314 of 1966)

21. (1) A class III employee or a probationer upon whom a penalty, other than discharge or dismissal, has been imposed by a manager may appeal to the Regional Committee whose decision thereon shall be final.

Appeals

(2) An employee who has been confirmed and upon whom a penalty,

other than discharge or dismissal, has been imposed by a manager may appeal to the Regional Committee.

(3) Any person aggrieved by the decision of a Regional Committee in any appeal under sub-regulation (2) may appeal to the Secretary whose decision thereon shall be final.

(4) The following may appeal to the Minister whose decision upon such appeal shall be final:

(a) any manager upon whom a penalty has been imposed by his proprietor or by the Secretary;

(b) any manager discharged or dismissed;

(c) any employee upon whom a penalty has been imposed by the Secretary;

(d) any employee, other than a manager, discharged or dismissed by a manager.

(5) Any appeal under this regulation shall be notified by the appellant to the person or body hearing the appeal within twenty-one days after the notification of the decision appealed against.

(As amended by No. 34 of 1961 and No. 314 of 1966)

PART IV

ADMINISTRATION

22. Quarters, where available, shall be provided free of charge to employees, other than part-time employees. Where no quarters are available, employees shall be given in lieu thereof an allowance to be paid by the Secretary out of moneys appropriated by Parliament for the purpose and the rate of allowance for different grades and different localities shall be fixed by the Secretary.

Quarters

(As amended by No. 34 of 1961 and No. 314 of 1966)

23. (1) A record of service shall be kept for every employee and shall contain his signature, name, tribe, chief and village, date of employment, rate of salary and medical history. The details of his service, promotion, leave of absence, sick leave, character and any other relevant information shall also be recorded therein from time to time and certified by the manager or, in the case of a manager of a school who is a member of the Service, by the proprietor of such school. Records of service

(2) An annual confidential report on a manager of a school shall be submitted to the Secretary by the proprietor of such school at the time that the increment certificate is forwarded to the secretary of the Regional Committee and such report shall be filed with the manager's record of service.

(3) An annual confidential report on each class I and class II employee, other than a manager, shall be submitted to the Regional Committee at the time that the increment certificate is forwarded by the manager and such reports shall be filed with the employee's record of service.

(4) Reports of class III employees shall be submitted to the Regional Committee as it may direct.

(5) The Secretary may at any time and for any purpose call for the record of service of any employee and for any report that he may require.

(6) An employee shall not have access to his own record.

(No. 34 of 1961 as amended by No. 314 of 1966)

24. (1) An employee shall be liable to serve in any part of Zambia and for any proprietor. Liability to serve in any part of Zambia

(2) Notwithstanding the provisions of this regulation-

(a) no manager shall be required to employ an employee who is unacceptable to him; and

(b) no employee shall be required to work for a manager if unwilling to do so;

for conscientious or other reasons considered adequate by the Secretary.

(As amended by No. 34 of 1961 and No. 314 of 1966)

PART V

LEAVE AND TRANSPORT

25. (1) A manager may grant to an employee, other than a manager who is a member of the Service, and other than a part-time employee, thirty days' leave during the school holidays in each school year and any leave not taken in one year may, subject to the approval of the manager, be carried forward to the next school year up to a maximum of sixty days in any one school year: Leave

Provided that the Regional Committee may in its discretion allow an employee to be granted leave outside the school holidays.

(2) An employee may be granted special leave or an extension of leave for the purpose of attending any course of instruction which the Secretary may think desirable for such period and on such terms as to the payment of salary as the Secretary may approve.

(3) Sundays and public holidays falling during leave periods shall be reckoned as leave.

(4) An employee who is granted leave shall, in addition to such leave, be allowed by the manager as journey leave a reasonable time, not exceeding ten days in any one year, to travel between his place of employment and his home or other destination approved by the manager and return.

(5) Application for leave shall be submitted to the manager in such form as the Secretary may from time to time require.

(6) The provisions of sub-regulations (1) to (5) shall apply to a manager who is a member of the Service:

Provided that the said provisions will in their application to a manager be administered by his proprietor and the discretion invested in the Regional Committee in the proviso to sub-regulation (1) shall be vested in and shall be exercised by the Secretary.

(As amended by No. 34 of 1961 and No. 314 of 1966)

26. (1) Sick leave on full salary up to a maximum of eighteen days in any one period of twelve months may be granted by a manager on the recommendation of a medical practitioner, or, if it is impracticable to obtain such recommendation, on the manager being satisfied that the employee concerned is unfit for duty through sickness not caused by his own default. Sick leave

(2) If the sickness is caused by the employee's own default, sick leave may be without salary or on such reduced salary as may be decided by the manager in the light of the medical report.

(3) If at the end of eighteen days' sick leave an employee is certified by a medical practitioner to be still unfit to resume duty, an extension of sick leave on half-salary up to a maximum of a further thirty-six days may be granted. Any extension of sick leave beyond the total of fifty-four days shall be without salary:

Provided that in the discretion of the Regional Committee the employee may instead of sick leave without salary take whatever vacation leave is due to him.

(4) If a medical practitioner recommends, or the manager is of the opinion, that sick leave should be spent away from the place of employment, the employee may be granted journey leave and the transport privileges set forth in regulation 28 (1) (a). This sub-regulation shall also apply to vacation leave of less than fifty-four days taken in accordance with sub-regulation (3).

(5) If an employee exceeds in any one year of service an aggregate of thirty days' absence from duty on account of sickness, a report shall be obtained by the manager from a medical practitioner as to the employee's physical fitness for further service.

(6) The periods of sick leave specified in this regulation include Sundays and public holidays.

(7) The provisions of sub-regulations (1) to (6) shall apply to a manager who is a member of the Service:

Provided that the said provisions will in their application to a manager be administered by this proprietor and the discretion invested in the Regional Committee in sub-regulation (3) shall be vested in and shall be exercised by the Secretary.

(As amended by No. 34 of 1961 and No. 314 of 1966)

27. (1) An employee, other than a manager who is a member of the Service, may in special circumstances be granted leave on urgent private affairs and such leave shall be without salary: Leave on urgent private affairs

Provided that in the discretion of the manager the employee may, instead of such leave, take whatever vacation leave is due to him.

(2) A manager who is a member of the Service may in special circumstances be granted leave on urgent private affairs and such leave shall be without salary:

Provided that in the discretion of his proprietor he may, instead of such leave, take whatever vacation leave is due to him.

(No. 34 of 1961)

28. (1) An employee shall be eligible for free transport for himself and his wife and for his children up to four in number under the age of sixteen years as follows: Transport privileges

(a) travelling on first appointment, termination of appointment otherwise than by dismissal and transfer-

FARES

<i>Transport</i>				<i>Class</i>
Rail	...	...	...	Third class
Motor or river	...	...	...	Second class

BAGGAGE

Single employee-300 lb. or 6 carriers

Married employee-450 lb. or 9 carriers

(b) travelling on leave but not more than once in every period of three years-

Fares: as in paragraph (a);

Baggage: all employees-200 lb. or 4 carriers:

Provided that this paragraph shall only apply to journeys to the employee's home or to such other destination as the Secretary may in any particular case approve;

(c) an employee eligible for the privileges set forth in paragraph (a) or (b) shall also be eligible for an additional 25 lb. if travelling by rail or road for each child under the apparent age of sixteen years, or if travelling on foot, to one extra carrier for every two such children;

(d) an employee eligible for privileges under paragraph (a) or (b) shall be eligible to such allowance as may be approved by the Regional Committee if he travels by bicycle;

and the weight of baggage indicated in this sub-regulation shall be additional to such weight of baggage as may be allowed free to passengers by the transport contractors.

(2) An employee eligible for free transport shall be bound to travel by the most economical route available having regard to the cost of free fares and baggage allowance and the cost of his salary while travelling:

Provided that-

(i) in the case of an employee, other than a manager who is a member of the Service, the Regional Committee may, in the public interest, authorise travel by another route;

(ii) in the case of a manager who is a member of the Service, his proprietor may authorise travel by another route.

(As amended by No. 34 of 1961 and No. 314 of 1966)

PART VI

PENSIONS AND GRATUITIES

29. (1) Except as otherwise provided in these Regulations, only continuous service shall be taken into account as qualifying service or as pensionable service:

Service to be
unbroken

Provided that any interruption in service caused by temporary suspension of employment not arising from misconduct or voluntary resignation shall be disregarded for the purposes of this sub-regulation.

(2) No period during which an employee shall have been absent from duty on leave without salary shall be taken into account as pensionable service unless such leave shall have been granted on grounds of public policy.

(3) Service while under the age of twenty years shall not be taken into account as qualifying service or pensionable service.

(As amended by No. 34 of 1961)

30. (1) Pensionable status shall attach to class I and class II employees.

Pensions and
gratuities:
application

(2) Class III employees, other than part-time employees, shall be eligible to receive a gratuity in accordance with these Regulations.

(3) Nothing in these Regulations shall give, or be construed to give, any employee an absolute right to compensation for past service or to any pension or gratuity under these Regulations.

(4) Where it is established to the satisfaction of the President that an employee has been guilty of negligence, irregularity or misconduct, the pension or gratuity may be reduced or altogether withheld.

(As amended by No. 34 of 1961)

31. (1) A class I or class II employee who has been confirmed shall qualify for a pension after ten years' service.

Qualification
for pension or
gratuity

(2) A class III employee, other than a part-time employee, shall qualify for a gratuity after ten years' service.

(3) An employee may retire without sacrificing his claim to a pension or gratuity at the age of fifty-five or after thirty years' service whichever is the earlier.

(4) For the purpose of this regulation, "service" shall include-

(a) service as a class I or class II employee after confirmation;

(b) probationer service if the Secretary so approves upon the confirmation of the employee;

(c) service in the African Civil Service, or as an aided employee in a local education authority school or an assisted school, prior to the introduction of these Regulations.

(As amended by No. 34 of 1961)

32. (1) An employee to whom a pension is granted under these Regulations may, at his option which he may exercise, and, if he has already exercised his option, may revoke, not later than the day immediately preceding the date of his retirement, be paid a reduced pension at the rate of three-fourths or any greater fraction of the basic annual pension for which he is eligible, together with a gratuity equal to ten times the amount of the reduction so made in the basic pension.

Gratuity and
reduced
pensions

(2) Subject to the provisions of sub-regulation (1), if an employee has exercised his option his decision shall be irrevocable so far as it may concern any pension to be paid to him under these Regulations.

(3) If an employee who has not exercised his option under this regulation dies after he has finally retired, but before a pension has been

awarded under these Regulations, it shall be lawful for the Minister to grant a gratuity and reduced pension as provided in sub-regulation (1) as if the employee before his death had exercised the option to be paid a reduced pension at the rate of three-fourths of the basic annual pension for which he would have been eligible, together with a gratuity equal to ten times the amount of the reduction so made in the basic pension.

(As amended by No. 34 of 1961 and No. 292 of 1964)

33. (1) Basic annual pension shall be calculated at the rate of one six-hundredth of the annual salary of the employee at the date of retirement in respect of each completed month of pensionable service: Basic pension

Provided that where the pensionable service of an employee commenced prior to the 1st January 1946, the basic annual pension which may be awarded in respect of such service prior to the 1st January, 1946, shall be calculated at the rate of one twelve-hundredth of the annual salary at the date of retirement in respect of each completed month of such service and the pension of such employee shall be computed in two parts according to whether the one twelve-hundredth or the one six-hundredth rate applies.

(2) Where for the purposes of sub-regulation (1) an employee's pension is computed in two parts and in each part there occurs a period of service not amounting to a complete month, if the two such periods amount in the aggregate to not less than thirty days, one month's service shall be added to the part in which the greater period of service occurs, and where the periods of service are equal, to the part to which the one six hundredth rate applies.

(3) A pension granted to an employee under these Regulations shall not exceed two-thirds of the annual salary at the date of retirement.

(4) For the purposes of these Regulations, "pensionable service" means service in the Service or in the African Civil Service prior to the introduction of these Regulations.

(As amended by No. 34 of 1961)

34. (1) Save as in these Regulations provided, an employee to whom a gratuity is granted shall, unless the President, with the concurrence of the Public Service Commission, otherwise directs, be paid a gratuity Gratuities

calculated at the rate of one-twelfth of the retiring monthly salary in respect of each completed month of service:

Provided that where the service which is permitted to count towards gratuity commenced prior to the 1st January, 1946, the gratuity which may be awarded in respect of such service prior to the 1st January, 1946, shall be calculated at the rate of one twenty-fourth of the retiring monthly salary in respect of each completed month of such service, and such gratuity shall be computed in two parts according to whether the one twenty-fourth or the one-twelfth gratuity rate applies.

(2) Where for the purposes of sub-regulation (1) a gratuity is computed in two parts and in each part there occurs a period of service not amounting to a complete month, if the two such periods amount in the aggregate to not less than thirty days, one month's service shall be added to the part in which the greater period of service occurs, and where the periods of service are equal, to the part to which the one-twelfth gratuity rate applies.

(As amended by No. 34 of 1961 and No. 123 of 1965)

35. (1) An employee who, being qualified for pension but not eligible to retire in terms of regulation 31, is retired under regulation 9 (3) or under sub-regulation (4) may be granted a pension calculated in accordance with regulation 33. Special pensions or gratuities

(2) A pensionable employee who has completed less than ten years' qualifying service and is retired under regulation 9 (3) or under sub-regulation (4) may be granted a gratuity calculated at the rate of one-twelfth of the retiring monthly salary in respect of each completed month of pensionable service.

(3) A class III employee (other than a part-time employee) who has completed less than ten years' qualifying service and is retired under regulation 9 (3) or under sub-regulation (4) may be awarded a gratuity in accordance with regulation 34.

(4) An employee who has been elected to the National Assembly after having been given permission to stand as a candidate for such election shall be required to retire as from the date of such election.

(5) When an employee is removed from his office on the ground of his inability to discharge efficiently the duties thereof or on grounds of ill health occasioned by his own default and a pension or gratuity cannot otherwise be granted to him under these Regulations, the President shall, if, having regard to all the circumstances of the case, he considers it justifiable, grant such pension or gratuity as he may consider just and proper, unless the Public Service Commission concurs in the refusal of the President to grant such pension or gratuity, but in no case exceeding the pensioner gratuity for which the employee would be eligible were he retired under regulation 9 (3).

(6) Where an employee has been permanently injured in the actual discharge of his duty, without his own default, and by some injury specifically attributable to his duty, and his retirement is thereby necessitated or materially accelerated, the President shall grant such increased pension or gratuity or compassionate allowance if no pension or gratuity is payable under these Regulations, as he may think fit, unless the Public Service Commission concurs in the refusal of the President to grant such increased pension or gratuity or compassionate allowance, as the case may be.

(7) Where an employee who has completed four years' or more service in the Service dies whilst still an employee, the President shall grant to his relatives or dependents a gratuity calculated in accordance with regulation 34, unless the Public Service Commission concurs in the refusal of the President to grant such gratuity.

(8) If an employee dies at any time from injury contracted in the circumstances described in sub-regulation (6), a gratuity shall be granted to his relatives or dependents, unless the Public Service Commission concurs in the refusal of the President to grant such gratuity, and the amount of such gratuity shall not be less than one year's salary.

(9) The decision of the President as to the apportionment of any gratuity granted under sub-regulations (7) and (8) among the relatives or dependents of the deceased shall be final.

(As amended by No. 272 of 1959, No. 34 of 1961, No. 292 of 1964, No. 123 of 1965 and No. 314 of 1966)

36. If any employee to whom a pension has been granted under these Regulations is convicted before any competent court and sentenced to a term of imprisonment without the option of a fine, then in every such case the President may, with the concurrence of the Public Service Commission, direct that the pension shall cease forthwith:

Pension to
cease on
conviction

Provided that-

(i) the pension shall be restored with retrospective effect in the case of a person who after conviction as above described has been acquitted on appeal or at any time received a free pardon;

(ii) where a pension ceases as aforesaid, the President shall cause all or any part of the moneys to which the pensioner would have been entitled by way of pension to be paid to or applied for the benefit of any wife, child or children of the pensioner, and, after the expiration of his sentence, also for the benefit of the pensioner himself, unless the Public Service Commission concurs in the refusal of the President to pay or apply such pension to the benefit of such wife or children, or the pensioner himself, as the case may be;

(iii) in determining whether arrears of such pension or allowance are payable to such a person and in computing the amount thereof, account shall be taken of all moneys paid or applied under proviso (ii). t31(As amended by No. 34 of 1961 and No. 123 of 1965)

37. (1) An employee under the age of fifty-five years who has been granted a pension under these Regulations may, if physically fit for service, be called upon to accept until he reaches such age any office in the Service not less in value than the office which he had at the date of the grant of his pension, at the discretion of the Secretary.

Further
employment of
pensioners

(2) If a pensioner called upon under sub-regulation (1) declines to accept the office for which he may have been selected, the payment of his pension may be suspended until he has reached the age of fifty-five years.

(As amended by No. 34 of 1961)

38. If an employee to whom a pension has been granted under these Regulations is reappointed to the Service, the payment of his pension

Payment of
pension

may with his consent, if the President, with the concurrence of the Public Service Commission, thinks fit, be suspended during the period of his re-employment.

(As amended by No. 34 of 1961 and No. 123 of 1965)

39. Every application for pension or gratuity shall be submitted to the Public Service Commission in such form as it may from time to time require. Form of application

(As amended by No. 123 of 1965)

40. Any amendment of these Regulations duly made in accordance with the provisions of the Act shall be binding on all persons subject to these Regulations. Liability of employees to amendments

SCHEDULE

(Regulation 2)

CLASSES I, II AND III EMPLOYEES

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Manager.

Master.

Mistress.

Technical master.

Technical mistress.

Technical instructor.

African teacher with qualifications not less than T.4 certificate.

Instructor with qualifications not less than Standard IV plus three years' training.

Clerk.

Laboratory assistant.

Part-time teacher applicable to this class.

PART II-CLASS II

African teacher with qualifications lower than T.4 certificate.

Part-time teacher applicable to this class.

PART III-CLASS III

Untrained teacher.

Part-time teacher applicable to this class.

Handicraft instructor with qualifications as may be prescribed by the Secretary.
(No. 34 of 1961)

THE TEACHING SERVICE REGULATIONS [ARRANGEMENT OF REGULATIONS]

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1. These Regulations may be cited as the Teaching Service Regulations, and shall be deemed to have come into force on the 1st November, 1961.

Title and
commencement

(As amended by No. 123 of 1965)

2. In these Regulations, unless the context otherwise requires-

Interpretation

"agreement" means an agreement entered into in writing by a temporary employee on such conditions as shall be included in such agreement;

"confirm" means to confirm an employee in a permanent and pensionable appointment in the Service and "confirmed" and "confirmation" shall be construed accordingly;

"contract" means an agreement in writing for a specified period of service on such conditions of service as shall be included in the terms of the agreement;

"discharge" means termination, by due notice, of the appointment of an employee;

"dismissal" means the termination, without due notice, of the appointment of an employee;

"Division I employee" means an employee mentioned in Part I of the First Schedule;

"Division II employee" means an employee mentioned in Part II of the First Schedule;

"Division III employee" means an employee mentioned in Part III of the First Schedule;

"due notice" means-

(a) in the case of a confirmed employee in Division I, II or III, three months' notice;

(b) in the case of an unconfirmed employee in Division I, II or III, one month's notice;

(c) in the case of an employee on contract, notice in accordance with the terms of his contract;

(d) in the case of a temporary employee, notice in accordance with the terms of his agreement;

and in the case of an employee not on the teaching staff of a school, shall not, unless the Secretary so directs or the terms of his contract or agreement so provide, include any period of leave;

"employee" means a member of the Service;

"employer" means-

(a) in the case of an employee who is on the staff of a school, the manager:

Provided that in the case of an employee who is in charge of a school and who is also the manager of that school, the employer means the proprietor;

(b) in the case of an employee who is not on the staff of a school, the proprietor;

"manager" means the person acting or appointed as the manager of a school;

"probationer" means an employee who has not been confirmed and who is not serving on contract or as a temporary employee;

"Regional Committee" means a Regional Teaching Service Committee established under the provisions of subsection (8) of section *four* of the Act;

"the Service" means the Teaching Service established under the provisions of subsection (1) of section *four* of the Act;

"service", for the purpose of computation of leave, shall not include any other period of leave;

"Southern Africa" means the Republic of South Africa, Mozambique, Angola, the former High Commission Territories, the former Federation of Rhodesia and Nyasaland, Southern Rhodesia, Malawi, the Republic of Zambia and the Congo Republic;

"Teaching Service Commission" means the Teaching Service Commission established under the provisions of subsection (7) of section *four* of the Act;

"temporary employee" means an employee serving on agreement.

(As amended by No.123 of 1965 and No.315 of 1966)

PART II

THE SERVICE

3. (1) The Service shall consist of Divisions I, II and III employees. Composition of

the Service

(2) The salary scales applicable to employees shall be as laid down in the Second Schedule. The Secretary may from time to time specify the qualifications necessary for appointment and promotion to and the entry points in the respective scales and Divisions.

(As amended by No. 123 of 1965)

4. These Regulations shall apply to all employees:

Application of
Regulations

Provided that employers when engaging such employees may, with the prior approval of the Secretary, impose special conditions which, in the opinion of the Secretary, are not incompatible with these Regulations and which are applicable only to such employees while in their employ.

5. (1) No person shall be appointed to Division I or II of the Service unless the Secretary, after considering the advice of the Teaching Service Commission, approves the appointment of such person.

Appointment

(2) No person shall be appointed to Division III of the Service unless the Secretary approves the appointment of such person.

6. (1) An employee appointed to the Service, other than on contract or as a temporary employee, shall normally serve as a probationer for a period of-

Probation

(a) not less than two years in the case of a Division I employee;

(b) not less than three years in the case of a Division II employee;

(c) not less than four years in the case of a Division III employee:

Provided that the Secretary, after considering the advice of the Teaching Service Commission, may in any particular case reduce or extend the period of probation.

(2) Notwithstanding the provisions of sub-regulation (1), an employee appointed to the Service on transfer from the Unified African Teaching Service, or the Police Force or Civil Service of the former Protectorate of Northern Rhodesia, may be appointed to the Service as a confirmed employee if the Secretary so approves under the provisions of regulation 5.

7. (1) The Secretary, after considering the advice of the Teaching Service Commission, may confirm a probationer in his appointment upon the completion of his probationary period, and for this purpose the Secretary shall require recommendations from the employer and from the Regional Committee concerned in such form as the Secretary shall prescribe. Confirmation

(2) It shall be the duty of Regional Committees and of employers to ensure that consideration is given to the confirmation of probationers at the appropriate time.

(3) If, at any time during his probationary period, it appears to the employer that a probationer is unlikely to merit confirmation, the employer shall warn the employee in writing to that effect and such warning shall state the reasons why the probationer is unlikely to merit confirmation.

(4) It shall be lawful for the Secretary, after considering the advice of the Teaching Service Commission, to terminate an employee's probationary appointment, without assigning any reasons therefor, at any time during the probationary period.

(5) No probationer shall be confirmed until medically examined and passed medically fit.

(6) If a probationer is found to be medically unfit he shall be discharged:

Provided that if, in the opinion of a medical practitioner, such probationer is likely to become medically fit for confirmation after medical treatment, the probationary period may be extended so as to allow medical treatment to be undertaken.

(As amended by No. 315 of 1966)

8. (1) The normal increments in the salary of an employee in Division I or II may be granted by the employer only after the Secretary is satisfied, on the recommendation of the Regional Committee, that such employee has performed his duties with diligence, efficiency and fidelity. Increments

(2) The normal increments in the salary of an employee in Division III may be granted by the employer only after the Regional Committee is satisfied that such employee has performed his duties with diligence, efficiency and fidelity.

(3) Increments in salary are not granted as a matter of right.

(4) Annual confidential reports and increment certificates, in such form as the Secretary may require, shall be submitted to the Regional Committee by the employer-

(a) in the case of an employee in Division I or II, not later than two months before the first day of the month in which the increment will fall due for payment;

(b) in the case of an employee in Division III, not later than one month before the first day of the month in which the increment will fall due for payment.

(As amended by No. 315 of 1966)

9. (1) The Secretary, after considering the advice of the Teaching Service Commission, may make promotions and for these purposes the Secretary shall require to be satisfied by a certificate from the employer and by the recommendation of the Regional Committee concerned that an employee is in possession of the necessary qualifications and is in ability and character suitable for promotion. Promotion

(2) The Secretary may require any candidate for promotion to undergo such examination or test as he may consider necessary to prove that the candidate is properly qualified.

(3) The Secretary may prescribe such general examinations or tests for promotion bars as he may deem fit.

(4) Notwithstanding any other provision of these Regulations, the Secretary, after considering the advice of the Teaching Service Commission, may in special cases approve the grant of accelerated promotion or the payment of a special salary to an employee.

(As amended by No. 315 of 1966)

10. (1) Subject to the provisions of sub-regulation (2), no employee shall retire, resign or be discharged without due notice being given by or to him, as the case may be: Termination of appointment

Provided that the Secretary may in any particular case waive the giving of due notice by an employee.

(2) An employee will be required to retire on attaining the pensionable age of, in the case of a male, sixty years and in the case of a female, fifty-five years.

(3) The Secretary, after considering the advice of the Teaching Service Commission, may approve a male employee's application for permission to retire at any time after such employee attains the age of fifty-five years and a female employee's application for permission to retire at any time after such employee attains the age of fifty years.

(4) It shall be lawful for the Secretary, after considering the advice of the Teaching Service Commission, to require an employee to retire-

(a) on the recommendation of a Regional Committee at any time after such employee has attained the age of fifty-five years, if male, or fifty years, if female; or

(b) on the recommendation of a medical board that the employee is suffering from an infirmity of mind or body which is likely to be permanent; or

(c) because the abolition of the post of the employee or the

reorganisation of the Service makes such retirement desirable in the interests of economy or efficiency; or

(d) in the case of a female, on marriage; or

(e) in the interests of the Service; or

(f) on the employee's election, having been given permission by the Secretary to stand for election, to the National Assembly.

(5) An employee who resigns before completing service of a minimum period of two years shall be liable to refund all or such part as the Secretary shall direct of the cost of transport and baggage allowance provided on first appointment under the provisions of regulation 45.

(6) An employee, on termination of his appointment otherwise than by dismissal, shall be entitled to a Certificate of Service.

(7) For the purpose of this regulation, "service" shall include all periods of continuous service in the Service, in the Unified African Teaching Service, or in the Police Force or Civil Service of the former Protectorate of Northern Rhodesia, prior to the introduction of these Regulations.

(8) Notwithstanding the provisions of sub-regulations (2), (3) and (4), an employee to whom the provisions of Part VI or VII of the Teaching Service (Pensions) Regulations apply may retire and may be required to retire in accordance with the provisions of Part VI or VII, as the case may be, of the said Regulations.

*(As amended by No. 292 of 1964, No. 123 of 1965
and No. 315 of 1966)*

PART III

REGIONAL COMMITTEES AND THE TEACHING SERVICE

COMMISSION

11. (1) The composition of a Regional Committee shall be as follows: Composition of Regional Committees
The Chief Education Officer (chairman);
Not less than two and not more than four persons appointed by the Minister and who shall not be employees.

(2) The quorum of a Regional Committee shall consist of the chairman and two members.

(3) Members of a Regional Committee, other than the chairman, shall be appointed in writing for a period of not more than three years, but a member shall be eligible for reappointment at the end of his period of office:

Provided that such appointments may be revoked at any time by the Minister.

(4) Each member of a Regional Committee shall have one vote at any meeting but the chairman shall, in addition to his deliberative vote as a member of the committee, have a casting vote.

(5) The Regional Committee shall have the right to consult with other persons and to require any employee to appear before the Regional Committee for any purpose which it may deem necessary.

(As amended by No. 418 of 1965 and No. 315 of 1966)

12. The functions of a Regional Committee shall be- Functions of Regional Committees
(a) to ensure that the administration of the Service within the Region is carried out in accordance with these Regulations;
(b) to make recommendations to the Secretary regarding-
(i) the appointment of employees to Division III of the Service;
(ii) the confirmation in appointment of employees;

- (iii) the promotion of employees;
- (iv) the extension and termination of probationary appointments of employees;
- (v) the renewal and termination of contracts and agreements of employees;
- (vi) retirement of employees before the normal age of retirement;
- (vii) all disciplinary matters which are not within its own competence to decide;
- (viii) the conditions of service of employees;
- (ix) the grant of increments to employees in Divisions I and II;
- (c) to discharge such other functions as the Secretary may require.

(As amended by No. 315 of 1966)

13. To facilitate the expedition of business a Regional Committee may be resolution delegate to the chairman or other member or members any of the functions of the Regional Committee except the making of recommendations on the following matters:

Delegation of functions

- (a) promotions, including promotion bars;
- (b) discipline;
- (c) extension and termination of probationary appointments;
- (d) renewal and termination of contracts and agreements;
- (e) retirement before the normal age of retirement.

(As amended by No. 315 of 1966)

14. (1) The composition of the Teaching Service Commission shall be as follows:

Composition of the Teaching Service Commission

The Chairman of the Public Service Commission (chairman);
Not more than two other members to be appointed by the Minister.

(2) The chairman and one member shall constitute a quorum for a

meeting of the Teaching Service Commission.

(3) Members of the Teaching Service Commission, other than the chairman, shall be appointed in writing for a period of not more than three years, but shall be eligible for reappointment at the end of their term of office.

(4) The Minister may in his discretion and at any time terminate the appointment of any member other than the chairman.

(5) A member may resign his office at any time.

(6) In the absence of the chairman or any other member from duty for any reason, the Minister may appoint in writing another person to be a temporary member during such period of absence.

(7) The following persons shall not be eligible for appointment as members:

(a) members of the National Assembly;

(b) persons holding office in any society or association which, in the opinion of the Minister, is of a political nature;

(c) members of any staff association or trade union or other organisation which, in the opinion of the Minister, has as its object, or, as one of its objects, the control or influence of salaries, wages, pensions or conditions of service of any class of employee;

(d) employees.

(As amended by No. 292 of 1964)

15. The functions of the Teaching Service Commission shall be to advise the Secretary regarding-

(a) recruitment and selection procedures for employees in Divisions I and II;

(b) appointments, including promotions and acting appointments for

Functions of the
Teaching
Service
Commission

periods of more than three months, in Divisions I and II;

- (c) confirmation in appointment of employees;
- (d) extension and termination of probationary appointments;
- (e) renewal and termination of contracts and agreements of employees;
- (f) retirement before the normal age of retirement;
- (g) any disciplinary matters referred to it in accordance with the provisions of these Regulations and any other disciplinary matters which may be referred to it by the Secretary;
- (h) any other matters affecting the Service which the Secretary may refer to the Teaching Service Commission for advice.

(As amended by No. 123 of 1965)

16. (1) The Secretary shall not be bound to act in accordance with the advice given to him by the Teaching Service Commission. Powers and procedure

(2) The Teaching Service Commission shall have the right to consult with other persons, to set up selection boards and to appoint to such boards persons who are not members of the Teaching Service Commission, and to require any employee to appear before the Teaching Service Commission for any purpose which it may deem necessary.

(3) Meetings of the Teaching Service Commission shall be presided over by the chairman or, in his absence, by the member authorised by the Teaching Service Commission to act as chairman.

(4) To facilitate the expedition of business the Teaching Service Commission may, by resolution, delegate to the chairman or other member or members any of the functions of the Teaching Service Commission except the making of recommendations on the following matters:

- (a) promotions;
- (b) discipline;
- (c) extension and termination of probationary appointments;

(d) renewal and termination of contracts and agreements;

(e) retirement before the normal age of retirement.

(5) Records shall be kept of the members present and of the business transacted at every meeting.

(6) The Teaching Service Commission shall make an annual report to the Secretary.

PART IV

CONDUCT AND DISCIPLINE

17. An employee shall be deemed to have committed an act of misconduct if he-

Acts of
misconduct

(a) absents himself from his duties without permission or reasonable cause;

(b) performs his work negligently or fails to perform efficiently any work properly assigned to him or to obey any lawful instructions;

(c) conducts himself in any way which interferes with the efficient conduct of the school or does anything by word or deed which is likely to bring the Service into disrepute;

(d) renders himself unfit for his duty by reason of the use of intoxicants or drugs;

(e) receives any valuable present, other than the ordinary gifts of personal friends, wherein the Secretary shall be the sole judge, whether in the shape of money, goods or other personal benefits;

(f) engages without the consent of his employer and for personal profit in any commercial or other pursuit;

(g) uses for purposes unconnected with the Service information which he may have gained in the course of his duties, whether such information is oral or in the form of official correspondence or copies thereof;

(h) uses his position as an employee to further the ends of any political party or to expound his own political views;

(i) uses his position as an employee to encourage disrespect for the lawfully constituted Government or any laws, orders or regulations lawfully promulgated.

(As amended by No. 123 of 1965)

18. (1) The following penalties may be imposed upon an employee found guilty of misconduct: Penalties

(a) dismissal;

(b) discharge;

(c) reduction in rank;

(d) reduction in salary which may be permanent or temporary and may be to a lower salary scale but shall in no case be to a point lower than the point at which the employee was appointed and which shall only be to a specific point in a recognised salary scale;

(e) deferment of increment;

(f) stoppage of increment;

(g) suspension of increment;

(h) fine, subject to the amount thereof not exceeding five days' salary in one month or seven days' salary in two consecutive months;

(i) severe reprimand;

(j) reprimand.

(2) For the purposes of this regulation-

(a) "reduction in rank" means that an employee who is reduced in rank shall be subject to the conditions of service of, and shall be paid

salary appropriate to, such lower rank, and the salary to be drawn and the employee's future incremental date shall be the salary and incremental date determined by the Secretary:

Provided that no Division I or II employee shall be reduced in rank to a post in Division III of the Service;

(b) "reduction in salary" means, in the case of a permanent reduction in salary, that an employee shall receive less than he would have received until he reaches the maximum of his salary scale but shall remain eligible for his normal increment and, in the case of a temporary reduction of salary, that such reduction shall be for a specific number of months not exceeding twelve, at the end of which period of temporary reduction of salary the employee shall revert to his former unreduced rate of salary, and that if an employee's incremental date falls within such period of temporary reduction of salary his increment may be granted (subject to satisfactory service after the date on which the reduction commenced) and at the end of such period of reduction of salary he shall commence to receive the full rate of salary for which he would have been eligible had his salary not been reduced;

(c) "deferment of increment" means that the increment which has been deferred shall not be paid to the employee during the period of deferment and the date on which such increment is restored shall thereupon become the incremental date of such employee;

(d) "stoppage of increment" means that the increment which has been stopped shall not be paid to the employee during the period of stoppage but may be restored and shall then become payable from the date of such restoration until the end of the current incremental period when the employee shall become eligible for further increment;

(e) "suspension of increment" means that the increment which has been suspended shall not be paid to the employee during the period of suspension and may at any time after being suspended be stopped or deferred or may be restored with effect from the date on which it became due, as circumstances may require.

(3) Any penalty imposed upon an employee under paragraphs (c) to (j) inclusive of sub-regulation (1) shall be entered in the employee's record of service.

19. (1) Absence from duty without permission or reasonable cause shall render an employee liable to forfeit his salary for the period of such absence and in addition thereto to any of the penalties set forth in regulation 18. Absence from duty

(2) Ill health will not be accepted as a reasonable cause for absence from duty unless the employer is satisfied that the absence from duty is or was in fact due to ill health and was necessary.

(3) Notwithstanding any other provision of these Regulations, if an employee is absent without permission for more than fourteen consecutive days, the employer may, with the approval of the Secretary, summarily dismiss such employee with effect from the first day of his absence.

(4) Any employee who has been dismissed under the provisions of sub-regulation (3) may be reinstated in his employment if such employee within two months from the first day of his absence satisfies the Secretary that there was reasonable cause for his absence.

20. (1) In any case of misconduct likely to lead to the dismissal of an employee, the employer may, pending the decision in the matter, suspend such employee from duty: Suspension from duty

Provided that if an employee is arrested on a criminal charge he shall be suspended from duty with effect from the date of his arrest.

(2) Pending a decision on his case an employee who has been suspended from duty may receive only one-half of his salary:

Provided that an employee convicted of a criminal charge shall not receive any salary from the date of conviction, pending consideration of his case, but he may be granted an alimentary allowance if the Secretary considers him to be in need of such assistance.

(3) Part or all of the salary withheld from an employee suspended from duty may be restored at the discretion of the Secretary whether the appointment of such employee is terminated or not.

21. The power to award penalties shall be vested in the following persons and to the extent herein specified:

Who may
award penalties

- (a) the Secretary may impose upon any employee any of the penalties set out in regulation 18;
- (b) the employer may, subject to review and confirmation by the Regional Committee, impose upon an employee any of the penalties set out in regulation 18:

Provided that an employer may not discharge or dismiss an employee or reduce an employee in rank without the prior approval of the Secretary.

(As amended by No. 315 of 1966)

22. When an employer proposes to impose a penalty upon an employee he shall, before a penalty is imposed-

Procedure by
the employer

- (a) inform the employee in writing of the regulation under which he is charged and in what respect he has misconducted himself, together with the whole evidence supporting the charge;
- (b) afford the employee an opportunity to state in writing before a day which shall be specified any grounds upon which he relies to exculpate himself;
- (c) forward to the Regional Committee a copy of the charge, the evidence, any exculpatory statement with his comments thereon and a statement of the penalty which he proposes to impose.

(As amended by No. 315 of 1966)

23. In any case where the penalty proposed is other than the discharge or dismissal or reduction in rank of an employee, the Regional Committee shall-

Procedure by
the Regional
Committee

- (a) investigate the matter in such manner as it shall think proper; and
- (b) if it is satisfied that the case warrants proceedings with a view to a penalty being imposed, confirm to the employer that the penalty proposed or any other penalty with which the employer agrees may be imposed.

(As amended by No. 315 of 1966)

24. If an employer proposes a penalty of discharge or dismissal or

Procedure for

reduction in rank of an employee, the Regional Committee shall-

- (a) investigate the matter in such manner as it shall think proper, ensuring that the employee has access to any documentary evidence used against him and is afforded the opportunity of being present to put questions to any witnesses who might be called for examination;
- (b) forward the relevant documents together with its recommendation to the Secretary who shall seek the advice of the Teaching Service Commission concerning any penalty to be imposed or further action to be taken.

(As amended by No. 315 of 1966)

discharge or
dismissal or
reduction in
rank

25. If an employer proposes a penalty of dismissal of an employee whose salary exceeds K1,400 a year and if the employee does not furnish any exculpatory statement within the time specified by the employer or he fails to exculpate himself to the satisfaction of the Secretary, the Secretary, if he considers that the case warrants proceedings with a view to dismissal, shall appoint a committee of not less than three persons to inquire into the matter, one of whom shall be a solicitor or barrister and none of whom shall be officers of the Ministry and all of whom shall be selected with due regard to the standing of the employee.

(As amended by No. 123 of 1965)

Appointment of
committee of
inquiry

26. The committee, having been appointed, shall-

- (a) inform the employee that on a specified day the charges made against him will be investigated and that he will be allowed or, if the committee so determine, will be required to appear before it to defend himself;
- (b) ensure that if witnesses are examined by the committee the employee shall be given an opportunity of being present and of putting questions on his own behalf to the witnesses;
- (c) ensure that no documentary evidence shall be used against the employee unless he has previously been supplied with a copy thereof or given access thereto;
- (d) in its discretion, permit the employer or the employee to be represented by a legal practitioner provided that where the committee permit the employer to be so represented it shall permit the employee to be so represented;
- (e) if during the course of the inquiry grounds for the preferring of additional charges are disclosed so inform the Secretary who shall

Functions of
committee of
inquiry

follow the same procedure as was adopted in preferring the original charges;

(f) forward its report to the Teaching Service Commission together with the record of the charges preferred, the evidence led, the defence and other proceedings relevant to the inquiry and shall include-

(i) a statement whether in its opinion the employee has or has not committed the offence or offences charged and a brief statement of the reasons for that opinion;

(ii) details of any matters which in its opinion aggravate or alleviate the gravity of the case; and

(iii) a summing-up and such general comments as will indicate clearly the opinion of the committee on the matter under inquiry, but it shall not make any recommendation regarding the form of penalty.

27. The Teaching Service Commission, after consideration of the report of the committee-

(a) may, if it is of the opinion that the report should be amplified in any way or that further investigation is desirable, refer the matter back to the committee for further investigation and report;

(b) shall forward the written proceedings of the inquiry to the Secretary with its advice as to the penalty, if any, which should be imposed on the employee.

Procedure following report of committee of inquiry

28. Notwithstanding the provisions of regulations 17 to 27, the Secretary may, after considering the advice of the Teaching Service Commission and having regard to all the circumstances of the case, require any employee to retire in the interests of the Service.

Proceedings for retirement in the interests of the Service

29. If an employee is adjudged guilty in any court of a criminal charge likely to warrant disciplinary proceedings, the Regional Committee shall forward a copy of the charge and of the judgment, together with a copy of the proceedings if they are available, to the Secretary who shall refer the matter to the Teaching Service Commission which shall advise the Secretary whether it considers that the employee should be dismissed or subjected to some lesser penalty on account of his conviction for the offence of which he has been adjudged guilty, without any of the proceedings prescribed in regulations 24 to 27 inclusive being instituted.

Proceedings against an employee who has been convicted on a criminal charge

(As amended by No. 315 of 1966)

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|--|--|
| <p>30. An employee who is dismissed shall forfeit any leave and travel benefits.</p> | <p>Procedure on dismissal</p> |
| <p>31. An employee who is discharged-</p> <p>(a) shall be eligible for any leave and travel benefits due to him;</p> <p>(b) shall be entitled to free transport for himself only to the place where he was appointed to the Service if he has not qualified for travel benefits.</p> | <p>Procedure on discharge</p> |
| <p>32. No employee who has been discharged or dismissed under the provisions of these Regulations shall be re-employed except with the written permission of the Secretary.</p> | <p>Re-employment of discharged or dismissed employee</p> |
| <p>33. Every employee shall have the right of preferring, through his employer, any general or special complaint to the Regional Committee which shall investigate the complaint and refer the matter together with its recommendation thereon to the Secretary for a decision.</p> <p><i>(As amended by No. 315 of 1966)</i></p> | <p>Complaints</p> |
| <p>34. (1) An employee upon whom a penalty, other than discharge or dismissal or reduction in rank, has been imposed may appeal to the Regional Committee.</p> <p>(2) Any employee aggrieved by the decision of a Regional Committee in any appeal under sub-regulation (1) may appeal to the Secretary whose decision thereon shall be final.</p> <p>(3) The following may appeal to the Minister whose decision upon such appeal shall be final:</p> <p>(a) any employee upon whom a penalty has been imposed by the Secretary;</p> <p>(b) any employee discharged or dismissed or reduced in rank by his</p> | <p>Appeals</p> |

employer.

(4) Any appeal under this regulation shall be notified by the appellant to the person or body hearing the appeal within twenty-one days of his receipt of notification of the decision against which he wishes to appeal.

(As amended by No. 315 of 1966)

PART V

ADMINISTRATION

35. (1) Every employee in Division I or II who is provided with quarters will pay rent at the rate of 12 1/2 per centum of his salary, subject to a maximum amount which shall be specified by the Secretary from time to time: Rent

Provided that employees in Division I or II who are provided with quarters constructed of other than permanent materials or which, in the opinion of the Secretary, are below standard will pay rent at such rates as shall be specified by the Secretary from time to time.

(2) Employees in Division III who are provided with quarters shall not be required to pay rent.

(3) For the purposes of this regulation, "salary" means the basic salary of an employee and does not include any form of allowance.

(4) Except in cases where the employer considers it necessary for the proper performance of his duties for an employee to live in the particular quarters provided for him, no employee will be compelled to occupy the quarters provided for him.

(5) Subject to the approval of the employer, an employee who is absent from his station, whether on leave or duty, may retain the quarters provided for him and will continue to pay the appropriate rent.

36. (1) A record of service shall be kept for every employee in such form and by such persons as the Secretary may require.

Records of
service

(2) A copy of every annual confidential report made to the Regional Committee in accordance with the provisions of sub-regulation (4) of regulation 8 shall be submitted to the Secretary together with the Regional Committee's comments, if any, thereon-

(a) in the case of an employee in Division I or II, when the increment certificate is forwarded to the Secretary for approval;

(b) in the case of an employee in Division III, at such time as the Secretary shall direct.

(3) In the case of an employee who has reached the maximum of his salary scale or is serving on a fixed salary, the anniversary of the date on which an increment was last granted or the anniversary of the date on which the employee was appointed to the Service, as the case may be, shall be the date used in determining when an annual confidential report falls due.

(4) The Secretary may at any time and for any purpose call for the record of service of any employee and for any report that he may require.

(5) An employee shall not have access to his own record of service.

(As amended by No. 315 of 1966)

37. (1) The initial posting of an employee shall be made by the Secretary to Government schools.

Postings

(2) The posting of employees within a Region shall be made by Regional Committees to the various employers.

(3) An employee shall be liable to serve in any part of Zambia and for any employer.

(4) Notwithstanding the provisions of sub-regulation (3)-

(a) no employer shall be required to employ or to continue to employ an employee who is unacceptable to him; and

(b) no employee shall be required to work for an employer if unwilling to do so;

for conscientious or other reasons considered adequate by the Secretary.

(As amended by No. 315 of 1966)

PART VI

LEAVE

38. (1) All leave is subject to the exigencies of the Service and no employee is entitled to demand leave as a right. Leave

(2) Subject to the exigencies of the Service and the requirements of the employer, an employee on the teaching staff of a school shall be deemed to be on leave during the school holidays:

Provided that-

(i) if such employee leaves the Service for any reason before he has completed one year's service, he shall, unless the Secretary otherwise authorises, repay the amount of salary paid to him in respect of all or any part of school holiday periods deemed to have been taken as leave;

(ii) if such employee resigns or is discharged from the Service, any period of school holiday falling within the period of due notice shall be deemed as leave;

(iii) subject to the provisions of sub-regulation (2) of regulation 10, if an employee on the teaching staff of a school retires or is retired from the Service, all or any part of a school holiday immediately following the expiration of the period of due notice shall be deemed as leave.

(3) Subject to the exigencies of the Service and the requirements of the employer, an employee not on the teaching staff of a school may, in such form as the Secretary shall prescribe, be granted leave with salary in respect of each month of service at the following rates:

Division I .. 4 days

Division II .. 3 1/2 days

Division III .. 2 1/2 days:

Provided that-

- (i) no such employee may accumulate leave or be granted leave for a continuous period in excess of one hundred and fifty days;
- (ii) no such employee may be granted leave until he has completed six months' service;
- (iii) if such employee resigns or is discharged or dismissed from the Service for any reason before he has completed one year' service, he shall, unless the Secretary otherwise authorises, repay the amount of the salary paid to him in respect of any period of leave that he may have been granted.

(4) For the purposes of sub-regulation (3), Sundays and public holidays falling during a leave period shall be reckoned as leave.

(5) An employee not on the teaching staff of a school who retires from the Service in accordance with the provisions of subregulation (2) of regulation 10 may be granted the full cash equivalent of any leave due to him or balance of leave due to him, as the case may be, at the date of retirement, calculated at the rate of salary received immediately before the date of retirement.

39. (1) An employer, with the approval of the Chief Education Officer, may in special circumstances grant leave on urgent private affairs to an employee on the teaching staff of a school during a school term and such leave shall be without salary:

Leave on urgent
private affairs

Provided that the Secretary, on the recommendation of the Regional

Committee, may restore in part or in full the salary forfeited for the period of absence.

(2) An employer, with the approval of the Chief Education Officer, may in special circumstances grant leave on urgent private affairs to an employee not on the teaching staff of a school and such leave shall be without salary:

Provided that in the discretion of his employer he may, instead of such leave, take whatever vacation leave is due to him.

(3) An employee who resigns or is discharged or dismissed from the Service before he has completed one year's service shall, unless the Secretary otherwise authorises, repay the amount of any salary paid to him in respect of leave on urgent private affairs.

(As amended by No. 315 of 1966)

40. (1) Sick leave may be granted to an employee who is unable to perform his duties because of illness or injury not caused by his own default or failure to take reasonable precautions, or who has undergone dental treatment, or who, being on leave, is confined to his house or to hospital or similar institution for a period of not less than fourteen days, but only for the period during which he is so confined.

Sick leave

(2) Subject to the provisions of sub-regulations (3) and (4), an employee may be granted sick leave on full salary or half-salary:

Provided that if the illness or injury is caused by the default of the employee, sick leave may be without salary or on such reduced salary as may be determined by the Secretary in the light of the medical report and on the recommendation of the Regional Committee.

(3) An employee other than a temporary employee may, during the period of two years ending on the last day of sick leave granted, be granted sick leave up to a total of not more than one hundred and eighty days on full salary and one hundred and eighty days on half-salary.

(4) A temporary employee may, during the period of two years ending

on the last day of the sick leave granted, be granted sick leave up to a total of not more than ninety days on full salary and ninety days on half-salary.

(5) If an employee is unable to perform his duties because of illness or injury it shall be his duty to inform his employer without delay and failure to do so may be construed as misconduct.

(6) An employer may grant sick leave to an employee without a certificate by a medical practitioner or dental surgeon for a continuous period-

(a) not exceeding two days, if the employer is satisfied that the absence from duty of the employee is or was due to illness or injury not caused by the employee's default;

(b) exceeding two days but not exceeding fourteen days, if the employer is satisfied that it is or was impracticable for the employee to obtain a certificate by a medical practitioner or dental surgeon and that the absence from duty of the employee is or was due to illness or injury not caused by the employee's default.

(7) The employer may, with the prior approval of the Regional Committee and on the certificate of a medical practitioner, grant an employee sick leave on full salary up to a total of ninety days, including any sick leave previously granted to the employee in the period of twelve months ending on the last day of the sick leave requested.

(8) If the certificate of a medical practitioner recommends a period of sick leave in excess of the ninety days authorised under sub-regulation (7) or at the end of ninety days' sick leave an employee is certified by a medical practitioner to be still unfit to resume duty, the Secretary, on the recommendation of a medical practitioner and of the Regional Committee, may grant an extension of sick leave up to the maximum authorised under sub-regulations (3) and (4).

(9) The Secretary may at any time require any employee to submit himself for medical examination by a medical practitioner or by a medical board.

(10) The periods of sick leave specified in this regulation include Sundays and public holidays.

(11) Any period of sick leave granted to an employee shall be reported by the employer to the Regional Committee in such form as the Secretary shall prescribe and shall be entered into the record of service of the employee.

(As amended by No. 315 of 1966)

41. (1) An employer may grant an employee special leave- Special leave

(a) for the purpose of sitting an examination necessary for his advancement in the Service:

Provided that the prior approval of the Secretary must be obtained before an employee is given special leave to sit an examination outside Zambia;

(b) if the employee is required to undergo a period of continuous military training prescribed under any written law;

(c) if the employee in circumstances approved by the Director of Medical Services is, on the recommendation of a medical practitioner, absent from duty because of contact with an infectious disease.

(2) Special leave granted to any employee under paragraphs (a) and (c) of sub-regulation (1) shall be with full salary. Special leave granted under paragraph (b) of sub-regulation (1) shall be governed by such conditions as may be prescribed from time to time.

(3) Without prejudice to the provisions of sub-regulation (1) of this regulation, the Ministry may grant an employee special leave of absence from duty-

(a) for secondment to a teachers' association recognised by the Minister under section twenty-eight of the Education Act, to perform duties thereof;

(b) for secondment to the Zambia Council for the handicapped.

(4) The period of secondment referred to in sub-regulation (3) above shall be determined by the Secretary from time to time, and during the said period of secondment the employees shall be required to continue making his pension contributions in terms of the Teaching Service (Pensions) Regulations.

(As amended by S.I. No. 35 of 1970)

42. Study leave may be granted to an employee on such terms and conditions of salary as may be prescribed by the Secretary from time to time. Study leave

PART VII

TRANSPORT AND ALLOWANCES

43. (1) The class of accommodation for travel by rail or motor bus at public expense for which an employee shall be eligible shall be- Class of travel

	<i>Rail</i>	<i>Motor Bus</i>
Division I employees	First class	First class
Division II employees- (above K2,400)	First class	First class
(above K2,400)	Second class	First class
Division III employees	Third class	Second class

(2) The class of accommodation for which an employee is eligible shall be that which is applicable to him on the day on which he commences his journey.

(3) Subject to the provisions of sub-regulation (1), an employee eligible for transport at public expense shall travel by the most economical route and means of transport available, having regard to the cost of fares and

baggage allowance and the cost of his salary while travelling:

Provided that the Secretary may, in the interests of the Service, authorise travel by another route and/or by other means of transport.

44. (1) Subject to such conditions as shall be prescribed by the Secretary, the baggage allowance for which employees travelling on first appointment, transfer, or retirement, within Southern Africa shall be eligible at public expense shall be-

	<i>Employee only</i>	<i>Employee and wife</i>	<i>Each child</i>
Divisions I and II	1364 kg	2273 kg	91 kg
Division III	273 kg	410 kg	12 kg

(2) Subject to such conditions as shall be prescribed by the Secretary, baggage allowance for any employee who is travelling on leave at public expense shall be 200 lb., plus 100 lb. for his wife, plus 25 lb. for each child under the age of nineteen years and dependent on him, within Zambia only.

45. Transport and baggage allowance at public expense shall be provided for an employee travelling on first appointment, transfer or retirement and also in respect of his wife and his children who are under the age of nineteen years and dependent on him.

Travelling on
first
appointment,
transfer or
retirement

46. (1) An employee in Division I or II who takes not less than thirty days' leave shall be eligible once in every two years of service for the cost of return rail fares to a place not further distant than Cape Town from the point of departure by rail nearest to his station, and, if he departs from or returns to a station which is not served by rail, he may in addition be granted transport at public expense in a form approved by the Secretary between that station and the appropriate point of departure by rail and, additionally or alternatively, as the case may be, the appropriate point of arrival by rail and his station.

Travelling on
leave

(2) An employee in Division III who takes not less than thirty days' leave shall be eligible once in every three years of service for transport at public expense between his station and his home or other destination

within Zambia, as shall be approved by the Regional Committee, and which shall not involve any additional public expenditure.

(3) An employee travelling on leave is eligible for similar benefits in respect of his wife and his children who are under the age of nineteen years and dependent on him.

(4) Leave travel benefits shall first be granted to an employee in Division I or II after a period of not less than twenty-two months has elapsed since the date of his appointment, and to an employee in Division III after a period of not less than thirtyfour months has elapsed since the date of his appointment:

Provided that the Secretary may authorise the grant of leave travel benefits after a lesser period in the case of an employee appointed to the Service on transfer from the Unified African Teaching Service, the Police Force or Civil Service of the former Protectorate of Northern Rhodesia, the Zambia Police Force or the Civil Service of Zambia.

(5) Leave travel benefits shall subsequently be granted to an employee in Division I or II after a period of not less than twenty-three months has elapsed between the first day of the leave in which leave travel benefits were last granted and the first day of the leave in which leave travel benefits are requested.

(6) Leave travel benefits shall subsequently be granted to an employee in Division III after a period of not less than thirty-five months has elapsed between the first day of the leave in which leave travel benefits were last granted and the first day of the leave in which leave travel benefits are requested.

(7) A married woman employee shall not eligible in her own right for any assistance at public expense in respect of travelling on leave.

(8) Benefits in respect of travelling on leave shall be granted only if the employee undertakes in writing, in such form as the Secretary shall prescribe, that he will proceed on leave to a named destination by a named route and return to duty for a minimum period of two years.

(9) Any employee who fails to comply with the undertaking given under sub-regulation (8) shall, unless the Secretary otherwise authorises, refund the cost of transporting himself and his dependants on leave.

*(As amended by No. 123 of 1965
and No. 315 of 1966)*

- | | |
|--|---------------------------------------|
| 47. Upset allowance may be paid to employees transferring between stations for other than disciplinary reasons at rates which shall be prescribed by the Secretary. | Upset allowance |
| 48. Travelling and subsistence allowances may be paid to employees at rates which shall be prescribed by the Secretary. | Travelling and subsistence allowances |
| 49. Special responsibility allowance may be paid to employees carrying out duties of special responsibility at rates which shall be prescribed by the Secretary. | Special responsibility allowance |
| 50. Acting allowances may be paid to employees carrying out the duties of a higher post during the absence of the substantive holder of the higher post and on conditions which shall be prescribed by the Secretary. | Acting allowances |
| 51. A transfer allowance shall be paid to an employee, other than a married woman, who was eligible for overseas passages at public expense at the date of his transfer to the Service and shall be at such rates and on such conditions as shall be prescribed by the Secretary. | Transfer allowance |
| 52. Housing allowance may be paid at such rates and on such conditions as shall be prescribed by the Secretary | Housing allowance |

FIRST SCHEDULE

(Regulation 2)

DIVISION I, II AND III EMPLOYEES

PART I-DIVISION I

Senior Principal.

Principal.

Headmaster/Headmistress.

Senior Master/Mistress/Lecturer.

Senior Technical/Master/Mistress.

Master/Mistress/Lecturer (graduate).

Master/Mistress/Lecturer (non-graduate with recognised qualification) with salary exceeding K a year.

Technical Master/Mistress (graduate or equivalent).

Technical Master/Mistress (non-graduate) with salary exceeding K2,400 a year.

Non-teaching staff as prescribed by the Secretary.

PART II-DIVISION II

Master/Mistress/Lecturer (non-graduate with recognised qualification) with salary not exceeding K a year.

Technical Master/Mistress (non-graduate) with salary not exceeding K2,400 a year.

Senior Teacher, Grade I.

Senior Trades Instructor, Grade I.

Senior Teacher, Grade II.

Senior Trades Instructor, Grade II.

Instructor on E scale.

Teacher on E scale.

Assistant Lecturer.

Non-teaching staff as prescribed by the Secretary.

PART III-DIVISION III

Teacher on J scale.

Instructor on G or J scale.

Non-teaching staff on G scale.

SECOND SCHEDULE ***(Regulation 3)***

SALARY SCALES AND TITLES OF POSTS

DIVISIONS I AND II

TEACHING PROFESSION GROUP

Scales

E.8

E.7

E.6

E.5

E.4

E.3

E.2

E.1

Titles

E.8-7 Teacher, Trades Instructor, Assistant Lecturer.

E.7-5 Master, Mistress, Lecturer (non-graduate without recognised Teaching Certificate).

E.7-4 Master, Mistress, Lecturer (non-graduate with recognised qualification).

E.6 Senior Teacher, Grade II, Senior Trades Instructor, Grade II.

E.6-4 Technical Master, Technical Mistress (non-graduate).

E.6-3 Master, Mistress, Lecturer (graduates); Technical Master, Technical Mistress (graduate or equivalent).

E.5 Senior Teacher, Grade I, Senior Trades Instructor, Grade I.

E.3-2 Headmaster, Headmistress, Senior Master, Senior Mistress, Senior Lecturer, Senior Technical Master, Senior Technical Mistress.

E.1 Principal.

Super-

scale K: Senior Principal.

Promotion bars at maximum of each segment of the scale for employees whose posts carry a salary scale consisting of two or more segments.

EXECUTIVE GROUP

Scales

B.5

B.4

B.3

B.2

B.1

Titles

B.5 Executive Assistant.

B.4 Executive Officer, Grade II.

B.3 Executive Officer, Grade I.

B.2 Senior Executive Officer, Grade II.

B.1 Senior Executive Officer, Grade I.

Promotion bars at the maximum of each segment of the scale for employees whose posts carry a salary scale consisting of two or more segments.

CLERICAL AND ANALOGOUS GROUP

Scales

F.3

F.2

F.1

Titles

F.1 Clerical Officer, Grade I.

F.2 Clerical Officer, Grade II.

F.3 Clerical Officer, Grade III.

Stenographers are Clerical Officers, Grade III-II, and have the scale:

Promotion bars:

At K2,200 for employees on the combined F.2-1 scale.

At K1,190 and K1,470 in scale F.3 for employees other than stenographers and typists.

At the K, K and K points for stenographers. Passage over the promotion bars is dependent on shorthand/typewriting speeds attained.

At K950 for typists who enter the scale at that point, and at a point three points above the point of entry in the scale for any other typist.

Passage over the promotion bar is dependent on typewriting speeds attained.

DIVISION III

TEACHING PROFESSION GROUP

Scales

J.4

J.3

J.2

J.1

Titles

J.4 Teacher (qualifications lower than Standard VI plus 2 years' vocational training).

J.3-2 Teacher (Standard VI plus 2 years' vocational training).

J.3-1 Teacher (Standard VIII plus 2 years' vocational training), Trades Instructor (Standard VI or Standard VIII plus 5 years' vocational training).

Efficiency bars at the maximum of each segment of the scale for employees whose posts carry a salary scale of two or more segments. In addition, there are efficiency bars at the K236, K260, K332 and K356 points in scale J.4, at the K428, K482 and K554 points in scale J.3-2, and at the K518 and K554 points in scale J.3-1. Employees to whom all or any of these efficiency bars apply and the conditions to be fulfilled before an efficiency bar may be passed shall be as prescribed by the Secretary.

GENERAL GROUP

Scale

G

Titles

Clerical Assistant.

Junior Trades Instructor.

Laboratory Assistant (untrained).

Efficiency bars at the K260, K308, K392, K404, K428, K440, K452 and K500 points in the scale. Employees to whom all or any of these efficiency bars apply and the conditions to be fulfilled before an

efficiency bar may be passed shall be as prescribed by the Secretary.

THE TEACHING SERVICE (PENSIONS) REGULATIONS [ARRANGEMENT OF REGULATIONS]

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37. Interpretation
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**SECTION 5-THE TEACHING SERVICE (PENSIONS)
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**PART I
GENERAL**

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1. These Regulations may be cited as the Teaching Service (Pensions) Regulations, and shall be deemed to have come into force on the 1st November, 1961.

Title and
commencement

(As amended by No. 123 of 1965)

2. (1) In these Regulations, unless the context otherwise requires-
"additional pension" means a pension awarded under sub-regulation (2) of regulation 22 or under sub-regulation (2) of regulation 24;
"average pensionable emoluments" means-

Interpretation

- (a) in the case of an established officer who-
- (i) has held the same post; or
- (ii) has held different posts carrying the same maximum annual rate of pensionable emoluments;

for a period of three years immediately preceding the date on which he retires or is discharged, the annual rate of the pensionable emoluments payable to him at that date:

Provided that the officer shall be deemed to have enjoyed the benefit of any increase due to a revision of salaries in the pensionable emoluments of any office held by him as if such increase had been payable throughout such period;

- (b) in the case of any other established officer, one-third of the aggregate of his pensionable emoluments during the period of three

years immediately preceding the date on which he retires or is discharged:

Provided that-

- (i) the average pensionable emoluments of an officer calculated in accordance with this paragraph shall in no case be less than they would have been had he retired or been discharged immediately prior to his appointment to any post he held during the last three years of his service;
- (ii) the officer shall be deemed to have enjoyed the benefit of any increase due to a revision of salaries in the pensionable emoluments of any office held by him as if such increase had been payable throughout such period;

"Board" means the Teaching Service (Pensions) Fund Board established by regulation 4 A;

"Beneficiary" means a legitimate or legitimated child, posthumous child, step-child, or legally adopted child of a guaranteed officer, if the child is under the age of twenty one years and-

(a) in the case of a male child, is not under the age of eighteen years;

(b) in the case of a female child, has not been married and is not under the age of eighteen years;

"Child" means an unmarried legitimate or legitimated son or daughter (including a post humous child, a step-child or a child legally adopted) under the age of eighteen years, of an established officer or pensioner;

"contribute" means to pay pension contributions in accordance with these Regulations;

"contributions" means the amounts of pension contributions made in accordance with these Regulations;

"date of transfer" means the date on which an officer is transferred to or from pensionable service in the Service;

"dependant", in relation to a living or deceased officer, or a retired or discharged officer, means the wife, widow, child or such other relative dependent on him for maintenance as the Permanent Secretary may recognise for the purposes of these Regulations;

"discharge" means to terminate the appointment of an officer by due notice;

"dismiss" means to terminate the appointment of an officer without notice;

"due notice" means-

(a) in the case of an officer on probation, the period of notice specified in the instrument of appointment of such officer;

(b) in the case of an established officer, three months' notice;

"established officer" means an employee in Division I, II or III of the Teaching Service who is not serving on probation or as an unestablished person;

"Fund" means the Teaching Service (Pensions) Fund established by regulation 4

(As amended by S.I. No. 98 of 1987)

"gratuity" means a lump sum payment;

"interest" means compound interest calculated in such manner as may be prescribed by the Secretary;

"medical board" means a board composed of medical practitioners appointed and constituted from time to time by the Permanent Secretary for the purpose of carrying out any functions imposed under these Regulations on a medical board;

"month" means a calendar month;

"Officer" means an established officer or employee serving on probation in Division I, II or III of the Teaching Service except that for the purposes of Part IV and Regulations 32, 35 and 36 of these Regulations, any employee in the Service shall be deemed an officer;

"other public service" means Public Service not in the Service;

"pension" means an annual pension payable during the lifetime of the recipient unless under these Regulations it is payable for a shorter period;

"pensionable age" means the fifty-fifth anniversary of an officers' date of birth.

"pensionable emoluments" means-

(i) in the respect of employment in Division I, Division II or Division III of the Teaching Service-

(a) salary; and

(b) personal allowance;

(ii) in respect of other public service, emoluments which count for pension in accordance with the provisions of any law dealing with such

service:

Provided that full pensionable emoluments shall be deemed to have been received during any period of leave with reduced pensionable emoluments or without pensionable emoluments;

"pensionable service" means pensionable service in Division I, II or III of the Teaching Service in respect of which contributions have been or are being paid;

"pensioner" means a person who is in receipt of a pension under these Regulations but does not, except in regulation 15, include a person in receipt of a pension under regulation 27, 28, 32 or 33;

"Permanent Secretary" means

(a) in the case of institutions dealing with pre-university or pre-college training or studies, the Permanent Secretary responsible for those institutions;

(b) in the case of institutions dealing with post-primary school and post-secondary school training or studies, the Permanent Secretary responsible for those institutions.

"personal allowance" means a special addition to salary granted personally to the holder for the time being of the office but does not include such an addition if it is granted subject to the condition that it shall not be pensionable;

"public service" means-

(a) service in a civil capacity under the Government of Zambia or any other country or territory in the Commonwealth, or under the East Africa High Commission or the East African Railways and Harbours Administration or the East African Posts and Telecommunications Administration;

(b) service which is pensionable-

(i) under the Oversea Superannuation Scheme;

(ii) under any Acts relating to the superannuation of teachers in the United Kingdom;

(iii) under any Acts relating to the superannuation of persons employed by a local authority in the United Kingdom;

(iv) under the National Health Service of the United Kingdom;

(c) any other service that the Permanent-Secretary may determine to

be public service for the purpose of any provision of these Regulations;

"Secretary" means the Secretary of the Board appointed under regulation 4C;

"Service" means service in Division I, II or III of the Teaching Service;

"service in Zambia" means pensionable service in the employment of the Government of the former Protectorate of Northern Rhodesia, or the Government of Zambia, other than service in Division I or Division II of local conditions, and for the purposes of these Regulations includes service counting for pension under the United African Teaching Service Regulations;

"special pension" means a pension or part of a pension payable to a widow, child or beneficiary under the provisions of Part VI;

"unestablished person" means a person who is or was appointed to Division I, II or III of the Teaching Service in a temporary capacity and is not required to contribute under regulation 5;

"year" means a calendar year.

(As amended by No. 123 of 1965)

SI No. 98 of 1987 and No. 26 of 1990)

(2) References in these Regulations to the "widow" of a pensioner or an established officer shall be so construed as to refer to a "widower" if such pensioner or established officer was a female.

(As amended by S.I. No. 156 of 1985)

3. These Regulations shall apply to all members of the Teaching Service.

Application

(As amended by No. 123 of 1965)

4. (1) There is hereby established a Fund to be called the Teaching Service (Pensions) Fund.

Establishment
of Fund

(2) All the contributions and other payments made by members of the Teaching Service to the general revenues of the Republic shall be transferred to the Fund.

(3) The Fund shall periodically be valued by an actuary appointed by the Minister.

(4) The Fund shall be administered by the Minister

subject to any general or special directions given by the President.

4A. There is hereby established the Teaching Service (Pensions) Fund Board which shall be a body corporate with perpetual succession and a common seal, capable of suing and being sued in its corporate name, and with power, subject to the provisions of these Regulations, to do all such acts and things as a body corporate may do by law.

Establishment
of Board

4B. (1) The Board shall consist of-

Composition of
Board and
quorum

(a) the Permanent Secretary responsible for general education as Chairman;

(b) the Permanent Secretary responsible for higher education as Vice-Chairman;

(c) four members appointed by the Minister responsible for general education; and

(d) two members appointed by the Minister responsible for higher education.

(2) At all meetings of the Board four persons shall form a quorum and the chairman shall have a deliberative and casting vote.

4C. (1) There shall be a Secretary to the Board who shall be appointed by the Board on such terms and conditions as the Board may, with the approval of the Minister determine.

Secretary and
other staff

(2) The Secretary shall be responsible for the administration of the day-to-day affairs of the Board under the general supervision of the Board.

(3) The Board may appoint such other staff as it may consider necessary for the performance of its functions.

4D. The functions of the Board shall be-

Functions of
Board

(a) to manage the Fund and in particular to invest moneys belonging to the Fund in a business-like manner; and

(b) to establish a scheme for home ownership by teachers and to grant, on such terms and conditions as may be determined by the Board, loans to members of the Fund for the purpose of building or purchasing their own residential properties and meeting any other incidental charges thereto.

4E. The financial year of the Board shall be the period of twelve months ending on 31st December in each year.

Financial year

4F. (1) The Board shall keep proper books of account and other records relating to its accounts.

Books of
account

(2) Such books of account and other records shall be open for inspection by the Minister or any person authorised by him in that behalf.

4G. (1) The accounts of the Board shall be audited annually and a detailed report thereon submitted to the Minister and to the Board.

Audit of
Accounts

(2) For the performance of his duties under sub-regulation (1), the auditor to the Board shall have access at all reasonable times to all books of accounts, records, returns, reports and other documents relating to the Board's accounts.

4H. (1) As soon as is practicable, but not later than six months after the expiry of each financial year, the Board shall submit to the Minister a report containing a balance sheet showing the assets and liabilities of the Board as at the last day of the financial year to which the report relates, which report shall be accompanied by an audited statement of income and expenditure for that financial year together with any other statements and returns as may be relevant.

Annual Report

(2) The Minister may at any time require the Board in writing to submit to him such additional reports, returns or statements, duly certified by the auditor to the Board, as the Minister considers necessary, and the Board shall comply with such requirements.

(3) The Minister shall, not later than thirty days after the first sitting of the National Assembly next after the receipt of the report referred to in sub-regulation (1) lay it before the National Assembly.

5. (1) Every officer shall contribute at the appropriate rate specified in regulation 6. Officers required to contribute

(2) Notwithstanding the provisions of sub-regulation (1), no person shall contribute in respect of any period of employment in the Teaching Service-

(a) prior to attaining the age of eighteen years;

(b) subsequent to attaining the pensionable age;

(c) unless, except in the case of an officer to whom Part V or VI apply, contributions are paid in respect of a period commencing-

(i) in the case of a male before, he attains the age of forty-five years;

(ii) in the case of a female, before she attains the age of forty years.

6. (1) An officer in any Division shall contribute to the Fund at the rate of seven and one quarter per centum of his basic salary. Payments into and out of Fund, and other payments

(2) In calculating the monthly rate of contribution any fraction of a ngwee shall be taken as one ngwee.

(3) There shall be paid into the Fund each month from the general revenues of the Republic-

(a) an amount equal to the sum of the contributions paid into the Fund during that month or such other amount calculated with regard to those contributions as may be fixed by the Minister on the advice of an actuary appointed by the Minister;

(b) the sum of all benefits paid during that month to persons who have been required to retire from Divisions I, II or III in accordance with paragraphs (a), (b) and (c) of sub-regulation (4) of regulation 11;

(c) the sum of all payments of special pensions made during that month;

(d) the sum of all payments made under these Regulations during that month to persons who retired from Divisions I, II or III-

(i) on grounds of their age or length of service, if that retirement was by virtue of an election made under regulation 11, to retain a date of retirement earlier than the date of retirement provided for in paragraph (b) of sub-regulation (1) of that regulation;

Provided that this paragraph shall not apply to any payment made in relation to a period after the date on which an officer, had he not retired earlier, would have been required to retire under paragraph (a) of sub-regulation (1) of regulation 11.

(4) There shall be paid into the Fund from the general revenues of the Republic at such intervals as the Minister may determine, the sum of the amounts by which the interest on the investments of the Fund in any year is less than five per centum of the mean balance of the Fund in that year.

(5) Upon the retirement of any person in respect of whom a payment is made to the Fund by virtue of paragraph (b) of sub-regulation (3), there shall be paid from the Fund to the general revenues of the Republic an amount equal to the sum of the aggregate of that person's contributions and the aggregate of the payments to the Fund in relation to him which were made under paragraph (a) of sub-regulation (3).

(6) All benefits payable under Part IV of these Regulations shall be paid from the general revenue of the Republic.

(7) Except as provided in sub-regulation (6) all benefits payable under

these Regulations shall be paid from the Fund.

7. (1) An officer who, immediately prior to being required to contribute by reason of the provisions of regulation 5, was employed as an unestablished person may, with the consent of the Permanent Secretary, elect whether he will contribute in respect of all or any of his past continuous employment as an unestablished person: Contributions for previous employment

Provided that-

- (i) no such option shall be given in respect of any past continuous employment other than past continuous employment recognised by the Permanent Secretary for the purposes of this regulation;
- (ii) no such option shall be given in respect of any portion of past continuous employment which is not immediately followed by service as an officer;
- (iii) the emoluments upon which arrear contributions are paid by an officer who elects to contribute in respect of past continuous employment shall be the emoluments determined by the Permanent Secretary;
- (iv) past continuous employment in respect of which contributions could not have been paid under regulation 5 if that employment had been as an officer shall not be regarded as employment as an unestablished person for the purposes of this regulation.

(2) Notwithstanding the provisions of regulation 5, a person who elects to contribute in respect of past continuous employment may be appointed as an officer and shall contribute at the appropriate rate with effect from the date of such appointment, if that officer is under the age of fifty-five years and elects to contribute in respect of past continuous employment which commenced before the officer attained the age of forty-five years.

(3) An officer who is permitted to elect under the provisions of sub-regulation (1) shall make his election in writing within one month from the date on which he is called upon to do so and any such election shall be irrevocable.

(4) With effect from the beginning of the period in respect of which an officer elects to contribute, interest at the rate of five per centum per annum shall be charged on contributions due under this regulation, until

payment is made and the contributions, together with interest thereon, shall, unless paid in one sum on demand made by the Permanent Secretary, be paid in such manner as may be determined by the Permanent Secretary.

(5) If the total amount of contributions payable under this regulation has not been paid before the death, retirement, resignation, or discharge of the officer by whom such contributions are payable, the amount, including interest, which remains unpaid shall be deducted in such manner as the Permanent Secretary may determine from any pension or other benefit which would otherwise be payable to the officer, his estate, or dependants.

(As amended by S.I. No. 98 of 1987 and 26 of 1990)

8. While any officer is on leave with reduced pensionable emoluments or without pensionable emoluments, contributions shall be paid on the pensionable emoluments which would have been received by him had the period of leave been with full pensionable emoluments.	Contributions when reduced or no pensionable emoluments are received
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9. Notwithstanding the provisions of regulation 8, the Permanent Secretary may exempt an officer to whom leave is granted for the purpose of undergoing a full-time course of study, from the payment of contributions during the period of such leave.	Exemption from payment of contributions
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(No. 199 of 1963 as amended by S.I. No. 98 of 1987)

10. (1) Contributions shall be deducted from each and every payment of pensionable emoluments.

(2) Notwithstanding the provisions of sub-regulation (1), contributions in respect of any period of leave with reduced pensionable emoluments or without pensionable emoluments or contributions payable under sub-regulation (3) of regulation 17 shall, unless paid in one sum on demand made by the Permanent Secretary, be paid, together with interest thereon, in such manner as the Permanent Secretary may determine.	Payment of contributions
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(3) For the purposes of this regulation, interest shall be compound interest calculated at such rate, being not more than five per centum per

annum, as the Permanent Secretary may determine.

(As amended by S.I. No. 98 of 1987)

11. (1) An officer shall retire-

Age of
retirement and
compulsory
retirement

(a) on attaining his pensionable age;

(b) on his election to the National Assembly.

(2) An officer may, on giving due notice-

(a) retire at any time during the five years before he attains pensionable age;

(b) retire at any time after completing twenty years' service.

(3) The Permanent Secretary may require an officer to retire-

a) on the abolition of his post or where in the opinion of the Permanent-Secretary such retirement will facilitate an improvement by which greater efficiency or economy could be affected in the Service;

b) on medical grounds if he is satisfied that the officer is incapable, by reason of infirmity of mind or body, of discharging the duties of his office and that such infirmity is likely to be permanent; or

c) on the ground that having regard to the conditions of service, the usefulness of the officer and all other circumstances of the case, it is desirable in the interest of the service that such be retired.

*(As amended by No. 202 of 1964, No. 123 of 1965,
No. 316 of 1966 and S.I. No. 98 of 1987)*

12. A pension, benefit, gratuity or other allowance granted under these Regulations shall not be assignable or transferable except for the purpose of satisfying-

Pensions, etc.,
not to be
assignable

(a) a debt due to the Government; or

(b) an order of any court for the periodical payment of sums of money towards the maintenance of the wife or former wife or child or beneficiary of the officer to whom the pension, gratuity or other allowance has been granted;

and shall not be liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatever except a debt due to the Government:

Provided that the provisions of the Maintenance Orders Act shall apply in relation to any pension, benefit, gratuity or other allowance granted under these Regulations.

(As amended by No. 123 of 1965)

13. (1) Every officer shall, within three months of his first becoming an officer, furnish the Permanent Secretary with proof- Information to be furnished by contributors

(a) of the date of his birth; and

(b) if he is a married man, or a widower with children or beneficiaries, of the dates of his marriage and of the births of his wife, children and beneficiaries (if any).

(2) Every officer who marries while an officer shall, within three months after his marriage, furnish the Permanent Secretary with proof of his marriage and of the date of birth of his wife.

(3) Every officer shall, within three months from the date of the event, furnish the Permanent Secretary with proof of-

(a) the birth of any child born to him;

(b) the marriage of any female child or beneficiary;

(c) the death of his wife or of any of his children or beneficiaries.

(4) After the death of any married officer the widow of such officer Information to

shall, within three months from the date of the event, furnish the Permanent Secretary with proof of-

be furnished by widows

- (a) the date of the death of the officer;
- (b) the birth of any posthumous child born to such officer;
- (c) the marriage of any female child or beneficiary of such officer;
- (d) the death of any child or beneficiary of such officer;
- (e) her own remarriage.

(5) No payment of any pension or other benefit to a widow shall be made until proof of marriage to and the date of the death of the husband has been furnished.

(6) No pension in respect of a child or beneficiary shall be paid until proof has been furnished of the eligibility of that child or beneficiary for a pension under these Regulations.

(7) A male officer or a male pensioner who contracts or who has contracted a marriage under a system permitting of polygamy shall notify the Permanent Secretary of the name of each wife together with the names of the children of each marriage, and shall notify the Permanent Secretary of any dissolution of marriage by death or divorce or any nullification of marriage.

Notification of wives and children of an officer married under a system permitting of polygamy

(8) No pension or other benefit under these Regulations shall be payable to a widow or in respect of the children of a male officer or pensioner married under a system permitting of polygamy unless their names have been notified by the officer or pensioner in terms of sub-regulation (7).

(9) The proof required under this regulation shall be to the satisfaction of the Permanent Secretary.

(As amended by No. 199 of 1963 and S.I. No. 98 of 1987)

14. If a contributor or widow of a contributor shall at any time have wilfully made any false statement respecting any of the particulars required by these Regulations to be furnished, all or any part of the rights under the scheme of the contributor or the widow or any child or beneficiary of the contributor shall be liable to be forfeited at the discretion of the Permanent Secretary.

Penalty for false statement

(As amended by S.I. No. 98 of 1987)

15. If a pensioner is convicted of any offence and is required to undergo a period of imprisonment exceeding three months, the payment of his pension shall, in accordance with the directions, if any, of the Permanent Secretary, be discontinued during the whole or part of the period of imprisonment:

Conviction of pensioner

Provided that the Permanent Secretary shall, unless the appropriate Service Commission concurs in the refusal of the Permanent Secretary to authorise payment, authorise the payment of the whole or any portion of the pension in respect of the period during which it has been so discontinued to or for the benefit of such dependant or dependants of the pensioner as the Permanent Secretary may determine.

(As amended by No. 123 of 1965 and S.I. No. 98 of 1987)

16. If a person becoming entitled to or actually in receipt of a pension under these Regulations is found guilty by a court of competent jurisdiction-

Forfeiture of pension

(a) of misappropriating public moneys or property of the Government; or

(b) of making a false statement for the purpose of obtaining a pension, knowing the statement to be false or not believing it to be true;

his right to any pension or his pension, as the case may be, shall, in accordance with the directions of the Permanent Secretary and with the concurrence of the appropriate Service Commission, be suspended, reduced or forfeited, as the case may be.

(As amended by No. 123 of 1965 and S.I. No. 98 of 1987)

17. (1) Subject to the provisions of regulation 23 and sub-regulations (2), (3) and (4), the pensionable service with reference to which any pension is to be calculated shall be continuous.

Pensionable service

(2) Subject to the provisions of sub-regulations (3) and (4), pensionable service shall include-

- (a) time spent on duty;
- (b) time spent on authorised leave of absence from duty, whether that leave is taken with or without pensionable emoluments;
- (c) any period during which an officer is lawfully prohibited from carrying out the duties of his post;
- (d) any period during which an officer is suspended from duty if followed by his reinstatement in the same post or another post.

(3) If an officer-

- (a) absents himself from duty without leave of absence; or
- (b) is detained or his movements are restricted under any law providing for the detention or restriction of movements of persons; or
- (c) undergoes a period of imprisonment;
and is not dismissed or discharged or called upon to resign, the Permanent Secretary shall, unless the appropriate Service Commission concurs in the refusal of the Permanent Secretary to direct, direct-
 - (i) that contributions shall be paid on the pensionable emoluments which that officer would have been paid had he not been absent, detained, in prison or his movements restricted, as the case may be, and that such period shall be included in the pensionable service of the officer; or
 - (ii) that the period during which that officer is absent, detained, in prison or his movements restricted, shall not count as pensionable service:

Provided that, if the Permanent Secretary gives a direction in accordance with the provisions of sub-paragraph (ii), the period during which the officer is so absent, detained, restricted in his movements or in prison, as the case may be, shall not be regarded as having interrupted the continuity of his pensionable service.

(4) The pensionable service of an officer shall not include any period of time in respect of which he has not made contributions.

(As amended by No. 123 of 1965 and S.I. No. 98 of 1987)

18. (1) (a) If a pension or the aggregate of a pension and an additional pension does not exceed the rate of two hundred kwacha, the Secretary may, in his absolute discretion, at the request of the recipient, commute the whole or any portion of that pension or that pension and additional pension by a single cash payment calculated in the manner determined by the Secretary. Commutation
of pension

(b) If a pension or the aggregate of a pension and an additional pension exceeds the rate of two hundred kwacha but does not exceed the rate of six hundred kwacha, the Secretary may in like circumstances commute a portion of that pension or that pension and additional pension, not exceeding two hundred kwacha, by a single cash payment likewise calculated:

Provided that if the portion of the pension not so commuted is not more than fifty kwacha, the Secretary may commute the whole pension.

(c) If a pension or the aggregate of a pension and an additional pension exceeds the rate of six hundred kwacha, the Secretary may in like circumstances commute a portion of that pension or that pension and additional pension not exceeding one-third thereof, by a single cash payment likewise calculated.

(2) An officer who is entitled to a pension may elect, before the payment of pension commences, to receive in lieu of either one-third or two-thirds of that pension, a gratuity calculated by multiplying the amount of pension to be commuted by the factor obtained from the Third Schedule appropriate to the officer's age on his last day of pensionable service, or total service as the case may be, except that if the portion of pension not so commuted is less than fifty kwacha, the Board may commute the whole pension.

(3) Nothing in this regulation contained shall authorise the commutation of any pension or part of a pension payable to a widow or

in respect of a child or beneficiary, or any pension or children's allowance, payable under regulation 32.

(As amended by S.I. No. 98 of 1987)

PART II

BENEFITS ON PREMATURE RETIREMENT, RESIGNATION, DISCHARGE OR DISMISSAL

19. (1) An officer who resigns shall be entitled to be paid if the said officer's pensionable service is-

Benefits on
resignation

(a) less than fifteen years, the amount referred to in regulation 21 together with an amount equal to two per centum of the amount referred to in regulation 21 multiplied by the number of complete years, if any, in respect of which contributions have been paid;

(b) fifteen years or more but less than twenty years, double the amount referred to in regulation 21;

(c) twenty years or more, double the amount referred to in regulation 21, together with an amount equal to two per centum of double the amount referred to in regulation 21 multiplied by the number of complete years in respect of which contributions have been paid.

(2) If an officer resigns without due notice the Permanent Secretary may, with the concurrence of the appropriate Service Commission, deduct from the amount to which the officer is entitled under this regulation such amount as he may fix, being not more than the pensionable emoluments of the officer for that period of notice.

(As amended by No. 123 of 1965 and S.I. No. 98 of 1987)

20. (1) The following officers, that is to say:

Benefits on
discharge or
dismissal

(a) an officer on probation who is discharged;

(b) any officer who is dismissed or discharged in consequence of disciplinary proceedings;

shall be entitled to be paid the amount referred to in regulation 21.

(2) Nothing in this regulation contained shall be construed as affecting the right of the Government to set off against the amount aforesaid the amount of any loss, howsoever arising, which the Government may have sustained by reason of the conduct of the officer on account of which the officer was dismissed or discharged.

21. For the purposes of regulations 19, 20 and 29, the amount to be used in calculating benefits shall be the total of the officer's contributions under the provisions of regulations 6 and 51.

Computation of
benefits on
resignation,
discharge or
dismissal

22. (1) Subject to the provisions of Parts V, VI and VII, an established officer, who has completed a period of pensionable service amounting to less than ten years and who is retired on the ground that by reason of some disease, disablement, or infirmity of mind or body contracted or occasioned without his default he is incapable of efficiently performing his duties, shall be paid an amount equal to the rate based on the age at which an officer retires expressed in complete months.

Benefits on
retirement for
ill health or
infirmity

(2) Subject to the provisions of Parts V, VI and VII, an established officer, who has completed a period of pensionable service amounting to ten or more years and who is retired on the ground that by reason of some disease, disablement, or infirmity of mind or body contracted or occasioned without his default he is incapable of efficiently performing his duties, shall be entitled upon retirement-

(a) to a pension calculated at the rate based on the age at which an officer retires, expressed in complete months; and

(b) to an additional pension equal to seventy per centum of an officer's pension calculated at the rate based on the age at which an officer retires, expressed in complete months from date of retirement to

the date when the officer would attain the pensionable age.

(3) Subject to the provisions of Parts V, VI and VII, an established officer who is retired on the ground that by reason of some disease, disablement or infirmity of mind or body, contracted or occasioned with his default, he is incapable of performing his work, shall be entitled upon retirement-

(a) his pensionable service is less than ten years, to a pension at the rate based on the age at which he retires, expressed in complete months;

(b) if his pensionable service is ten years or more, to a pension at the rate based on the age at which he retires, expressed in complete months.

(As amended by S.I. No. 98 of 1987)

23. (1) If any person who is receiving a pension under regulation 22 is, within two years of the date of his retirement, certified under sub-regulation (3) to be fit to resume duty in his former or in any other post and has not attained pensionable age, he may, subject to the provisions of sub-regulation (2), be required by the Permanent Secretary to resume duty in his former or in any other post. If the person refuses to resume duty without reasonable cause, his right to a pension under regulation 22 shall cease with effect from the date on which he is required to resume duty:

Resumption of
duty by officer
retired on
grounds of ill
health

Provided that the pension shall unless the appropriate Service Commission otherwise concurs be restored to a pensioner with effect from the date that pensioner attains the age of fifty years.

(2) The following provisions shall apply in relation to any person required to resume duty under sub-regulation (1):

(a) the pensionable emoluments attaching to the post to which he is appointed shall not, without his consent, be less than the pensionable emoluments received by him immediately before the date of his retirement;

(b) he shall not, without his consent, be appointed to a post other than his former post unless, in the opinion of the Permanent Secretary, the duties thereof correspond to those which he could have been called

upon to perform before the date of his retirement;

(c) the pension which he was receiving under regulation 22 shall cease with effect from the date of his resumption of duty;

(d) his pensionable service shall not be deemed to have been interrupted by the period while he was receiving a pension under regulation 22, but that period shall not form part of his pensionable service. Any gratuity awarded on his earlier retirement shall be taken into account in determining the amount to be paid by way of pension on his final retirement.

(3) In determining the fitness of the person to resume duty under sub-regulation (1), the Permanent Secretary shall take into account the majority opinion of three medical practitioners, of whom two shall be selected by the Permanent Secretary and one by the person concerned.

*(As amended by No. 123 of 1965,
No. 26 of 1990 and S.I. No. 98 of 87)*

24. (1) An established officer who is retired under paragraph (a) of sub-regulation 3 of regulation 11 shall be entitled upon retirement to a pension calculated at the rate based on the age at which an officer retires, expressed in complete months. Pension on loss of office

(2) An officer referred to in sub-regulation (1) shall, unless the appropriate Service Commission otherwise concurs, in addition to the pension to which he is entitled under that sub-regulation, be granted an additional pension at the annual rate of one-sixtieth of his average pensionable emoluments for each completed period of three years' pensionable service:

Provided that-

(i) the addition shall not exceed ten-sixtieths;

(ii) the addition together with the remainder of the officer's pension shall not exceed the pension for which he would have been eligible if he had continued until his pensionable age to hold the office held by him at the date of his retirement, having received all increments for which he would have been eligible by that date;

(iii) no additional pension granted under this sub-regulation shall exceed the difference between the pension payable under sub-regulation

(1) and two-thirds of the highest pensionable emoluments of the officer at any time in the course of his service.

(As amended by No. 123 of 1965 and S.I. No. 98 of 1987)

25. An established officer who is retired under the provisions of paragraph (c) of sub-regulation (3) of regulation 11 shall be entitled upon retirement to the benefits to which he would have been entitled under sub-regulation (3) of regulation 22 had he been retired on the grounds of ill health or infirmity.

Benefits on retirement in the interests of the Teaching Service

PART III

RETIREMENT AND DEATH BENEFITS

26. (1) Subject to the provisions of Parts V, VI and VII, an established officer whose pensionable service amounts to less than ten years and who retires-

Benefits of retirement

(a) with the consent of the appropriate Service Commission at any time during the five years before he attains pensionable age; or

(b) on his election to the National Assembly; shall be paid an amount on the rate based on the age at which the officer retires, expressed in complete months.

(2) An established officer whose pensionable service amounts to ten or more years who retires-

(a) on attaining pensionable age; or

(b) with permission of the appropriate Service Commission at any time during the five years before he attains that age; or

(c) on his election, having been given permission by the Permanent Secretary to stand for election to the National Assembly; shall be

entitled, as from the date of his retirement, to a pension calculated at the rate based on the age at which the officer retires, expressed in complete months.

*(As amended by No. 292 of 1964,
No. 316 of 1966 and No. 98 of 1987)*

27. (1) Subject to the provisions of regulation 30 and Parts V and VI, if an established officer whose pensionable service amounts to ten or more years, dies and leaves a widow, there shall be paid to the widow a pension equal to forty per centum of the pension and additional pension to which the officer would have been entitled under sub-regulation (2) of regulation 22 had he been retired on the grounds mentioned in that sub-regulation at the date of his death. Pension for widow

(2) Subject to the provisions of regulation 30 and Parts V and VI, if a pensioner dies and leaves a widow, there shall be paid to the widow a pension equal to forty per centum of the pension and additional pension to which the pensioner was or would have been entitled under these Regulations at the date of his death without regard to any commutation under these Regulations and exclusive of any pension payable to him under regulation 32.

(3) Subject to the provisions of regulation 13, a pension payable under this regulation shall be paid from the day following the date of death of the established officer or pensioner, as the case may be.

(4) Any pension payable under this regulation to a widow shall cease on the date on which the widow remarries.

(5) If, in the opinion of the Permanent Secretary, the widow of a pensioner is cohabiting with any person, the pension payable to her shall, with the concurrence of the appropriate Service Commission, cease as from a date determined by the Permanent Secretary:

Provided that if the Permanent Secretary is satisfied at a subsequent date that the cohabitation has come to an end, he shall, unless the appropriate Service Commission concurs in the refusal of the Permanent Secretary to re-grant, re-grant the pension as from that date.

*(As amended by No. 199 of 1963 and
No. 123 of 1965 and No. 98 of 1987)*

28. (1) Subject to the provisions of regulations 13 and 31 and of Parts V and VI, if an established officer whose pensionable service amounts to ten or more years or a pensioner dies and leaves a widow and children, there shall be paid in respect of his children, with effect from the day following the date of his death, a pension equal to the following percentages of the widow's pension calculated under the provisions of regulation 27: Pension for children.

For one child-twenty-five per centum;

For two children-forty per centum;

For three children-fifty per centum;

For four children-sixty per centum;

For five or more children-sixty-six and two-thirds per centum:

Provided that on the death or remarriage of the widow, the pension payable in respect of the children shall be at the rates specified in sub-regulation (2).

(2) Subject to the provisions of regulation 13 and sub-regulation (2) of regulation 31 and of Parts V and VI, if an established officer whose pensionable service amounts to ten or more years or a pensioner dies and leaves no widow but leaves children, there shall be paid in respect of those children, with effect from the day following the date of his death, a pension equal to the following percentages of the pension that would have been payable to his widow in terms of regulation 27 had he left one:

For one child-fifty per centum;

For two children-eighty per centum;

For three children-one hundred per centum;

For four children-one hundred and twenty per centum;

For five or more children-one hundred and thirty-three and one-third per centum.

(3) If a child dies or ceases to be a child under the definition of a child in regulation 2, the pension payable under this regulation shall cease or if there are other children shall be adjusted accordingly.

(4) Any pension payable under this regulation shall be paid to such person or persons as shall from time to time be determined by the Permanent Secretary and shall, in accordance with his determination, be paid in respect of one child or apportioned between any two or more of the children.

(5) If the deceased leaves a widow who does not maintain or deserts or abandons a child of herself and the deceased, the Permanent Secretary may direct that such portion of the widow's pension as he thinks fit shall be paid to such person as he may direct and be applied by such person for the benefit of such child.

(6) Notwithstanding any other provision contained in these Regulations, if an allowance or pension is being paid under these Regulations in respect of a child-

(a) because of the injury or death of the father of that child, no further allowance or pension shall be payable under these Regulations in respect of that child on the injury or death of the step-father of that child;

(b) because of the injury or death of the step-father of that child, no further allowance or pension shall be payable under these Regulations in respect of that child on the injury or death of the father of that child.

(As amended by No. 199 of 1963 and S.I. No. 98 of 1987)

29. (1) Subject to the provisions of regulations 13 and 30, if, on the death of an established officer, no pension or special pension is payable to his widow or child under these Regulations other than a pension payable under regulation 33, a sum equal to-

Benefits other than pension payable on death

(a) twice the amount referred to in regulation 21; or

(b) the amount which would have been payable under regulation 19 had such officer resigned on the date of his death;

whichever is the greater, shall be paid to the widow or child, or, if there is no widow or child, to the estate of the officer.

(2) Subject to the provisions of regulations 13 and 30, on the death of an officer on probation, there shall be paid to the widow or child of that officer in accordance with the provisions of sub-regulation (3), or, if there is no widow or child, to the estate of that officer, an amount equal to the benefits which would have been payable under regulation 19 if that officer had resigned on the date of his death.

(3) Any amount payable under this regulation to a widow or child shall be paid-

(a) if there is a widow and no child, to the widow;

(b) if there is a widow and one child, or more than one child, or no widow but one child or more, to such person or persons and in such proportions as shall from time to time be determined by the Permanent Secretary.

(As amended by No. 199 of 1963 and S.I. No. 98 of 1987)

30. (1) When a male officer or a male pensioner who was married under a system permitting of polygamy dies, the pensions or benefits payable under the provisions of regulations 27, 29 and 33 shall be calculated as if there had been only one widow of that male officer or pensioner, as the case may be, and shall be divided equally into the same number of parts as the number of widows surviving at the date of the officer's or pensioner's death.

Payments of pension or benefits to widows of a deceased person who was married under a system permitting of polygamy

(2) Each surviving widow of the deceased male officer or male pensioner, as the case may be, shall be paid one part of the pension or benefit calculated in accordance with sub-regulation (1).

(3) A pension payable to a widow under this regulation shall cease on the date on which she marries or dies or, in the opinion of the Permanent Secretary, cohabits with any person, and the pension for the remaining widow or widows, if any, shall not be increased.

(No. 199 of 1963 and S.I. No. 98 of 1987)

31. (1) Subject to the provisions of sub-regulation (2), when a male officer or a male pensioner who was married under a system permitting of polygamy dies, the pension payable in terms of regulation 28 in respect of the children shall be calculated on the pension payable as if there had been only one widow.

Payments of pensions or benefits to children of a deceased person who was married under a system permitting of polygamy

(2) The proviso to sub-regulation (1) of regulation 28 and paragraph (b) of sub-regulation (3) of regulation 33 shall only apply from the date on which the last widow's pension ceases in terms of sub-regulation (3) of regulation 30.

(No. 199 of 1963)

PART IV

PENSIONS AND TEMPORARY ALLOWANCES IN RESPECT OF DEATH OR INJURY IN THE COURSE OF DUTY

32. (1) In this regulation-

"degree of disablement" means the degree of disablement due to an injury expressed as a percentage of total disablement, which shall be taken as one hundred per centum;

"earnings" means, in relation to an injured person-

Pensions and benefits in respect of injury in the course of duty

(a) if he is an officer, his annual rate of pensionable emoluments immediately before the date from which a temporary allowance or a pension first became payable to him or would have become payable to him but for the provisions of sub-regulation (11);

(b) whose injury manifests itself after that person had ceased to be an officer, the annual rate of his pensionable emoluments at the date he received the injury or, if the date of the injury is not established to the satisfaction of the Permanent Secretary, the annual rate of his pensionable emoluments at a date fixed by the Permanent Secretary; Cap. 271

"injured person" means an officer who has sustained injury even though the injury does not manifest itself until a date when he is no longer an officer, but does not include an officer who is otherwise eligible for compensation in respect of such injury under the provisions of the Worker's Compensation Act;

"injury" means-

(a) ill health, physical or mental unfitness, physical or mental incapacity, or personal injury which, in the opinion of the Permanent Secretary, is caused by or due to an officer's work; or

(b) an aggravation to a material extent of ill health, physical or mental unfitness, physical or mental incapacity, or personal injury, which aggravation, in the opinion of the Permanent Secretary, is caused by or due to an officer's work;

without any wrongful act of commission or omission on the part of the officer;

"material extent", in relation to an injury which has been aggravated by the discharge of the officer's work, means-

(a) where the degree of disablement which would have been applicable had the whole of the condition of the injured person been caused by the performance of his work (hereinafter in this paragraph called the full degree of disablement) is less than twenty per centum, a degree of disablement of five per centum or more which is not less than one-half of his full degree of disablement;

(b) in cases not falling under paragraph (a), a degree of disablement of at least ten per centum;

"medical certificate" means a certificate given by the medical authority

specified in this regulation regarding-

- (a) the fitness or otherwise of an injured person to perform his work;
- (b) the nature of incapacity, if any, of the injured person;
- (c) the period of leave, if any, which, in the opinion of the medical authority, is necessary and indispensable for the recovery of the health of the injured person.

(2) The Permanent Secretary may grant sick leave with salary to an injured person-

- (a) for a period of, or for periods not exceeding in the aggregate, ninety days on production of a medical certificate given by the medical practitioner or dentist, as the case may be, of the injured person or, if the Permanent Secretary desires the production of a certificate given by a medical practitioner or a dentist, as the case may be, nominated by him, on production of that certificate;
- (b) in addition to sick leave granted under paragraph (a), for a further period of, or for further periods not exceeding in the aggregate, ninety days on production of a medical certificate given by a Government medical officer, or, if the Permanent Secretary desires the production of a certificate given by a medical board, on production of that certificate;
- (c) in addition to any sick leave granted under paragraphs (a) and (b), for such further periods, being not more than one hundred and eighty days each, as may be recommended by a medical board:

Provided that-

- (i) no one continuous period of sick leave granted under this sub-regulation shall exceed five hundred and forty days;
- (ii) no further period of sick leave shall be granted under this sub-regulation if the Permanent Secretary is satisfied, after considering the report of a medical board, that the injured person will be permanently unfit to perform his work and deems his degree of disablement to have reached a final and stationary condition.

(3) Sick leave granted under sub-regulation (2) shall be additional to any sick leave which may be granted under the provisions of the rules and instructions relating to the Teaching Service.

(4) The degree of disablement of an injured person shall be-

(a) in respect of the disabilities mentioned in the First Schedule, the percentage indicated in that Schedule;

(b) in respect of any disability not mentioned in the First Schedule, such percentage as may be assessed by the Permanent Secretary after considering the opinion of a medical board on the percentage of disability.

(5) In making a report under paragraph (b) of sub-regulation (4), a medical board shall make a comparison of the injured person's condition with the condition of a normal healthy person of the same age and sex without taking into account the earning capacity, in his disabled condition, of the injured person in his own or any other trade or occupation.

(6) In the case where an injured person has two or more disabilities which are the result of one or more injuries, the degree of disablement shall be determined in relation to the combined disabilities but shall in no case exceed one hundred per centum.

(7) Notwithstanding the provisions of this regulation, if the Permanent Secretary deems the degree of disablement of an injured person to be inadequate by reason of the particular consequences of the disablement in relation to the special nature of that person's occupation, he may assess the degree of disablement at such a percentage, being not more than one hundred per centum, as he may deem equitable in the circumstances:

Provided that, if there is any material improvement in the injured person's earning capacity, the Permanent Secretary may reduce or vary any assessment made under this sub-regulation, so, however, that in no case shall a degree of disablement be assessed at a percentage lower than that fixed by or under the provisions of sub-regulation (4), (6) or (13).

(8) Subject to the provisions of sub-regulation (12), an injured person shall, in addition to any other benefit payable under these Regulations, be entitled-

(a) until such time as his degree of disablement is deemed by the Permanent Secretary to have reached a final and stationary condition, to a temporary allowance computed under sub-regulation (9) according to his degree of disablement as assessed from time to time;

(b) when his degree of disablement has been deemed by the Permanent Secretary to have reached a final and stationary condition, to a pension computed under sub-regulation (9) or a sum computed under sub-regulation (11), as the case may be.

(9) The annual rate of a temporary allowance or pension payable to an injured person shall be computed-

(a) in the case of an injured person whose degree of disablement is one hundred per centum, as an amount equal to the aggregate of two-thirds of his earnings up to and including one thousand three hundred kwacha and one-third of his earnings from one thousand three hundred and one kwacha to three thousand and forty kwacha, both inclusive;

(b) in the case of an injured person whose degree of disablement is less than one hundred per centum, as an amount equal to one one-hundredth of the allowance or pension computed as in paragraph (a), multiplied by the degree of disablement.

(10) In addition to any temporary allowance or pension payable under sub-regulation (8) to an injured person who has been discharged, there shall be paid in respect of the children of that injured person an allowance-

(a) if the degree of disablement is one hundred per centum, at the rate of one forty-eighth of his earnings or sixty kwacha per annum, whichever is the greater for the first child, and one-sixtieth of his annual pensionable emoluments or forty-eight kwacha per annum, whichever is the greater, for each additional child;

(b) if the degree of disablement is less than one hundred per centum,

at rates in the same proportion to the rates referred to in paragraph (a) as the degree of disablement bears to one hundred per centum.

Any allowance payable under this sub-regulation shall cease from the date on which a pension becomes payable in respect of any of the children under the provisions of regulation 33.

(11) Notwithstanding the provisions of this regulation, the Permanent Secretary shall, with the consent of the injured person and unless the appropriate Service Commission concurs in the refusal of the Permanent Secretary to pay, pay to that person, in lieu of any pension calculated under sub-regulation (9), a lump sum equal to the capitalised value thereof, calculated in terms of the Second Schedule.

(12) Temporary allowances and pension under this regulation shall accrue-

(a) in the case of a temporary allowance, from a date to be determined by the Permanent Secretary;

(b) in the case of a pension, from such date as may be determined by the Permanent Secretary as that on which it may be deemed that the degree of disablement has reached a final and stationary condition.

(13) In any case where the degree of disablement of an injured person has been deemed by the Permanent Secretary to have reached a final and stationary condition, the Permanent Secretary may at any time vary the degree of disablement if he is satisfied, after considering the report of a medical board, that there has been a variation of five or more per centum of total disablement in respect of the injured person, and any pension payable to the injured person or any allowance payable in respect of his child under this regulation shall thereupon be computed accordingly.

(As amended by No. 123 of 1965, No. 316 of 1966 and S.I. No. 98 of 1987)

33. (1) In this regulation-

"death" means death which, in the opinion of the Permanent Secretary, is caused by the discharge of official duties without any wrongful act of commission or omission on the part of the deceased person;

"deceased person" means a person who-

Pensions and benefits in respect of death caused by the discharge of duties

(a) immediately before his death was an officer; or

(b) was an officer and whose death occurred after he ceased to be an officer; Cap. 271

but does not include a person in respect of whose death compensation is otherwise payable under the provisions of the Worker's Compensation Act;

"earnings", in relation to a deceased person, means-

(a) if that person has been awarded compensation in accordance with regulation 32 in respect of the injury which was the cause of his death, his earnings as defined in that regulation;

(b) if that person has not been awarded compensation in accordance with regulation 32 in respect of the injury which was the cause of his death, the annual rate of his pensionable emoluments at the date he received the injury or, if the date of the injury is not established to the satisfaction of the Permanent Secretary, his pensionable emoluments at a date fixed by the Permanent Secretary.

(2) Subject to the provisions of these Regulations, the widow and children, if any, of a deceased person shall, in addition to any other benefits payable under these Regulations, be entitled-

(a) in the case of a widow, to an annual pension equal to sixty-six and two-thirds per centum of the pension which would have been payable to the deceased person under paragraph (a) of sub-regulation (9) of regulation 32 had he sustained a one hundred per centum degree of disablement. For the purpose of calculating the pension which would have been payable to the deceased person, "earnings" shall have the meaning assigned thereto in sub-regulation (1);

(b) in the case of the children, to a pension at the rate of one twenty-fourth of the deceased person's earnings or one hundred and twenty kwacha per annum, whichever is the greater, for the first child and one-fortieth of the deceased person's annual pensionable emoluments at the date of his death or seventy-two kwacha per annum, whichever is the greater, for each additional child:

Provided that, if the person leaves children of a marriage or marriages previous to his marriage to his widow and the children live in

households other than that in which the widow resides with her children by the deceased person, the children in those other households shall, unless the appropriate Service Commission otherwise concurs, be entitled to pensions at the rate which would have been appropriate if they were the only children of the deceased person.

(3) Notwithstanding the provisions of sub-regulation (2), the children of a deceased person shall, subject to the provisions of regulation 31, be entitled to pensions at the rate of one-fifteenth of the deceased person's earnings or one hundred and ninety-two kwacha per annum, whichever is the greater, each-

(a) if the deceased person leaves no widow; or

(b) with effect from the date the pension to the widow of a deceased person ceases as a result of her marriage or death.

(4) If a deceased person leaves no widow or child but there are other dependants, there shall be paid to those dependants in such proportions as the Permanent Secretary may determine an amount equal to-

(a) three times the deceased person's earnings; or

(b) three times the rate of pension which would be payable under paragraph (a) of sub-regulation (9) of regulation 32 to an injured person whose earnings are two thousand eight hundred and eighty kwacha per annum:

whichever is the greater:

Provided that any amount payable in terms of this sub-regulation shall be reduced by the aggregate of any payment made to or on behalf of the deceased person under sub-regulation (8), (10), (11) or (13) of regulation 32.

(As amended by No. 199 of 1963, No. 123 of 1965 and S.I. No. 98 of 1987)

34. The following conditions shall apply to a pension payable to the widow and to allowances or pensions payable in respect of children under regulation 32 or 33, as the case may be:

Conditions applicable to pensions and allowances

(a) the pension shall be payable from the day following the death of the injured person; payable in terms of regulation 32 or 33

(b) the pension to the widow shall cease from the date on which the widow remarries;

(c) if, in the opinion of the Permanent Secretary, the widow is cohabiting with any person, the pension payable to her shall, with the concurrence of the appropriate Service Commission, cease as from a date determined by the Permanent Secretary:

Provided that if the Permanent Secretary is satisfied at a subsequent date that the cohabitation has come to an end he shall, if he thinks fit, re-grant the pension as from that date unless the appropriate Service Commission concurs in the refusal of the Permanent Secretary to re-grant such pension;

(d) any allowance payable in respect of a child under sub-regulation (10) of regulation 32 or a pension payable under regulation 33, as the case may be, shall be paid to such person or persons as shall from time to time be determined by the Permanent Secretary;

(e) if a child dies or ceases to be a child within the definition of a child in regulation 2, the allowance payable under sub-regulation (10) of regulation 32 or the pension payable under regulation 33, as the case may be, shall cease or, if there are other children, shall be adjusted accordingly;

(f) if the deceased leaves a widow who does not maintain or deserts or abandons a child of herself and the deceased, the Permanent Secretary may direct that such portion of the widow's pension as he thinks fit shall be paid to such person as he may direct and be applied by such person for the benefit of such child;

(g) for the purposes of this regulation, the provisions of regulations 30 and 31 shall apply in the case of a male officer or a male pensioner married under a system permitting of polygamy.

(As amended by No. 199 of 1963 No. 123 of 1965 and S.I. No. 98 of 1987)

35. (1) In this regulation, "injured person", "injury" and "material extent" have the meanings assigned thereto in regulation 32.

Reimbursement of medical and other expenses

(2) In any case where an injured person incurs unavoidable expense of a nature other than that referred to in sub-regulations (3) and (4), which the Permanent Secretary is satisfied is directly attributable to his undergoing medical examinations or treatment in respect of his injury, the Permanent Secretary shall, unless the appropriate Service Commission concurs in the refusal of the Permanent Secretary to increase or award an allowance or pension-

(a) in a case where the injured person is in receipt of a temporary allowance or pension under regulation 32, increase the allowance or pension, together with the allowance in respect of children, if any, payable under sub-regulation (10) of that regulation, to an amount not exceeding that which would have been payable had the degree of disablement of the injured person been one hundred per centum, for the period that the injured person undergoes medical examination or treatment and while travelling in connection therewith;

(b) in a case where the injured person is not in receipt of a temporary allowance or pension under regulation 32, award a temporary allowance, together with the allowances in respect of children, if any, payable under sub-regulation (10) of that regulation, not exceeding that which would have been payable had the degree of disablement been one hundred per centum during the period of the medical examination or treatment and while travelling in connection therewith.

(3) When it is necessary for an injured person to make a journey for the purpose of undergoing medical examination or treatment in connection with his injury, the Permanent Secretary may authorise the payment of subsistence allowance and transport costs at such rates and subject to such conditions as he may determine:

Provided that no subsistence allowance shall be payable for any period during which an injured person is an in-patient at an institution or hospital, the cost of which is paid, in whole or in part, under sub-regulation (4).

(4) An injured person shall be entitled to the payment of such expenses, not exceeding in the aggregate five hundred kwacha, as the Permanent Secretary is satisfied have been reasonably and necessarily incurred by that person as a result of an injury in respect of dental, medical, surgical, hospital or other treatment, including the supply of artificial limbs and

appliances:

Provided that-

- (i) if the Director of Medical Services has reported that the treatment of the injury warrants expenditure in excess of five hundred kwacha, the Permanent Secretary may direct the payment of such additional payments in excess of five hundred kwacha as he may approve;
- (ii) where the expenses are related to an injury which is due to aggravation to a material extent by the performance of his work without any wrongful act of commission or omission on his part-
 - A. the sum payable under this sub-regulation in respect of each claim shall not exceed an amount equal to the same proportion of that claim as the actual degree of disablement of the injured person due to the aggravation bears to the degree of disablement which would have been applicable to him had the whole of his disablement been due to an injury;
 - B. the aggregate of the amounts payable under this sub-regulation shall not exceed an amount equal to the same proportion of five hundred kwacha, or such increased amount as the Permanent Secretary may fix under proviso (i), as the actual degree of disablement of the injured person due to the aggravation bears to the degree of disablement which would have been applicable to him had the whole of his disablement been due to an injury.

(As amended by No. 123 of 1965 and S.I. No. 98 of 1987)

36. (1) Any person in receipt of a pension or allowance under regulation 22 or 32 may be required by the Permanent Secretary to submit to a medical examination or to undergo medical or surgical treatment-

Medical
examination or
treatment

- (a) if he is receiving a pension under regulation 22, at any time within a period of two years from the date of his discharge;
- (b) if he is an injured person receiving a pension or allowance under regulation 32, at any time.

(2) If any person referred to in sub-regulation (1) fails to submit himself to the examination or to undergo the treatment required by the Permanent Secretary, his right to a pension or allowance under

regulation 22 or 32 shall cease as from the date he fails to do so:

Provided that-

(i) if at any time thereafter he submits himself to the examination or to undergo the treatment required by the Permanent Secretary, the pension or allowance shall be revived-

(a) in the case of a pension payable under regulation 22, where the person is not certified as being fit to resume duty or is not required to resume duty, with effect from the date on which it ceased to be payable;

(b) in the case of a pension or allowance payable under regulation 32, with effect from the date on which the person submits himself to that examination or undergoes that treatment;

(ii) the person may be restored to a pensioner with effect from the date that pensioner attains the age of fifty-five years.

(As amended by S.I. No. 98 of 1987 and 26 of 1990)

PART V

PROVISIONS RELATING TO PENSIONS AND OTHER BENEFITS APPLICABLE ONLY TO OFFICERS TRANSFERRED FROM OR TO THE SERVICE OF A SCHEDULED GOVERNMENT

37. In this Part, unless the context otherwise requires-

Interpretation

"emoluments factor" means the aggregate of the pensionable emoluments of a transferred officer during his pensionable service divided by the aggregate of his pensionable emoluments during his pensionable service and the emoluments accepted as pensionable during his pensionable employment:

Provided that, where part only of any employment in a civil

capacity is taken into account as pensionable employment, a proportionate part only of the aggregate emoluments during that employment shall be taken into account as pensionable emoluments;

"final pensionable emoluments", in the case of an officer who retires from or dies while in the Service, means the officer's average pensionable emoluments and, in the case of an officer who retires from or dies while serving under a Scheduled Government, means the pensionable emoluments taken for the purpose of calculating the officer's pension by that Government or the pensionable emoluments which would have been taken for the purpose of calculating the officer's pension had he retired on the date of his death, as the case may be;

"pensionable employment", in relation to a transferred officer, means-

(a) the period of employment under a Scheduled Government or Governments which may be taken into account in computing his pension; and

(b) in the case of an officer who was transferred to the Service from service in the former Protectorate of Northern Rhodesia or the Republic and who is subsequently transferred to a Scheduled Government, includes the period of pensionable employment which would otherwise be taken into account for the purposes of Part VI; and

(c) in the case of an officer who was transferred to the Service from employment which was pensionable under local conditions, includes any period of pensionable employment which may be taken into account for the purposes of the Zambia Civil Service (Local Conditions) Contributory Pensions Act, Chapter 48 of the 1965 Edition of the Laws;

"Scheduled Government" means the Government of the former Federation of Rhodesia and Nyasaland, the Government of the former Protectorate of Nyasaland, the Government of Southern Rhodesia and Division I and Division II of local conditions:

Provided that, if immediately before the date of his transfer to the Service from service in Division I or Division II of local conditions, a person was a guaranteed officer for the purposes of the Zambia Civil Service (Local Conditions) Contributory Pensions Act, Chapter 48 of the 1965 Edition of the Laws, the provisions of Part VI of these Regulations shall apply to such officer and any pension, gratuity or other benefit payable to the officer, his widow, child, beneficiary or estate shall be calculated accordingly;

"transferred officer" means an officer transferred from or to the Service to or from a Scheduled Government and includes, for the purposes of this Part, an officer who was transferred to the Service from service in

the former Protectorate of Northern Rhodesia or the Republic and who is subsequently transferred to a Scheduled Government.

(As amended by No. 123 of 1965)

38. Notwithstanding anything to the contrary in these Regulations contained, the provisions of this Part shall apply to officers who are transferred to or from the Service from or to a Scheduled Government.

Application of
this Part

39. The pensionable age of a transferred officer who retires from a Scheduled Government shall be at the age at which he is permitted or required to retire from that Government.

Pensionable age
of transferred
officers

40. The provisions of these Regulations shall apply in relation to any pension or other benefit payable to a transferred officer or his widow, child, beneficiary or estate, subject to the following modifications:

Application of
these
Regulations in
respect of
officers
transferred

(a) the officer shall, with effect from his date of transfer to the Service, make contributions at the rate specified in regulation 6;

(b) the officer shall, with effect from the date of his transfer from the Service, cease to make contributions;

(c) for the purpose of determining whether the officer has completed a period of pensionable service amounting to ten years, the period of his pensionable employment shall be deemed to form part of his pensionable service;

(d) save in respect of an additional pension or a pension payable under regulation 32, the pension payable to the officer under these Regulations shall be the appropriate pension in respect of a period of service consisting of the aggregate in completed months of his pensionable service and his pensionable employment multiplied by the emoluments factor:

Provided that for the purpose of this paragraph the pension in respect of a period of service consisting of the aggregate in completed months of the officer's pensionable service and his pensionable employment shall be the pension found by reference to his final pensionable emoluments;

(e) in calculating the amount of an additional pension under regulation 24-

(i) the reference in sub-regulation (2) of regulation 24 to the pensionable service of the officer shall be read and construed as a reference to the aggregate of the pensionable service and the

pensionable employment of the officer;

(ii) the reference in proviso (iii) to sub-regulation (2) of regulation 24 to the pension payable under sub-regulation (1) shall be read and construed as a reference to the pension which would be payable under sub-regulation (1) of regulation 24 if pensionable service included the period of pensionable employment;

(f) the provisions of sub-paragraph (ii) of paragraph (a) of sub-regulation (2) of regulation 22, of sub-paragraph (ii) of paragraph (b) of sub-regulation (2) of regulation 22, and of sub-regulation (2) of regulation 24 shall not apply in the case of an officer who retires from a Scheduled Government;

(g) the provisions of Part IV shall not apply in the case of an officer who is injured while serving under a Scheduled Government or where an officer dies as the result of injury received while serving under a Scheduled Government;

(h) if at the date on which the officer retires from the Service or from a Scheduled Government the aggregate of his pensionable service and pensionable employment is less than ten years, he shall, notwithstanding anything to the contrary in these Regulations contained, be entitled only to a gratuity calculated by multiplying by the emoluments factor with the rate based on the age at which an officer retires, expressed in complete months:

Provided that this paragraph shall not apply in the case of an officer who is retired from the Service or from a Scheduled Government if such officer is retired on grounds mentioned in paragraph (a) of sub-regulation (4) of regulation 11. An officer who is retired on such grounds shall be eligible for a pension calculated in accordance with paragraph (d) and if he is retired from the Service and is qualified therefore shall be eligible for an additional pension calculated in accordance with sub-regulation (2) of regulation 24.

(As amended by S.I. No. 98 of 1987)

41. (1) If a transferred officer dies and leaves a widow, or a widow and a child or children, or does not leave a widow but leaves a child or children, and the aggregate of the officer's pensionable service and pensionable employment is more than ten years, there shall be paid in respect of the widow, or in respect of the widow and child or children, or in respect of the child or children, as the case may be, an amount or

Rights of dependants of officers transferred

amounts arrived at by multiplying the pension or pensions which would have been paid had the officer's pensionable service and pensionable employment been wholly service in the Service by the emoluments factor.

(2) If a pensioner dies and leaves a widow, or a widow and a child or children, or does not leave a widow but leaves a child or children, there shall be paid in respect of the widow, or in respect of the widow and child or children, or in respect of the child or children, as the case may be, an amount arrived at by multiplying the pension or pensions which would have been paid had the pensioner's pensionable service and pensionable employment been wholly service in the Service by the emoluments factor.

PART VI

PROVISIONS RELATING TO PENSIONS AND OTHER BENEFITS APPLICABLE ONLY TO OFFICERS TRANSFERRED FROM SERVICE IN ZAMBIA

42. In this Part, unless the context otherwise requires-

Interpretation

"approved scheme" means an approved scheme as defined in the Widows and Orphans Pension Act;

Cap. 279

"deficit" means the difference between-

Cap. 279

(a) the aggregate of the annual rate of the pensions which would have been payable to a widow, child or beneficiary, as the case may be, of a guaranteed officer under the Widows and Orphans Pension Act had he died immediately before the date of transfer to the Service; and

Cap. 279

Cap. 279

(b) the aggregate of the annual rate of the pensions which at his death are payable to a widow, child or beneficiary, as the case may be, of a guaranteed officer under the Widows and Orphans Pension Act:

Provided that in determining the deficit no account shall be taken of any additional pension payable to a widow, child or beneficiary, as the case may be, by reason of voluntary payments made under the Widows and Orphans Pension Act, unless the guaranteed officer was immediately before his death making the payments referred to in regulation 48 or had paid contributions for the maximum period laid down in that regulation;

"emoluments factor" means the aggregate of the pensionable emoluments of a guaranteed officer during his pensionable service divided by the aggregate of his pensionable emoluments during his pensionable service and the emoluments accepted as pensionable during his pensionable employment:

Provided that, for the purposes of computing the aggregate of the emoluments accepted as pensionable under this definition and under paragraph (i) of regulation 46, a guaranteed officer who has been on leave with reduced pensionable emoluments or without pensionable emoluments during the period of his pensionable employment shall be deemed to have received his full pensionable emoluments during that leave; Cap. 266

"guaranteed officer" means an officer transferred to the Service from service in the former Protectorate of Northern Rhodesia or the Republic and for the purposes of this Part includes an officer who immediately before the date of his transfer to the Service was a guaranteed officer under the Zambia Civil Service (Local Conditions) Contributory Pensions Act, Chapter 48 of the 1965 Edition of the Laws, provided that an officer subsequently transferred from the Service shall thereupon cease to be a guaranteed officer;

"pensionable employment" means service in the former Protectorate of Northern Rhodesia or the Republic and any period of employment in the public service which counts as pensionable service for the purposes of the European Officers' Pensions Act or the African Civil Servants' Pensions Regulations, Chapter 57 of the 1964 Edition of the Laws, or the Subordinate Police (Pensions) Regulations or the Unified African Teaching Service Regulations, as the case may be.

(As amended by No. 123 of 1965)

43. The provisions of this Part shall, notwithstanding anything to the contrary in these Regulations contained, apply to officers who are transferred from service in Zambia to the Service and are not subsequently transferred from the Service. Application of
this Part

44. (1) If the pension payable to a guaranteed officer on retirement calculated under these Regulations or the pension payable to a guaranteed officer on retirement calculated under these Regulations together with the pension payable in respect of his pensionable employment, as the case may be, is less than the pension which would have been payable to him on retirement from service in Zambia calculated in accordance with the provisions of the European Officers' Pensions Act or the African Civil Servants' Pensions Regulations, Chapter 57 of the 1964 Edition of the Laws, or the Subordinate Police (Pensions) Regulations or the Unified African Teaching Service Regulations, as the case may be, on the date of his retirement his pension under these Regulations shall be increased by the difference.

Guarantee in
respect of
pension for
transferred
officers
Cap 266

(2) In determining for the purposes of this regulation the pension which would have been payable to an officer on retirement from service in Zambia the retiring pensionable emoluments of the officer shall be deemed to be the emoluments which would, in the opinion of the Permanent Secretary, have been pensionable under the European Officers' Pensions Act or the African Civil Servants' Pensions Regulations, Chapter 57 of the 1964 Edition of the Laws, or the Subordinate Police (Pensions) Regulations or the Unified African Teaching Service Regulations, as the case may be, had he not transferred to the Service or had he not transferred to local conditions and subsequently transferred to the Service, as the case may be, and had he progressed in the scale of salary or remained on the fixed salary which was applicable to his office which corresponds with the scale of salary or the fixed salary of the office held by him in the Service during the three years immediately preceding his retirement.

Cap. 266
Cap. 133

(As amended by S.I. No. 98 of 1987)

45. *(Revoked by S.I. No. 26 of 1990).*

46. The provisions of these Regulations shall apply in relation to any pension or other benefit payable to a guaranteed officer or his widow, child, beneficiary or estate, subject to the following modifications:

Application of
these
Regulations in
respect of
guaranteed
officers

(a) the officer shall, with effect from his date of transfer, contribute at the rate appropriate under regulation 6 to a person of the same sex as that officer;

(b) for the purpose of determining whether the officer has completed a period of pensionable service amounting to ten years, the period of his pensionable employment shall be deemed to form part of

his pensionable service and, in the case of an officer who immediately before the date of his appointment to the Service was in employment counting for pension under the Unified African Teaching Service Regulations, any period of employment as an aided employee in a local education authority school or an assisted school which would have been taken into account in determining whether the officer had completed the period of ten years' service necessary to qualify for pension under the Unified African Teaching Service Regulations may be taken into account for the purposes of these Regulations but such employment as an aided employee in a local education authority school or an assisted school shall not be taken into account in the calculation of the pension payable to the officer;

(c) save in respect of an additional pension or in respect of a pension payable under regulation 32, the pension payable to the officer under these Regulations shall be-

(i) in the case of an officer who immediately before the date of his appointment to the Service was in employment counting for pension under the Unified African Teaching Service Regulations, the appropriate pension in respect of a period consisting of the aggregate in completed months of his pensionable service and his pensionable employment multiplied by the emoluments factor, together with a pension in respect of his pensionable employment in the Unified African Teaching Service calculated in accordance with the provisions of the African Civil Servants' Pensions Regulations, Chapter 57 of the 1964 Edition of the Laws, appropriate to a person who had been transferred from employment which was pensionable under the African Civil Servants' Pensions Regulations to pensionable employment in other public service;

(ii) in the case of any other officer, the appropriate pension in respect of a period of service consisting of the aggregate in completed months of his pensionable service and his pensionable employment multiplied by the emoluments factor;

(d) in calculating the amount of an additional pension payable under regulation 24-

(i) the reference in sub-regulation (2) of the said regulation to the pensionable service of the officer shall be read and construed as a reference to the aggregate of the pensionable service and the pensionable employment of the officer;

(ii) the reference in proviso (iii) to sub-regulation (2) of the said regulation to the pension payable under sub-regulation (1) shall be read

and construed as a reference to the pension which would be payable under sub-regulation (1) of the said regulation if pensionable service included the period of pensionable employment;

(e) save in respect of an officer who immediately before the date of his appointment to the Service was in employment counting for pension under the Unified African Teaching Service Regulations and who is eligible for pension in accordance with the provisions of paragraph (b) if, at the date on which the officer-

(i) attains pensionable age;

(ii) is retired on the grounds mentioned in sub-regulation (1) or (3) of regulation 22; or

(iii) retires under the provisions of sub-regulation (2) or paragraph (e) of sub-regulation (3) of regulation 11;

the aggregate of his pensionable service and pensionable employment is less than ten years he shall, notwithstanding anything to the contrary in these Regulations contained, be entitled only to a gratuity calculated-

A. in the case of an officer who immediately before the date of his appointment to the Service was in employment counting for pension under the Unified African Teaching Service Regulations, by multiplying one one hundred and twentieth of his average pensionable emoluments by the aggregate in completed months of his pensionable service and pensionable employment;

B. in the case of any other officer, by multiplying by the emoluments factor the amount arrived at by multiplying one one hundred and twentieth of his average pensionable emoluments by the aggregate in complete months of his pensionable service and pensionable employment;

(f) notwithstanding anything to the contrary in these Regulations contained, in the event of the officer's death during his employment in the Service, there shall be paid to his widow, if any, or in respect of such child or beneficiary, if any, as the Permanent Secretary may determine, in addition to any pension or special pension payable to his widow or in respect of that child or beneficiary, a gratuity equal to the annual rate of his pensionable emoluments at the date of his death;

(g) if, in the case of any officer who is a female, the aggregate of her pensionable service and her pensionable employment is, at the date of

her resignation or the date of her retirement under the provisions of paragraph (f) of sub-regulation (3) of regulation 11-

(i) less than five years, she shall be entitled to the payment of an amount calculated under regulation 19;

(ii) five years or more, she shall, subject to the production of proof to the satisfaction of the Secretary of her marriage within three months after that date, be entitled to a gratuity calculated by multiplying one one hundred and forty-fourth of her average pensionable emoluments at the date by the aggregate in completed months, being not more than one hundred and forty-four, of her pensionable service and pensionable employment, reduced by the amount of any gratuity paid in respect of her pensionable employment, in lieu of any other benefit under these Regulations;

(h) if the officer so elects in writing on or before attaining pensionable age, or before the date of his retirement under sub-regulation (3) of regulation 11, the following provisions shall apply:

(i) the pension payable to him under paragraph (c) shall be reduced by an amount, being not more than one-quarter of such pension, determined by him when he so elects;

(ii) he shall, on attaining pensionable age, or on his retirement under sub-regulation (2) or (3) of regulation 11, be entitled to the payment of an amount equal to twelve and one-half times the amount by which that pension is reduced under sub-paragraph (i); and

(iii) the provisions of regulation 18 shall not apply to him;

(i) the average pensionable emoluments of any officer who at the date on which he retires or is discharged, has completed a period of pensionable service in the Service amounting to less than three years shall be calculated on the average of-

(i) his pensionable emoluments in the Service; and

(ii) the emoluments which are accepted as pensionable in his pensionable employment;

during the period of three years immediately preceding that date:

Provided that the officer shall be deemed to have enjoyed the benefit of any increase due to a revision of salaries in the pensionable

emoluments of any office held by him as if such increase had been payable throughout such period.

(As amended by S.I. No. 98 of 1987)

47. (1) Subject to the provisions of sub-regulation (6), if a guaranteed officer dies and leaves a widow, child or beneficiary and his pensionable service as determined under paragraph (b) of regulation 46 amounts to less than ten years, there shall be paid to the widow, or, if there is no widow, in respect of the child or beneficiary, as the case may be, a special pension equal to the deficit.

Rights of dependants of guaranteed officers

(2) Subject to the provisions of sub-regulation (6), if a pensioner who was a guaranteed officer dies or if an established officer who is a guaranteed officer and whose pensionable service as determined under paragraph (b) of regulation 46 amounts to ten or more years dies, and he-

(a) leaves a widow and no child or beneficiary, the following provisions shall apply:

- (i) there shall be paid to the widow a pension calculated in accordance with the provisions of sub-regulation (1) of regulation 41;
- (ii) if the pension payable under sub-paragraph (i) is less than the deficit, there shall be paid to the widow a special pension equal to the difference between that pension and the deficit;

(b) leaves a widow and child and, additionally or alternatively, a beneficiary, the following provisions shall apply:

(i) there shall be paid-

A. to the widow, a pension calculated in accordance with the provisions of sub-regulation (1) of regulation 41;

B. in respect of the child, if any, a pension calculated under sub-regulation (1) of regulation 28;

(ii) if the aggregate of the pension or pensions, as the case may be, payable under sub-paragraph (i) is less than the deficit, there shall be paid to the widow a special pension equal to the difference from time to time between the aggregate and the deficit:

Provided that, if the pension payable to the widow under sub-paragraph (i) ceases to be payable, the provisions of paragraph (c) shall thereafter apply in relation to any child or beneficiary;

(c) does not leave a widow but leaves a child and, additionally or alternatively, a beneficiary, the following provisions shall apply:

(i) there shall be paid in respect of the child, if any, the appropriate pension calculated in accordance with the provisions of sub-regulation (1) of regulation 41;

(ii) if the pension or, as the case may be, the aggregate of the pensions payable under sub-paragraph (i) is less than the deficit, there shall be paid in respect of the child a special pension equal to the difference from time to time between the pension and the deficit;

(iii) if the pension payable in terms of sub-paragraph (i) ceases to be payable or no pension is payable under that sub-paragraph and there is a beneficiary, there shall be paid in respect of that beneficiary a special pension equal to the deficit.

(3) Any pension or special pension payable under this regulation, other than a pension or special pension payable to a widow, shall-

(a) be paid to such person or persons as shall from time to time be determined by the Permanent Secretary; and

(b) in accordance with the direction of the Permanent Secretary be paid in respect of one child or beneficiary or apportioned between any two or more children and, additionally or alternatively, beneficiaries.

(4) Any pension or special pension payable to a widow under this regulation shall cease on the date she remarries.

(5) A widow to whom a pension was payable under this regulation whose pension lapsed on her remarriage shall-

(a) if her husband dies in her lifetime not being a contributor under these Regulations, be paid the pension which was payable to her before her marriage-

(i) as from the date of the death of her husband; or

(ii) as from the date that any pension payable in respect of the children or beneficiaries of her marriage with the contributor ceases;

whichever is the later; or

(b) if she becomes entitled on the death of her husband being a contributor to be paid a pension under these Regulations-

(i) if there are children or beneficiaries of her previous marriage who are in receipt of a pension in terms of these Regulations, to be paid the pension to which she becomes entitled on the death of her husband until the pension payable in respect of the children or beneficiaries ceases and may then elect either to continue to be paid such pension or to be paid in lieu the pension which was payable to her before her remarriage; or

(ii) if there are no such children or beneficiaries of her previous marriage, elect forthwith either to be paid such pension or to be paid in lieu the pension which was payable to her before her remarriage:

Provided that in the event of a widow electing to be paid the pension which was payable to her before her remarriage in lieu of any pension which may become subsequently due under these Regulations, such subsequent pension shall be paid to the children or beneficiaries, if any, of her remarriage who are living and are eligible for a pension in terms of these Regulations;

(c) in paragraphs (a) and (b) references to the husband of a widow shall be construed as a reference to her husband by any remarriage.

(6) If a beneficiary dies or ceases to be a beneficiary as defined in regulation 2 and-

(a) there are no other beneficiaries, the special pension payable in respect of the beneficiary shall cease;

(b) there are other beneficiaries, the special pension or the portion of that pension, if any, payable in respect of that beneficiary shall, subject to the provisions of sub-regulation (3), be payable in respect of the other beneficiaries.

(As amended by S.I. No. 98 of 1987)

48. (1) A guaranteed officer who, immediately before the date of transfer, was making voluntary payments under the Widows and Orphans Pension Act for the purpose of securing additional benefits for his widow or child, shall, if he so elects in writing on or before that date, in addition to the contributions payable under regulation 46, pay

Voluntary
payment by
guaranteed
officers.
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monthly an amount equal to that paid by him immediately before that date for the aforesaid purpose.

(2) The payments referred to in sub-regulation (1) shall cease-

(a) on the date when no special pension would be payable to the widow, child or beneficiary of the guaranteed officer under regulation 47 if the officer died; or

(b) notwithstanding the prior retirement of the guaranteed officer, on the date on which the officer, had he continued to make payments under the Widows and Orphans Pension Act, would have made those payments for an exact number of years terminating on or after his attaining the age of forty-nine years;

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whichever is the earlier.

49. Subject to regulation 33, a gratuity shall be payable in respect of an officer in Division I, II or III who dies, and whose death, in the opinion of the appropriate Commission, was not caused by any wrongful act or omission on the part of such officer in discharging his official duties.

(2) A gratuity payable under this regulation shall be equal to the officers annual pensionable emoluments at the date of his death and shall be paid as follows:

(a) where there remains any children, to the spouse

(b) where there remains any children of the deceased, whether or not there also remains a spouse, to such persons, and in such proportions as the appropriate Service Commission shall determine; or

(c) where there is no spouse or child remaining, to the estate of the deceased

(As amended by S.I. No. 98 of 87)

50. There shall be a review of pensions before the 1st October, 1986, and at such intervals thereafter as the Board may decide.

(As amended by S.I. No. 98 of 1987)

FIRST SCHEDULE

(Regulation 32)

DEGREE OF DISABLEMENT OF AN INJURED PERSON

Item	Nature of disablement	Degree of disablement per centum
GENERAL		
1.	Loss of hand and foot above site of Syme's amputation ..	100
2.	.. .. Injury resulting in the injured person being permanently bedridden	100
INJURY TO UPPER LIMB		
3.	Loss of both hands or loss of both arms at higher sites ..	100
4.	.. .. Loss of remaining arm by an injured person who has previously lost one arm	100
5.	Loss of arm at shoulder or below shoulder with stump of less than 8 inches from tip of acromion..	70
Item	Nature of disablement	Degree of disablement per centum
6.	Loss of arm from 8 inches below tip of acromion to less than 4 1/2 inches below tip of olecranon	68
7.	.. .. Loss of arm 4 1/2 inches below the tip of olecranon	65
8.	.. .. Loss of hand at wrist	60
9.	Loss of four fingers and thumb of one hand	60
10.	.. .. Loss of four fingers on one hand	35
11.	.. .. Loss of thumb: (a) both phalanges	25
	.. .. (b) one phalanx	10

12.	Loss of index finger:						
	(a) three phalanges	..	..	..	..	..	10
	..						8
	(b) two phalanges	..	..	..	..	..	4
	..						2
	(c) one phalanx	..	..	..	..	..
	..						
	(d) tip and nail, no bone		..	..	..	..
	..						
13.	Loss of middle finger:						
	(a) three phalanges	..	..	..	..	..	6
	..						4
	(b) two phalanges	..	..	..	..	..	2
	..						1
	(c) one phalanx	..	..	..	..	..
	..						
	(d) tip and nail, no bone		..	..	..	..
	..						
14.	Loss of ring finger:						
	(a) three phalanges	..	..	..	..	..	5
	..						4
	(b) two phalanges	..	..	..	..	..	2
	..						1
	(c) one phalanx	..	..	..	..	..
	..						
	(d) tip and nail, no bone		..	..	..	..
	..						
15.	Loss of little finger:						
	(a) three phalanges	..	..	..	..	..	4
	..						3
	(b) two phalanges	..	..	..	..	..	2
	..						1
	(c) one phalanx	..	..	..	..	..
	..						
	(d) tip and nail, no bone		..	..	..	..
	..						
16.	Loss of metacarpal						
	(a) first or second (additional)..		..	..	..	..	3
	..						2
	(b) third, fourth or fifth (additional)	..	..	..	..	..
	..						
17.	Ankylosis in optimum position:						
	(a) shoulder	..	..	..	..	..	35
	(b) elbow	..	..	..	..	..	35
	..						25
	(c) wrist	..	..	..	..	..

18. Notwithstanding the foregoing provisions of this Schedule-
- (a) in the case of a right-handed injured person, an injury to the left arm or hand, and in the case of a left-handed injured person an injury to the right arm or hand, shall be rated at 90 per centum of the above percentages;
 - (b) the loss of the thumb and four fingers of one hand shall be equivalent to the loss of a hand;
 - (c) when there are two or more injuries to the hand, the following basis of computing the degree of disablement shall be adopted and for this purpose a thumb shall be regarded as a finger:
 - (i) where two fingers have been injured, the sum total of the percentages for each finger shall be increased by 20 per centum of such sum total;
 - (ii) where three fingers have been injured, the sum total of the percentages for each finger shall be increased by 30 per centum of such sum total;
 - (iii) where four fingers have been injured, the sum total of the percentages for each finger shall be increased by 40 per centum of such sum total.

Item	Nature of disablement	Degree of disablement per centum
INJURY TO LOWER LIMB		
19.	Loss of both feet above site of Syme's amputation or loss of both legs at higher sites	100
20.	Loss of remaining leg by an injured person who has previously lost one leg	100
21.	Loss of leg at hip or below hip with stump not exceeding 5 inches in length measured from tip of great trochanter	70
22.	Loss of leg below hip with stump exceeding 5 inches in length measured from tip of great trochanter but not beyond middle thigh	60
23.	Loss of leg below middle thigh but not more than 4 inches below knee	50
24.	Loss of leg below knee with stump exceeding 4 inches	30
25.	Modified Syme's operation:	
	(a) one foot	25
	(b) two feet	70
26.	Loss of foot at tarso-metatarsal joint	25

27.	Loss of all toes of both feet proximal to the proximal inter-phalangeal joint	25
28.	Loss of all toes of both feet distal to the proximal inter-phalangeal joint	15
29.	Loss of all toes of one foot proximal to the proximal inter-phalangeal joint	15
30.	Loss of all toes of one foot distal to the distal inter-phalangeal joint	10
31.	Loss of great toe: (a) both phalanges (b) one phalanx	5 2
32.	Loss of toe other than great toe if more than one toe lost, each	1
33.	Ankylosis in optimum position: (a) hip (b) knee (c) ankle	50 25 15
INJURY TO SIGHT		
34.	Total loss of sight	100
35.	Loss of remaining eye by an injured person who previously had the sight of only one eye	100
36.	Loss of one eye, the other eye being normal	30
37.	Total loss of vision of one eye, the other eye being normal	30
38.	Other degrees of defective vision based on the visual defect as measured after correction with glasses: When best visual acuity is- in one eye- other eye- 6/6 or 6/9 6/24 6/6 or 6/9 6/36 6/6 or 6/9 6/60 6/6 or 6/9 6/60	15 20 20 20 30 15 30 40

6/12	Nil	..	..	..	..	..	40
6/18	6/18	..	..	..	..	..	40
6/18	6/24	..	..	..	..	..	50
6/18	6/36	..	..	..	..	..	30
6/18	6/60	..	..	..	..	..
6/18	3/60	..	..	..	..	..
6/18	Nil	..	..	..	..	..
6/24	6/24	..	..	..	..	..

Item *Nature of disablement* *Degree of disablement per centum*

When best visual acuity is (continued)-

in one eye-	other eye-						
6/24	6/36	..	..	..	..	..	40
6/24	6/60	..	..	..	..	..	50
6/24	3/60	..	..	..	..	..	50
6/24	Nil	..	..	..	..	..	70
6/36	6/36	..	..	..	..	..	50
6/36	6/60	..	..	..	..	..	60
6/36	3/60	..	..	..	..	..	60
6/36	Nil	..	..	..	..	..	70
6/60	6/60	..	..	..	..	..	80
6/60	3/60	..	..	..	..	..	80
6/60	Nil	..	..	..	..	..	90
8/60	3/60	..	..	..	..	..	80
3/60	Nil	..	..	..	..	..	90
Nil	Nil	..	..	..	..	..	100

INJURY TO HEARING

39.	Total deafness in both ears	..	..	..	..	..	50
	..						
40.	Shout not audible at a distance of more than 3 feet	..	..				40
						
41.	Conversational voice not audible at a distance of more than 1 foot						30
						
42.	Conversational voice not audible at a distance of more than 3 feet						20
						
43.	Conversational voice not audible at a distance of more than 6 feet						10
						
44.	Conversational voice not audible at a distance of more than 9 feet:						
	(a) one ear totally deaf	..	..	..	..		7
	..						7

(b) otherwise, less than

45. The degree of disablement indicated opposite items 40 to 44, both inclusive, shall be in respect of both ears used together.

SECOND SCHEDULE

(Regulation 32)

CALCULATION OF THE CAPITALISED VALUE OF A PENSION

The capitalised value of a pension shall be determined by multiplying the amount of the pension by the relevant factor shown in the following table according to the age of an injured person on his birthday following the date concerned:

<i>Factor</i>	<i>Age next birthday</i>			
Under 20 years 16.00
20 years or more but less than 25 years .. 15.50
25 years or more but less than 30 years .. 15.00
30 years or more but less than 35 years .. 14.50
35 years or more but less than 40 years .. 14.00
40 years or more but less than 45 years .. 13.00
45 years or more but less than 50 years .. 12.00
50 years or more but less than 55 years .. 11.00
55 years or more but less than 60 years .. 10.00
60 years or more but less than 65 years .. 8.50
65 years or more but less than 70 years .. 7.00

THIRD SCHEDULE

(Regulation 18)

Single cash payment in commutation of pension of K1 (one kwacha) per annum.

Nearest half-age	Cash payment		Nearest half-age	Cash payment	
	Male	Female		Male	Female
	K	K		K	
Up to 20	34.98	35.66	Up to 48 1/2	26.64	28.76
20 1/2	34.88	35.58	48 1/2	26.40	28.56
21	34.78	35.48	49	26.16	28.38
21 1/2	34.68	35.40	49 1/2	25.92	28.18
22	34.58	35.30	50	25.68	28.00
22 1/2	34.48	35.22	50 1/2	25.44	27.80
23	34.38	35.12	51	25.18	27.60
23 1/2	34.28	35.04	51 1/2	24.94	27.38
24	34.16	34.94	52	24.68	27.18
24 1/2	34.06	34.86	52 1/2	24.42	26.96
25	33.94	34.76	53	24.18	26.74
25 1/2	33.84	34.66	53 1/2	23.92	26.52
26	33.72	34.56	54	23.66	26.30
26 1/2	33.60	34.46	54 1/2	23.40	26.60
27	33.48	34.36	55	23.14	25.58
27 1/2	33.36	34.26	55 1/2	22.86	25.58
28	33.24	34.16	56	22.60	25.34
28 1/2	33.12	34.06	56 1/2	22.32	25.10
29	33.00	33.96	57	22.06	24.84
29 1/2	32.88	33.86	57 1/2	21.78	24.60
30	32.76	33.74	58	21.52	24.34
30 1/2	32.62	33.64	58 1/2	21.24	24.06
31	32.50	33.54	59	20.96	23.80
31 1/2	32.36	33.42	59 1/2	20.68	23.52
32	32.24	33.30	60	20.40	23.26
32 1/2	32.10	33.20	60 1/2	20.12	22.98
33	31.96	33.08	61	19.84	22.70
33 1/2	31.82	32.96	61 1/2	19.56	22.40
34	31.68	32.84	62	19.28	22.12
34 1/2	31.54	32.72	62 1/2	18.98	21.82
35	31.40	32.60	63	18.70	21.52
35 1/2	31.24	32.48	63 1/2	18.42	21.22

36	31.10	32.36	64	18.12	20.92
36 1/2	30.94	32.24	64 1/2	17.84	20.60
37	30.80	32.10	65	17.56	20.30
37 1/2	30.64	31.98	65 1/2	17.26	19.98
38	30.48	31.84	66	16.96	19.66
38 1/2	30.32	31.72	66 1/2	16.68	19.34
39	30.14	31.58	67	16.38	19.02
39 1/2	29.98	31.44	67 1/2	16.10	18.70
40	29.82	31.30	68	15.80	18.38
40 1/2	29.64	31.16	68 1/2	15.50	18.06
41	29.46	31.02	69	15.20	17.72
41 1/2	29.28	30.88	69 1/2	14.92	17.40
42	29.10	30.72	70	14.62	17.06
42 1/2	28.92	30.58	70 1/2	14.32	16.72
43	28.72	30.42	71	14.02	16.38
43 1/2	28.52	30.28	71 1/2	13.72	16.06
44	28.34	30.12	72	13.42	15.72
44 1/2	28.14	29.96	72 1/2	13.12	15.38
45	27.94	29.80	73	12.82	15.04
45 1/2	27.72	29.62	73 1/2	12.54	14.72
46	27.52	29.46	74	12.24	14.38
46 1/2	27.30	29.12	75	11.68	13.70
47 1/2	26.86	28.94			

(S.I. No. 98 of 1987)

CHAPTER 136

THE UNIVERSITY ACT(REPEALED AND REPLACED BY ACT NO 10 OF 1999)

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SCHEDULE-Transfer of Property

CHAPTER 136

UNIVERSITY

*Act No.
26 of 1992*

An Act to provide for the establishment, regulation, control and functions of public universities; to provide for the registration and regulation of private universities; to repeal the University of Zambia Act, 1987, and the Copperbelt University Act, 1987; and to provide for matters connected with or incidental to the foregoing.

[31st July, 1992]

PART I

PRELIMINARY

1. This Act may be cited as the University Act.

Short title

2. In this Act, unless the context otherwise requires-

Interpretation

"Bursar" means the Bursar of a public university, appointed under section *twelve*;

"Chancellor" means the Chancellor of a public university appointed under section *seven*;

"Council" means the council of a public university established under section *thirteen*;

"department" means a teaching or research unit of a public university recognised as a component of a school;

"Deputy Vice-Chancellor" means the Deputy Vice-Chancellor of a public university appointed under section *nine*;

"Librarian" means a Librarian of a public university appointed under section *eleven*;

"private university" means any university not maintained or financed by the Government, or a local government authority, out of public funds;

"proprietor" means the person or body responsible for the management of a private university;

"public university" means any university which is wholly or partly maintained or financed by the Government, or a local government authority, out of public funds;

"University" means the University of Zambia or the Copperbelt University; and the word universities shall be construed accordingly;

"registered university" means a private university registered in the register of private universities under section *forty-one*;

"Registrar" means the Registrar of a public university appointed under section *ten*;

"school" means an academic unit of a public university in which teaching, study, research and learning are pursued;

"Senate" means the Senate of a public university constituted under section *twenty-six*;

"Statutes" means the Statutes of a private university made under section *forty-five*;

"Vice-Chancellor" means the Vice-Chancellor of a public university appointed under section *eight*.

PART II

PUBLIC UNIVERSITIES

Establishment, Functions and Principal Officers

3. (1) Notwithstanding the repeal of the Acts setting up the University of Zambia and the Copperbelt University, and subject to the provisions of section *fifty-three* the two universities shall continue to exist as separate institutions as if established under this Act and shall be public

Public universities
Acts No.
19 and

universities in accordance with this Part.

20 of 1987

(2) The Minister may, by statutory instrument, establish other public universities in accordance with the structure and requirements specified under this Part.

4. (1) The Minister may, by statutory instrument on the recommendation of the Senate-

Constituent
colleges of
public
university

(a) establish any college as a constituent college of any public university; or

(b) declare any existing college or institution of learning as a constituent college or institution of any public university.

(2) Where the Minister establishes a constituent college or declares any institution to be a constituent college or institution of any public university-

(a) the Chancellor shall appoint a principal; and

(b) the Council shall appoint the members of the academic and administrative staff and other employees;
of such constituent college or institution.

(3) Where the Minister makes an order under subsection (1), he shall, by the same or a subsequent order, make provision-

(a) for the administration of the constituent college or institution including any provision for the representation of such college or institution on the Council or Senate of the public university;

(b) for the vesting of any property of the college or institution in the public university;

(c) for the transfer of the academic or administrative staff or other employees of the college or institution to the service of the public

university; and

(d) for the payment of retiring benefits to the academic or administrative staff or employees of the college or institution whose services are not transferred to the public university.

(4) Where provision is made in an order under this section for the vesting of any property of the college or institution in a public university, the property to which that order relates shall, by virtue of that order and without further assurance, vest in the public university.

5. (1) The Government may award grants to any public university out of monies appropriated by Parliament for that purpose.

Financial assistance to public university

(2) A local government authority may provide financial assistance to any public university for the purpose of improving the facilities for the further education in its area.

6. (1) The general functions of a public university are-

Functions of public university

(a) to provide higher education, promote research and advancement of learning; and

(b) to disseminate knowledge and to hold out to all persons, without discrimination, the opportunity of acquiring higher education.

(2) for the purpose of carrying out the functions referred to in subsection (1), it shall be the duty of a public university, so far as its resources permit-

(a) to provide facilities appropriate to a university of the highest standing for the pursuit of learning and research and for the acquisition of both liberal and professional education responsive to the needs of Zambia; and

(b) to make those facilities available on proper terms to such persons as are equipped to benefit from the use of the facilities.

7. (1) There shall be a Chancellor for each public university who shall be the titular head of the university. Chancellor

(2) The Chancellor shall be appointed by the President on the recommendation of the Minister from among three persons who have distinguished themselves.

(3) For the purposes of subsection (2) a person shall have distinguished himself if he-

(a) has held high academic or constitutional office; or

(b) has attained recognition in his profession or office.

(4) Any person appointed to the office of Chancellor shall hold office for a period of five years.

(5) The Chancellor shall preside at all ceremonial assemblies of the university and shall, in the name of the university, confer all degrees and other academic titles and distinctions of the university.

(6) The Chairman of the Council and the Vice-Chancellor shall keep the Chancellor fully informed concerning the general conduct of the affairs of the university and shall furnish the Chancellor with such information as he may request on any particular matter relating to the affairs of the university.

(7) The Chancellor may, at any time, direct that a visitation of the university be conducted by such persons and for such purposes as may be specified in that direction.

(8) A report of a visitation shall be submitted to the Chancellor, who shall decide what action, if any, may be taken on the report.

8. (1) There shall be a Vice-Chancellor for each public university appointed by the Chancellor, on the advice of the Council, who shall be the academic, financial and administrative head of the university and who shall, when the Chancellor is unable to do so, preside at the ceremonial assemblies of the university and shall in the name of the university, confer all degrees and other academic titles and distinctions of the university.

Vice-Chancellor

(2) Any person appointed to the office of Vice-Chancellor shall hold office for a period of five years but shall be eligible for reappointment:

Provided that a person shall not hold office as Vice-Chancellor for a period of more than ten years.

9. (1) There shall be a Deputy Vice-Chancellor for each public university appointed by the Chancellor, on the advice of the Council, from among the senior members of the academic staff of the university, who shall assist the Vice-Chancellor in his duties and shall act in the place of the Vice-Chancellor when the office of Vice-Chancellor is vacant or the Vice-Chancellor is for any reason absent or otherwise unable to perform his functions.

Deputy
Vice-Chancellor

(2) A person appointed to hold the office of Deputy Vice Chancellor shall hold office for a period of three years but shall be eligible for reappointment:

Provided that a person shall not hold office as Deputy Vice-Chancellor for a period of more than six years.

10. (1) There shall be a Registrar for each public university appointed by the Council, on such terms and conditions as the Council may determine, and who shall under the direction of the Vice-Chancellor, be responsible for the general administration of the university, including the administration of its assets.

Registrar

(2) The Registrar shall be responsible for the custody of the Seal of the Council and records of the property of the university.

11. There shall be a Librarian for each public university appointed by the Council, on such terms and conditions as the Council may determine, and who shall, under the direction of the Vice-Chancellor, be responsible for the development, control, management and co-ordination of all library services in a university.

Librarian

12. There shall be a Bursar for each public university appointed by the Council, on such terms and conditions as the Council may determine, and who shall under the direction of the Vice-Chancellor, be responsible for the financial planning and general administration of the finances of the university and shall maintain the accounts in such form and manner as may be determined by the Council.

Bursar

The Council

13. (1) There is hereby established a Council of the University of Zambia and a Council of the Copperbelt University, respectively, which shall be body corporates with perpetual succession and common seals capable of suing and being sued in their corporate names, and with powers, subject to the other provisions of this Act, to do all such acts and things as a body corporate may do by law, and as are necessary for, or incidental to, the carrying out of their functions under this Act.

Establishment
of Councils of
public
universities

(2) Any Council established for any other public university under this Act 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 powers, subject to the other provisions of this Act, to do all such acts and things as a body corporate may do by law, and as are necessary for, or incidental to, the carrying out of its functions under this Act.

14. (1) Subject to the other provisions of this Act, a Council shall be responsible for the formulation of the policy of its university and in all cases, not otherwise provided for by this Act, may act in such manner as appears to the Council to be in the best interests of the university.

Functions of
Council

(2) Without prejudice to the generality of the foregoing, a Council may-

(a) charge fees;

(b) engage such academic, administrative and other staff as appears

to the Council to be necessary, on such terms and conditions of service (which expression shall include salaries, allowances, other remuneration and disciplinary control) as the Council may determine; and

(c) carry on any business or undertaking for the purposes of the university.

15. (1) A Council shall consist of the following members:

Composition of
Council

(a) the Vice-Chancellor;

(b) the Deputy Vice-Chancellor;

(c) one member from the local government authority in whose area the public university is located and who shall be nominated by the local government authority and appointed by the Chancellor;

(d) two members of the academic staff of the university who shall be members of the Senate and who shall be nominated by the Senate and appointed by the Chancellor;

(e) not more than two members who shall be associated with universities or institutions for higher education outside the Republic and who shall be appointed by the Chancellor on the advice of the Vice-Chancellor;

(f) two members who shall be associated with other universities or institutions for higher education within the Republic who shall be appointed by the Chancellor on the advice of the Vice-Chancellor;

(g) one member who shall be a graduate of the university and who shall be nominated by the graduates of the university, in accordance with such election procedure as the graduates may determine, and appointed by the Chancellor;

(h) two persons who shall be students of the university and who shall be nominated by the students of the university, in accordance with such election procedure as the students' union may determine, and appointed by the Chancellor;

(i) two persons who shall be members of the non-academic staff of the university and who shall be nominated by the non-academic staff of the university, in accordance with such election procedure as the non-academic staff may determine, and appointed by the Chancellor;

(j) three members of the academic staff of the university who shall be elected by the academic staff of the university, in accordance with such procedure as the academic staff may determine, and appointed by the Chancellor;

(k) one member nominated by the Confederation of the Chambers of Commerce and Industry and appointed by the Chancellor;

(l) Permanent Secretaries in the ministries responsible for finance and education;

(m) two members of the National Assembly nominated by the Speaker and appointed by the Chancellor; and

(n) five members representing trade, industry, commerce and the professions not being employees or students of the university, public servants or Members of Parliament, appointed by the Chancellor after consultation with the Council of the University.

(2) A Council may exercise its powers notwithstanding any vacancy in its membership.

(3) There shall be a Chairman and a Vice-Chairman of a Council who shall be elected by the Council from amongst the members of the Council.

(4) The Chairman and the Vice-Chairman shall hold office for a period of five years but shall be eligible for re-election:

Provided that a person shall not hold office as Chairman or Vice-Chairman for a period of more than ten years.

(5) Whenever the office of Chairman is vacant or the Chairman is absent for any cause the Vice-Chairman shall discharge the functions of

the Chairman; or if both the Chairman and the Vice-Chairman are absent such other member as the Council may elect shall discharge the functions of the Chairman.

(6) There may be paid by a Council to members of the Council such allowances as the Council may determine.

(7) The Registrar of the university shall be the Secretary of the Council.

16. (1) Subject to the other provisions of this section, appointed members of a Council, other than the Chairman and the Vice-Chairman, shall hold office for a period of three years but shall be eligible for reappointment. Tenure of office
of member of
Council

(2) The office of a member of a Council shall become vacant-

(a) upon his death; or

(b) on ceasing to be a representative of the particular office or body by virtue of which he became a member of the Council.

(3) A member of a Council may at any time resign his office by notice in writing addressed to the Chancellor.

17. (1) Subject to the other provisions of this Act, a Council may regulate its own procedure. Procedure

(2) A Council shall meet at such times and at such places as it may determine, for the transaction of its business but not less than three times in each calendar year.

Provided that the Chairman may at any time call a meeting of the Council and shall do so when requested in writing by any seven members of the Council.

(3) Nine members shall constitute a quorum at any meeting of the Council.

(4) If the Chairman and Vice-Chairman are for any reason both absent from any meeting of the Council, the members of the Council present may elect one of their number to preside at such meeting.

(5) Any matter for decision by a Council shall be determined by a majority of the members of the Council present and voting and where there is an equality of votes the person presiding shall have a casting vote in addition to his deliberative vote.

18. (1) All the funds, assets and property, moveable and immoveable, of a public university shall be managed and utilised by the Council in accordance with this Act in such manner and for such purposes as shall promote the best interests of the university.

Management of property

(2) A Council may, after prior-approval of the Minister and subject to such conditions, if any, as the Minister may impose charge or dispose of the immoveable property of a university.

19. (1) A Council may receive sums of money by way of grant or donation or in any other way from any source and expend and invest such sums as it may consider expedient.

Grants, donations to, and borrowing powers of, Council

Provided that the Council shall not be obliged to accept a grant or donation for a particular purpose unless it approves of the purpose and the conditions, if any, attaching thereto.

(2) A Council may borrow by way of loan or otherwise such sums as it may require for meeting its obligations and discharging its functions under this Act:

Provided that when such borrowing is to be made from sources outside the Republic the consent of the Minister responsible for finance, in consultation with the Minister, shall be obtained.

(3) A Council may receive any other form of grant or donation from any

source.

20. A Council may, after prior approval of the Minister, invest any of the funds of the university in securities or may place such funds on a deposit at such bank as it may determine. Investment of funds

21. (1) A Council shall, in respect of every financial year, prepare or cause to be prepared estimates of the income and expenditure of the Council and shall furnish to the Government and to such other bodies as the Council may determine, copies of the estimates. Estimates

(2) Estimates shall be approved by the Council before the commencement of the financial year.

(3) The financial year of Council shall be a period of twelve months ending on the 31st December each year.

22. (1) A Council shall keep or cause to be kept books of account of all income and expenditure and proper records in relation to its accounts. Audit and reports

(2) A Council shall cause to be prepared not later than three months after the end of each financial year-

(a) a statement of income and expenditure during the financial year;

(b) a statement of assets and liabilities of the university on the last day of financial year;

(c) a report on the progress of the university during the financial year;

and shall submit such statements and reports to the Government and to such other bodies as the Council may determine.

(3) The statement referred to in paragraphs (a) and (b) of subsection (2) of this section shall be submitted by the Bursar to, and be audited by, the Auditor-General or an auditor appointed by him, within six months after the end of each financial year, who shall be entitled to have access to all books of account, vouchers and other financial records of the university

and to request such information and explanation thereon as he considers necessary.

(4) Copies of the report of the Auditor-General shall be furnished to the Minister and such other persons as the Council may determine, and the Minister shall, not later than seven days after the first sitting of the National Assembly next after the receipt of such reports, lay before the National Assembly, the reports together with the Council's report for that financial year.

23. (1) A Council may delegate any of its administrative functions to such special committees or officers as it may appoint. Special committees

(2) Persons who are not members of a Council may be appointed to special committees.

(3) There may be paid by a Council to members of the special committees such fees and allowances as the Council may determine.

24. (1) The seal of a Council shall be such device as may be determined by the Council, and the affixing of the seal shall be authenticated by the signatures of any two members of the Council and the Secretary. Miscellaneous administrative provisions

(2) Any document purporting to be a document executed or issued under seal of the Council, authenticated as aforesaid, shall be received in evidence and shall, unless the contrary is proved, be deemed to be duly executed.

(3) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of a Council by any person generally or specially authorised, in writing, by the Council to do so.

(4) Notwithstanding anything contained in any other law, no stamp duty, transfer duty or other duty or registration fees shall be payable in respect of any transfer of property to the Council under this Act.

(5) The validity of any proceedings, act or decision of a Council shall

not be affected by any vacancy in the membership of the Council or by any defect in the appointment of any member by reason that any person not entitled to do so took part in the proceedings.

25. (1) For purposes of this section and the Schedule, "the old Council" means the Council of the University established by section *fourteen* of the University of Zambia Act, 1987, or the Council of the University established by section *fourteen* of the Copperbelt University Act, 1987, as the case may be.

Transfer of
property to
University
Council Act
No. 20 of 1987
Act No. 19 of
1987

(2) All property held by the old Council with respect to the University of Zambia shall vest in the Council established under this Act for that University and shall be held by it for the discharge of its functions.

(3) All property held by the old Council with respect to the Copperbelt University shall vest in the Council established under this Act for that University and shall be held by it for the discharge of its functions.

(4) The Schedule shall have effect with respect to, and to all matters arising from, the transfer by this section of the property of the old Councils as designated by subsections (2) and (3) and with respect to the matters mentioned in the First Schedule.

The Senate

26. (1) There shall be a Senate for each public university which shall consist of the following members:

Constitution of
Senate

(a) the Vice-Chancellor;

(b) the Deputy Vice-Chancellor;

(c) the Dean of such schools as may be established within the university;

(d) not more than fourteen professors and associate professors of the university who are not members of the Senate by virtue of other provisions of this section and which number shall include at least one

professor or associate professor from a school, nominated by the academic staff in accordance with such election procedure as the academic staff may determine;

(e) the Librarian;

(f) the Directors of the Centres, Institutes, Bureaux or other similar body of the university;

(g) the Dean of Students;

(h) not more than fourteen members of the non-professorial academic staff of the university, and which number shall include one person from each academic unit, nominated by the academic staff in accordance with such election procedure as they may determine;

(i) two students of the university who shall be nominated by the students of the university in accordance with such election procedure as the student union may determine; and

(j) four persons appointed by the Vice-Chancellor who shall be persons resident in the Republic and not employed on the academic, administrative or other staff of the university and who are capable of contributing to the academic development and life of the university.

(2) Subject to the other provisions of this section, appointed and nominated members of the Senate shall hold office for a period of three years but shall be eligible for re-appointment or further nomination.

(3) The Vice-Chancellor shall be the Chairman of the Senate and shall preside at all meetings of the Senate at which he is present and, in his absence, the Deputy Vice-Chancellor shall preside.

(4) In the absence of both the Vice-Chancellor and the Deputy Vice-Chancellor from any meeting of the Senate, the members present may elect one of their number to preside.

(5) The Registrar of the university shall be the Secretary of the Senate.

27. (1) Subject to the other provisions of this Act the Senate shall be the supreme academic authority of a public university and shall organise, control and direct the academic work of the university, both in teaching and research, and shall have control and general direction of the standards of education, assessment and research within the university.

Powers and
functions of
Senate

(2) Without prejudice to the generality of subsection (1) the senate shall have and may exercise all or any of the following powers and functions:

(a) determine the academic policy of the university and advising the Council on the provision of facilities to carry out that policy;

(b) directing and regulating the programmes of instruction and structure of degree, diploma and certificate courses within the university;

(c) regulating and determining the requirements for the admission of persons to the university and to courses of study in the university and their continuance or discontinuance in such courses;

(d) making regulations with regard to all university examinations and standard of proficiency to be attained in such examinations, and appointing examiners;

(e) awarding degrees, diplomas, certificates and making other awards of the university;

(f) promoting, co-ordinating, and controlling the general direction of research within the university;

(g) awarding scholarships and prizes administered by the university;

(h) making recommendations to the Council with respect to-

(i) the establishment of new Schools, Institutes, Bureaux or similar bodies within the university;

(ii) the amalgamation of the existing Schools, Institutes, Bureaux or similar bodies within the university;

(iii) the division of any School, Institute, Bureau or similar body within the university into two or more Schools, Institutes, Bureaux or similar bodies; and

(iv) the abolishing or alteration of any School, Institute, Bureau or similar body within the university;

(i) approving, reviewing, amending, referring back, controlling or disallowing any act of any School, Institute, Bureau or similar body within the university and giving directions to any such School, institute, Bureau or similar body;

(j) considering and reporting to the Council on any matter relating to, or connected with, the academic work of the university; and

(k) regulating its own procedure and the conduct of its meetings.

(3) The Senate may deprive any person of any degree, diploma, certificate or other award of the university which has been conferred upon him if, after due inquiry, he is shown to have been guilty of fraudulent or dishonourable conduct in obtaining that award.

(4) Any person deprived of any degree, diploma, certificate or other award of a university under subsection (3) may appeal from the decision of the Senate to the Council, and from the decision of the Council to the Chancellor.

(5) The Senate may delegate to any School, Board of Studies, or Committee, as the Senate may appoint, such of its powers and functions as shall seem to it appropriate or expedient, and may revoke such delegation.

28. (1) The Senate shall meet for the conduct of business at such times and at such places as it may decide or, as the Vice-Chancellor may require, but not less than three times during an academic year.

Meetings of
Senate

(2) The Quorum at a meeting of the Senate shall be one-half of the total number of members of the Senate.

29. (1) The Senate shall establish Boards of Studies for the purpose of organising the structure and content of courses of instruction and study in the respective disciplines and the co-ordination of studies within such Schools, Institutes or Bureaux or similar body as may be established

Boards of
Studies

within the university.

(2) A Board of Studies established under subsection (1) shall be composed of such members and such numbers of the academic staff and students of each School, Institute, Bureau or similar body and other qualified persons as the Senate may decide.

(3) The Dean of a School or the Director of an Institute or Bureau or similar body, as the case may be, of a university shall be the Chairman of the Body of Studies for that School, Institute, Bureau or similar body.

30. (1) Deans of Schools and Directors of Institutes, Bureaux or similar bodies shall be elected, from among senior members of the academic staff of the Schools, Institutes, Bureaux or similar bodies concerned, by their academic staff in accordance with such election procedure as they may determine:

Deans of
Schools and
Directors

Provided that in the case of a School, Institute or Bureau or similar body in the process of being established the Vice-Chancellor shall appoint the Dean or Director to hold office for a period of one year but at the expiration of that period the academic staff shall hold elections as provided under this section.

(2) Subject to subsections (1) and (3) the tenure of office of a Dean of a School or Director of an Institute, Bureau or similar body shall be for the period of four years but not more than six years, but he shall be eligible for re-election.

(3) The appropriate Board of Studies may, by a two-thirds majority vote of all the members of the Board of Studies, remove from the office a Dean of School or a Director of an Institute, Bureau or a similar body.

(4) A Dean of School or Director of an Institute, Bureau or similar body shall exercise general superintendence over the academic and administrative affairs of a School, Institute, Bureau or similar bodies and, in particular, shall be responsible for the promotion and maintenance of efficient teaching and research.

31. The Vice-Chancellor shall, in consultation with the Dean of the

Heads of

School or Director of an Institute, Bureau or similar bodies concerned, Departments
appoint Heads of Departments from among the senior academic members within each Department.

Staff and Students

32. There shall be three main categories of staff of a public university designated as "academic staff", "administrative staff", and "other staff". Staff of public university

(2) The "academic staff" shall consist of-

- (a) the Vice-Chancellor;
- (b) the Deputy Vice-Chancellor;
- (c) the Deans of Schools;
- (d) the Directors of Institutes, Bureaux or similar bodies;
- (e) all the members of staff appointed on full-time basis for teaching and research;
- (f) the Librarian and other library staff designated, by the Council, as academic members of staff; and
- (g) such other persons as the Council may designate.

(3) The "administrative staff" shall consist of those persons employed by a university, other than the academic staff, who hold administrative, professional or technical posts designated by the Council as senior posts.

(4) The "other staff" shall consist of those persons employed by a university who are neither members of the academic staff nor of the administrative staff.

33. (1) If a Council is satisfied that the Vice-Chancellor or the Deputy Vice-Chancellor should be removed from office on grounds of Discipline and removal of staff

misconduct or of inability to perform the functions of his office, the Council may remove the Vice-Chancellor or the Deputy Vice-Chancellor after obtaining confirmation from the Chancellor. from office

(2) If the Vice-Chancellor, Dean of Schools, Directors of Institutes, Bureaux or similar body or the Registrar has reasonable grounds for believing that a member of the academic staff, other than the Vice-Chancellor or the Deputy Vice-Chancellor, should be removed from his office or employment on grounds of misconduct or for failure to perform the functions of his office or employment he shall-

- (a) give notice of those grounds to the member in question;
- (b) suspend the member in question from office or employment pending investigations;
- (c) refer the matter to the University Staff Tribunal; and
- (d) make arrangements for the member in question to be afforded an opportunity of appearing before, and being heard by, the University Staff Tribunal with respect to the matter.

34. (1) There shall be established in each public university a University Staff Tribunal to investigate, consider and decide on, disciplinary cases referred to it under section *thirty-three*. University Staff Tribunal

(2) The University Staff Tribunal shall consist of the following members:

- (a) a person who is, or is qualified to be, a High Court Judge, as a Chairman, appointed by the Chancellor on the advice of the Council;
- (b) two persons appointed by the Chairman of the Council from the senior members of the academic staff of the university, on the recommendation of the Senate;
- (c) one person appointed by the Chairman of the Council on the recommendation of the Vice-Chancellor; and
- (d) one person nominated by the academic staff of the university.

(3) The University Staff Tribunal may request any senior member of staff of a department to assist it in the assessment of any particular case.

(4) A decision of the University Staff Tribunal shall be binding on the Council.

35. The Minister shall, by statutory instrument, prescribe the procedure to be followed by the University Staff Tribunal in the determination of disciplinary cases.

Rules by the
Minister

36. The application of disciplinary measures to members of the administrative and other university staff shall be in accordance with their conditions and terms of service as laid down.

Discipline of
other staff

37. (1) Subject to the procedure stipulated in subsection (2), there shall be a Dean of Students in each public university who shall be appointed by the Vice-Chancellor, on the recommendation of the Senate, from among the academic staff of the university.

Dean of
Students

(2) For the purposes of appointing a Dean of Students-

(a) the academic members of staff of a university shall nominate for election by the Senate five persons from among the academic staff of the university in accordance with such procedure as they may determine; and

(b) the Senate shall, in accordance with such procedure as it may determine, elect one person, from the five nominees submitted to it under paragraph (a), for recommendation to the Vice-Chancellor for appointment as Dean of Students.

(3) The Dean of Students shall hold office for a period of three years but shall be eligible for re-appointment:

Provided that a person shall not hold office as Dean of Students for a period of more than six years.

38. (1) The Vice-Chancellor shall have power to exercise disciplinary control over students of a public university and impose such penalties as he may consider necessary and may consult any committee appointed from among the members of the university.

Discipline of
Students

(2) The powers of the Vice-Chancellor under section (1) in regard to misconduct committed in Schools, Institutes, Bureau or similar body, Departments, the Library, and Halls of Residence and the imposition of any penalty shall be exercised on his behalf by the Deans of Schools, Directors, Heads of Departments, the Librarian and the Dean of Students respectively:

Provided that in the case of exclusion from study or use of facilities, rustication, or expulsion of a student, a student may appeal to the Vice-Chancellor.

(3) Subject to any disciplinary procedures prescribed in any regulations to be made under this Act, any appeal against penalty under subsection (2) shall be lodged in writing with the Vice-Chancellor within fourteen days of the imposition of the penalty but the penalty shall remain effective while the appeal is pending.

39. There shall be a Students Union in each public university:

Students Union

Provided that where a university has more than one campus not located in the same area, there shall be Students Union in each campus.

40. (1) There shall be a Salaries and Conditions of Service Committee which shall consist of-

Salaries and
Conditions of
Service
Committee

(a) one representative from the Ministry responsible for finance appointed by the Minister responsible for finance;

(b) one representative from the Ministry responsible for education, appointed by the Minister;

- (c) one member of the Council, elected by the Council;
- (d) one person elected by the academic staff;
- (e) one person elected by the administrative staff;
- (f) one person elected by the other staff; and
- (g) one Member of Parliament appointed by the Speaker of the National Assembly.

(2) The Salaries and Conditions of Service Committee shall review the salaries and Conditions of service for all public university staff annually.

(3) The Salaries and Conditions of Service Committee shall, on completion of the review referred to in subsection (2), refer its recommendations to Council for adoption.

(4) The Salaries and Conditions of Service Committee shall regulate its own procedure and the conduct of its meetings.

(5) An agreement on salaries and conditions of service shall be concluded by a Council with the appropriate union or association.

PART III

PRIVATE UNIVERSITIES

41. (1) Any person or body of persons desirous of establishing a private university shall make an application for the registration of a university to the Minister in accordance with this Part. Application and registration

(2) An application for the registration of a private university shall state the schools and courses to be provided by the university and such other particulars as may be prescribed, by statutory instrument.

(3) If, the Minister is satisfied that-

(a) the university is necessary to meet the educational requirements of the country;

(b) the premises of the university, including any hostel or other buildings used or to be used in connection with the instruction or accommodation of persons attending the university, are or will be suitable for the purpose;

(c) adequate financial provision has been or will be made for the maintenance of the university;

(d) the proprietor of the university is a fit and proper person or body of persons;

(e) suitable instruction will be provided at the university in accordance with a course of study approved by the Minister;

(f) the teaching staff employed or to be employed at the university will be sufficiently qualified for the purpose; and

(g) proper compliance will be made with the provisions of this Act applicable to a private university;

the Minister shall cause such private university to be registered in the register of private universities and shall issue the proprietor with a certificate of registration.

(4) If the Minister is not satisfied as to any of the matters referred to in subsection (3), the Minister shall notify the proprietor of the university in writing that-

(a) the application is rejected and giving reasons for such rejection; or

(b) the Minister proposes to grant the application after the proprietor has, within such period as the Minister may specify, complied, to the satisfaction of the Minister, with any matter referred to in subsection (3) as the Minister may specify.

(5) If the proprietor of a private university, who is notified under paragraph (b) of subsection (4) that the Minister proposes to grant his application for registration subject to compliance with any matter specified in the notice, fails to comply within the period specified by the Minister, the Minister shall reject the application and shall notify the proprietor in writing accordingly.

42. (1) The Minister shall cause to be kept and maintained the register of private universities which shall contain such particulars as may be prescribed.

Register

(2) The register shall be open to public inspection at all reasonable times.

43. (1) Where a registered university-

Cancellation of
registration of
private
university

(a) ceases to comply with any of the provisions specified under section *forty-one*;

(b) is being managed in a manner detrimental to the interests of peace, order or good government or to the physical, mental or moral welfare of the persons receiving instruction at the university; or

(c) has remained closed for a consecutive period of six months or more;

the Minister shall notify the proprietor in writing-

(i) that the registration of the university shall be cancelled from such date as the Minister may specify; or

(ii) that the Minister proposes to cancel the registration of the university unless, within a period fixed by the Minister, the proprietor complies, to the satisfaction of the Minister, with such requirement regarding any matter referred to in this subsection as the Minister may specify.

(2) If the proprietor of a registered university on whom a notice under

subsection (1) has been served fails within the period fixed by the Minister, to comply to the satisfaction of the Minister with the requirement specified by the Minister, the Minister shall cancel the registration of the private university and notify the proprietor in writing accordingly.

44. A person shall not be refused admission to any private university on the grounds of discrimination. No refusal on grounds of discrimination

45. (1) Each private university shall issue statutes to govern its administration. Statutes

(2) A private university may amend or vary its statutes.

(3) Copies of statutes issued under this section shall be lodged with the Minister within sixty days of issue.

46. A private university shall have power to- Power to confer degrees, etc.

(a) confer such degrees as may be specified in its statutes;

(b) award diplomas and certificates and such other academic distinctions as may be specified in its statutes; and

(c) provide such lectures and instructions for persons not students of the university as the university may determine, and to grant certificates to such persons.

47. A private university may grant Honorary Degrees in accordance with its statutes. Power to confer Honorary Degrees

48. All examinations held by a private university shall be conducted in such manner as the statutes and any rules made thereunder may prescribe: Examiners

Provided that for degree examinations for the final year and such other examinations for any other degree, as the Minister may from time to time recommend, at least one external examiner shall be appointed for each subject or group of subjects forming part of a course of studies required.

49. (1) Notwithstanding any other provisions of this Act, where a private university is closed by an order by the Minister, the Minister may, in the national interest after giving the proprietor an opportunity of being heard, direct that the university be reopened under the management and control of a fit person (in this section referred to as the "statutory manager").

Appointment of
statutory
manager

(2) A statutory manager shall be appointed by the Minister for such period and upon such terms and conditions as the Minister thinks fit.

(3) The statutory manager shall, during his term of appointment, keep the Minister informed on all matters relating to the private university under his management and control.

(4) Any expenses connected with the appointment of a statutory manager and the management of a private university by the statutory manager shall be a charge on the revenues of the university to which the statutory manager is appointed.

50. The proprietor of a private university may charge such fees as may be prescribed in its statutes.

Fees

PART IV

GENERAL PROVISIONS

51. (1) The Minister shall convey to a Council of a private university or a proprietor of a private university general or particular Government policies relating to education in Zambia.

Powers of the
Minister

(2) The Council or proprietor shall keep the Minister fully informed on

matters of public interest concerning the university and shall furnish the Minister with such information as he may request on any particular matter concerning the university.

52. The Minister may, on the advice of, or after consultation with, a Council of a private university or a proprietor of a public university, make regulations for the better carrying out of the provisions of this Act.

Regulations

53. (1) Nothing in this Act shall affect any right, privilege, obligation or liability acquired, accrued or incurred by the Councils of the University of Zambia and the Copperbelt University, established by the University of Zambia Act, 1987, and the Copperbelt University Act, 1987, with respect to the University of Zambia and Copperbelt University, respectively, prior to the commencement of this Act or render defective any legal proceedings then instituted by or against the Council, with respect to the University of Zambia or the Copperbelt University, and any such legal proceedings may be continued by or against the appropriate Council established under this Act after the commencement of this Act.

Savings
Act No. 20 of
1987
Act No. 19 of
1987

(2) Nothing in this Act shall affect any resolution, instrument, notice, appointment, act or deed effected or approved by the Senate of the University of Zambia established by the University of Zambia Act, 1987, with respect to the University of Zambia or by the Senate of the Copperbelt University established by the Copperbelt University Act, 1987, with respect to the Copperbelt University.

Act No. 19 of
1987
Act No. 19 of
1987

(3) Nothing in this Act shall affect any decision of, or instrument, notice, appointment, act or deed effected by, the Vice-Chancellor or approved by him whether or not on behalf of the Council, Senate or a committee with respect to the University of Zambia established by the University of Zambia Act, 1987, or the Copperbelt University established by the Copperbelt University Act, 1987, prior to the commencement of this Act.

Act No. 20 of
1987
Act No. 19 of
1987

SCHEDULE

(Section 25)

TRANSFER OF PROPERTY

(1) Every agreement to which the old Council was a party immediately before the commencement of this Act, whether in writing or not and whether or not of such nature that the rights, liabilities and obligations thereunder would be assigned by the old Council, shall, unless its term or subject-matter make it impossible that it should have effect as modified in the manner provided by this paragraph have effect from the commencement, so far as it relates to property transferred by this Act to the appropriate Council, as if-

- (a) the Council has been a part to the agreement; and
- (b) for any reference, however worded and whether express or implied, to the old Council there were substituted, as respects anything falling to be done on or after the commencement of this Act, a reference to the appropriate Council.

(2) Other documents which refer, whether generally or specifically, to the old Council shall be construed in accordance with paragraph (1) so far as applicable.

(3) Any contract entered into before the date of establishment of the appropriate Council on behalf of the old Council by any person duly authorised in that behalf shall have effect as if the Council had been in existence at the date of the contract and had at all times been a party thereto in the place of such person and on any question whether such person was a duly authorised person the certificate of the Minister shall be conclusive.

(4) Any deed executed before the date of establishment of the appropriate Council conferring any benefit upon the old Council shall, subject to this Act, have effect as if the Council had been entitled thereunder to receive such benefits and a reference in any such deed to the old Council shall be deemed to be reference to the Council.

(5) Without prejudice to the generality of the foregoing provisions of this Schedule, where, by operation of law or this Act, any right, liability or obligation vests in the Council, the Council, and all other persons shall as from the commencement of this Act, have the same rights, powers and remedies and, in particular, the same rights as the taking or resisting of legal proceedings or the making or resisting of legal applications to any authority, for ascertaining, perfecting or enforcing that right, liability or obligation as they would have had if it had at all time been a right, liability or obligation of the Council.

(6) Any legal proceedings or applications to any authority pending before the commencement of this Act by or against the old Council and relating to property transferred by this Act to the Council, may be continued on or after that day by or against the appropriate Council.

(7) Where property transferred hereunder is situated beyond the jurisdiction of this Act, then subject to such formalities as the *lex situ*

shall require and the Council shall comply with, these provisions shall, without further assurance, be proof of such transfer to the Council by the old Council or other owners, as the case may be.

SUBSIDIARY LEGISLATION

CHAPTER 136

THE COPPERBELT UNIVERSITY (STAFF TRIBUNAL) RULES [ARRANGEMENT OF RULES]

Section

1. Title
2. Interpretation
3. Commencement of disciplinary proceedings
4. Time and place of hearing
5. Hearings of Tribunal
6. Procedure of hearings
7. Decision of Tribunal
8. Order of University Council
9. Function of Chairman in relation to complaints or information
10. Notice of Inquiry
11. Access to documents
12. Postponement of inquiry
13. Cancellation of inquiry
14. Amendment of notice of inquiry or charges
15. Appearance
16. Proof of charges
17. Powers of Tribunal
18. Inquiries into charges against two or more respondents

SCHEDULE

**SECTION 35-THE COPPERBELT UNIVERSITY
(STAFF TRIBUNAL) RULES**
Rules by the Minister

- | | |
|---|--|
| 1. These Rules may be cited as the Copperbelt University (Staff Tribunal) Rules. | Title |
| 2. In these Rules, unless the context otherwise requires- | Interpretation |
| <p>"Chairman" means the Chairman of the Tribunal;</p> <p>"Council" means the Copperbelt University Council established under section <i>thirteen</i> of the Act;</p> <p>"respondent" means a member of the academic staff of the Copperbelt University who is the subject of disciplinary proceedings;</p> <p>"responsible officer" means the Vice-Chancellor, the Dean of the relevant School, the Director of an institute, bureau or similar body or the Registrar;</p> <p>"Secretary" means the Secretary of the Copperbelt University Staff Tribunal appointed by the University Council;</p> <p>"Tribunal" means the Copperbelt University Tribunal established under section <i>thirty-four</i> of the Act;</p> <p>"University" means the Copperbelt University.</p> | |
| 3. (1) A responsible officer shall institute disciplinary proceedings against a member of the academic staff on grounds of misconduct or for failure to perform the functions of his office or employment. | Commencement of disciplinary proceedings |
| <p>(2) Where a member of the academic staff is charged with misconduct for failure to perform the functions of his office or employment, the responsible officer shall send to the Secretary in writing-</p> | |

(a) the name and address of the person or persons against whom the disciplinary charges are made; and

(b) the grounds on which the charges are founded.

(3) The Secretary may require the responsible officer to furnish him with further information or clarification of any charges if there are no sufficient grounds for disciplinary proceedings to be instituted and such responsible officer shall provide such further information or clarification to the Secretary.

(4) The Secretary, on receipt of charges against a respondent, shall, within a reasonable time advise the Chairman of such receipt and shall inform the respondent of the nature of the allegations against him in writing and of the decision of the University to refer the matter to the Tribunal.

4. (1) The Secretary shall fix the date, and place of hearing as soon as disciplinary proceedings are instituted against a respondent. Time and place of hearing

(2) The Secretary shall inform the respondent and the witnesses required to appear or to present documents before the Tribunal

5. (1) Any hearing of the Tribunal shall be held in camera, except that a hearing may in the public interest be held in public. Hearings of Tribunal

(2) At a hearing, the respondent may appear in person or be represented by-

(a) an officer of a trade union or association of which the respondent is a member;

(b) a legal practitioner; or

(c) an officer of a federation of which the respondent is a member.

6. (1) Every hearing of the Tribunal shall be informal and the law relating to the admissibility of evidence in a court of law shall not apply. Procedure of hearing

(2) The respondent shall be entitled to give evidence, call witnesses, cross examine witnesses and address the Tribunal.

(3) The parties shall conduct discoveries and exchange relevant documents upon which they intend to rely at the hearing.

7. (1) A decision of the Tribunal shall be by a majority of the members present and voting and in the event of an equality of votes, the Chairman shall have a casting vote in addition to his deliberative vote. Decision of Tribunal

(2) The quorum of the Tribunal shall be three, including the Chairman.

(3) The decision of the Tribunal shall be recorded in a document signed by the Chairman which shall contain the reasons for such decision.

(4) The Secretary shall thereafter transmit the document referred to in sub-rule (3) to the Vice-Chancellor, the Dean, the Director of an Institute or Bureau or a similar body and to the Registrar who shall communicate that decision to the respondent.

(5) Any clerical mistakes or errors arising out of an accidental omission may be corrected and certified by the Chairman.

(6) The decision of the Tribunal shall be binding on the parties concerned, subject to appeal to the High Court.

8. The University Council may, at any time, order a withdrawal of any disciplinary charges and the Tribunal shall dismiss any disciplinary proceedings commenced against a respondent. Order of University Council

9. (1) Where a complaint or information is received in writing by the Secretary from the responsible officer and it appears to him that a question arises whether conduct of the respondent constitutes Function of Chairman in relation to

misconduct or failure to perform the functions of his office or employment, the Secretary shall submit the matter to the Chairman.

complaints or
information

(2) The Chairman may, if he thinks fit, require more information, if any, to be furnished to his satisfaction in support of the complaint or information referred to him under sub-regulation (1), and shall state the address and description of the declarant and the grounds for his belief in the truth of any fact declared which is within his personal knowledge.

(3) Unless it appears to the Chairman that the matter need not proceed further, the Chairman shall direct the Secretary to write to the respondent-

(a) notifying him of the receipt of the complaint or information, alleging misconduct or failure to perform the functions of his office or employment;

(b) forwarding a copy of any information furnished under sub-rule (2);

(c) informing the respondent of the date of the next meeting of the Tribunal; and

(d) inviting the respondent to submit to the Tribunal any explanation which he may have to offer.

10. (1) As soon as may be after a case has been referred to the Tribunal for inquiry, the Secretary shall send to the respondent a notice of inquiry which shall-

Notice of
inquiry

(a) specify, in the form of a charge, the matters into which the inquiry is to be held; and

(b) state the place, date and time at which the inquiry is proposed to be held.

(2) Except with the agreement of the respondent, the inquiry shall not be fixed for any date earlier than twenty-eight days and not later than forty-two days after the date of the notice of inquiry.

(3) A notice of inquiry shall be in the Form prescribed in the Schedule, with such variations as circumstances may require.

(4) A notice of inquiry shall be delivered to the respondent or sent to him by post in a registered letter addressed to him at his address or at his last known address if it appears to the Secretary that such service will be more effective.

(5) The Secretary shall at the time he is sending a notice of inquiry to the respondent, send a copy of these Rules.

(6) In any case where there is a complainant, a copy of the notice of inquiry shall be sent to him.

11. (1) The Secretary shall, on the request of any party to any inquiry, send to him copies of any explanation, answer, admission or other statement or communication sent to the Tribunal by a party to the inquiry: Access to documents

Provided that nothing in this sub-rule shall compel the Secretary to produce copies of any written advice sent to the Tribunal which would be privileged from discovery in any legal proceedings to which the Tribunal was a party.

(2) Any party to an inquiry may at any time give to any other party notice to produce any document alleged to be in the possession of that party.

12. (1) The Chairman may, if he thinks fit, postpone the holding of an inquiry to such later date as he may determine. Postponement of inquiry

(2) Where the holding of an inquiry is postponed-

(a) the Secretary, shall as soon as possible, give notice of the postponement to every party; and

(b) on the determination of the date on which the inquiry is to be

held, the Secretary shall give notice to every party.

13. (1) Where after a complaint or information has been referred to the Tribunal for inquiry, it appears to the Chairman that the inquiry should not be held, he may, if he thinks fit after consultation with the members of the Tribunal and in accordance with the opinion of the majority of them, direct that the inquiry shall not be held. Cancellation of inquiry

(2) If, at the time the Chairman directs that the inquiry shall not be held a notice of inquiry has not been sent, rule 4 shall not have effect:

Provided that in any case where there is a complainant the Chairman shall not direct that an inquiry shall not be held except after communicating or exhausting all reasonable efforts to communicate with the complainant.

(3) The Secretary shall give notice to the complainant, if any, and to the respondent immediately after the chairman has made a direction under sub-rule (1).

14. (1) Where, before the hearing, it appears to the Chairman or at any stage of the hearing it appears to the Tribunal, that a notice of inquiry or charge is defective, the Chairman or the Tribunal shall give such directions for the amendment of the notice or charge as he or it may think necessary to meet the circumstances of the case, unless, having regard to the merits of the case, the required amendments cannot be made without injustice. Amendment of notice of inquiry or charges

(2) Where, in the opinion of the Chairman or the Tribunal it is expedient, in the exercise by him or it of the powers conferred by sub-rule (1), that the inquiry should be postponed or adjourned, the Chairman or the Tribunal shall give such directions in that behalf as appear necessary.

(3) The Secretary shall, immediately after the adjournment give notice in writing to the complainant, if any, and to the respondent of any exercise by the Chairman or the Tribunal of his or its powers under this rule.

15. (1) Where the respondent does not appear, the Chairman shall call upon the Secretary to satisfy the Tribunal that the notice of inquiry has been received by the respondent, and where it does not appear to have been so received, the Tribunal may nevertheless proceed with the inquiry, if it thinks fit, on being satisfied that all reasonable efforts have been made to serve the notice of inquiry on the respondent. Appearance

(2) Where the respondent appears or, in cases where he does not appear and the Tribunal proceeds with the inquiry, the charge or charges shall first be read to the Tribunal.

(3) After the reading of the charge or charges the respondent may, if he so desires, object to the charge or to any part of the charge on a point of law, and upon any objection, any other party may reply to the charge.

(4) If any objection is upheld no further proceedings shall be taken by the Tribunal in relation to the charge, or that part of the charge to which the objection relates.

16. (1) In a case where the respondent appears, the following order of proceedings shall be observed: Proof of charges

(a) the responsible officer shall open the case against the respondent or subject to any direction given by the Chairman, if the respondent does not appear, the Secretary shall present the facts on which the complaint or information is based;

(b) subject to the provision of paragraph (a), the Secretary shall adduce evidence of the facts alleged in the charge or charges, or of such of those facts as he is prepared to prove;

(c) if as respects any charge no evidence is adduced, the Tribunal shall record that fact and the Chairman shall announce a finding that the respondent is not guilty of misconduct or failure to perform the functions of his office or employment in relation to the matter to which that charge relates;

(d) at the close of the case against him, the respondent may, if he so desires, make either or both of the following submissions as respects any charge on which evidence has been adduced-

(i) that no sufficient evidence has been adduced upon which the Tribunal could find that the facts alleged in the charge have been proved;

(ii) that the facts alleged in the charge are not such as to constitute misconduct or failure to perform the functions of his office or employment; and

(e) where a submission is made, under clauses (i) and (ii) of paragraph (d) any other party may reply to that submission;

(f) if a submission is made under paragraph (d), the Tribunal shall consider and determine whether the submission should be upheld, and if the Tribunal determines to uphold such a submission as respects any charge, it shall record, and the Chairman shall announce, a finding that the respondent is not guilty of misconduct or failure to perform the functions of his office or employment in relation to the matters to which that charge relates;

(g) as respects any charge to which evidence has been adduced, the respondent may adduce evidence in answer to the charge and, whether he adduces evidence or not, may address the Tribunal;

(h) at the close of the case for the respondent the responsible officer or the Secretary, as the case may be, may give evidence to rebut any evidence adduced by the respondent, and if he does so, the respondent may again address the Tribunal;

(i) the respondent or the Secretary, as the case may be, may address the Tribunal by way of reply to the respondents case-

(i) if oral evidence, not being evidence as to character, other than that of the respondent himself, has been given on the respondent's behalf; or

(ii) with the leave of the Tribunal, where no such evidence has been given;

(j) without prejudice to the provisions of paragraph (h), if the respondent has made a submission to the Tribunal on a point of law, any other party shall have a right of reply limited to that submission.

(2) In a case where the respondent does not appear, but the Tribunal has decided to proceed with the inquiry, only paragraphs (a) to (c) of

sub-rule (1) shall apply.

17. (1) At the conclusion of the proceedings under rule 16, the Tribunal shall consider and determine as respects each charge which remains outstanding which, if any, of the facts alleged in the charge have been proved to its satisfaction. Powers of Tribunal

(2) If under sub-rule (1) the Tribunal determines, as respects any charge, either that none of the facts alleged in the charge have been proved to its satisfaction, or that such facts as have been so proved would be insufficient to support a finding of misconduct or failure to perform the functions of his office, the Tribunal shall record a finding that the respondent is not guilty of such conduct in respect of the matters to which that charge relates, and the Chairman shall announce the finding of the Tribunal.

(3) If under the foregoing provisions of this rule the tribunal has determined, as respects any charge, that the facts, or some of the facts, alleged in the charge have been proved to its satisfaction, and the Tribunal has not on those facts recorded a finding of not guilty, the Chairman shall invite the respondent or the legal practitioner, as the case may be, to address the Tribunal and to adduce evidence as to the circumstances leading to the facts in question, and as to the character and antecedents of the respondent.

(4) The Chairman shall then invite the respondent, if he appears, to address the Tribunal by way of mitigation and to adduce evidence as aforesaid.

(5) The Tribunal shall then consider and determine whether in relation to the facts proved it finds the respondent to have been guilty of misconduct or failure to perform the functions of his office or employment, and if it determines that he has not been so guilty, it shall record a finding to that effect, and the Chairman shall announce the finding in such terms as the Tribunal may approve.

(6) If the Tribunal determines that the respondent has been guilty of misconduct or failure to perform the functions of his office, or employment, it shall further consider and determine whether to impose any penalty under subsection (1) of section *thirty-three* of the Act and

the Chairman shall announce its determination in such terms as the Tribunal may approve.

(7) Where it appears to the Secretary whether in consequence of a complaint in writing sent to the Tribunal by any body or person, or in consequence of any other information coming to the notice of the Secretary that a question arises whether a respondent to whom this rule applies has, during the period of any postponement, not complied with the caution for a period not exceeding one year during which he must conduct himself well, the Secretary shall submit the matter to the Chairman.

(8) Unless it appears to the Chairman that the matter need not proceed further-

(a) the Chairman shall direct the Secretary to refer the matter to the Tribunal; and

(b) the Secretary shall send to the respondent, not later than twenty-eight days before the date fixed for the resumption of the proceedings, a notice which shall-

(i) specify the day, place and time at which the proceedings are to be resumed and invite him to appear there at;

(ii) unless the Chairman otherwise directs, invite the respondent to furnish the Secretary with the names and addresses of professional colleagues and other persons of standing to whom the Tribunal will be able to apply for information as to their knowledge of his character or habits and his conduct since the time of the original inquiry; and

(iii) invite the respondent to send the Secretary a statement made by the respondent or not, relating to his conduct since the hearing of his case or setting out any material facts which have arisen since that hearing.

(9) The notice referred to in paragraph (b) of sub-rule (8) shall be delivered to the respondent or sent to him by post in a registered letter addressed to him at his address or at his last known address if it appears to the Secretary that such service will be more effective.

(10) A copy of the notice and of any statement sent in accordance with the provisions of this rule shall be sent to the responsible officer, and he

may in turn, if he so desires, send to the Secretary a statement, whether made by himself or not, concerning any matter raised by the respondent.

(11) At the meeting at which the proceedings are resumed, the Chairman shall first invite the Secretary to recall, for the information of the Tribunal, the circumstances in which the caution for a period not exceeding one year during which he must conduct himself well was imposed on the respondent and thereafter the Tribunal shall-

(a) hear any other party to the proceedings; and

(b) receive such further oral or documentary evidence in relation to the conduct of the respondent since the previous hearing as it thinks fit.

(12) The validity of any resumed proceedings of the Tribunal under this rule shall not be called into question by reason only that the Tribunal is constituted in a different manner to that in which it was constituted at the previous hearing.

18. Nothing in these rules shall be construed as preventing one inquiry being held into charges against two or more respondents and where such an inquiry is held, the foregoing rules shall apply with the necessary modifications and subject to any directions given by the Tribunal as to the order in which proceedings shall be taken under any of these rules by or in relation to the several respondents.

Inquiries into charges against two or more respondents

SCHEDULE

(Rule 10 (3))

NOTICE OF INQUIRY

(Date)

On behalf of the Copperbelt University Tribunal notice is hereby given to you that in consequence of (a complaint made against you to the Tribunal) or (information received by the Tribunal) an inquiry is to be held into the following charge (charges) against you:

That, being a member of the academic staff of the Copperbelt University and in accordance with section *thirty-three* of the Act you

(set out briefly the facts alleged); and that in relation to the facts alleged you have been guilty of misconduct for failure to perform the functions of your office or employment.

(Where there is more than one charge, the charges are to be numbered consecutively).

Notice is further given to you that on (day of the week), the day of 19....., a meeting of the Tribunal will be held at at hours to consider the above-mentioned charge (charges) against you, and to determine whether or not it should impose any of the penalties mentioned in section 34 of the University Act.

.....
Secretary to the Copperbelt University Tribunal

SECTION 35-THE UNIVERSITY OF ZAMBIA (STAFF TRIBUNAL) RULES

***Statutory
Instrument
41 of 1994***

1. These Rules may be cited as the University of Zambia (Staff Tribunal) Rules.

Title

2. In these Rules, unless the context otherwise requires-.

Interpretation

"allegation" means an allegation of misconduct or failure by an academic member of staff to perform the functions or duties of his office;

"Chairman" means the person appointed as Chairman of the Tribunal under section *thirty-four* of the Act;

"complainant" means the Vice-Chancellor, Dean of a School, Director of an Institute, Bureau or other body of the University, being the person or body who refers an allegation to the Tribunal;

"respondent" means the academic member of staff referred to in section *thirty-two* of the Act against whom an allegation is made to the Tribunal;

"Secretary" means the Secretary of the Tribunal;

"Tribunal" means the Tribunal established under section *thirty-four* of the Act.

3. (1) Whenever any allegation in writing is received by the Tribunal under section *thirty-three* of the Act, the Secretary shall notify the respondent of the allegation.

Initiation of proceeding before Tribunal

(2) The Secretary shall, within seven days after receipt of the allegation, cause a copy of the allegation to be sent to the respondent by post in a registered letter or by leaving it at his last known address.

(3) The respondent, upon receipt of the allegation, may within fourteen days file a reply thereto with the Chairman, and the Chairman shall serve a copy of the reply to the complainant.

(4) Upon the filing of the reply or upon the expiration of fourteen days from the receipt of the allegation by the Chairman, the Chairman shall set down the matter for hearing.

4. The Secretary shall cause the notice of the date, time and place of the Tribunal sitting to be served upon the complainant and the respondent.

Notice of hearing

5. (1) The respondent shall be afforded an opportunity to appear in person and be heard by the Tribunal.

Appearance before Tribunal

(2) The complainant who referred the allegation to the Tribunal may appear in person.

6. The respondent may give evidence on his own behalf.

Respondent's evidence

7. If any party fails to appear without reasonable cause at the time and place fixed for the hearing of the allegation, the Tribunal may, if it is satisfied that notice of the hearing was duly given to the party or parties concerned, dispose of the allegation in the absence of the party or parties, or may adjourn the hearing on such terms as it thinks fit.

Non appearance

- | | |
|--|---|
| <p>8. (1) At the hearing, the complainant, or if no complainant appears, the Secretary shall present the facts on which the allegation is based to the Tribunal.</p> | <p>Tribunal hearing</p> |
| <p>(2) Subject to the provisions of subsection (1), the complainant shall adduce evidence of the facts alleged in the allegation, or of such of those facts as he is prepared to prove.</p> | |
| <p>(3) The respondent shall be entitled to call witnesses, if any, to adduce evidence in answer to the allegation and he may address the Tribunal.</p> | |
| <p>(4) The complainant or the Secretary, as the case may be, may address the Tribunal by way of a reply to the respondent's case.</p> | |
| <p>(5) Both parties at the hearing may present oral or written submissions to the Tribunal.</p> | |
| <p>9. Any party may at any time during the hearing of the allegation, give to any other party notice to produce any document alleged to be in possession of that party to which the allegation relates.</p> | <p>Notice to produce documents</p> |
| <p>10. The Tribunal may require a University member of staff, or request any other person to appear before it to testify to all matters within his knowledge, to produce any document, book or record in his possession or control or be examined or cross-examined, in the matter to which the allegation relates.</p> | <p>Power of Tribunal to summon any person</p> |
| <p>11. The Tribunal may require any witness to give evidence on oath or affirmation, and for that purpose the Chairman may administer the oath or affirmation in due form.</p> | <p>Evidence on oath</p> |
| <p>12. During the hearing the Tribunal may receive such additional information relating to the allegation as it may consider necessary in dealing with the allegation before it.</p> | <p>Additional information</p> |
| <p>13. (1) The Tribunal may receive as evidence, any statement,</p> | <p>Power of</p> |

document, information or other matter that may in its opinion assist it in dealing effectively with the allegation before it, whether or not the same would be admissible in a court of law.	Tribunal to receive evidence
(2) A Tribunal may take judicial notice of any fact.	
14. (1) A determination of the Tribunal shall be in writing and shall contain-	Determination of the Tribunal
(a) the finding of the Tribunal on each issue of fact or law raised in the proceedings and relevant to the determination;	
(b) the reasons for such findings; and	
(c) a statement of the determination.	
(2) The Secretary shall send a copy of the determination of the Tribunal to the parties concerned.	
15. Subject to the provisions of these Rules and to any directions given by the Chairman, the procedure at the hearing of an allegation shall be such as the Tribunal may direct.	Procedure at hearing
16. Three members shall constitute a quorum, provided that no meeting shall commence without the Chairman.	Quorum
17. Proceedings before the Tribunal shall be held in camera.	Proceedings of Tribunal in camera
18. The Tribunal shall have power, at any time, before a determination is made, by certificate signed by the Chairman, to correct any errors or omissions in the record of proceedings.	Powers of Tribunal to correct errors
19. Subject to the direction of the Chairman, any document required by these Rules to be served shall be served by delivering it personally to the person to be served, or by sending it by registered post to his last known	Service of documents

address.

20. At the hearing of an allegation, the Tribunal shall observe the principles of natural justice, and shall hear all the evidence tendered and representations made by, or on behalf of, the parties concerned.

Tribunal to
observe
principles of
natural justice

CHAPTER 137

THE EXAMINATIONS COUNCIL OF ZAMBIA ACT

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CHAPTER 137

EXAMINATION COUNCIL OF ZAMBIA

An Act to establish the Examinations Council of Zambia; to define the functions and powers of the Council; and to provide for matters connected with or incidental to the foregoing.

Act No 15 of
1983,
Act No 33 of
1993,
Act No 13 of
1994.

[12th August, 1983]

PART I

PRELIMINARY

1. This Act may be cited as the Examinations Council of Zambia Act. Short title

2. In this Act, unless the context otherwise requires- Interpretation

"Chairman" means the person designated Chairman of the Council by section *five*;

"Council" means the Examinations Council of Zambia established by section *three*;

"Deputy Director" means the person appointed Deputy Director of the Council under section *twelve*;

"Director" means the person appointed Director of the Council under section *twelve*;

"examination" means any examination which the Minister may, by Gazette Notice, designate as such;

"examination paper" includes any draft question paper, final question paper, marking scheme, specimen and any other material connected with or related to any current or future examination;

"information" means any matter of whatever description or detail relating to any examination or examination paper;

"member" means a member of the Council;

"parastatal body" means any statutory corporation or any company, association or other body in which the Government has a majority or controlling interest;

"Secretary" means the person appointed Secretary of the Council under section *thirteen*;

"Vice-Chairman" means the person elected Vice-Chairman of the Council under section *five*.

PART II

EXAMINATIONS COUNCIL OF ZAMBIA

3. There is hereby established the Examinations Council of Zambia 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 the provisions of this Act, to do all such acts and things as a body corporate may by law do or perform.

Establishment
of Council

4. (1) The seal of the Council shall be such device as may be determined by the Council and shall be kept by the Secretary.

Seal of Council

(2) The Council may use a wafer or rubber stamp *in lieu* of the seal.

(3) The affixing of the seal shall be authenticated by the Chairman or the Vice-Chairman, and the Secretary or one other person authorised in that behalf by a resolution of the Council.

(4) Any contract or instrument which, if entered into or executed by a person not being a body corporate would not be required to be under seal, may be entered into or executed without seal on behalf of the Council by the Director or any other person authorised in that behalf by a resolution of the Council.

(5) Any document purporting to be a document under the seal of the Council or issued on behalf of the Council shall be received in evidence and shall be deemed to be so executed or issued, as the case may be, without further proof, unless the contrary is proved.

5. (1) The Council shall consist of the following members:

Composition of
Council

(a) a Chairman appointed by the Minister;

(b) the Permanent Secretary in the Ministry responsible for vocational training;

(c) the Permanent Secretary in the Ministry responsible for education;

(d) six persons, each nominated by the following institutions or bodies and appointed by the Minister;

(i) the Copperbelt University;

(ii) the University of Zambia;

(iii) the National Union of Teachers;

(iv) teacher training colleges;

(v) technical colleges; and

(vi) the Curriculum Development Centre;

(e) five persons, each appointed by the Minister from-

(i) Zambia Consolidated Copper Mines Limited;

(ii) churches running schools;

(iii) persons running private schools;

(iv) the Law Association of Zambia;

(v) a representative from the Zambia Council for the Handicapped;

(f) the Chief Inspector of Schools; and

(g) the Director of Technical Education and Vocational Training.

(2) There shall be a Vice-Chairman of the Council elected by the Council.

(3) Whenever the office of Chairman is vacant or the Chairman is absent or is for any other cause unable to perform the functions of his office, the Vice-Chairman shall perform such functions.

(As amended by Act no 33 of 1993)

6. A person shall not be qualified for nomination as a member of the Council if-

Disqualification
from
membership

- (a) he is under twenty-one years of age;
- (b) he is, under any written law, adjudged or otherwise declared to be of unsound mind;
- (c) he has been sentenced to a term of imprisonment exceeding six months;
- (d) he has been adjudged or otherwise declared to be bankrupt; or
- (e) he is lawfully detained or his freedom of movement is restricted under any law in force in Zambia.

7. (1) This section applies to a member referred to in paragraphs (d) and (e) of subsection (1) of section *five* Tenure of office and vacancies

(2) A member shall hold office for a period of three years and may be re-appointed at the expiry of his term.

(3) A member shall cease to hold office-

- (a) upon the expiry of the period for which he is appointed or re-appointed;
- (b) if he is absent from three consecutive meetings of the Council without reasonable cause;
- (c) upon the expiry of not less than one month's notice in writing of his intention to resign given by him to the Chairman;
- (d) if he ceases to belong to the institution or body he represents; or
- (e) if any circumstances arise which, if he were not a member, would cause him to be disqualified for nomination as such.

(4) A member appointed by the Minister may be removed by him at any time by notice in writing

8. (1) The functions of the Council shall be to-

Functions of
Council

- (a) conduct examinations;
- (b) award certificates or diplomas to candidates who pass examinations conducted by the Council;
- (c) carry out relevant research in examinations;
- (d) advise any public institution on the development and use of any system of testing or examining when requested to do so;
- (e) formulate syllabuses for examinations;
- (f) promote the international recognition of qualifications conferred by the Council;
- (g) organise training courses for, or arrange for the training of, examiners, markers, supervisors, invigilators and other persons connected with examinations; and
- (i) invite any person or body either in or outside Zambia to assist the Council in the conduct of examinations.

(2) The Council may, by directions in writing and subject to such terms and conditions as it thinks fit, delegate to the Director any of its functions under this Act.

(3) The Minister may give to the Council such general or specific directions with respect to the discharge of its functions as he may consider necessary and the Council shall give effect to such directions.

9. A member other than a public officer or an employee of a parastatal body shall be paid such remuneration or allowances as the Minister may from time to time determine.

Remuneration
and allowances
of members

10. (1) Subject to the provisions of this Act, the Council may regulate

Proceedings of

its own procedure.

Council

(2) The Council shall meet for the transaction of business at least once every six months at such places and at such times as the Chairman may determine.

(3) Upon giving notice of not less than fourteen days, a meeting of the Council may be called by the Chairman and shall be called if not less than five members so request in writing:

Provided that if the urgency of any particular matter does not permit the giving of such notice, a special meeting may be called upon giving shorter notice.

(4) Five members shall form a quorum at any meeting of the Council.

(5) Where the Chairman and the Vice-Chairman are absent from any meeting of the Council, there shall preside at that meeting such member as the members present may elect for the purpose of that meeting.

(6) A decision of the Council on any question shall be by a majority of the Council members present and voting at a meeting and, in the event of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to his deliberative vote.

(7) The Council may invite any person, whose presence is in its opinion desirable, to attend and to participate in the deliberations of a meeting of the Council but such person shall have no vote.

(8) The validity of any proceedings, act or decision of the Council shall not be affected by any vacancy in the membership of the Council or by any defect in the election or appointment of any member or by reason that any person not entitled to do so took part in the proceedings.

(9) The Council shall cause minutes to be kept of the proceedings of every meeting of the Council and of every meeting of any committee of the Council.

11. (1) The Council may, for the purpose of carrying out its functions under this Act, establish committees and delegate to any such committee such of its functions as it may think fit. Committees of Council

(2) The Council may appoint as members of a committee established under subsection (1), persons who are or are not members of the Council and such persons shall hold office for such period as the Council may determine.

(3) Subject to any specific or general direction of the Council any committee established under subsection (1) may regulate its own procedure.

12. (1) The Council shall appoint, on such terms and conditions as it may determine, a Director who shall be the chief executive officer of the Council and who, subject to the control of the Council, shall be responsible for the administration of the affairs of the Council. Director and Deputy Director

(2) The Council may appoint, on such terms and conditions as it may determine, a Deputy Director to assist the Director.

(3) The Director, or in his absence the Deputy Director, shall attend meetings of the Council and may address such meetings, but shall not vote on any matter:

Provided that the person presiding at any meeting of the Council may, for good cause, require the Director or the Deputy Director, as the case may be, to withdraw from such meeting.

(4) The Director may, by directions in writing and subject to such terms and conditions as he thinks fit, delegate to the Deputy Director any of his functions under this Act.

13. (1) There shall be a Secretary to the Council who shall be appointed by the Council on such terms and conditions as the Council may determine. Secretary and other staff

(2) The Secretary shall be responsible, under the general supervision of the Director, for the administration of the day-to-day affairs of the Council.

(3) The Council may appoint, on such terms and conditions as it may determine, such other staff as it considers necessary for the performance of its functions under this Act.

14. (1) If a person is present at a meeting of the Council or any committee of the Council at which any matter is the subject of consideration and in which the person or his spouse is directly or indirectly interested in a private capacity, he shall, as soon as practicable after the commencement of the meeting, disclose such interest and shall not, unless the Council otherwise directs, take part in any consideration or discussion of, or vote on, any question touching such matter.

Disclosure of
interest

(2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which it is made.

15. No action or other proceedings shall lie or be instituted against any member for or in respect of any act or thing done or omitted to be done in good faith in the exercise or purported exercise of his functions under this Act.

Immunity of
members

16. (1) No person shall, without the consent in writing given by or on behalf of the Council, publish or disclose to any person, otherwise than in the course of his duties, the contents of any document, communication or information whatsoever, which relates to, and which has come to his knowledge in the course of his duties under this Act.

Prohibition of
publication or
disclosure of
information to
unauthorised

(2) Any person who knowingly contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding twelve thousand five hundred penalty units or to imprisonment for a term not exceeding three years, or to both.

(3) If any person having information which to his knowledge has been published or disclosed in contravention of subsection (1) unlawfully publishes or communicates any such information to any other person, he

shall be liable, upon conviction, to a fine not exceeding twelve thousand five hundred penalty units or to imprisonment for a term not exceeding three years, or to both.

(As amended by Act No. 13 of 1994)

PART III

OATHS, OFFENCES AND PENALTIES

17. (1) The Council may require any person performing the work of the Council or being engaged in the conduct of any examination or the handling of any examination paper, to take and subscribe before a commissioner of oaths, an oath of secrecy as prescribed in the Official Oaths Act, and the provisions relating to affirmation and duplication of oaths contained in that Act shall apply *mutatis mutandis*. Oath of secrecy
Cap. 5

(2) Any person to whom this section applies who, having complied with the provisions of subsection (1), does or omits to do any act in contravention of the oath of secrecy shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding twelve thousand five hundred penalty units or to imprisonment for a period not exceeding three years, or to both.

(As amended by Act No. 13 of 1994)

18. Any person who, without lawful excuse, discloses to any person any examination question or any information relating to the contents of any examination paper, shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding twenty five thousand penalty units or to imprisonment for a term not exceeding five years, or to both. Disclosure of
examination
question, etc.

(As amended by Act No. 13 of 1994)

19. (1) Any person who, without lawful excuse, has in his possession or under his control any examination paper or any part thereof, or any information relating to the contents of any examination paper, shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding twenty five thousand penalty units or to imprisonment for a term not exceeding five years, or to both. Unauthorised
possession of
examination
paper or
information

(2) Any person who, recklessly or wilfully, assists or causes to be assisted any examination candidate to obtain or gain unauthorised possession of any examination paper or information or any part thereof, shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding twenty five thousand penalty units or to imprisonment for a term not exceeding five years, or to both.

(As amended by Act No. 13 of 1994)

20. Any person who, having in his possession or under his control any examination paper or any information relating thereto, recklessly or negligently loses such examination paper or such information, or uses such examination paper or such information in a manner prejudicial to the proper and fair conduct of any examination, shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding twenty five thousand penalty units or to imprisonment for a term not exceeding five years, or to both.

Loss and
misuse of
examination
paper

(As amended by Act No. 13 of 1994)

21. (1) If a person engaged in the conduct of examinations or performing work connected with examinations is directly or indirectly interested in a private capacity in an examination or in any examination paper or information relating thereto or if the spouse, child, friend or relative of such person is a candidate in such examination, he shall as soon as practicable before the commencement of his duties in respect of such examination disclose such interest to the Council or its nominee and he shall, unless the Council otherwise directs, cease to perform such duties.

Disclosure of
interest in
examination or
examination
paper

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding five thousand penalty units or to imprisonment for a term not exceeding one year, or to both.

(As amended by Act No. 13 of 1994)

22. (1) Where the Council is satisfied that there has been an irregularity in the course of any examination, the Council may suspend or nullify such examination or any part thereof.

Nullification of
examination or
examination
results

(2) Where the Council is satisfied that there is reasonable cause to believe that the examination results of any candidate have been obtained by irregular means, the Council may nullify the examination results of such candidate.

PART IV

FINANCIAL AND OTHER PROVISIONS

23. (1) The funds of the Council shall consist of such monies as may- Funds of Council

(a) be appropriated by Parliament for the purposes of the Council;

(b) be paid to the Council by way of grants or donations; and

(c) vest in or accrue to the Council.

(2) The Council may-

(a) accept monies by way of grants or donations from any source in Zambia and, subject to the approval of the Minister, from any source outside Zambia;

(b) subject to the approval of the Minister, raise by way of loans or otherwise such monies as it may require for the discharge of its functions;

(c) charge and collect fees in respect of programmes, seminars, consultancy services, and other services provided by the Council; and

(d) charge and collect examination fees and other charges payable to the Council.

(3) There shall be paid from the funds of the Council-

- (a) the salaries, allowances and loans of the staff of the Council;
- (b) such reasonable travelling, transport and subsistence allowances for members or members of any committee of the Council when engaged on the business of the Council, at such rates as the Minister may determine; and
- (c) any other expenses incurred by the Council in the performance of its functions.

24. The financial year of the Council shall be the period of twelve months ending on the 31st December in each year. Financial year

25. The Council shall cause to be kept proper books of account and other records relating to its accounts. Accounts

26. (1) As soon as practicable, but not later than six months after the expiry of each financial year, the Council shall submit to the Minister a report concerning its activities during such financial year. Annual report

(2) The report referred to in subsection (1) shall include information on the financial affairs of the Council and there shall be appended thereto-

- (a) a balance sheet;
- (b) an audited statement of revenue and expenditure; and
- (c) such other information as the Minister may require.

(3) The Minister shall, not later than seven days after the first sitting of the National Assembly next after the receipt of the report referred to in subsection (1), lay it before the National Assembly.

27. The Minister may, by statutory instrument, make regulations for the better carrying out of the purposes of this Act. Regulations

CHAPTER 138

THE TECHNICAL EDUCATION AND VOCATIONAL TRAINING ACT (REPEALED AND REPLACED BY ACT NO.13 OF 1998)

ARRANGEMENT OF SECTIONS

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4. Powers of Minister
5. Director of Technical Education and Vocational Training

PART III

NATIONAL COUNCIL FOR TECHNICAL EDUCATION AND VOCATIONAL TRAINING

6. National Council for Technical Education and Vocational
Training
7. Functions of Council
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12. Register

13. Cancellation of registration of private institutions
14. Minister's determination to be final
15. Offences
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CHAPTER 138
TECHNICAL EDUCATION AND
VOCATIONAL TRAINING

37 of 1972
13 of 1994

An Act to convert the Commission for Technical Education and Vocational Training into a Department of the Ministry responsible for education; and to provide for matters incidental to or connected with the foregoing.

[1st January, 1973]

PART I

PRELIMINARY

1. (1) This Act may be cited as the Technical Education and Vocational Training Act. Short title

(2) Nothing in this Act shall apply in relation to-

(a) the University of Zambia or the Copperbelt University; or

(b) save as provided in section *seventeen*, any school in relation to which the Education Act applies; or Cap. 134

(c) any school or institution at which no instruction is provided and from which no instruction emanates, other than instruction of a religious, social or recreational nature; or

(d) any other institution which is established, administered, controlled, licensed or supervised under the provisions of any other written law.

(3) The Minister may, by statutory instrument, grant exemption to any person or class of persons from the application of this Act or any of the provisions of this Act, and any such exemption may be granted subject to such terms and conditions, and in respect of such period, as the Minister may determine.

2. (1) In this Act, unless the context otherwise requires-

Interpretation

"Commission" means the Commission for Technical Education and Vocational Training established under section *four* of the Technical Education and Vocational Training Act 1970;

"designated occupation" means an occupation designated as such by the Minister under section *four*, and "designated skill", "designated technology" and "designated trade" shall be construed accordingly;

Act No.
56 of 1970

"Director" means a public officer for the time being holding or acting in the office of Director of Technical Education and Vocational Training constituted by section *five*;

"employer" means any person or body of persons, whether corporate or unincorporate, by whom other persons are employed under contracts of service made in Zambia or elsewhere, and includes the Government and the Clerk of the National Assembly;

"inspector" means a public officer appointed as an inspector under section *eighteen*;

"institution" means any organisation or premises by or at which regular instruction relating to technical education or vocational training is provided or from which such instruction emanates, whether by correspondence or otherwise, and includes a private institution;

"private institution" means any institution other than an institution established or maintained by the Government.

(2) Any reference in this Act to instruction relating to technical education or vocational training does not include a reference to instruction relating to any matter in respect of which provision is made by or under any other written law regulating the nature and scope of such instruction or the manner in which or the persons by whom such instruction may be provided or received and providing for the registration or enrolment of persons who have received such instruction.

PART II

FUNCTIONS AND POWERS OF THE MINISTER

3. It shall be the duty of the Minister to promote and provide technical

Functions of

education and vocational training among the people of Zambia, to ensure the establishment and progressive development of institutions and training facilities for that purpose, to establish standards and qualifications for occupations, skills, technologies and trades, to secure the provision of varied and comprehensive services for technical education and vocational training and to regulate the conduct of examinations and issue of certificates relating to technical education and vocational training throughout the Republic, for the improvement of technical and vocational skills of the people of Zambia and for the benefit of industry, commerce and business.

Minister

4. Subject to the provisions of this Act, the Minister shall have power to do all such acts and to carry on all such activities as may be requisite, advantageous or convenient for him to do or to carry on for, or in connection with, the discharge of his duties under section *three*, including in particular, but without prejudice to the generality of the foregoing, power-

Powers of
Minister

(a) to establish and maintain such institutions as he may deem necessary or desirable for the promotion and study of applied arts and sciences and for providing technical education and vocational training;

(b) to establish and maintain hostels for the benefit of persons receiving education and training at institutions established under the provisions of paragraph (a);

(c) to close or change the site of any institution or hostel established under the provisions of paragraph (a) or (b);

(d) to enter into arrangements with employers for, and to make available to employers facilities in relation to, the technical education and vocational training at any institution of persons in employment;

(e) to enter into arrangements for the attendance of suitable persons at courses of instruction relating to technical education and vocational training conducted outside the Republic in cases where, in the opinion of the Minister, courses of a similar nature or standard are not provided in the Republic;

(f) to make allowances, grants or bursaries to persons receiving instruction at any institution for the purpose of defraying all or any of the costs of such instruction;

(g) to establish standards, set, conduct or approve examinations for persons attending courses of instruction at any institution or receiving instruction relating to technical education and vocational training from any person or institution;

(h) to issue certificates and diplomas to persons in respect of examinations set, conducted or approved by him;

(i) to charge fees for instruction or examination relating to technical education and vocational training;

(j) to prescribe any occupation, skill, technology or trade as a designated occupation, skill, technology or trade and establish standards therefor.

5. There shall be a Director of Technical Education and Vocational Training who shall be a public officer and shall exercise and perform the functions conferred upon him by or under this Act or any other written law.

Director of
Technical
Education and
Vocational
Training

PART III

NATIONAL COUNCIL FOR TECHNICAL EDUCATION AND VOCATIONAL TRAINING

6. (1) There shall be a National Council for Technical Education and Vocational Training for the Republic (hereinafter referred to as "the Council").

National
Council for
Technical
Education and
Vocational
Training

(2) The members of the Council shall be appointed by the Minister and the Minister shall appoint a member of the Council to be the chairman of the Council.

(3) The Minister shall appoint a public officer as secretary to the Council.

7. (1) It shall be the duty of the Council to advise the Minister from time to time upon all matters appertaining to technical education and vocational training in the Republic and upon any question referred to it by the Minister or the Director.

Functions of
Council

(2) As from the date of establishment of the Council, the functions of the National Apprenticeship Council vested in the Technical Education

Cap. 138

and Vocational Training Advisory Board, by virtue of subsection (2) of section *fifteen* of the Technical Education and Vocational Training Act, 1970, shall be vested in and exercised and performed by the Council.

(3) Any contract of apprenticeship entered into or deemed to have been entered into by the National Apprenticeship Council established under the Apprenticeship Act, or by the Technical Education and Vocational Training Advisory Board established under the Technical Education and Vocational Training Act, 1970, and subsisting at the commencement of this Act, shall operate and be enforceable in all respects as if the Council had been established at the date of the contract and had been a party thereto in place of the National Apprenticeship Council or the Technical Education and Vocational Training Advisory Board, as the case may be.

Cap. 275
Cap. 138

8. The Council may, with the consent of the Minister, establish one or more committees of the Council to perform such functions on its behalf as the Council may determine.

Committees of
Council

9. The Minister may, by statutory instrument, make regulations providing for-

Regulations of
Council

- (a) the composition of the Council;
- (b) the period for which members of the Council may hold office and the vacation of office by such members;
- (c) the holding of meetings of the Council, the quorum and procedure of such meetings and the keeping of minutes of the proceedings of such meetings;
- (d) the payment of allowances to the members of the Council; and
- (e) the committees of the Council.

PART IV

REGISTRATION OF PRIVATE INSTITUTIONS

10. Registration and renewal of registration of a private institution shall be in accordance with the provisions of this Part.

Registration
and renewal of
registration

11. (1) Any person desirous of establishing a private institution shall first make an application for the registration thereof to the Minister in accordance with the provisions of this Act.

Registration

(2) For the purposes of this Act, the establishment of a private institution shall be deemed to include-

(a) the provision of any additional class, standard, form or course in any private institution, whether or not such class, standard, form or course is parallel to any existing class, standard, form or course in the private institution;

(b) the provision of any nature or form of technical education or vocational training in any private institution, being of a nature or form different from the nature or form falling within the classification in which the private institution is for the time being registered;

(c) the adoption by the proprietor of any private institution, by any means in relation to the private institution, of a different nomenclature from that in which the private institution is for the time being registered;

(d) the reopening of any private institution which has remained closed for a consecutive period of six months or more;

(e) the transfer of ownership or management of any private institution, whether such transfer takes effect by way of partnership or otherwise;

(f) the transfer of a private institution to a new site; and

(g) the alteration of any qualification for admission to the private institution.

(3) An application for registration of a private institution shall state, according to the nomenclature prescribed by the Minister, the classification of the private institution sought to be established and the classes, standards, forms or courses to be provided therein and such other particulars as may be prescribed.

(4) If, in regard to a private institution for which an application for registration is made, the Minister is satisfied-

(a) that the institution is necessary to meet the technical education or vocational training requirements of the area in which it is proposed to be situated; and

(b) that the premises of the institution, including any hostel or other buildings used or to be used in connection with the instruction or accommodation of persons attending thereat, are or will be suitable for the purpose; and

(c) that adequate financial provision has been or will be made for the maintenance of the institution; and

(d) that the proprietor of the institution is a fit and proper person or body of persons to be a proprietor; and

(e) that a fit and proper person or body of persons will be responsible for the management of the institution; and

(f) that efficient and suitable instruction of a nature or standard approved by the Minister will be provided at the institution in accordance with a syllabus approved by the Minister; and

(g) that the teaching staff employed or to be employed at the institution will be sufficiently qualified for the purpose; and

(h) that proper compliance will be made with the provisions of this Act applicable to the institution;

the Minister shall cause the private institution to be registered for a period not exceeding one year:

Provided that no registration shall continue in force beyond the 31st December in the year for which the application for registration is approved.

(5) If, with respect to an application for the registration of a private institution, the Minister is not satisfied as to any of the matters referred

to in subsection (4), the Minister shall notify the proprietor thereof in writing-

(a) that the application is rejected; or

(b) that the Minister proposes to grant the application after the proprietor has, within such period as the Minister may specify, complied to the satisfaction of the Minister with any such matter referred to in subsection (4) as the Minister may specify.

(6) If the proprietor of a private institution who is notified under paragraph (b) of subsection (5) that the Minister proposes to grant his application for registration subject to compliance with any matter specified in the notice fails, in the opinion of the Minister, to comply therewith within the period specified by the Minister, the Minister shall reject the application and shall notify the proprietor in writing accordingly.

(7) Every application for the renewal of registration of a private institution shall be made on or before the 31st October in the year preceding the year for which renewal of registration is applied for, and the provisions of this section shall apply *mutatis mutandis* to such application.

(8) No private institution shall operate beyond the period for which its registration or renewal of registration has been granted.

12. (1) The Minister shall keep and maintain a register of private institutions which shall contain such particulars as may be prescribed.

Register

(2) On registration, a certificate of registration shall be issued which shall contain the nomenclature and classification and the classes, standards, forms or courses for which the institution is registered and such other particulars as may be prescribed.

13. (1) Where, in the opinion of the Minister, a private institution registered under this Part-

Cancellation of
registration of
private
institutions

(a) ceases to comply with any of the matters in respect of which the Minister is required to be satisfied under subsection (4) of section *eleven* for the purpose of registration; or

(b) is being conducted in a manner detrimental to the interests of peace, order or good government or to the physical, mental or moral welfare of the persons receiving instruction thereat; or

(c) has persisted in adopting a different nomenclature from that in which it is for the time being registered; or

(d) has remained closed for a consecutive period of six months or more;

the Minister shall notify the proprietor in writing-

(i) that the registration of the private institution shall be cancelled from such date as the Minister may specify; or

(ii) that the Minister proposes to cancel the registration of the private institution unless, within a period fixed by the Minister, the proprietor complies to the satisfaction of the Minister with such requirements regarding any matters referred to in this subsection as the Minister may specify.

(2) If the proprietor of a private institution, upon whom a notice under subsection (1) has been served, fails, within the period fixed by the Minister, to comply to the satisfaction of the Minister with the requirements specified by the Minister, the Minister shall cancel the registration of the private institution and notify the proprietor in writing accordingly.

14. The determination of the Minister upon any matter under this Part shall be final and shall not be called in question in any court of law. Minister's determination to be final

15. Any person who conducts a private institution- Offences

(a) which is not registered; or

(b) for which the registration has lapsed; or

(c) in respect of which the proprietor has been notified in writing that the application for registration of the private institution has been rejected; or

(d) in respect of which the proprietor has been notified in writing that the registration of the private institution has been cancelled;

shall be guilty of an offence and liable on conviction to a fine not exceeding fifty thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

(As amended by Act No. 13 of 1994)

16. The Minister shall at convenient intervals, but not less than once in every year, cause to be published in the *Gazette* a list of all private institutions registered under this Part.

Publication of
list of registered
private
institutions

17. Notwithstanding the foregoing provisions of this Part, the Minister shall cause to be registered under this Part, for the period expiring on the 31st December, 1973, any private institution which, immediately prior to the commencement of this Act-

Saving of
registration of
certain private
schools and
institutions
Cap. 134
Cap. 138

(a) was registered as a private school under Part IV of the Education Act; or

(b) was registered as a private institution under Part V of the Technical Education and Vocational Training Act.

and until so registered any such private school or institution shall be deemed to be registered as a private school or institution under this Part:

Provided that nothing in this section shall prevent the exercise by the Minister of his powers under section *eleven* or *thirteen* in relation to any such private school or institution.

PART V

INSPECTION

18. (1) It shall be the duty of the Minister to cause inspections to be made of every institution, and of every hostel established and maintained for the purpose of accommodating persons attending at any

Inspection of
institutions and
hostels

institution, at such intervals as appear to him to be appropriate, and to cause a special inspection of any institution or hostel to be made whenever he considers such inspection to be desirable.

(2) The Minister may appoint such number of public officers as he may deem necessary to be inspectors for the purposes of this Act.

(3) Every inspector shall be furnished with a certificate issued by the Minister stating that he is an inspector appointed pursuant to this Act and showing such other particulars relating to his identity as the Minister may determine.

(4) Any inspection in pursuance of this section shall be made by inspectors appointed under this section.

(5) Any person who obstructs an inspector appointed under this section in the exercise of his duty under this Part shall be guilty of an offence and liable on conviction to a fine not exceeding two thousand penalty units or to imprisonment for a period not exceeding three months, or to both.

(As amended by Act No. 13 of 1994)

19. An inspector shall have power, on production of the certificate issued to him under section *eighteen* to any person reasonably requiring it- Powers of inspector

(a) at any reasonable time to enter any premises where he reasonably believes that instruction relating to technical education or vocational training is provided or from where he reasonably believes that such instruction emanates by correspondence or other similar method, to require information or explanation with respect to such instruction from any person appearing to him to be in charge of such premises or to be concerned with the administration or imparting of such instruction and to demand the production of, and to inspect and make extracts from and copies of, any books or documents relating to such instruction;

(b) to require any person receiving instruction relating to technical education or vocational training at any institution to furnish information or explanation with respect to such instruction and with respect to any allowances, grants or bursaries paid or payable to such person under this Act during the period of his instruction.

<p>20. It shall be the duty of an inspector to furnish to the Minister such reports and other information in respect of matters referred to in section <i>nineteen</i> as the Minister may from time to time direct.</p>	<p>Duty of inspector to report to Minister</p>
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PART VI

GENERAL PROVISIONS

<p>21. No person shall be refused admission to any institution established for the purpose of technical education or vocational training on the grounds of sex, race, tribe, place of origin, colour or creed.</p>	<p>No refusal on grounds of sex, race, etc.</p>
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<p>22. (1) The Minister may, by directions in writing, prohibit the use in any institution of any book or material for any reason which he may think fit.</p>	<p>Power to prohibit use of books</p>
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(2) Any person who uses or permits to be used in any institution any book or material, the use of which has been prohibited under this section, shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand penalty units or to imprisonment for a period not exceeding three months, or to both.

(As amended by Act No. 13 of 1994)

<p>23. (1) The Minister may recognise any professional association of teaching staff in the field of technical education and vocational training.</p>	<p>Professional associations</p>
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(2) Any professional association of teaching staff recognised by the Minister may advise and make representations to the Minister and be consulted by the Minister on any matter appertaining to technical education and vocational training.

<p>24. All expenses incurred by the Minister in the discharge of his functions under this Act, including the expenses incurred in-</p>	<p>Expenses of administration</p>
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(a) the payment of remuneration and allowances to the members of the Council and the committees thereof;

(b) the establishment and administration of institutions and hostels for technical education and vocational training;

(c) the making of allowances, grants and bursaries under section *four*;

shall be paid from monies appropriated by Parliament for the purpose.

25. Where a person convicted of an offence against this Act is a company, the chairman and every director and every officer concerned in the management of the company shall be guilty of the like offence unless he proves that the act constituting the offence took place without his knowledge or consent.

Offences by companies

26. (1) Any notice or other document required or permitted to be served on any person under this Act may be served on such person by handing it to such person, or by transmitting it by registered post addressed to such person at his usual postal address or at his usual or last known place of abode or principal place of business or, in the case of a company, by leaving the same, or transmitting the same by registered post addressed to the company, at its registered office or principal place of business in Zambia.

Service of notices, etc.

(2) In this Part, "company" means a company registered under the Companies Act.

Cap. 388

PART VII

REGULATIONS

27. (1) The Minister may, by statutory instrument, make regulations for the better carrying out of the provisions of this Act and in particular, but without derogating from the generality of the foregoing, may make regulations relating to all or any of the following matters, that is to say:

Regulations

(a) for safeguarding the health of persons attending at institutions and, in particular, providing for-

(i) the entry and inspection at all reasonable times by a Government Medical Officer or other medical practitioner of any institution, hostel or other building or premises whatsoever at any institution;

- (ii) the closing of any institution, hostel or other building or premises whatsoever at any institution on the grounds of health;
 - (iii) the medical, psychiatric and dental examination of persons as a condition of entrance to or continued attendance at any institution;
 - (iv) the furnishing by parents or guardians of information and evidence relating to the health of persons seeking or receiving instruction at any institution;
 - (v) the exclusion of persons from any institution on grounds of health;
 - (vi) the supply of meals and other refreshments at any institution;
- (b) prescribing and regulating the conditions for the enrolment of persons seeking instruction at any institution and for the admission to hostels established for the benefit of such persons at any institution, including fees and charges, if any, to be paid;
- (c) prescribing and regulating the calendar to be observed at institutions, the subjects of instruction to be provided and the syllabus to be followed in respect of such subjects;
- (d) prescribing and regulating the conditions of the suspension, expulsion or exclusion of persons enrolled at any institution or admitted to any hostel;
- (e) providing for the payment of allowances, grants or bursaries to persons receiving instruction at any institution and grants to any institution;
- (f) the establishment of standards, the setting, conduct or approval of examinations relating to technical education and vocational training within Zambia and prohibiting persons and institutions from providing instruction or conducting examinations in designated occupations, skills, technologies or trades, except in accordance with the provisions of such regulations;
- (g) the issue of certificates and diplomas to persons who are successful at examinations conducted under this Part;
- (h) the eligibility of persons wishing to take examinations;
- (i) the fees payable in respect of examinations;

- (j) prescribing the manner and form in which application for the registration of a private institution shall be made, and the information and documents to be submitted in support of such applications;
- (k) prescribing the forms to be used and the returns and information to be furnished by proprietors of private institutions and the records to be kept relating to private institutions.
- (l) regulating the advertisements and publications of private institutions;
- (m) prescribing the fees payable for the registration or renewal of registration of private institutions;
- (n) the nomenclature to be adopted by or for the classification of private institutions;
- (o) the designation of occupations, skills, technologies or trades;
- (p) for framing a scheme of termination of appointment under the provisions of section *thirty-one*; and
- (q) prescribing such matters as may be prescribed under this Act or which are necessary or convenient to be prescribed for the better carrying out of the provisions of this Act.

(2) Regulations made under this section may make different provisions with respect to different parts of the Republic, different classes of persons, employers and institutions, different classes of things and different circumstances.

(3) Regulations made under this section may provide in respect of any contravention thereof that the offender shall be guilty of an offence and liable on conviction to a fine not exceeding two thousand penalty units or to imprisonment for a period not exceeding three months, or to both.

(As amended by Act No. 13 of 1994)

PART VIII

TRANSITIONAL PROVISIONS

28. In this Part, unless the context otherwise requires- Interpretation

"the Minister of Finance" has the meaning assigned to that expression in section *two* of the Minister of Finance (Incorporation) Act. Cap. 349

29. (1) Notwithstanding anything to the contrary contained in the Technical Education and Vocational Training Act, 1970, or any other written law, from the commencement of this Act the Commission shall act in all matters in accordance with the directions of the Minister. Interim arrangement. Act No. 56 of 1970

(2) When the *Minister is satisfied that all necessary agreements and arrangements have been made for converting the Commission into a Department of the Ministry responsible for education so that it may be dissolved, he may, by statutory instrument, direct that the Commission shall be dissolved on such date as may be appointed in the statutory instrument (in this Act referred to as "the appointed date").

* 1st January, 1973, appointed by S.I. No. 260 of 1972.

30. (1) Notwithstanding anything to the contrary contained in the Technical Education and Vocational Training Act, 1970, or any other written law, the Commission shall until the appointed date have power, subject to the direction of the Minister, to do anything which is necessary or expedient for the purpose of converting the Commission into a Department of the Ministry responsible for education, including in particular, but without prejudice to the generality of that power, power to enter into and carry out agreements and arrangements for the transfer of its undertaking, property, rights, liabilities and obligations to the Minister of Finance. Vesting of assets and liabilities. Act No. 56 of 1970

(2) Upon the appointed date all property, real or personal, and all rights in, to or over property and all liabilities arising out of ownership, possession or occupation of property of any kind and all liabilities in tort and all statutory liabilities which were subsisting immediately prior to the appointed date and which were vested in, held, enjoyed, incurred or suffered by the Commission shall, by virtue of this section and without

further assurance, be transferred to and vested in the Minister of Finance in the same tenure as the said property and rights were vested in or enured to the benefit of, and to the same extent as the said liabilities were incurred or suffered by, the Commission.

*1st January, 1973, appointed by S.I. No. 260 of 1972.

(3) Subject to the provisions of this Act, all deeds, agreements (other than an agreement of personal service), bonds, securities, instruments, working arrangements or things in action which were subsisting immediately prior to the appointed date and were vested in the Commission or to which the Commission was a party, whether in writing or not, and whether or not of such a nature that rights, liabilities and obligations thereunder could be assigned, shall, unless its terms and subject-matter make it impossible that it should have effect as modified in the manner provided by this section, by virtue of this section and without further assurance, be transferred to and vested in, and shall enure to the benefit of, the Minister of Finance and shall have effect from the appointed date, in the same manner as if the Minister of Finance had been party to all such deeds, agreements, bonds, securities, instruments or working arrangements instead of the Commission and in the same manner as if the Minister of Finance had at all times been entitled to the benefit of all such things in action instead of the Commission.

(4) Upon the appointed date, all subsisting or future liabilities and obligations arising out of any deed, agreement, bond, security, instrument, working arrangement or thing in action imposed upon, suffered or incurred by the Commission shall, by virtue of this section and without further assurance, be transferred to, imposed upon, suffered or incurred by the Minister of Finance in the same manner as if the Minister of Finance had been party to each such deed, agreement, bond, security, instrument or working arrangement instead of the Commission and in the same manner as if the Minister of Finance at all times had been the party bound or obliged by or under each such thing in action instead of the Commission.

(5) Whenever in pursuance of this Act, any property, rights, liabilities or obligations of the Commission are transferred by it to the Minister of Finance in respect of transfer of which any written law provides for registration, it shall be the duty of a public officer authorised in that behalf by the Minister responsible for education to make an application in writing to the proper officer of the appropriate registration authority

for the registration of such transfer and it shall be the duty of such officer to make such entries in the appropriate register as shall give effect to such transfer and, where appropriate, to issue to the transferee concerned a Certificate of Title in respect of the said property or to make necessary amendments to the register, as the case may be, and if presented thereof, to make endorsement on the deeds relating to the title, right or obligation concerned and no registration fees, stamp duty or other duties shall be payable in respect thereof.

(6) Where, upon the appointed date, any legal proceeding is pending to which the Commission is a party, the Attorney-General shall be substituted in such proceeding for the Commission and such proceeding shall not abate by reason of such substitution.

31. (1) A person who was employed in the service of the Commission immediately preceding the appointed date on an agreement for a specified period of service shall, subject to the approval of the appropriate authority, be employed, and from the appointed date shall be deemed to have been employed, in the public service of the Republic on the terms and conditions of his contract with the Commission and his service with the Commission immediately preceding the appointed date shall for all purposes of the contract be regarded as service with the Government and his contract shall have effect as if the Government had been, from the date of such contract, a party thereto instead of the Commission.

Transfer of service

(2) Every person, other than a person mentioned in subsection (1), who was employed in the service of the Commission immediately preceding the appointed date shall, if approved by the appropriate authority, be employed and be deemed to have been appointed from the appointed date in the public service of the Republic:

Provided that, where the approval of the appropriate authority is not given, the employment of such person shall be terminated in accordance with a scheme of termination of appointment prepared by the Minister.

(3) A person mentioned in subsection (2) for whom the approval of the appropriate authority is given may-

(a) within a period of three months from the appointed date elect to remain for the unexpired period of three years from the date of his first

appointment with the Commission on the terms and conditions on which he was employed by the Commission and, if he elects as aforesaid, he shall be deemed to be a public officer on an agreement for temporary service until the expiry of the unexpired period of the said three years and thereafter may elect, subject to the approval of the appropriate authority, to remain in the public service and shall, if otherwise eligible, be appointed to a pensionable post in the public service from such date and on such terms and conditions as the Government may determine;

(b) within a period of three months from the appointed date elect to be forthwith employed in the public service without exercising the option mentioned in paragraph (a) and in that case his terms and conditions of service shall be determined by the Government.

(4) Notwithstanding anything to the contrary contained in any written law, where a person makes election under the provisions of paragraph (a) of subsection (3), he shall, in relation to his service with the Commission and in the public service prior to the expiry of the unexpired period of the said three years, be deemed to be a temporary employee in the public service for the purpose of section *nine* of the Public Service Pensions Act. Cap. 260

(5) The provisions of subsection (1) or (2) shall not apply to a person who is employed by the Commission as a daily paid employee.

(6) A person to whom the provisions of subsection (3) apply shall not be liable to any payment of rent in excess of the rate fixed by the Commission for him in respect of any period prior to his election under subsection (3).

(7) For the purposes of this Part, "appropriate authority" means the Public Service Commission or the Teaching Service Commission, as the case may be.

SUBSIDIARY LEGISLATION

SECTION 9-THE NATIONAL COUNCIL FOR TECHNICAL EDUCATION AND VOCATIONAL TRAINING REGULATIONS.

Regulations by the Minister

***Statutory
Instruments
34 of 1973
50 of 1993***

1. These Regulations may be cited as the National Council for Technical Education and Vocational Training Regulations.	Title
2. In these Regulations, unless the context otherwise requires-	Interpretation
<p>"Act" means the Technical Education and Vocational Training Act;</p> <p>"Council" means the National Council for Technical Education and Vocational Training established under the provisions of section six of the Act.</p>	
3. The Council shall consist of not less than nine and not more than twelve members appointed by the Minister of whom-	Composition of the Council
<p>(a) one member shall be designated by the Minister as the Chairman of the Council and another member shall be designated by the Minister as Vice-Chairman of the Council;</p> <p>(b) two members shall be persons having special knowledge and experience of matters relating to technical education and vocational training;</p> <p>(c) one member shall be a person appointed by the Minister after consultation with such persons and bodies as he thinks fit, to represent the interests of employers;</p> <p>(d) one member shall be a person appointed by the Minister after consultation with such persons and bodies as he thinks fit, to represent the interests of employees;</p> <p>(e) two members shall be persons appointed by the Minister to represent the University of Zambia and the Copperbelt University.</p> <p>(f) one member shall be a person appointed by the Minister to represent the proprietors of private institutions;</p> <p>(g) one member shall be a person appointed by the Minister to represent a recognised professional association of teaching staff in the field of technical education and vocational training.</p> <p><i>(As amended by S.I. No. 50 of 1993)</i></p>	
4. No person shall be appointed a member of the Council-	Disqualification for membership
<p>(a) while he is an undischarged bankrupt;</p> <p>(b) while he is serving a sentence of imprisonment;</p>	

(c) if he has at any time been convicted of an offence against the Act or any offence involving fraud or dishonesty.

5. The Minister shall appoint a public officer as the Secretary to the Council. Secretary

6. The members referred to in regulation 3 shall hold office for a period of three years from the date of appointment and may be re-appointed upon the expiration of that term. Tenure of office

(As amended by S.I. No. 50 of 1993)

7. A member of the Council may at any time, by notice in writing to the Minister, resign his office. Resignation

8. The office of a member of the Council shall become vacant- Vacation of office

(a) upon his death;

(b) if he is adjudged bankrupt;

(c) if he is convicted of an offence and sentenced to imprisonment without the option of a fine;

(d) if he is absent from three consecutive meetings of the Council without the leave of the Chairman;

(e) if in the opinion of the Minister he is mentally or physically incapable of performing his duties as a member of the Council;

(f) if in the opinion of the Minister he is guilty of improper conduct and is so notified in writing by the Minister.

9. A person may be appointed by the Minister to fill a casual vacancy in the membership of the Council occurring by reason of resignation, death or otherwise, but he shall hold office only so long as the member in whose stead he is so appointed would have held office. Casual vacancies

10. (1) Subject to the provisions of these Regulations, the Council may regulate its own procedure. Procedure

(2) The quorum of the Council shall be six.

(3) In the absence of the Chairman of the Council from a meeting thereof, the Vice-Chairman of the Council shall preside; and in the absence of both the Chairman and the Vice-Chairman of the Council from a meeting of the Council, the members present and forming a quorum shall elect one of their number to preside at the meeting.

(4) The member of the Council presiding at a meeting thereof shall have a casting vote in addition to his deliberative vote.

(5) The Council may act notwithstanding any vacancy in its membership.

11. Meetings of the Council shall be held at such places and times as the Council shall determine: Meetings of the Council

Provided that the Council shall meet not less often than two times in every twelve months.

12. The Chairman of the Council may at any time, and shall if the Minister so directs or any three members of the Council by notice in writing to the Chairman so request, convene a special meeting of the Council at such place and on such date as he may specify by notice in writing to the members of the Council. Special meetings

13. (1) The Council shall cause minutes to be kept recording all resolutions, proceedings and meetings of the Council, and the names of members present at each meeting of the Council. Minutes of proceedings

(2) A copy of the minutes of each meeting of the Council shall be furnished to the Minister and to every member of the Council and to such other persons, if any, as the Council may direct.

14. A committee of the Council shall consist of- Composition of committees of the Council

(a) such members of the Council as the Council may appoint; and

(b) such other persons (not being persons disqualified from membership of the Council) as the Council may, with the approval of the Minister, appoint; and

(c) the Chairman of the Council who shall be a member *ex officio*.

15. The Chairman of a committee of the Council shall be appointed by the Council from among the members of the Council. Chairman of a committee

16. Subject to the provisions of these Regulations, the procedure of a committee of the Council shall be regulated by the Council. Procedure of a committee

17. The Chairman of a committee of the Council may at any time convene a meeting of that committee. Meetings of a committee

18. A committee of the Council shall keep minutes recording all resolutions, proceedings and meetings of the committee and the names of the members of the committee and other persons present at each meeting thereof. Minutes of proceedings

19. A committee of the Council shall keep the Council informed of its activities and deliberations and shall furnish such reports and information relating to its functions as the Council may from time to time direct. Reports of committees

20. The Minister may, by notice in writing to the Chairman of the Council, nominate any public officer to attend meetings of the Council, or of any committee thereof, and any such officer may take part in the proceedings of any such meeting and shall be entitled to address any such meeting, but not to vote, on any matter under discussion. Attendance of non-members

21. A member of the Council, or of any committee thereof, who is in any way directly or indirectly interested in any matter under consideration by the Council or such committee, as the case may be, shall disclose the nature of his interest at a meeting of the Council or such committee and shall not take part in any deliberations or decision of the Council or such committee in respect of that matter. Disclosure of interest

22. A member of the Council or any Committee of the Council shall be paid such remuneration and allowances as the Council may with the approval of the Minister determine. Remuneration and allowances

(As amended by S.I. No. 50 of 1993)

**SECTION 27-THE TECHNICAL EDUCATION AND
VOCATIONAL TRAINING (FEES) REGULATIONS.**

Regulations by the Minister

***Statutory
Instrument
107 of
1985
34 of 1995
65 of 1997
Act No.
13 of 1994***

1. These Regulations may be cited as the Technical Education and Vocational Training (Fees) Regulations.

Title

2. *Revoked by S.I. 34 of 1995.*

Application

3. The fees set out in the Schedule shall be payable for the purposes therein specified.

Fees

SCHEDULE
(Regulation 3)

FEES
(PAYABLE BY FULL TIME STUDENTS ENROLLED
AT GOVERNMENT MAINTAINED AND AIDED
INSTITUTIONS)

ZAMBIANS:

RESIDENTIAL STUDENTS:	Tuition per Annum	Boarding per Annum	General Purpose Fund	Total per Annum
<i>Course:</i>	Fee Units	Fee Units	Fee Units	Fee Units
1.1 Craft	224	596	4	284
1.2 Technician or Technology Diplomas	1,474	596	4	2,075
1.3 Certificate in Business Studies, Applied Arts, Commercial, Academic	219	596	4	819
1.4 Technical Teacher, Secretarial	591	596	4	1,192
1.5 Commercial Pilot	8,160	596	4	8,761
NON-RESIDENTIAL STUDENTS:				
<i>Course:</i>	Fee Units	Fee Units	Fee Units	Fee Units
2.1 Craft	224		4	228
2.2 Technician or Technology Diplomas	1,474		4	479
2.3 Certificate in Business Studies, Applied Arts, Commercial, Academic	219		4	224
2.4 Technical Teacher, Secretarial	591		4	596
2.5 Commercial Pilot	8,160		4	8,143

NON-ZAMBIANS:

RESIDENTIAL STUDENTS:	Tuition per Annum	Boarding per Annum	General Purpose	Total per Annum
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			Fund	
<i>Course:</i>	US Dollar	US Dollar	US Dollar	US Dollar
3.1 Craft	960	630	3	1,593
3.2 Technician or Technology Diplomas	1,374	630	3	2,007
3.3 Certificate in Business Studies, Applied Arts, Commercial, Academic	957	630	3	1,590
3.4 Technical Teacher, Secretarial	765	630	3	1,398
3.5 Commercial Pilot	6,426	630	3	7,059
NON-RESIDENTIAL STUDENTS:				
<i>Course:</i>				
4.1 Craft	960		3	963
4.2 Technician or Technology Diplomas	1,374		3	960
4.3 Certificate in Business Studies, Applied Arts, Commercial, Academic	957		3	960
4.4 Technical Teacher, Secretarial	765		3	768
4.5 Commercial Pilot	6,429		3	6,429

(As amended by S.I. No. 65 of 1997 and Act No. 13 of 1994)

**THE TECHNICAL EDUCATION AND VOCATIONAL
TRAINING
(MAINTAINED AND AIDED INSTITUTIONS)
REGULATIONS [ARRANGEMENT OF REGULATIONS]**

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**THE TECHNICAL EDUCATION AND VOCATIONAL
TRAINING
(MAINTAINED AND AIDED INSTITUTIONS)
REGULATIONS.
*Regulations by the Minister***

***Statutory
Instrument
44 of 76
Act No. 13
of 1994***

PART I PRELIMINARY

1. These Regulations may be cited as the Technical Education and Vocational Training (Maintained and Aided Institutions) Regulations.

Title

2. (1) Nothing in these Regulations shall apply in relation to-

Application

(a) any institution other than a Government institution or any institution established or maintained with the assistance of a grant or loan made by the Minister;

(b) any correspondence course, educational broadcasting, television service, or special educational institution run or provided by the Ministry of Education.

(2) The Minister may from time to time cause to be published in the *Gazette* a list of all institutions to which these Regulations apply.

3. In these Regulations, unless the context otherwise requires-

Interpretation

"Director" includes Principal, where applications are made under the proviso to regulation 5;

"institution" means any organisation or premises by or at which regular instruction relating to technical education or vocational training is provided;

"Principal" means a person for the time being holding or acting in the office of a Principal of an institution to which enrolment or an institution hostel to which admission is sought or procured.

PART II

GENERAL CONDITIONS OF ENROLMENT AND ADMISSION

4. No student shall be enrolled at any institution or admitted to any institution hostel unless he shall have- Age of students

(a) attained the age of 16 years at the commencement of the course for which he desires to be enrolled;

(b) attained the requisite entry qualifications applicable to the course for which he desires to be enrolled;

(c) obtained a satisfactory medical certificate as to his physical fitness.

5. (1) Application for enrolment at any institution or for admission to any institution hostel, shall be made by the applicant to the Director: Application
for enrolment

Provided that the Director may, if he thinks fit, in the case of extension studies, permit applications to be made direct to a Principal.

(2) Every applicant shall furnish the Director with such information and evidence as the Director may require to enable him to give proper consideration to the application.

(3) Nothing in this regulation shall preclude the Director from deferring his decision on any application for such period as he deems necessary to

enable him to give proper consideration to any such application.

(4) The Director shall cause the applicant to be informed of his decision regarding the application.

(5) For the purposes of this regulation "applicant" means any person seeking enrolment at an institution or admission to an institutional hostel.

6. (1) Any person who, for the purpose of procuring the enrolment at an institution or admission to an institution hostel of himself or any other person, knowingly makes to the Director any false statement material to the enrolment or admission, either verbally or in writing, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand penalty units or to imprisonment for a period not exceeding three months or to both. False statement in relation to applicant

(2) No student shall be entitled to attend an institution or to be accommodated at an institution hostel if he or any other person acting on his behalf knowingly makes or has made to the Director any false statement material to the application.

(As amended by Act No. 13 of 1994)

7. The Principal shall, within three months from the date of commencement of any course, render to the Director a return giving the following particulars in respect of students enrolled at an institution for which he is responsible: Record of enrolment

- (a) name, date of birth and sex;
- (b) national registration number;
- (c) the nature and date of commencement of the course enrolled for;
- (d) such other particulars as the Director may from time to time require.

8. (1) Every student enrolled at an institution shall present himself at the institution on the first day of a term or, where he is to be enrolled after the commencement of a term, on such later day as the Principal may appoint. Attendance of students

(2) It shall be the duty of every student to attend classes regularly and punctually.

9. (1) For the purpose of promoting national unity and proper respect for the National Anthem and the National Flag as the secular symbols of national consciousness-

National Anthem and National Flag

(a) instruction shall be provided at all institutions in the singing of the National Anthem and in the proper manner in which students should behave on formal occasions at which the National Anthem is played or sung or the National Flag is flown; and

(b) all students attending an institution shall be required to salute the National Flag on such occasions as they are lawfully required to do so:

Provided that no student shall be required to salute the National Flag as part of any religious ceremony or observance.

(2) Whenever in accordance with this regulation students are required to salute the National Flag, each of such students shall salute the National Flag by raising the right hand to the temple with the open palm facing outwards while standing at attention.

(3) The Minister may give to the Principal such directions as he may consider necessary with respect to the occasions on which students shall be required to salute the National Flag.

PART III

SUSPENSION, EXPULSION AND EXCLUSION OF STUDENTS

10. All students shall comply with the rules of the institution at which they are enrolled.

Students to comply with rules

11. (1) No student shall be excluded from any institution hostel, or suspended, expelled or otherwise excluded from attendance at any institution except in accordance with the provisions of this Part.

Suspension,
expulsion and
exclusion

(2) The Principal may suspend or temporarily exclude from attendance at any institution-

(a) any student whose language or behaviour is habitually or continually such as to endanger the maintenance of proper standards of conduct in the institution;

(b) any student who has committed an act of a reprehensible nature;

(c) any student who without reasonable excuse fails to attend classes regularly;

(d) any student who wilfully refuses to salute the National Flag when he is lawfully required to do so.

(3) The Principal may temporarily exclude from an institution hostel any student whose accommodation in the hostel is prejudicial to the maintenance of discipline therein.

(4) Where the Principal has cause to believe that the health of any student so warrants, he may order such student to be medically examined, and may exclude him from attending classes and other institutional activities.

12. Before any student is expelled or permanently excluded from an institution hostel the Principal shall-

Procedure
relating to
suspension,
expulsion, and
exclusion

(a) notify the student, in writing, of the action which he proposes to take and the grounds thereof;

(b) afford the student and his sponsor, if any, a reasonable opportunity of making representations against the action which he proposes to take; and

(c) give due consideration to any representations made by the student or his sponsor.

<p>13. Notwithstanding the other provisions of these Regulations, the Principal may recommend to the Director the expulsion of any student whose work is unsatisfactory and whom he considers unlikely to benefit from further training.</p>	<p>Discharge</p>
<p>14. The Principal shall immediately report to the Director the full facts of a case of suspension or temporary exclusion made by him.</p>	<p>Reports to Director</p>
<p>15. Where any student has been temporarily excluded from an institution hostel or suspended or temporarily excluded from attendance at an institution, he shall be entitled within twenty-one days, commencing on the date of such temporary exclusion or such suspension, to make representations to the Director regarding the suspension or temporary exclusion and any further action which the Director may have taken, or is about to take.</p>	<p>Right to make representations to Director</p>
<p>16. After considering any representations made to him under regulation 15, the Director may-</p> <p>(a) in any case where a student has been suspended or temporarily excluded from attendance at an institution-</p> <p>(i) direct the Principal to withdraw the suspension against the student;</p> <p>(ii) direct the Principal to expel the student from the institution, either permanently or for a period to be determined by the Director;</p> <p>(iii) direct the transfer of the student to another institution;</p> <p>(iv) give such other directions as may appear to be just in the circumstances;</p> <p>(b) in any case where a student has been temporarily excluded from an institution hostel-</p> <p>(i) confirm the exclusion;</p> <p>(ii) direct the Principal to re-admit the student;</p>	<p>Powers of Director</p>

(iii) direct the transfer of the student to another institution hostel;

(iv) give such other directions as may appear to be just in the circumstances.

17. Any student who is aggrieved by any decision of the Director may Appeal to within twenty-one days of receipt of such decision appeal therefrom to Minister the Minister.

(As amended by S.I. No. 44 of 1976)

CHAPTER 139

THE ZAMBIA NATIONAL COMMISSION FOR UNESCO ACT

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Establishment and functions of Zambia National Commission for UNESCO
4. Membership of Commission
5. Establishment, membership and functions of committees
6. Procedure of Commission and its committees
7. Secretariat
8. Allowances
9. Expenses of Commission
10. Regulations

CHAPTER 139

ZAMBIA NATIONAL COMMISSION FOR UNESCO

32 of 1966
16 of 1981

An Act to provide for the establishment and operation of the Zambia National Commission for UNESCO.

[26th August, 1966]

WHEREAS Zambia is a Member State of the United Nations Educational, Scientific and Cultural Organization;

Preamble

AND WHEREAS Article VII of the Constitution of the Organization provides that each Member State shall make such arrangements as suit its particular conditions for the purpose of associating its principal bodies interested in educational, scientific and cultural matters with the work of the Organization, preferably by the formation of a National Commission broadly representative of the Government and such bodies:

BE IT, THEREFORE, ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the Zambia National Commission for UNESCO Act.

Short title

2. In this Act, unless the context otherwise requires-

Interpretation

"Commission" means the Zambia National Commission for UNESCO established by this Act;

"UNESCO" means the United Nations Educational, Scientific and Cultural Organization.

3. There is hereby established a commission, to be styled the Zambia National Commission for UNESCO, the functions of which shall be-

Establishment
and functions of
Zambia
National
Commission for
UNESCO

(a) to advise the Government on matters relating to UNESCO;

(b) to execute and to give advice on, and assistance in, the execution of UNESCO projects in Zambia;

(c) to disseminate information concerning UNESCO and its activities; and

(d) to provide liaison between UNESCO and bodies and individuals in Zambia interested in educational, scientific or cultural matters.

4. (1) The Commission shall consist of-

**Membership of
Commission**

- (a) the Minister, who shall be the chairman of the Commission;
- (b) a Junior Minister of the Ministry responsible for education, nominated by the Minister, who shall be the vice-chairman of the Commission; and
- (c) not more than twenty other members appointed by the Minister.

(2) In appointing members of the Commission, the Minister shall ensure that the membership of the Commission includes-

- (a) persons representing departments of the Government; and
- (b) persons representing the University of Zambia, the National Council for Scientific Research and the other principal bodies in Zambia interested in educational, scientific or cultural matters.

(3) A member of the Commission appointed by the Minister shall, subject to the provisions of this section, hold office for a period of two years.

(4) The office of a member of the Commission appointed by the Minister shall become vacant-

- (a) if the holder of the office dies or resigns from his office by notice in writing addressed to the Minister; or
- (b) if the holder of the office is, without the leave of the Commission, absent from four consecutive meetings of the Commission; or
- (c) if the holder of the office is removed from office by the Minister.

(5) Whenever the office of a member of the Commission becomes vacant, the Minister may appoint a person to fill the vacancy and any

person so appointed shall, subject to the provisions of this section, hold office for the remainder of the period during which the member whose place he fills would, but for his office becoming vacant, have continued in office.

(As amended by No. 16 of 1981)

5. (1) The Commission shall establish a standing committee to be styled the Executive Committee and may establish such other standing and occasional committees as it considers necessary or desirable for the discharge of its functions.

Establishment
membership
and functions of
committees

(2) The Executive Committee shall consist of-

(a) the chairman of the Commission, who shall be the chairman of the committee; and

(b) the vice-chairman of the Commission, who shall be the vice-chairman of the committee; and

(c) five other members of the Commission appointed by the Commission.

(3) Any committee of the Commission, other than the Executive Committee, shall consist of such persons, whether members of the Commission or not, as the Commission may appoint thereto; and the Commission shall appoint one of the members of the committee to be the chairman thereof.

(4) The Commission shall determine the functions of any committee established by it and may delegate to any such committee, either absolutely or conditionally, the power to discharge any functions of the Commission on behalf of the Commission.

(As amended by No. 16 of 1981)

6. (1) Meetings of the Commission and of any committee of the Commission shall be held as and when necessary and shall be convened in accordance with the directions of the chairman of the Commission or, in the case of meetings of a committee, of the chairman of the committee:

Procedure of
Commission
and its
committees

Provided that the Commission shall meet not less often than once a year.

(2) At any meeting of the Commission, one-half of the members shall form a quorum and at any meeting of a committee of the Commission, two-thirds of the members shall form a quorum.

(3) There shall preside-

(a) at any meeting of the Commission-

(i) the chairman of the Commission; or

(ii) in the absence of the chairman of the Commission, the vice-chairman of the Commission; or

(iii) in the absence of the chairman and the vice-chairman of the Commission, such member of the Commission as the Commission may elect for that meeting;

(b) at any meeting of a committee of the Commission-

(i) the chairman of the committee; or

(ii) in the absence of the chairman of the committee, the vice-chairman of the committee, if any; or

(iii) in the absence of the chairman and the vice-chairman, if any, of the committee, such other member of the committee as the committee may elect for that meeting.

(4) Any question proposed for decision by the Commission or a committee of the Commission shall be determined by a majority of the votes of the members thereof present and voting at a meeting at which a quorum is present.

(5) At all meetings of the Commission or a committee of the Commission, each member present shall have one vote on a question proposed for decision by the Commission or committee, as the case may be, and, in the event of an equality of votes, the person presiding at the meeting shall have, in addition to a deliberative vote, a casting vote.

(6) The Commission or a committee of the Commission may invite any

person to attend a meeting of the Commission or committee, as the case may be, and to take part in the consideration and discussion of any question proposed for decision; but any person so invited shall not be entitled to vote.

(As amended by No. 16 of 1981)

7. (1) The Commission shall appoint a director of the Commission and such other staff of the Commission on such terms and conditions as the Minister may from time to time determine. Secretariat

(2) The director of the Commission shall be responsible under the general supervision of the chairman of the Commission, for the administration of the affairs of the Commission.

(As amended by No. 16 of 1981)

8. There shall be paid to the members of the Commission who are not Ministers, Junior Ministers or public officers, such allowances, if any, as the Minister may determine. Allowances

9. (1) The expenses of the Commission, including any allowances payable under section *eight*, shall be paid from moneys appropriated by Parliament for the purpose. Expenses of Commission

(2) Nothing in subsection (1) shall preclude the Commission from accepting financial assistance provided by UNESCO for the purpose of enabling the Commission to discharge any of its functions.

10. After consultation with the Commission, the Minister may, by statutory Instrument, make regulations for the better carrying out of the provisions of this Act. Regulations

(As amended by No. 16 of 1981)

CHAPTER 140

THE NATIONAL COUNCIL FOR SCIENTIFIC RESEARCH ACT

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Establishment of Council
4. Composition of Council
5. Tenure of office and vacancies
6. Meetings
7. Committees of Council
8. Disclosure of interest
9. Allowances
10. Secretary-General
11. Miscellaneous administrative provisions
12. Discoveries and inventions to be vested in Council
13. Functions of Council
14. Powers of Council
15. Funds of Council
16. Exemption of members of Council from liability for loss of funds
17. Audit of accounts
18. Annual report to National Assembly
19. Rules
20. Secrecy
21. Registration
22. Dissolution of Agricultural Research Council of Zambia

SCHEDULE-Powers of the National Council for Scientific Research

CHAPTER 140

NATIONAL COUNCIL FOR SCIENTIFIC RESEARCH

55 of 1967

3 of 1970
32 of 1973
13 of 1994

An Act to establish a National Council for Scientific Research; to provide for its membership and to specify its functions; and to provide for matters incidental thereto.

[11th August, 1967]

1. This Act may be cited as the National Council for Scientific Research Act.

Short title

2. In this Act, unless the context otherwise requires-

Interpretation

"chairman" means the chairman of the National Council for Scientific Research;

"Council" means the National Council for Scientific Research;

"Secretary-General" means the Secretary-General appointed pursuant to subsection (1) of section *ten*.

3. There is hereby established a Council to be known as the National Council for Scientific Research, which shall be a body corporate with perpetual succession and a common seal and which shall be capable of suing and being sued and, subject to the provisions of this Act, of doing all such acts as a body corporate may by law perform.

Establishment
of Council

4. (1) The President shall appoint-

Composition of
Council

(a) a Minister as the chairman of the Council; and

(b) a Minister or any other person as the vice-chairman of the Council.

(2) The members of the Council shall be-

(a) the Permanent Secretary to the Ministry responsible for national development and planning (*ex officio*);

(b) two representatives of the University of Zambia;

(c) two persons with experience in the field of commerce and industry;

(d) two persons with experience in the field of civil engineering and the construction industry;

(e) five persons with experience respectively in the fields of agriculture, education, health, natural resources and social sciences;

(f) not more than six other persons.

(3) All members of the Council shall be appointed by the President.

(As amended by No. 3 of 1970 and No. 32 of 1973)

5. (1) Members of the Council shall, subject to the provisions of this section, hold office for a period of three years.

Tenure of office
and vacancies

(2) Five of the members first appointed to the Council, not being *ex officio* members, shall, as decided by lot, retire after one year. Five other members first appointed to the Council, not being *ex officio* members, shall, as decided by lot, retire after two years.

(3) A retiring member of the Council shall be eligible for reappointment.

(4) The office of a member of the Council shall be vacated-

(a) upon his death;

(b) if he is absent from two consecutive meetings of the Council without reasonable cause;

(c) upon the expiry of one month's notice in writing of his intention to resign his office given by him to the chairman;

(d) if he becomes mentally or physically incapable of performing his duties as a member;

(e) if he is called upon by the President to resign.

(5) The validity of any proceedings, act or decision of the Council shall not be affected by any vacancy in the membership of the Council or by any defect in the appointment of any member or by reason that any person not entitled so to do took part in the proceedings.

(As amended by No. 3 of 1970)

6. (1) The Council shall hold its meetings at such places and times as the chairman may determine. Meetings

(2) The Council may, subject to the provisions of this Act, regulate its meetings as it thinks fit.

(3) In the absence of the chairman and the vice-chairman from any meeting of the Council the members present at that meeting may elect one of their number to preside at the meeting.

(4) The Council shall meet not less frequently than twice a year.

(5) The quorum of any meeting of the Council shall not be less than one-half of the number of all the members of the council.

(6) All decisions at any meeting of the Council shall be by resolution by majority vote of the members thereat, and in the event of an equality of votes the chairman shall have a casting vote in addition to his deliberative vote.

(As amended by No. 32 of 1973)

7. (1) For the better exercise of the functions and powers of the Committees of

Council, the Council may establish one or more committees and include Council as members of any committee persons who are not members of the Council.

(2) The Council may vest in and impose on any committee of the Council such of the Council's functions and powers as it thinks fit.

(3) The procedure of any committee of the Council, including the quorum, shall be fixed by the Council.

8. If a member of the Council or of any committee of the Council or his spouse is directly or indirectly financially interested in any matter being considered by the Council or any of the committees of the Council he shall immediately at that meeting disclose that interest and shall not be present at the meeting in his capacity as a member while such matter is being discussed and shall not take part in any discussion or vote on that matter or any question arising therefrom. Disclosure of interest

9. Members of the Council and of its committees shall not receive any remuneration in respect of their services but the Council may, out of its funds, pay allowances to cover expenses reasonably incurred by them in respect of attendance at meetings or while otherwise engaged on the business of the Council. Allowances

10. (1) The Council shall appoint on such terms and conditions as it thinks fit an officer to be known as the Secretary-General in whom, subject to the control of the Council, shall be vested the management of the business of the Council. The Council shall not appoint or terminate the services of the Secretary-General without the approval of the President. Secretary-General

(2) The Secretary-General shall be entitled to attend all meetings of the Council unless specifically required by the chairman not to attend during the Council's deliberations on any specific item or items.

(3) The Council shall appoint on such terms and conditions as it thinks fit a Deputy Secretary-General to assist the Secretary-General and to act in the place of the Secretary-General when the Secretary-General is unable for any reason to perform his functions.

11. (1) The seal of the Council shall be such as may be determined by the Council. Miscellaneous administrative provisions

(2) The fixing of the seal of the Council shall be authenticated by the signatures of one of such members of the Council as may be authorised in that behalf by the Council and of the Secretary-General or some other person authorised by the Council to act in his stead in that behalf.

(3) Any document purporting to be a document executed under the seal of the Council authenticated as aforesaid shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

(4) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Council by any person generally or specifically authorised by the Council to do so.

(5) No stamp duty, transfer duty or other duty shall be payable in respect of any transfer of property to the Council.

(No. 3 of 1970)

12. (1) All rights in all discoveries, inventions and in all improvements in respect of processes, apparatus and machines made by persons in the employment of the Council or persons holding bursaries awarded by the Government or any other body in consultation with the Government shall be vested in the Council. Discoveries and inventions to be vested in Council

(2) Discoveries, inventions and improvements mentioned in subsection (1) shall be made available by the Council for use in the public interest subject to such conditions and the payment of such fees or royalties as the Council may determine.

(3) The Council may apply for letters patent in respect of any discovery, invention or improvement referred to in subsection (1) and shall, for that purpose, be regarded as the assignee of the discoverer or inventor.

(No. 3 of 1970)

13. (1) It shall be the function of the Council to co-ordinate and promote scientific research in Zambia with a view to ensuring that the requirements of the country's development plans are properly supported by scientific research and that the maximum use is made of the results from such research in the carrying out of those development plans.

Functions of
Council

(2) Without prejudice to the generality of subsection (1), the functions of the Council shall be-

(a) to advise the Government on national scientific research policy and activities within Zambia;

(b) to co-ordinate scientific research and activities within Zambia;

(c) to determine priorities in the national research programme, particularly in relation to development plans;

(d) to promote and encourage such research as is required to meet Zambia's needs;

(e) to encourage branches of science which have unique Zambian conditions as their field of study;

(f) to assess and advise on the adequacy of scientific and technological research and development being carried out in Zambia;

(g) to maintain close liaison with those bodies responsible for the application of research results whether Government Ministries, public or private industries, companies or organisations;

(h) to maintain liaison with other scientific bodies within and outside Zambia and to advise on research co-operation;

(i) to advise the Government on the provision and use of finance for scientific research purposes, and to advise on the recruitment and use of research staff;

(j) to receive and consider reports from its committees in the various fields;

- (k) to recommend the establishment of any new research institutes which it may deem to be necessary;
- (l) to collect and disseminate scientific information including the publication of scientific reports, journals and other such documents and literature;
- (m) to advise upon and encourage the training of research personnel by provision of bursaries, fellowships and other material assistance;
- (n) to encourage voluntary scientific associations;
- (o) to advise on the best ways of arousing public interest in and appreciation of the value of scientific research;
- (p) to compile an inventory of scientific research resources;
- (q) to advise on the testing and standardisation of scientific research apparatus;
- (r) to present to Government not less than once a year a report on the activities of the Council.

14. (1) The powers of the Council shall be-

**Powers of
Council**

- (a) to regulate the custody and use of the common seal;
- (b) to acquire, hold, manage and dispose of property;
- (c) to delegate such of its powers as it thinks fit to the Secretary-General;
- (d) to authorise any person or persons to enter into or execute any agreement or contract on behalf of the Council to enable it to carry out its functions;
- (e) to establish or take over by mutual agreement such research organisations or institutes under its own control as it may find

expedient;

(f) to provide support for research projects by way of grants or loans, by the provision of accommodation or equipment, by arranging the common use of equipment or in such other way as it deems advisable;

(g) to call for reports on research work being carried out by any organisation anywhere in Zambia;

(h) to do all such things as appear to it to be necessary, desirable or expedient to carry out its functions.

(2) Without prejudice to the generality of subsection (1), the powers of the Council shall be those set out in the Schedule.

(As amended by No. 3 of 1970)

15. (1) The funds of the Council shall consist of-

Funds of
Council

(a) such sums as may be payable to the Council from moneys appropriated therefor by Parliament; and

(b) such other moneys or assets as may accrue to the Council whether in the course of its business or otherwise.

(2) The Council shall have power to raise, upon such terms and conditions as it may determine, funds by levying fees or such other financial arrangements as it may deem expedient for services rendered by the Council, by accepting grants or donations, and by raising loans.

(3) The Council shall have power to apply its funds to meet its expenses in carrying out its functions and exercising the powers conferred on it by this Act.

16. Members of the Council or of its committees shall not be held personally liable for any loss of the Council's funds.

Exemption of
members of
Council from
liability for loss

of funds

17. (1) The Council shall appoint auditors to examine the accounts of the Council annually.

Audit of accounts

(2) The expenses of and incidental to any audit shall be borne and paid by the Council out of its funds.

18. On or before the 30th June in every year the Council shall furnish to the President for presentation to the National Assembly a report upon its work during the immediately preceding financial year together with an audited balance sheet and statement of accounts.

Annual report to National Assembly

(As amended by No. 32 of 1973)

19. With the approval of the President, the Council may, by rule, prescribe for the better carrying out of this Act, and without prejudice to the generality of the foregoing such rules may provide for the form and manner of reports, returns, applications for grants or loans and all other matters which in the opinion of the Council are essential for the performance of its functions or the exercise of its powers.

Rules

20. (1) Subject to the provisions of subsection (2), any person in the employment of the Council who-

Secrecy

(a) communicates or reveals any information, thing or matter connected with or related to any discovery, invention or improvement having been or being carried out by an officer of the Council or by persons holding bursaries awarded by the Government or any other body in consultation with the Government to a person to whom he is not authorised on behalf of the Council to communicate or reveal it; or

(b) communicates or reveals any information, thing or matter which the Council has received from any person to any other person to whom he is not authorised on behalf of the Council to communicate or reveal it; or

(c) communicates or reveals any information, advice or opinion given by the Council to any person to whom he is not authorised on behalf of the Council to communicate or reveal it; or

(d) obtains, reproduces, has in his possession or retains any information, matter, thing, advice or opinion referred to in paragraphs (a), (b) and (c) which he is not authorised on behalf of the Council to obtain, reproduce, have in his possession or retain, as the case may be; shall be guilty of an offence and shall be liable on conviction to a fine not exceeding twenty-five thousand penalty units or to imprisonment for a period not exceeding three years, or to both.

(2) The provisions of subsection (1) shall not apply to anything done-

(a) by a person in the employment of the Council in the course of his lawful duty; or

(b) with the permission of the Secretary-General or of any other officer of the Council authorised in that behalf by the Council.

(No. 3 of 1970 and Act No. 13 of 1994)

21. (1) Any organisation one of whose functions is to carry out scientific or technological research shall register itself as such with the Council in such manner as the Council may prescribe.

Registration

(2) Any person responsible for the administration of an organisation one of whose functions is to carry out scientific or technological research and fails to register it as required under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding twenty-five thousand penalty units.

(No. 3 of 1970 and Act No. 13 of 1994)

22. (1) Upon the *commencement of Act No. 3 of 1970, the Agricultural Research Council of Zambia shall be dissolved and shall cease to exist for all purposes except for the purposes of performing any act or executing any document necessary to implement the provisions of this section, and for such purposes the ***President may, by statutory order, nominate any person to perform any such act or to execute any such document on behalf of and in the name of the Agricultural Research Council of Zambia, and such act or document so performed or so executed shall be deemed to be the act or document of the said

Dissolution of
Agricultural
Research
Council of
Zambia

Agricultural Research Council of Zambia.

*1st January, 1970

***See the Nomination Order, 1970 (S.I. No. 145 of 1970)

(2) Upon the *commencement of Act No. 3 of 1970, all property real or personal, and rights to or over property and all liabilities arising out of the ownership, possession or occupation of property of any kind and all liabilities in tort and all statutory liabilities which were subsisting immediately prior to such commencement and which were vested in, held, enjoyed, incurred or suffered by the Agricultural Research Council of Zambia shall, by virtue of this section, be transferred to and vested in the National Council for Scientific Research in the same tenure as the said property and rights were vested in or inured to the benefit of, and to the same extent as the said liabilities were incurred by, or suffered by, the Agricultural Research Council of Zambia.

*1st January, 1970

(3) Upon the *commencement of Act No. 3 of 1970, the benefit of all deeds, contracts, bonds, securities, instruments, working arrangements or things in action which were subsisting immediately prior to such commencement and were vested in the Agricultural Research Council of Zambia shall, by virtue of this section, be transferred to and vested in and shall inure to the benefit of the National Council for Scientific Research in the same manner as if the National Council for Scientific Research had been contracted with instead of the Agricultural Research Council of Zambia and as if the National Council for Scientific Research had been party to all such deeds, contracts, bonds, securities, instruments or working arrangements instead of the Agricultural Research Council of Zambia and in the same manner as if the National Council for Scientific Research had at all times been entitled to the benefit of all such things in action instead of the Agricultural Research Council of Zambia.

*1st January, 1970

***See the Nomination Order, 1970 (S.I. No. 145 of 1970).

(4) Upon the *commencement of Act No. 3 of 1970, all subsisting and future liabilities or obligations arising out of any deed, contract, bond, security, instrument, working arrangement, tort or thing in action, imposed upon, suffered or incurred by the Agricultural Research

Council of Zambia shall, by virtue of this section, be transferred to, imposed upon, suffered or incurred by the National Council for Scientific Research in the same manner as if the National Council for Scientific Research had been party to each such deed, contract, bond, security, instrument or working arrangement instead of the Agricultural Research Council of Zambia and in the same manner as if the National Council for Scientific Research at all times had been the party bound or obliged by or under each such thing in action instead of the Agricultural Research Council of Zambia or liable by reason of each such tort instead of the Agricultural Research Council of Zambia.

* 1st January, 1970

(5) In the case of property transferred to and vested in the National Council for Scientific Research under the provisions of this section, in respect of the transfer of which any written law provides for registration, it shall be the duty of the National Council for Scientific Research, within one year from the *commencement of Act No. 3 of 1970, to make written application to the proper officer of the appropriate registration authority for the registration of each such transfer and it shall be the duty of each such officer to make such entries in the appropriate register as shall give effect to such transfer and where appropriate to issue to the National Council for Scientific Research a Certificate of Title in respect of the said property or to make necessary amendments to the register, as the case may be, and, if presented therefor, to make endorsement on the deed relating to the title, right or obligation concerned; and no registration or other fees, stamp or other duties shall be payable in respect thereof.

* 1st January, 1970

(6) Where, upon the *commencement of Act No. 3 of 1970, any legal proceeding is pending to which the Agricultural Research Council of Zambia is a party, the National Council for Scientific Research shall be substituted in such proceeding for the Agricultural Research Council of Zambia and such proceeding shall not abate by reason of such substitution.

* 1st January, 1970

(7) Where any person who was, whether on secondment or otherwise, in the service of the Agricultural Research Council of Zambia immediately before its dissolution, transfers from that service to the service of the National Council for Scientific Research, his terms and conditions of

service with the National Council for Scientific Research shall be no less favourable than those he enjoyed while in the service of the Agricultural Research Council of Zambia, and his service under the Agricultural Research Council of Zambia shall be treated as service under the National Council for Scientific Research for the purposes of determining rights to or eligibility for pensions, gratuity or leave in respect of his service.
(No. 3 of 1970)

*1st January, 1970.

SCHEDULE

(Section 14 (2))

POWERS OF THE NATIONAL COUNCIL FOR SCIENTIFIC RESEARCH

1. To appoint, and employ, such professional, technical and administrative officers, clerks and other servants as it may deem requisite and to suspend or dismiss them.
2. To pay any person in its employ such salary, wages or other remuneration as it may deem fit and to grant him such leave as it may deem fit.
3. To provide for persons in its employ or their dependants, by means of insurance with an insurance company or a pension fund or in any other manner whatsoever, pecuniary benefits upon retirement, death or termination of service or in the event of sickness or injury.
4. To purchase, take on lease or in exchange or otherwise acquire dwelling-houses for occupation by persons in its employ.
5. To purchase land and construct thereon dwelling-houses for occupation by persons in its employ.
6. To sell or lease dwelling-houses and land for residential purposes to persons in its employ.
7. To pay advance salary, to make loans or to guarantee loans to persons in its employ.
8. To raise money by way of loan or bank overdraft.
9. To purchase, take on lease or in exchange, hire or otherwise acquire

or to sell or otherwise dispose of any movable or immovable property, and any rights, including patent rights or privileges which it considers necessary or expedient to acquire or dispose of in the performance of its functions.

10. To construct, maintain, alter and improve any buildings, works, machinery and plant necessary or expedient for the purpose of performing its functions.

11. To work or otherwise beneficially use, to exchange, let, sell or mortgage any of the property rights or privileges acquired or constructed under paragraph 4, 5, 9 or 10.

12. To invest or deal with any of its moneys not immediately required in such securities and in such manner as it may think fit, and to vary or realise such investments.

13. To invite and receive donations from any person towards its expenses.

14. To pay to a discoverer or inventor working as an officer of the Council or as a person holding a research bursary awarded by the Government or any other body in consultation with the Government, such financial reward or bonus relative to the discovery or invention as it may determine.

15. To publish from time to time such scientific and technical information as it may deem necessary.

16. To do all things incidental or conducive to the performance of its functions as specified in this Act and as are in accordance with its approved programme of research.

(No. 3 of 1970)

CHAPTER 141

THE BOY SCOUTS AND GIRL GUIDES ASSOCIATIONS ACT

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Restriction on use of uniforms, etc., of Boy Scouts and Girl Guides Associations
4. Prohibition of the formation, etc., of bodies claiming without

- authority to be connected with either of the Associations
5. Penalty in case of Boy Scouts pretending to be public officers
 6. Penalties

CHAPTER 141

BOY SCOUTS AND GIRL GUIDES ASSOCIATIONS

3 of 1931
30 of 1949
13 of 1994

An Act to control the activities and protect the interests of Boy Scouts and Girl Guides Associations; and to provide for matters incidental thereto.

[27th March, 1931]

1. This Act may be cited as the Boy Scouts and Girl Guides Associations Act.

Short title

2. In this Act, unless the context otherwise requires-

Interpretation

"the Boy Scouts Association" means the Boy Scouts Association incorporated under the Royal Charter granted on the 4th January, 1912;

"Boy Scout" means a Boy Scout recognised as such under the constitution, by-laws and rules of the Boy Scouts Association, and includes also all officers of the said Association;

"the Girl Guides Association" means the Girl Guides Association incorporated under the Royal Charter granted on the 14th December, 1922;

"Girl Guide" means a Girl Guide recognised as such under the constitution, by-laws and rules of the Girl Guides Association and includes also all officers of the said Association;

"person employed in the public service" has the meaning assigned to that term by the Penal Code.

Cap. 87

(As amended by No. 30 of 1949)

<p>3. (1) It shall not be lawful for any person, not being under the by-laws or rules of either the Boy Scouts Association or the Girl Guides Association duly authorised and entitled so to do, publicly to wear, carry or bear any uniform, badge, token or emblem which under such by-laws or rules is specifically adopted for use under the authority of such Association, in such style or manner as to convey an impression that such person is under the said by-laws or rules entitled so to wear, carry or bear such uniform, badge, token or emblem.</p>	<p>Restriction on use of uniforms, etc., of Boy Scouts and Girl Guides Associations</p>
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(2) It shall not be lawful for any person, without the permission in writing of either the Boy Scouts Association or the Girl Guides Association, as the case may be, to sell or to offer for sale any badge, token or emblem as aforesaid, or any badge, token or emblem so closely resembling the same as to lead to the belief that it is such badge, token or emblem.

(No. 30 of 1949)

<p>4. It shall not be lawful for any person to form, organise or work in connection with, or to be concerned in forming, organising, or working in connection with-</p> <p>(a) any corps or body which, without due authority granted under the Royal Charter of the Boy Scouts Association, claim or purport to be Boy Scouts or otherwise to be connected with the said Association, or which hold themselves out as, or pass themselves off as, Boy Scouts or as otherwise connected with the said Association; or</p> <p>(b) any corps or body which, without due authority granted under the Royal Charter of the Girl Guides Association, claim or purport to be Girl Guides or otherwise to be connected with the said Association, or which hold themselves out as, or pass themselves off as, Girl Guides or as otherwise connected with the said Association.</p>	<p>Prohibition of the formation, etc., of bodies claiming without authority to be connected with either of the Associations</p>
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(As amended by No. 30 of 1949)

<p>5. (1) It shall not be lawful for any Boy Scout, not being otherwise thereunto lawfully entitled and authorised, to pretend to be, or to pass himself off as, or to arrogate to himself the authority, position or powers of, or to claim to be or to act as a person employed in the public service.</p>	<p>Penalty in case of Boy Scouts pretending to be public officers</p>
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(2) No Boy Scout or Girl Guide shall seek or attempt by virtue of his or her wearing any uniform, badge, token or emblem of the Boy Scouts Association or Girl Guides Association respectively, or uniform, badge, token or emblem purporting or appearing to be such, to enforce or exercise authority or act otherwise than in accordance with and as authorised by the by-laws or rules of the said Associations respectively.

(As amended by No. 30 of 1949)

6. Any person contravening any of the provisions of this Act shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding three hundred penalty units or to imprisonment with or without hard labour for one month, or to both. Penalties

(As amended by No. 13 of 1994)

CHAPTER 142

THE SPORTS COUNCIL OF ZAMBIA ACT

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title
2. Interpretation

PART II

SPORTS COUNCIL OF ZAMBIA

3. Establishment of Council
4. Seal of Council
5. Composition of Council
6. Tenure of office
7. Removal of members
8. Filling of casual vacancy
9. Functions of Council

10. Powers of Council
11. Associate bodies
12. Proceedings of Council
13. Committees of Council
14. Disclosure of interest
15. Immunity of members and staff

PART III

ADMINISTRATION

16. Executive Board
17. Director and Deputy Director
18. Secretary and other staff
19. Provincial Sports Advisory Committees
20. District Sports Committees
21. Conditions applicable to members of Committees
22. Prohibition of publication of information to unauthorised persons

PART IV

REGISTRATION OF NATIONAL SPORTS ASSOCIATIONS

Section

23. Registration of national sports associations
24. Application for registration
25. Grounds for refusing to register national sports associations
26. Cancellation of registration
27. Notification of grounds
28. Appeal

PART V

FINANCE

29. Funds of Council

30. Sports Development Fund
31. Financial year
32. Accounts
33. Power to call for accounts
34. Annual report

PART VI

MISCELLANEOUS

35. Independence of associations
36. General appeals to Minister
37. Dissolution of national sports associations
38. Vesting of property in Council
39. Staff of Department of Sports
40. Regulations

CHAPTER 142

SPORTS COUNCIL OF ZAMBIA

An Act to establish the Sports Council of Zambia; to define the functions and powers of the Council; to provide for the registration and affiliation to the Council of all national sports associations; to repeal the National Sports Council of Zambia Act; and to provide for matters connected with or incidental to the foregoing.

*Act No.
29 of 1988
Act No. 13 of
1994*

[30th December, 1988]

PART I

PRELIMINARY

1. This Act may be cited as the Sports Council of Zambia Act. Short title
2. In this Act, unless the context otherwise requires- Interpretation

"associate body" means an associate body of the Council, referred to in section *eleven*;

"association" includes a national sports association, a branch of club of such an association, or a body affiliated to that association;

"Board" means the Executive Board of the Council constituted under section *sixteen*;

"Chairman" means the person appointed Chairman of the Council under section *five*;

"Council" means the Sports Council of Zambia established by section *three*;

"Director" means the person appointed Director of the Council under section *seventeen*;

"member" means a member of the Council;

"national sports association" means an association registered under section *twenty-three*;

"Secretary" means the Secretary of the Council, appointed under section *eighteen*;

"Vice-Chairman" means the person elected Vice-Chairman of the Council, under section *five*.

PART II

SPORTS COUNCIL OF ZAMBIA

3. There is hereby established the Sports Council of Zambia which shall be a body corporate with perpetual succession and a common seal and which shall be capable of suing and being sued in its corporate name, and, subject to the provisions of this Act, of doing or performing any act or thing that a body corporate may by law do or perform. Establishment of Council

4. (1) The seal of the Council shall be such device as may be determined by the Council and shall be kept by the Secretary.

Seal of Council

(2) The Council may use a wafer or rubber stamp instead of the seal.

(3) The affixing of the seal shall be authenticated by the Chairman or the Vice-Chairman and the Secretary or one other person authorised in that behalf by the Council.

(4) Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under seal may be entered into or executed without seal on behalf of the Council by the Secretary or any other person authorised in that behalf by the Council.

(5) Any document purporting to be a document under the seal of the Council or issued on behalf of the Council shall be received in evidence and shall be deemed to be a document so executed or issued, as the case may be, without further proof, unless the contrary is proved.

5. The Council shall consist of-

Composition of Council

(a) a Chairman appointed by the Minister;

(b) Vice-Chairman elected by the Council from amongst its members;

(c) one member appointed by each national sports association;

(d) one member each appointed by-

(i) each of the Ministries responsible for sports, defence, education, health, local government, and the police;

(ii) each associate body; and

(e) not more than five other members, all of whom shall be appointed by the Minister.

6. (1) A member, other than an *ex-officio* member, shall hold office for a period of three years from the date of his appointment and may be re-appointed upon the expiration of that term. Tenure of office

(2) A member, other than an *ex-officio* member, may resign upon giving one month's notice in writing to the relevant appointing authority under section *five* and may, at any time, be removed by the appointing authority.

7. Notwithstanding section *six*, the Council may at any time, remove any member, other than an *ex-officio* member, from office if- Removal of members

(a) the member has absented himself from three consecutive meetings of the Council without reasonable cause; or

(b) the Council is satisfied that his continuance as a member will be prejudicial to the interests of sports.

8. Whenever the office of a member becomes vacant before the expiry of the term provided in section *six* or he is removed under section *seven*, the relevant appointing authority under section *five* shall appoint another person to be a member and that person shall hold office for the remainder of the period during which the member whose place he fills would, but for his office becoming vacant, have continued in office. Filling of casual vacancies

9. (1) The functions of the Council shall be to- Functions of Council

(a) disseminate the policies of the Government in the matter of sports and to that end keep itself fully informed of those policies;

(b) register sports groups as national sports associations

(c) ensure that sports groups at all levels conform to the rules and norms governing the particular sport;

(d) develop, promote, control and encourage all forms of amateur

and professional sports on a national basis in conjunction with national sports associations;

(e) encourage and assist in the formation of sports associations in Zambia, and to encourage the affiliation of those associations to appropriate international organisations;

(f) assist financially or otherwise, any team or individual in representing Zambia in any competition in or outside Zambia;

(g) assist financially or otherwise, any citizen of Zambia who is a member of a national sports association in obtaining training in or outside Zambia which would qualify him as an instructor, coach or organiser of any form of sport;

(h) raise and maintain a fund from any source and by such means as the Minister may approve to enable the Council to carry out its functions;

(i) develop and maintain national and provincial sports complexes and other sports facilities;

(j) stimulate, through the appropriate authorities, the provision, development and maintenance of equipment and facilities for all kinds of sports and ensure their equitable distribution and proper use;

(k) ensure that sports groups at all levels maintain proper accounts and, where necessary, supervise and direct the maintenance of such accounts;

(l) control the award of national colours;

(m) exercise disciplinary powers in cases of breach of the provisions of this Act or regulations made under it;

(n) establish the status of national and representative teams;

(o) do such other acts and things as may be conducive to the development, control, regulation and promotion of sports, the elimination of undesirable parties in sport and the enforcement of the provisions of this Act or any regulations made under it.

(2) The Council may, by directions in writing and subject to such terms and conditions as it thinks fit, delegate to any member, the Director or Secretary any of its functions under this Act.

(3) The Minister may give to the Council such general or specific directions with respect to the discharge of its functions as he may consider necessary and the Council shall give effect to such directions.

10. (1) For the purpose of performing its functions, the Council shall have the power- Powers of Council

(a) to employ, control and direct such number of staff as it considers necessary;

(b) to investigate the accounts and other affairs of an association;

(c) with the approval of the Minister, by statutory instrument, to make rules concerning-

(i) the activities of any association;

(ii) the conduct of the members and office-bearers of any association;

(iii) the maintenance of proper accounts and records of any association;

(iv) the annual subscription fees to be paid to the Council by a national sports association;

(v) the raising of funds and the utilisation of those funds by any association;

(vi) the standards to be attained and the methods and procedures to be followed by a national sports association or person desirous of entering a sports competition or undergoing training, within or outside Zambia;

(vii) the procedures to be followed by a national sports association or person desirous of inviting any team, group or person from outside Zambia for competition or training in Zambia.

(2) Where the Council has reason to believe that an association is acting in a manner prejudicial to the interest of sports or to the public interests

generally, the Council may order the suspension of the activities of that association.

(3) Where the Council has reason to believe that any office-bearer or member of an association is or has been acting in a manner, or his further continuance as an office-bearer or member would be, prejudicial to the interests of sports or the public interest generally, the Council may order the suspension of that office-bearer or member.

(4) Where the Council has reason to believe that there has been any irregularity in the handling of the affairs of the association by any office-bearer or member of an association the Council may order the suspension of that office-bearer or member.

(5) Where any order is made under subsection (2), (3) or (4) the Council shall appoint a committee to inquire into the activities of the association or into the conduct of the office bearer or member, as the case may be, and submit a report to the Council within such time as the Council may appoint.

(6) On receipt of a report under subsection (5), the Council may, with the approval of the Minister, make such order as the Council thinks fit, and may, in particular, remove any office-bearer or member involved in the misconduct and order that the office-bearer or member shall not hold office in any sports association for a period of not more than six years from the date of his removal.

11. The following shall be associate bodies of the Council:

Associate
bodies

(a) the Zambia Olympic, Commonwealth and Africa Games Association;

(b) all institutional sports associations; and

(c) all provincial sports advisory committees.

12. (1) Subject to the other provisions of this Act, the Council may regulate its own procedure.

Proceedings of
Council

(2) The Council shall meet for the transaction of business at least twice every twelve months at such places and at such times as the Chairman may decide.

(3) Upon giving notice of not less than fourteen days, a meeting of the Council may be called by the Chairman and shall be called if not less than five members so request in writing:

Provided that if the urgency of any particular matter does not permit the giving of such notice, a special meeting may be called upon giving a shorter notice.

(4) Half the members shall form a quorum at any meeting of the Council.

(5) There shall preside at any meeting of the Council the Chairman or in his absence, the Vice-Chairman or in their absence, such member as the members present may elect for the purpose of that meeting.

(6) A decision of the Council on any question shall be by a majority of the members present and voting at the meeting and, in the event of an equality of votes the person presiding at the meeting shall have a casting vote in addition to his deliberative vote.

(7) Where any member referred to in paragraphs (b), (c), (d) and (e) of subsection (1) of section *five* 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 that meeting in his stead and that person shall be deemed to be a member for the purpose of that meeting.

(8) The Council may invite any person, whose presence is in its opinion desirable, to attend and to participate in the deliberations of a meeting of the Council but such person shall have no vote.

(9) The validity of any proceedings, act or decision of the Council shall not be affected by any vacancy in the membership of the Council or by any defect in the appointment of any member.

(10) The Council shall cause minutes to be kept of the proceedings of every meeting of the Council and of every meeting of any committee established by the Council.

13. (1) The Council may, for the purpose of performing its functions under this Act establish committees and delegate to any such committee such of its functions as it thinks fit. Committees of Council

(2) The Council may appoint as members of a committee established under subsection (1), persons who are or are not members of the Council and those persons shall hold office for such period as the Council may determine.

(3) Subject to any specific or general direction of the Council any committee established under subsection (1) may regulate its own procedure.

14. (1) If any person is present at a meeting of the Council or the Board at which any matter in which such person or his spouse is directly or indirectly interested in a private capacity is the subject of consideration he shall, as soon as practicable after the commencement of the meeting, disclose such interest and shall not, unless the Council otherwise directs, take part in any consideration or discussion of, or vote on, any question touching such matter. Disclosure of interest

(2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which it is made.

15. No action or other proceedings shall lie or be instituted against any member, member of a committee of the Council or of the Board or member of the staff of the Council for or in respect of any act or thing done or omitted to be done in good faith in the exercise or purported exercise of his duties under this Act. Immunity of members and staff

PART III

ADMINISTRATION

16. (1) There shall be an Executive Board of the Council which shall consist of- Executive Board

- (a) the Chairman of the Council, who shall be the chairman of the Board;
- (b) the Vice-Chairman of the Council, who shall be the vice-chairman of the Board;
- (c) three members appointed by the Minister, one of whom shall be from the Ministry responsible for sports;
- (d) seven members elected by the Council;
- (e) one member, nominated by the Ministry responsible for health, from amongst registered medical practitioners;

Provided that all appointments and nominations under this subsection shall be made from amongst the members of the Council.

(2) The Board shall be responsible for-

- (a) the implementation and execution of the policies and decisions of the Council; and
- (b) the administration and management of the affairs of the Council in accordance with the provisions of this Act.

(3) At any meeting of the Board seven members shall constitute a quorum.

(4) The members of the Board shall not receive any remuneration in respect of their services on the Board, but may be paid such travelling allowance and subsistence allowance in connection with meetings of the Board as the Minister may from time to time, prescribe.

17. (1) The Minister shall appoint, on such terms and condition as he may determine, a Director who shall be the chief executive officer of the Council and who shall be responsible for the administration of the affairs of the Council. Director and Deputy Director

(2) The Minister may, on such terms and conditions as he may determine, appoint a Deputy Director to assist the Director.

(3) The Director may, by directions in writing and subject to such terms and conditions as he thinks fit, delegate to the Deputy Director any of his functions under this Act.

(4) The Director, or in his absence the Deputy Director, shall attend meetings of the Council and the Board and may address such meetings, but shall not vote on any matter:

Provided that the person presiding at any meeting of the Council or the Board may, for good cause, require the Director or Deputy Director, as the case may be, to withdraw from the meeting.

18. (1) There shall be a Secretary of the Council who shall be appointed by the Council, with the approval of the Minister on such terms and conditions as the Council may determine. Secretary and other staff

(2) The Secretary shall be, subject to the provisions of this Act and the general directions of the Board, responsible for the administration of the day-to-day affairs of the Council under the general supervision of the Director.

(3) The Board may, with the approval of the Council, appoint, on such terms and conditions as it may determine, such other staff and agents as it considers necessary for the performance of the functions of the Council.

19. (1) The Minister may, after consultation with the Minister in charge of a province, appoint a Provincial Sports Advisory Committee to advise and assist the Council in matters concerning the promotion Provincial Sports Advisory Committees

development and organisation of sports within the Province.

(2) Each committee appointed under subsection (1) shall consist of a chairman and a representative from each district.

20. (1) The Minister may, after consultation with the District Secretary and the Provincial Sports Advisory Committee, appoint a District Sports Committee to advise the Provincial Sports Advisory Committee on matters concerning the promotion, development and organisation of sports within the District.

District Sports
Committees

(2) Each committee appointed under subsection (1) shall consist of a chairman and not more than seven other members.

21. The Council shall determine, with the prior approval of the Minister-

Conditions
applicable to
members of
Committees

(a) the tenure of office of the members of a committee of the Council, a Provincial Sports Advisory Committee or a District Sports Committee;

(b) the allowances payable and other terms and conditions applicable to committee members;

(c) the frequency of meetings of Provincial Sports Advisory Committees and District Sports Advisory Committees, their procedure and all other matters affecting or incidental to the functioning of those committees.

22. (1) No person shall, without the consent in writing given by or on behalf of the Council, publish or disclose to any person, otherwise than in the course of his duties, the contents of any document, communication or information whatsoever, which relates to, and which has come to his knowledge in the course of his duties under this Act.

Prohibition of
publication or
disclosure of
information to
unauthorised
persons

(2) Any person who knowingly contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding two thousand five hundred penalty units or to imprisonment for a term not exceeding three years, or to both.

(3) If any person having information which to his knowledge has been published in contravention of subsection (1) unlawfully publishes or communicates any such information to any other person, he shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding two thousand five hundred penalty units or to imprisonment for a term not exceeding three years, or to both.

(As amended by Act No. 13 of 1994)

PART VI

REGISTRATION OF NATIONAL SPORTS ASSOCIATIONS

23. The Director shall keep and maintain in the prescribed form a register in which he shall register every national sports association in Zambia, and no association or organisation shall be considered to be a national sports association unless it is so registered.

Registration of national sports associations

24. (1) An application for registration as a national sports association shall be submitted to the Director in the prescribed form.

Application for registration

(2) On receipt of an application under subsection (1), the Director may carry out any investigation or require any further information to be submitted to him as he considers necessary.

(3) Every application for registration as a national sports association shall be accompanied by-

- (a) a registration fee to be prescribed by the Minister;
- (b) a copy of the constitution of the national sports association which shall contain among other particulars;
 - (i) the objectives and functions of the national sports association;
 - (ii) the names and addresses of its office-bearers;
 - (iii) the funds available to it and its sources of revenue; and
 - (iv) its principal and other places of operation.

(4) On being registered, a national sports association shall be issued with a certificate of registration.

25. The Director shall refuse to register any association as a national sports association if he is satisfied-

- (a) that the association does not exist;
- (b) that the registration of the association would be against the public interest;
- (c) that the name under which the association wishes to be registered is identical or similar to the name of any existing national sports association of any society or body registered, or exempted from registration, under the Societies Act;
- (d) the constitution or rules of the association are, in his opinion repugnant to or inconsistent with the provisions of any law for the time being in force in Zambia;

Grounds for
refusing to
register national
sports
association
Cap 119

26. The Council may, at any time, cancel the registration of any national sports association if he is satisfied that it is expedient to do so on the ground that-

Cancellation of
registration

- (a) the constitution or rules of the association are, in its opinion repugnant to or inconsistent with the provisions of any law for the time being in force in Zambia;
- (b) the association is operating in a manner prejudicial to the public interest;
- (c) he has reason to believe that the association has ceased to exist as a national sports association; or
- (d) the association has changed its name and the new name it has adopted-
 - (i) is identical to that of any other existing national sports association;
 - (ii) so nearly resembles the name of such other national sports association as, in the opinion of the Director, is likely to deceive the public or the members of either association; or
 - (iii) is, in the opinion of the Director, repugnant to or inconsistent with the provisions of any law in force in Zambia, or is otherwise

undesirable.

27. Where an application for registration as a national sports association is refused or its registration cancelled, the Director shall make and furnish to the body or association concerned a notice giving the reasons for such refusal or cancellation as the case may be.

Notification of grounds

28. (1) An appeal against a decision to refuse the registration of any national sports association may be made to the Minister within thirty days of the receipt of the notice.

Appeal

(2) Where any appeal is made under subsection (1), the Minister may, to enable him determine the appeal, give such directions to the Director as he considers necessary.

(3) On any appeal made under subsection (1), the Minister may confirm, set aside or vary the decision of the Director, and the decision of the Minister shall be final.

PART V

FINANCE

29. (1) The funds of the Council shall consist of such moneys as may-

Funds of Council

- (a) be appropriated by Parliament for the purpose of the Council;
- (b) be paid to the Council by way of grants or donations; and
- (c) vest in or accrue to the Council.

(2) The Council may-

- (a) accept moneys by way of grants or donations from any source in Zambia and, subject to the approval of the Minister, from any source outside Zambia;

(b) subject to the approval of the Minister, raise by way of loans or otherwise, such moneys as it may require for the discharge of its functions; and

(c) charge and collect fees in respect of programmes, seminars and other services provided by the Council.

(3) There shall be paid from the funds of the Council-

(a) grants that have been made to any particular association;

(b) such reasonable travelling, transport, subsistence and other allowances for members, members of the Board, the staff or members of any committee of the Council when engaged on the business of the Council, at such rates as the Minister may determine; and

(c) any other expenses incurred by the Council in the performance of its functions.

(4) The Council may invest in such manner as it thinks fit such of its funds as it does not immediately require for the performance of its functions.

30. The Council shall establish and administer a fund to be known as the Sports Development Fund from which it may make grant to any association or to any individual sportsman.	Sports Development Fund
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31. The financial year of the Council shall be the period of twelve months ending on 31st December, in each year.	Financial year
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32. The Council shall cause to be kept proper books of accounts and other records relating to its accounts.	Accounts
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33. (1) The Council may at any time, by notice under the hand of the Secretary, require any national sports association to submit to the Council, within such time as may be specified in that notice the audited accounts of the association.	Power to call for accounts
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(2) Notice given under subsection (1) shall be of not less than thirty days from the date on which the notice is served on any office-bearer or person concerned with the management of the association.

(3) Where any notice under subsection (1) is not complied with, or any irregularity is discovered in the accounts submitted to the Council, the Council may take such action as it considers necessary against the association or against any office-bearer responsible for such non-compliance or irregularities as the case may be.

34. (1) As soon as practicable, but not later than six months after the expiry of each financial year, the Council shall submit to the Minister a report concerning its activities during that financial year. Annual report

(2) The report referred to in subsection (1) shall include information on the financial affairs of the Council and there shall be appended thereto-

- (a) an audited balance sheet;
- (b) an audited statement of income and expenditure; and
- (c) such other information as the Minister may require.

(3) The Minister shall, not later than seven days after the first sitting of the National Assembly next after the receipt of the report referred to in subsection (1), lay it before the National Assembly.

PART VI

MISCELLANEOUS

35. Except as otherwise provided in this Act, the Council shall not interfere with the day-to-day administration or internal affairs of an association. Independence
of associations

36. Any association or any person aggrieved by a decision of the Council, may not later than thirty days from the receipt of such decision, appeal against that decision to the Minister, and thereupon the Minister may either confirm, set aside or vary the Council's decision, or make such other order as he thinks fit, and the decision of the Minister shall be final.

General appeals
to Minister

37. (1) A national sports association shall not dissolve itself except with the written approval of the Council.

Dissolution of
national sports
association

(2) An application for approval to dissolve a national sports association shall state the reasons for the proposed dissolution and the application shall be submitted to the Council together with the agenda and minutes of the meeting at which the decision to dissolve the national sports association was taken.

(3) Where any national sports association is dissolved, the assets and liabilities of the association shall be disposed of in accordance with directions given by the Minister:

Provided that the assets, if any, left over, after meeting all the liabilities of the national sports association, shall not be utilised for any purpose other than for the purposes of such other national sports association, as the Council may specify.

38. (1) Upon the commencement of this Act, all movable and immovable property vested in the National Sports Council of Zambia shall be vested in the Council without conveyance, transfer or assignment.

Vesting of
property in
Council

(2) Subject to the provisions of this Act, all rights, privileges, obligations and liabilities which immediately before the commencement of this Act were held, enjoyed or incurred by the National Sports Council of Zambia shall be deemed to be the rights, privileges, obligations and liabilities of the Council.

(3) Where anything has been commenced by the National Sports Council of Zambia prior to the commencement of this Act, any such

thing may be carried on and completed by the Council.

39. (1) Where, before the commencement of this Act, any person was employed by the Government of the Republic of Zambia in the Department of Sports in the Ministry responsible for sports, such person shall, from the commencement of this Act, be deemed to have been employed by the Council in pursuance of the provisions of section *eighteen* of this Act.

Staff of
Department of
Sports

(2) A person to whom subsection (1) applies shall be deemed to have been employed by the Council unless within three months from the commencement of this Act he gives notice in writing to the Government with a copy to the Council stating his intention not to transfer from the services of the Government to the Council.

40. The Minister may, by statutory instrument, make regulations for the better carrying into effect of the provisions of this Act, and in particular, but without prejudice to the generality of the foregoing power, such regulations may prescribe-

Regulations

- (a) the fees, allowances or remuneration to be paid under any provision of this Act;
- (b) the duties of provincial sports officers and the relations of such officers with the Director;
- (c) the manner in which the affairs of an association shall be managed when it is under suspension;
- (d) the forms to be used for purposes of this Act;
- (e) the measures to be taken to ensure medical attendance and insurance of sportsmen against accidents whilst taking part in sports;
- (f) the books, registers, accounts and other documents to be kept by national sports associations, and for the inspection thereof;
- (g) the particulars to be included in the contracts of service of professional sportsmen;
- (h) the status of national and representative teams;
- (i) the manner and form in which applications for the award of national colours shall be made; and
- (j) the season for each sport.

CHAPTER 143

THE ZAMBIA YOUTH SERVICE ACT

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Appointment and powers of Director
4. Appointment of Board
5. Tenure of office of Board
6. Remuneration of members, etc.
7. Incorporation
8. Chief office and branch offices of Board
9. Procedure of Board
10. Member to declare connection with companies and firms dealing with Board
11. Committees
12. Functions of Board
13. Staff
14. Secondment of public officer
15. Funds of Board
16. Payment into bank
17. Investments and loans to staff
18. Accounts and audit
19. Annual report
20. Exemption of Board
21. Directions of Minister
22. Regulations
23. Validity of contracts made before establishment of Board

CHAPTER 143

ZAMBIA YOUTH SERVICE

39 of 1964
37 of 1970
Government
Notice
497 of 1964

An Act to establish and provide for the constitution of a Zambia Youth Service Board; to specify the functions of the Board; to regulate its proceedings and to make provision for matters relating to its finances; to provide for the appointment of a Director of the Zambia Youth Service; and to provide for matters incidental to or connected with the foregoing.

[28th August, 1964]

1. This Act may be cited as the Zambia Youth Service Act.

Short title

2. In this Act, unless the context otherwise requires-

Interpretation

"Board" means the Zambia Youth Service Board established under section *four*;

"chairman" means the chairman of the Board;

"deputy chairman" means the deputy chairman of the Board;

"Director" means the Director of the Zambia Youth Service appointed under section *three*;

"functions" includes powers and duties;

"member" means a member of the Board;

"members of the Service" means persons recruited to and undergoing education and training in the Service;

"Service" means the Zambia Youth Service.

3. (1) The Minister shall appoint a Director of the Zambia Youth Service who shall have executive control of the Service and shall

Appointment
and powers of

perform such functions as the Board may from time to time determine. Director

(2) In the event of the Director being absent for any cause whatsoever, the Board may appoint a person to act as Director during such period of absence and the person so acting shall perform the functions of the Director provided for by or under this Act.

(3) The Director shall be paid such salary and allowances out of the funds of the Service as the Minister may from time to time approve.

4. (1) There is hereby established a Board which shall be known as the Zambia Youth Service Board. Appointment of Board

(2) The Board shall consist of the Director and six other members appointed by the Minister.

(3) The Minister shall appoint annually from amongst the members a chairman and a deputy chairman of the Board, and they shall hold such office for a period of one year.

5. (1) Subject to the provisions of this section, members, other than the Director, shall hold office for a period of two years, but a retiring member shall be eligible for reappointment. Tenure of office of Board

(2) Any member may be removed from office by the Minister for disability, insolvency, neglect of duty or misconduct proved to the satisfaction of the Minister, or may at any time resign his office by notice in writing addressed to the Minister.

6. There shall be paid out of the funds of the Board to a member such remuneration and allowances as are approved by the Minister in respect of that member or the class of member to which he belongs. Remuneration of members, etc.

7. (1) The Board shall be a body corporate with perpetual succession and a common seal, with power to hold land and to sue and be sued under its corporate name and to do such acts and things as bodies corporate may by law do. Incorporation

(2) The application of the seal of the Board shall be authenticated by the signature of the chairman or the deputy chairman, and by the signature of one other member.

8. (1) The chief office of the Board shall be at such place as the Minister may approve.

Chief office and
branch offices
of Board

(2) The Board may have branch offices in Zambia.

9. (1) Subject to the provisions of this section, the Board may determine its own procedure.

Procedure of
Board

(2) The Board shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such places and times and on such dates as the Board may determine.

(3) The chairman may at any time call a special meeting of the Board, and shall do so at the request in writing made to him in that behalf by any two members.

(4) The chairman or, in his absence, the deputy chairman shall preside at all meetings of the Board.

(5) The chairman or, in his absence, the deputy chairman and two other members shall form a quorum.

(6) Decisions of the Board shall be made according to the majority of the votes of the members present and voting at a meeting of the Board at which a quorum is present, and in the event of an equality of votes, the chairman or, in his absence, the deputy chairman, presiding at the meeting, shall have a casting vote.

(7) Decisions taken in accordance with subsection (6) shall be valid, notwithstanding any vacancy among the members or that some person who was not entitled so to do voted or otherwise acted as a member.

(8) The Board shall cause minutes to be kept-

(a) of all resolutions, proceedings and meetings of the Board; and

(b) of the names of the members present at each meeting of the Board.

(9) The Board may co-opt any one or more persons to attend any particular meeting of the Board for the purpose of assisting or advising the Board, but no such co-opted person shall have any right to vote.

(10) The Board may by resolution declare the remuneration and allowances of any co-opted person and such sums shall be properly payable out of the funds of the Board.

10. (1) If a member of the Board, or of a committee appointed under section *eleven*, or his spouse-

Member to
declare
connection with
companies and
firms dealing
with Board

(a) tenders for or acquires or holds a direct or indirect pecuniary interest in a contract with the Board; or

(b) knowingly acquires or holds a direct or indirect interest in a company or firm applying or negotiating for a contract with the Board; or

(c) owns immovable property or a right in immovable property or has a direct or indirect pecuniary interest in a company or firm which results in his private interests coming into or appearing to come into conflict with his duties as a member;

the member shall forthwith disclose the facts to the Minister and the Board.

(2) A member referred to in subsection (1) shall not take part in the consideration or discussion of, or vote on, any question before the Board

or a committee which relates to a contract, right, immovable property or interest referred to in that subsection.

11. (1) The Board may from time to time appoint such committees consisting of two or more persons to inquire into and report to the Board on such matters within the scope of its functions as are referred to them by the Board, or to perform on behalf of the Board any of its functions and may delegate to any such committee the performance of any of its functions. Committees

(2) A committee may consist of members, or of members and non-members.

(3) Every committee appointed under this section shall be subject to the control of the Board and may at any time be altered, reconstituted or discharged by the Board.

(4) Every committee purporting to act pursuant to any delegation under this section shall be presumed to be acting in accordance with the terms of the delegation, in the absence of proof to the contrary.

(5) Where persons, not being members of the Board, are members of a committee appointed under this section, the Board may by resolution declare the remuneration and allowances of such persons, and such sums shall properly be payable out of the funds of the Board.

12. (1) The Board shall control and manage the activities of the Service and for such purposes it shall- Functions of Board

(a) provide suitable facilities for the education and training of members of the Service and ensure that a proper portion of the time of the members of the Service is spent on such education and training;

(b) provide employment by establishing, equipping, managing and maintaining establishments in Zambia where members of the Service shall work and be accommodated;

(c) provide for the proper organisation of the Service;

(d) recruit members of the Service; and

(e) be responsible for the welfare, control and direction of members of the Service.

(2) In particular and without prejudice to the generality of the provisions of subsection (1), the activities of the Board shall have relation to agricultural undertakings, rural development and other development projects.

13. (1) The Board may appoint staff for the conduct of its affairs and business on such terms and conditions of service as the Minister may approve. Staff

(2) The Board may provide benefits for and in respect of those of its staff who retire or die, or the surviving dependants, upon such conditions as it may determine, by way of pension funds or other means, but the management and investment of any funds set up under this subsection shall not be part of the business of the Board within the meaning of this Act.

(3) Every person appointed under this section shall, subject to the provisions of this Act, perform such functions as the Director may determine.

14. The Public Service Commission may, at the request of the Board and with the consent of the person concerned, second to the employment of the Board, any public officer. Secondment of public officer

15. The funds of the Board shall consist of- Funds of Board

(a) all moneys accruing to the Board from the Government by way of grant in aid or endowment or otherwise;

(b) all charges due or moneys recovered by the Board;

(c) all interest on moneys invested by the Board;

(d) all donations accruing to the Board for the general purposes of the Board from sources other than sources specified under this Act; and

(e) any other moneys accruing to the Board in the course of its

operations.

16. Subject to the provisions of section *seventeen*, all moneys received on account of the Board shall, unless the Minister otherwise directs, be paid into any bank approved by the Board for the credit of the general, current or deposit account of the Board.

Payment into
bank

17. (1) The Board may invest moneys not required for current use in securities approved by the Minister.

Investments and
loans to staff

(2) Subject to the general or special directions of the Minister, the Board may make loans out of the funds of the Board to persons appointed under section *thirteen* for the purpose of assisting any such person to purchase a motor vehicle for his own use, and any such loan may be made subject to such terms and conditions as the Board may determine.

(No. 37 of 1970)

18. (1) The Board shall keep proper accounts and other records in relation thereto and shall prepare in respect of each financial year a statement of account.

Accounts and
audit

(2) The accounts of the Board shall be audited by auditors appointed by the Board with the approval of the Minister, and such accounts shall be produced to the auditors within six months of the end of the financial year to which they relate.

(3) As soon as the accounts of the Board for each financial year thereof have been audited, the Board shall cause a copy of the statement of accounts prepared in respect of that year to be sent to the Minister, together with a copy of any report made by the auditors on the statement or on the accounts.

(4) The Minister shall cause a copy of every statement received by him in pursuance of subsection (3) to be laid before the National Assembly within fourteen days after it has been received by him, if the National Assembly is then sitting, or, if the National Assembly is not then sitting, within seven days of the commencement of its next ensuing meeting.

19. (1) The Board shall, as soon as may be after such date as the Minister may determine in each year, prepare a report of its activities during the year and cause the report to be sent to the Minister and to be published in such manner as the Minister may direct.

Annual report

(2) The annual report shall include a report on the activities of the Service.

(3) The Minister shall cause a copy of every report received by him in pursuance of subsection (1) to be laid before the National Assembly within fourteen days after it has been received by him, if the National Assembly is then sitting, or, if the National Assembly is not then sitting, within seven days of the commencement of its next ensuing meeting.

20. (1) The profits of the Board shall not be liable to any tax imposed on income and profits.

Exemption of Board

(2) The Board shall be exempt from stamp duties and registration fees.

21. The Board shall in the performance of its functions be subject to the directions of the Minister.

Directions of Minister

22. The Minister, after consultation with the Board, may, by statutory instrument, make such regulations as he considers necessary or expedient for the due administration of this Act.

Regulations

23. (1) Where, before the commencement of this Act, any contract has been entered into between any person or body authorised by the Minister to do so and any other person-

Validity of contracts made before establishment of Board

(a) for the employment of that other person in any capacity relating to the Service;

(b) for the provision of housing or offices and other accommodation to be used for the purposes of the Service;

(c) for any purpose otherwise relating to the Service;

then, on and after the commencement of this Act, the contract shall be enforceable by or against the Board in every respect as if it had been entered into by the Board, and any person employed as aforesaid shall be deemed to have been employed by the Board.

(2) On and after the commencement of this Act, any contract referred to in subsection (1) shall not be enforceable against the person or body who entered into the contract with the authority of the Minister.

CHAPTER 144

THE NATIONAL YOUTH DEVELOPMENT COUNCIL ACT

ARRANGEMENT OF SECTIONS

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CHAPTER 144

NATIONAL YOUTH DEVELOPMENT COUNCIL

Act No. 7 of
1986
Act No. 13 of
1994

An Act to establish the National Youth Development Council; to define the functions and powers of the Council; to provide for the registration of youth organisations; and to provide for matters connected with or incidental to the foregoing.

[21st April, 1986]

PART I

PRELIMINARY

1. This Act may be cited as the National Youth Development Council Act. Short title

2. In this Act, unless the context otherwise requires- Interpretation

"Chairman" means the person appointed Chairman of the Council under section *five*;

"Commissioner" means the Commissioner of Youth in the Ministry responsible for youth affairs;

"Council" means the National Youth Development Council established by section *three*;

"Member" means a member of the Council;

"Secretary" means the person appointed Secretary of the Council under section *thirteen*;

"Vice-Chairman" means the person appointed Vice-Chairman of the Council under section *five*.

PART II

NATIONAL YOUTH DEVELOPMENT COUNCIL

3. There is hereby established the National Youth Development 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 the provisions of this Act, to do all such acts and things as a body corporate may by law do or perform.

Establishment
of Council

4. (1) The seal of the Council shall be such device as may be determined by the Council and shall be kept by the Secretary.

Seal of Council

(2) The Council may use a wafer or rubber stamp in lieu of the seal.

(3) The affixing of the seal shall be authenticated by the Chairman or the Vice-Chairman and the Secretary or one other person authorised in that behalf by the Council.

(4) Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under seal, may be entered into or executed without seal on behalf of the Council by the Secretary or any other person authorised in that behalf by the Council.

(5) Any document purporting to be a document under the seal of the Council or issued on behalf of the Council shall be received in evidence and shall be deemed to be a document so executed or issued, as the case may be, without further proof, unless the contrary is proved.

5. (1) The Council shall be composed of-

Composition of
Council

(a) the Director of Youths;

(b) twenty-two representative members appointed by the Minister, of whom-

(i) not more than four shall be public officers;

(ii) not more than twelve shall be persons from various youth organisations;

(iii) not more than three shall be persons from various organisations interested in youth development; and

(iv) not more than three shall be persons from amongst members of the public who have distinguished themselves in youth development.

(2) There shall be a Chairman and a Vice-Chairman who shall be appointed by the Minister from amongst the members.

6. (1) A member, other than an *ex-officio* member, shall hold office for a period of three years from the date of his appointment and may be re-appointed upon the expiration of such term. Tenure of office

(2) A member, other than an *ex-officio* member, may resign upon giving one month's notice in writing to the Minister and may be removed by the Minister at any time.

7. Whenever the office of a member becomes vacant before the expiry of the term provided in section *six* the Minister may appoint another person to be a member: Filling of casual vacancy

Provided that such other person shall hold office only for the unexpired term of office of the person who vacated such office.

8. (1) The functions of the Council shall be-

Functions of Council

(a) to advise the Minister on programmes relating to youth development;

(b) to co-ordinate youth activities;

- (c) to evaluate and implement youth programmes;
- (d) to assist and encourage organisations interested in youth development in the initiation of youth training and development programmes;
- (e) to initiate, operate and manage non-profit making or profit making projects in support of youth development; and
- (f) such other functions as the Minister may, from time to time, direct.

(2) The Council may establish branches of the Council in the Provinces.

(3) The Council may, by directions in writing and subject to such terms and conditions as it thinks fit, delegate to any member or the Secretary any of its functions under this Act.

(4) The Minister may give to the Council such general or specific directions with respect to the discharge of its functions as he may consider necessary and the Council shall give effect to such directions.

9. (1) Subject to the provisions of this Act, the Council may regulate its own procedure. Proceedings of Council

(2) The Council shall meet for the transaction of business at least twice every twelve months at such places and at such times as the Chairman may decide.

(3) Upon giving notice of not less than fourteen days, a meeting of the Council may be called by the Chairman and shall be called if not less than five members so request in writing:

Provided that if the urgency of any particular matter does not permit the giving of such notice, a special meeting may be called upon giving a shorter notice.

(4) Eight members shall form a quorum at any meeting of the Council.

(5) There shall preside at any meeting of the Council its Chairman or in his absence, its Vice-Chairman or in their absence, such member as the member present may elect for the purpose of that meeting.

(6) A decision of the Council on any question shall be by a majority of the members present and voting at the meeting and, in the event of an equality of votes the person presiding at the meeting shall have a casting vote in addition to his deliberative vote.

(7) Where any member referred to in sub-paragraphs (i) to (iii) of paragraph (c) of subsection (1) of section *five* 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 such meeting in his stead and such person shall be deemed to be a member for the purpose of such meeting.

(8) The Council may invite any person, whose presence is in its opinion desirable, to attend and to participate in the deliberations of a meeting of the Council but such person shall have no vote.

(9) The validity of any proceedings, act or decision of the Council shall not be affected by any vacancy in the membership of the Council or by any defect in the appointment of any member or by reason that any person not entitled so to do took part in the proceedings.

(10) The Council shall cause minutes to be kept of the proceedings of every meeting of the Council and of every meeting of any committee established by the Council.

10. (1) The Council may, for the purpose of performing its functions under this Act, establish committees and delegate to any such committee such of its functions as it thinks fit. Committees of Council

(2) The Council may appoint as members of a committee established under subsection (1), persons who are or are not members of the Council and such persons shall hold office for such period as the Council may

determine.

(3) Subject to any specific or general direction of the Council any committee established under subsection (1) may regulate its own procedure.

11. (1) If any person is present at a meeting of the Council at which any matter in which such person or his spouse is directly or indirectly interested in a private capacity is the subject of consideration he shall, as soon as practicable after the commencement of the meeting, disclose such interest and shall not, unless the Council otherwise directs, take part in any consideration or discussion of, or vote on, any question touching such matter.

Disclosure of interest

(2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which it is made.

12. No action or other proceedings shall lie or be instituted against any member, member of a committee of the Council or member of the staff of the Council for or in respect of any act or thing done or omitted to be done in good faith in the exercise or purported exercise of his duties under this Act.

Immunity of members and staff

13. (1) There shall be a Secretary of the Council who shall be a public officer and such other public officers as are necessary to carry out the functions of the Council.

Secretary and other staff

(2) The Secretary shall be responsible for the administration of the day-to-day affairs of the Council.

14. (1) No person shall, without the consent in writing given by or on behalf of the Council, publish or disclose to any person, otherwise than in the course of his duties, the contents of any document, communication or information whatsoever, which relates to, and which has come to his knowledge in the course of his duties under this Act.

Prohibition of publication or disclosure of information to unauthorised persons

(2) Any person who knowingly contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable, upon

conviction, to a fine not exceeding six thousand two hundred and fifty penalty units or to imprisonment for a term not exceeding three years, or to both.

(3) If any person having information which to his knowledge has been published or disclosed in contravention of subsection (1) unlawfully publishes or communicates any such information to any other person, he shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding six thousand two hundred and fifty penalty units or to imprisonment for a term not exceeding three years, or to both.

(As amended by Act No. 13 of 1994)

PART III

REGISTRATION OF YOUTH ORGANISATIONS

15. The Secretary shall keep and maintain in the prescribed form a register wherein shall be registered every youth organisation in Zambia, and no organisation shall be deemed to be such an organisation unless it is so registered. Register of youth organisations

16. (1) An application for registration as a youth organisation shall be submitted to the Secretary in such forms as may be prescribed. Application for registration

(2) On receipt of an application under subsection (1), the Secretary may carry out such investigation or require such further information to be submitted to him as he considers necessary.

(3) Every application for registration as a youth organisation shall be accompanied by-

(a) a registration fee to be prescribed by the Minister;

(b) a copy of the constitution of the youth organisation and, unless the constitution itself contains such particulars, a memorandum containing the following particulars:

(i) the objectives and functions of the youth organisation;

- (ii) the names and addresses of the office-bearers of the youth organisation;
- (iii) the funds available and the sources of revenue; and
- (iv) the place of operation.

(4) On being registered, a youth organisation shall be issued with a certificate of registration.

17. The Secretary shall refuse to register any organisation as a youth organisation if he is satisfied-

Grounds for refusing to register youth organisation
Cap. 119

- (a) that the name under which the organisation wishes to be registered is identical or similar to the name of any existing youth organisation or of any society or body registered, or exempted from registration, under the Societies Act;
- (b) that the organisation does not exist;
- (c) that the registration of the organisation would be against public interest.

18. The Secretary may cancel at any time the registration of any youth organisation if he is satisfied that it is expedient so to do on the ground that-

Cancellation of registration

- (a) the terms of the Constitution or rules of such organisation are, in his opinion, in any respect repugnant to or inconsistent with the provisions of any law for the time being in force in Zambia;
- (b) the organisation is operating in a manner prejudicial to the public interest;
- (c) he has reason to believe that the organisation has ceased to exist as a youth organisation; or
- (d) the organisation has changed its name and the new name it has adopted-

(i) is identical with that of any other existing youth organisation;

(ii) so nearly resembles the name of such other youth organisation as, in the opinion of the Secretary, is likely to deceive the public or the members of either organisation; or

(iii) is, in the opinion of the Secretary, repugnant to or inconsistent

with the provisions of any law in force in Zambia or is otherwise undesirable.

19. Where an application for registration as a youth organisation is refused or the registration of a youth organisation is cancelled, the Secretary shall make and furnish to the body or organisation concerned a notice giving therein the reasons for such refusal or cancellation, as the case may be.

Notification of grounds

20. (1) An appeal against a decision to cancel or to refuse the registration of any youth organisation may be made to the Minister within thirty days of the receipt of the notice.

Appeal

(2) Where any appeal is made under subsection (1), the Minister may, to enable him determine the appeal, give such directions to the Secretary as he may consider necessary.

(3) On any appeal made under subsection (1), the Minister may confirm, set aside or vary the notice of the Secretary, and the decision of the Minister shall be final.

PART IV

FINANCIAL PROVISIONS

21. (1) The funds of the Council shall consist of such moneys as may-

Funds of Council

- (a) be appropriated by Parliament for the purposes of the Council;
- (b) be paid to the Council by way of grants or donations; and
- (c) vest in or accrue to the Council.

(2) The Council may-

- (a) accept moneys by way of grants or donations from any source in

Zambia and, subject to the approval of the Minister, from any source outside Zambia;

(b) subject to the approval of the Minister, raise by way of loans or otherwise, such moneys as it may require for the discharge of its functions; and

(c) charge and collect fees in respect of programmes, seminars, and other services provided by the Council.

(3) There shall be paid from the funds of the Council-

(a) grants that have been to any particular youth organisation or any branch of such organisation;

(b) such reasonable travelling, transport, subsistence and other allowances for members, the staff or members of any committee of the Council when engaged on the business of the Council, at such rates as the Minister may determine; and

(c) any other expenses incurred by the Council in the performance of its functions.

(4) The Council may invest in such manner as it thinks fit such of its funds as it does not immediately require for the performance of its functions.

22. The financial year of the Council shall be the period of twelve months ending on the 31st December in each year. Financial year

23. The Council shall cause to be kept proper books of account and other records relating to its accounts. Accounts

24. (1) The Council may at any time, by notice under the hand of the Secretary, require any youth organisation to submit to the Council, within such time as may be specified therein, the duly audited accounts of the youth organisation or of any branch of such organisation: Power to call for accounts

Provided that such notice shall be of not less than thirty days from the date on which the notice is served on any office-bearer or person concerned with the management of the youth organisation or branch of such organisation.

(2) Where any notice under subsection (1) is not duly complied with, or any irregularities are discovered in the accounts submitted to the Council, the Council may take such action as it considers necessary against the youth organisation, any branch of such organisation or against any office-bearer responsible for such non-compliance or irregularities as the case may be.

25. (1) As soon as practicable, but not later than six months after the expiry of each financial year, the Council shall submit to the Minister a report concerning its activities during such financial year. Annual report

(2) The report referred to in subsection (1) shall include information on the financial affairs of the Council and there shall be appended thereto-

- (a) a balance sheet;
- (b) an audited statement of income and expenditure; and
- (c) such other information as the Minister may require.

(3) The Minister shall, not later than seven days after the first sitting of the National Assembly next after the receipt of the report referred to in subsection (1), lay it before the National Assembly.

PART V

MISCELLANEOUS PROVISIONS

26. Save as otherwise provided in this Act, the Council shall not interfere with the day-to-day administration or internal affairs of a youth organisation or of any branch of such organisation. Independence of youth organisations

- 27.** Any youth organisation, any branch of such organisation, or any person aggrieved by a decision of the Council, may, not later than thirty days from the receipt of such decision, appeal against that decision to the Minister, and thereupon the Minister may either confirm, set aside or vary the Council's decision, or make such other order as he thinks fit. Appeals to Minister
- 28.** (1) A youth organisation shall not dissolve itself except with the written approval of the Council. Dissolution of youth organisation
- (2) An application for approval to dissolve the youth organisation shall state the reasons for the proposed dissolution and such application shall be submitted to the Council together with the agenda and minutes of the meeting at which the decision to dissolve the youth organisation was taken.
- (3) Where any youth organisation is dissolved, the assets and liabilities of such organisation shall be disposed of in accordance with directions given by the Minister:
- Provided that the assets, if any, left over, after meeting all the liabilities of such youth organisation, shall not be utilised for any purpose other than for the purposes of other youth organisations as the Council may direct.
- 29.** (1) Upon the commencement of this Act, all movable and immovable property vesting in the old National Youth Development Council of Zambia shall be vested in the Council without conveyance, transfer or assignment. Vesting of property in Council
- (2) Subject to the provisions of this Act, all rights, privileges, obligations and liabilities which immediately before the commencement of this Act were held, enjoyed or incurred by the old National Youth Development Council of Zambia shall be deemed to be the rights, privileges, obligations and liabilities of the Council.
- (3) Where anything has been commenced by the old National Youth Development Council of Zambia prior to the commencement of this Act, such things may be carried on and completed by the Council.

- 30.** The Minister may, by statutory instrument, make regulations for the better carrying into effect of the provisions of this Act, and, in particular and without prejudice to the generality of the foregoing power, such regulations may prescribe-
- Regulations
- (a) the fees, allowances or remuneration to be paid under any provision of this Act;
 - (b) the books, registers and other records to be kept by a youth organisation; and for the inspection thereof;
 - (c) the forms to be used for the purposes of this Act.

CHAPTER 145

THE ZAMBIA EDUCATIONAL PUBLISHING HOUSE ACT

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title
2. Interpretation

PART II

OBJECTS AND POWERS OF THE PUBLISHING HOUSE.

3. Establishment of Publishing House.
4. Composition of Publishing House.
5. Objects of Publishing House.
6. Powers of Publishing House.
7. Funds of Publishing House.
8. Exemption from customs and excise duty and tax
9. Duty of members to disclose interest

10. Procedure and meetings of Publishing House.

PART III

EXECUTIVE COMMITTEE OF THE PUBLISHING HOUSE

11. Establishment and proceedings of executive committee
12. Functions of committee

PART IV

APPOINTMENTS

13. Appointment of Secretary and Assistant Secretary

PART V

ACCOUNTS AND AUDIT

14. Accounts and audit

PART VI

TRANSITIONAL PROVISIONS

Section

15. Interpretation of terms in Part VI
16. Resolution by company
17. Vesting of assets and liabilities
18. Transitional provisions
19. Registration of transfers

CHAPTER 145

ZAMBIA EDUCATIONAL PUBLISHING HOUSE

11 of 1971
36 of 1974
29 of 1992

An Act to constitute the Zambia Educational Publishing House; to provide for its membership and its powers, duties, functions and management; and to make provision for matters incidental to or connected with the foregoing.

[2nd April, 1971]

PART I

PRELIMINARY

1. This Act may be cited as the Zambia Educational Publishing House Act. Short title

2. In this Act, unless the context otherwise requires- Interpretation

"assistant secretary" means the person appointed to that office pursuant to section *thirteen*;

"financial year" means the financial year of the Publishing House pursuant to section *fourteen*;

"Publishing House" means the Zambia Educational Publishing House constituted by section *three*;

"member" means a member of the Publishing House by virtue of section *four*;

"secretary" means the officer appointed to that office pursuant to section *thirteen*.

(As amended by Act No. 29 of 1992)

PART II

OBJECTS AND POWERS OF THE PUBLISHING HOUSE

<p>3. There is hereby constituted the Zambia Educational Publishing House which shall by that name be a body corporate with perpetual succession and a common seal capable of suing and being sued and, subject to the provisions of this Act, of doing all such acts as a body corporate may by law perform.</p> <p><i>(As amended by Act No. 29 of 1992)</i></p>	<p>Establishment of Publishing House</p>
<p>4. The Publishing House shall consist of the Minister responsible for education (hereinafter referred to as "the Minister") as Chairman, and three other members who shall be appointed by the President and shall hold office as members at the President's pleasure.</p> <p><i>(As amended by No. 36 of 1974 and Act No. 29 of 1992)</i></p>	<p>Composition of Publishing House</p>
<p>5. The objects of the Publishing House shall be-</p> <p>(a) to encourage an increasing use of local, human and material resources in the production of buildings, works, materials and skills required for the advancement of education in Zambia;</p> <p>(b) to contribute towards the efficient operation and the extension of educational services in Zambia.</p> <p><i>(As amended by Act No. 29 of 1992)</i></p>	<p>Objects of Publishing House</p>
<p>6. The Publishing House shall have power to do anything, and to enter into any transaction, which in its opinion is calculated to facilitate the advancement of its objects under section <i>five</i> or which is incidental or conducive thereto, including, in particular, but without prejudice to the generality of the foregoing, power to-</p> <p>(a) purchase, take on lease, or otherwise acquire any real or personal property;</p> <p>(b) accept any gift, whether or not subject to any special trust;</p> <p>(c) solicit from any source, within or outside Zambia, contributions towards the funds or other assets of the Publishing House;</p> <p>(d) sell, let on lease or on hire, mortgage, pledge, dispose of by gift, or otherwise deal with all or any part of any property of the Publishing House;</p> <p>(e) borrow or otherwise raise money;</p> <p>(f) invest any moneys of the Publishing House which are not immediately required for other purposes;</p>	<p>Powers of Publishing House</p>

- (g) undertake any agency business;
- (h) construct, maintain and alter buildings or works;
- (i) print and publish newspapers, periodicals, books or leaflets;
- (j) manufacture, buy, sell, supply, distribute and deal in goods of any kind;
- (k) make provision for the emoluments and other conditions of service, including superannuation benefits, of the servants of the Publishing House;
- (l) establish and operate, or participate in the establishment and operation of, public or private companies and acquire an interest in any public or private company;
- (m) establish and maintain, or assist in the establishment or maintenance of, or give financial or other support to, any institution, society or other association;
- (n) provide for scholarships and other financial aid to individuals and institutions, as the case may be.

7. The funds of the Publishing House shall consist of-

Funds of
Publishing
House

- (a) such sums as may be paid to the Publishing House from moneys appropriated by Parliament;
- (b) such sums as may be paid to the Publishing House by way of grant or donation; and
- (c) such other moneys as may accrue to the Publishing House in the exercise of its powers.

(As amended by Act No. 29 of 1992)

8. Notwithstanding anything to the contrary contained in this Act or any other law-

Exemption
from customs
and excise duty
and tax

- (a) no customs or excise duty shall be charged, levied, collected or paid in respect of any goods imported into, or manufactured or produced within, Zambia by or in the name of or on behalf of the Publishing House;

- (b) the income of the Publishing House from whatever source shall be exempt from any tax payable under any written law for the time being in force relating to taxes on income and profits.

(As amended by Act No 29 of 1992)

9. A member who is in any way directly or indirectly interested in anything done or proposed to be done by the Publishing House shall disclose the nature of his interest at a meeting of the Publishing House and shall take no part in any deliberations or decision of the Publishing House with respect thereto.

Duty of
members to
disclose interest

(As amended by Act No 29 of 1992)

10. (1) Subject to the provisions of this section, the Publishing House may regulate its own procedure.

Procedure and
meetings of
Publishing
House

(2) A quorum of the Publishing House shall be three.

(3) The Secretary may attend all meetings of the Publishing House and shall be entitled to address any such meeting, but not to vote, on any matter under discussion.

(4) The Publishing House shall hold meetings at such places and such times as the chairman may determine.

(As amended by Act No. 29 of 1992)

PART III

EXECUTIVE COMMITTEE OF THE PUBLISHING HOUSE

11. (1) There shall be an executive committee (hereinafter referred to as "the committee") of the Publishing House consisting of-

Establishment
and proceedings
of executive
committee

(a) the Minister, who shall be the chairman of the committee; and

(b) two members of the Publishing House to be appointed by the President; and

(c) the Secretary; and

(d) one member to be nominated by the Minister from each of the National Educational Company of Zambia Limited and the National Educational Distribution Company of Zambia Limited (hereinafter collectively referred to as "the companies").

(2) A person shall cease to be a member of the committee-

(a) if any circumstances arise that, if he were not a member of the committee, would disqualify him for appointment as such;

(b) in the case of a person who is a member of the committee by virtue of his office, if he ceases to hold such office;

(c) in the case of a person who is a member of the committee by virtue of his nomination from either of the companies, if his nomination is revoked by the Minister.

(3) Meetings of the committee shall be held as required by the chairman and may be adjourned from time to time and from place to place:

Provided that such meetings shall be held not less than once in every three months.

(4) At any meeting of the committee, three members shall form a quorum.

(5) In the absence of the chairman from any meeting of the committee, the members present shall elect one of their number to be chairman of that meeting only.

(6) Any question proposed for discussion by the committee shall be determined by a majority of votes of the members present and voting at the meeting.

(7) At all meetings of the committee, the members present shall have

one vote each on a question proposed for decision by the committee and, in the event of an equality of votes, the person presiding at the meeting shall have a second or casting vote.

12. The committee shall discharge such functions as may be delegated to it by the Publishing House. Functions of committee

(As amended by Act No 29 of 1992)

PART IV

APPOINTMENTS

13. (1) The Publishing House shall appoint, to hold the offices of Secretary and Assistant Secretary, persons whose remuneration shall be paid by the Publishing House and who shall hold office for such period and upon such terms and other conditions of service as the Publishing House may fix at the time of their appointment. Appointment of Secretary and Assistant Secretary

(2) The Secretary shall be the chief executive officer of the Publishing House and it shall be his duty-

(a) to assist the Publishing House in all respects and in such manner as the Publishing House may from time to time require in the pursuit of its objects and the carrying on of its activities under this Act; and

(b) as agent for the Publishing House, to exercise such powers of the Publishing House as are for the time being delegated to him by the Publishing House.

(3) The secretary shall perform his duties in accordance with the directions of the Publishing House.

(4) It shall be the duty of the Assistant Secretary to assist the Secretary in the performance of his duties.

(As amended by Act No. 29 of 1992)

PART V

ACCOUNTS AND AUDIT

14. (1) The financial year of the Publishing House shall be the period of twelve months ending on the 31st December each year. Accounts and audit

(2) The Publishing House shall cause proper accounts and other records in relation thereto to be kept and shall cause to be prepared in respect of each financial year a statement of accounts and a balance sheet in such form as the Minister may determine.

(3) The accounts of the Publishing House shall be audited by the Auditor-General who shall have access at all times to the books and accounts and vouchers of the Publishing House and shall be entitled to require from the members of the Publishing House and from any person employed by the Publishing House such information and explanations as may be necessary for the due performance of his duties under this section.

(4) The Auditor-General shall make a report to the Publishing House on the accounts examined by him and on the statements of accounts prepared for the financial year to which they relate, and such report may include any statement by the Auditor-General with respect to the accounts of the Publishing House which the Auditor-General may consider necessary or desirable.

(5) Not later than nine months after the end of each financial year, the Publishing House shall submit to the Minister its audited accounts for that financial year together with the Auditor-General's report and the Minister shall, not later than seven days after the first sitting of the National Assembly next after his receipt thereof, lay the same before the National Assembly.

(As amended by Act No. 29 of 1992)

PART VI

TRANSITIONAL PROVISIONS

15. For the purposes of this Part-

Interpretation of
terms in Part VI

"the appointed time" means the time at which the resolution described in section *sixteen* is expressed to take effect;

"the company" means the company registered under the Companies Act Cap. 388 as the Zambia Educational Publishing House Company Limited;

"undertaking" means any undertaking carrying on any commercial, industrial, mining or agricultural operations.

(As amended by Act No. 29 of 1992)

16. The company may, by resolution passed at an extra-ordinary general meeting convened to determine the question, resolve that the provisions of sections *seventeen* and *eighteen* shall have effect in relation to the company.

Resolution by
company

17. At the appointed time-

Vesting of
assets and
liabilities

(a) there shall be transferred to, and vested in, the Publishing House by virtue of this Act and without further assurance-

(i) the undertaking of the company; and

(ii) subject to the provisions of this Part, all property, rights, liabilities and obligations which immediately before the appointed time were property, rights, liabilities and obligations of the company; and

(b) the company shall cease to exist.

(As amended by Act No. 29 of 1992)

18. (1) Every deed, bond and agreement (other than an agreement for personal service) to which the company was a party immediately before the appointed time, whether in writing or not, and whether or not of such nature that rights, liabilities and obligations thereunder can be assigned by the company, shall, unless its terms or subject-matter make it impossible that it should have effect as modified in the manner provided

Transitional
provisions

by this subsection, have effect as from the appointed time as if-

(a) the Publishing House had been a party thereto;

(b) for any reference (however worded and whether expressed or implied) to the company, there were substituted, as respects anything falling to be done on or after the appointed time, a reference to the Publishing House; and

(c) for any reference (however worded and whether expressed or implied) to any officer of the company, not being a party thereto and beneficially interested therein, there were substituted, as respects anything falling to be done on or after the appointed time, a reference to the officer of the Publishing House whose office corresponds as nearly as may be to the office of the first mentioned officer.

(2) Documents, other than those referred to in subsection (1), which refer specifically or generally to the company shall be construed in accordance with the provisions of subsection (1) so far as applicable.

(3) Without prejudice to the generality of the foregoing provisions of this section, where any right, liability or obligation vests by virtue of this Act in the Publishing House the Publishing House and all other persons shall, as from the appointed time, have the same rights, powers and remedies (and in particular the same rights as to the taking or resisting of legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting or enforcing that right, liability or obligation as they would have had if it had at all times been a right, liability or obligation of the Publishing House.

(4) Any legal proceedings or application to any authority pending at the appointed time by or against the company in so far as it relates to any property, right, liability or obligation vested by virtue of this Act in the Publishing House or to any deed, bond, agreement or document which has effect in accordance with subsection (1) or (2) may be continued by or against the Publishing House in the place of the company.

(As amended by Act No. 29 of 1992)

19. Any written law which provides for the registration of transfers of property of the kind transferred by virtue of this Act to the Publishing House shall, so far as it provides for alterations of a register (but not for

Registration of
transfers

the avoidance of transfers, the payment of fees or any other matter), apply with the necessary modifications to the transfer of the said property; and it shall be the duty of such officer as the Publishing House may appoint to furnish the necessary particulars of the transfer to the appropriate officer of the registration authority, and of that officer to register the transfer accordingly.

(As amended by Act No. 29 of 1992)

CHAPTER 146

THE NATIONAL COLLEGE FOR MANAGEMENT AND DEVELOPMENT STUDIES ACT (REPEALED BY ACT NO. 18 OF 2005)

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title
2. Interpretation

PART II

COUNCIL FOR THE NATIONAL COLLEGE FOR MANAGEMENT AND DEVELOPMENT STUDIES

3. Establishment of Council for the National College for Management and Development Studies
4. Composition of Council
5. Tenure of office of members and vacancies
6. Meetings of Council and procedure
7. Committees of Council
8. Duty of members to disclose interest
9. Secretary to Council
10. Staff
11. Authentication of documents and execution of deeds

PART III

FUNCTIONS AND POWERS OF THE COUNCIL

- 12. Establishment of College
- 13. Functions of Council
- 14. Powers of Council

PART IV

FINANCE

- 15. Financial year
- 16. Funds of Council
- 17. Investment of moneys not immediately required

Section

- 18. Accounts and audit
- 19. Duties of auditors
- 20. Annual report
- 21. Regulations

SCHEDULE-Powers of the Council

CHAPTER 146

NATIONAL COLLEGE FOR MANAGEMENT AND DEVELOPMENT STUDIES

21 of 1972
34 of 1994

An Act to establish the National College for Management and Development Studies; to provide for the membership, powers, duties and functions of the Council for the College; and to make provision for matters incidental to or connected with the foregoing.

[24th November, 1972]

PART I

PRELIMINARY

1. This Act may be cited as the National College for Management and Development Studies Act. Short title

2. In this Act, unless the context otherwise requires- Interpretation

"Agreement" means the agreement entered into on the 31st January, 1969, between Friedrich Ebert-Stiftung Bonn of the Federal Republic of Germany and the Registered Trustees of the Council for the National College for Management and Development Studies;

"College" means the National College for Management and Development Studies established under section *twelve*;

"Council" means the Council for the National College for Management and Development Studies established under section *three*.

PART II

COUNCIL FOR THE NATIONAL COLLEGE FOR MANAGEMENT AND DEVELOPMENT STUDIES

3. There is hereby established a Council under the name of the Council for the National College for Management and Development Studies which shall be a body corporate with perpetual succession and a common seal, and shall, under the said name, be capable of suing and being sued and, subject to the provisions of this Act, of purchasing or otherwise acquiring, holding and alienating property, real or personal, and of doing and performing all such acts or things as a body corporate may by law do and perform. Establishment of Council for the College

4. (1) The Council shall consist of sixteen members appointed by the Minister. Composition of Council

(2) The Minister shall designate one member of the Council as the chairman of the Council, and the Council shall elect another member as the vice-chairman of the Council.

(3) If the chairman of the Council ceases to be a member of the Council, the Minister may appoint another member of the Council as its chairman.

(4) The vice-chairman of the Council shall discharge the functions of the chairman whenever the office of the chairman of the Council is vacant or the chairman is absent or is for any other cause prevented from or incapable of discharging the functions of his office.

(5) No person shall be appointed as a member of the Council-

(a) while he is an undischarged bankrupt; or

(b) while he is serving a sentence of imprisonment.

5. (1) Subject to the provisions of this section, every member of the Council shall hold office for such period not exceeding three years as may be specified in the instrument of his appointment, and shall, on ceasing to be a member, be eligible for re-appointment:

Tenure of office
of members and
vacancies

Provided that any member may at any time, by notice in writing to the Minister, resign his office.

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

(a) upon his death;

(b) if he is adjudged bankrupt;

(c) if he is convicted of an offence and sentenced to imprisonment without the option of a fine;

(d) if, in the opinion of the Minister, he is mentally or physically incapable of performing his duties as a member of the Council;

(e) if he is absent from three consecutive meetings of the Council without the leave of the chairman.

(3) Upon the happening of any vacancy in the membership of the Council, the chairman of the Council shall, as soon as may be, notify such vacancy to the Minister in writing and the Minister may appoint any person to fill the vacancy for such period as he may determine.

6. (1) Subject to the provisions of this section, the Council may regulate its own procedure. Meetings of Council and procedure

(2) The quorum of the Council shall be five.

(3) The meetings of the Council may be held as and when necessary for the transaction of the business of the Council and shall be held at such places and times as the chairman of the Council may determine.

(4) There shall preside at any meeting of the Council-

(a) the chairman of the Council; or

(b) in the absence of the chairman, the vice-chairman of the Council; or

(c) in the absence of the chairman and the vice-chairman, such member of the Council as the members present may elect for that meeting.

(5) Any question proposed for decision at a meeting of the Council shall be determined by a majority of votes of the members present and voting.

(6) At all meetings of the Council, each member present shall have one vote on a question proposed for decision by the Council and, in the event of an equality of votes, the person presiding at the meeting shall have, in addition to a deliberative vote, a casting vote.

(7) The Council shall keep minutes of the proceedings of every meeting and every committee established by the Council and a copy of such

minutes shall be furnished by the Council to-

(a) the Minister; and

(b) such other person as the Council may determine.

(8) The Council may invite any person, whose presence is in the opinion of the Council desirable, to attend a meeting of the Council but such person shall have no vote on any matter for decision by the Council.

(As amended by Act No. 34 of 1994)

7. (1) The Council may establish committees thereof for the purpose of performing any of its functions under this Act and may delegate to any such committee such of its functions as it deems fit. Committees of Council

(2) The Council may appoint as members of a committee established pursuant to subsection (1) persons, who may or may not be members of the Council, and such members shall hold office for such period as the Council may determine.

(3) Subject to any direction given to it by the Council, any committee established pursuant to subsection (1) may regulate its own procedure.

8. A member of the Council who is in any way directly or indirectly interested in a contract made or proposed to be made by the Council shall disclose the nature of his interest at a meeting of the Council, and the member shall not take any part in any deliberation or decision of the Council with respect to that contract. Duty of members to disclose interest

9. (1) There shall be a secretary to the Council who shall be appointed by the Council on such terms and conditions of service as may be determined by the Council. Secretary to Council

(2) The secretary shall be the chief executive officer of the Council and shall be responsible for carrying out the instructions of the Council, for keeping the minutes of the meetings of the Council and its committees and shall have such other functions as the Council may from time to

time determine.

10. The Council may appoint, on such terms and conditions of service as it determines, such persons as are in its opinion necessary for the due discharge of its functions. Staff

11. (1) A document requiring authentication by the Council shall be sufficiently authenticated if signed by the secretary to the Council or any other officer of the Council authorised in that behalf by a resolution of the Council. Authentication of documents and execution of deeds

(2) A deed shall be deemed to have been duly executed by the Council if the common seal of the Council is affixed thereto in the presence of, and attested by, the chairman or the vice-chairman of the Council and any other member of the Council authorised in that behalf by a resolution of the Council.

(3) Any document purporting to be a document duly authenticated or executed by or on behalf of the Council shall, unless the contrary is proved, be deemed to be a document so authenticated or executed.

(4) The Council may use a wafer or rubber stamp in lieu of an embossed common seal until such time as an embossed common seal is procured by the Council.

PART III

FUNCTIONS AND POWERS OF THE COUNCIL

12. (1) There is hereby established the National College for Management and Development Studies (hereinafter called "the College") to offer training courses and seminars to promote and fulfil the functions of the Council mentioned in section *thirteen*. Establishment of College

(2) The management and operations of the College shall be vested in and controlled by the Council.

(3) There shall be a Principal of the College appointed, with the approval of the Minister, by the Council. The Principal of the College shall be the academic and administrative head of the College and shall be responsible to the Council.

(4) There shall be a Deputy Principal of the College who shall be appointed by the Council.

(5) *(Repealed by Act No. 34 of 1994).*

(6) There shall be a Registrar of the College who shall be appointed by the Council. The Registrar of the College shall, in accordance with the directions of the Principal of the College, be responsible for the administration of the College.

13. The functions of the Council shall be to organise and provide relevant training courses and seminars-

Functions of
Council

(a) for workers, trade unionists and persons engaged in the trade union movement, industrial relations and employers organisations and productivity improvement;

(b) in management and administrative skills in business, industry, civil service, foreign service, Local Government Service and other professions and vocations;

(c) in accountancy, computer and information technology leading to a diploma; and

(d) for effective implementation and understanding of national socio-economic development policies and plans.

(As amended by Act No. 34 of 1994)

14. In addition to any power otherwise expressly or impliedly conferred by this Act, the Council shall, subject to the provisions of this Act, have power to do all or any of the things specified in the Schedule.

Powers of
Council

PART IV

FINANCE

15. The financial year of the Council shall be the period of twelve months ending on the 31st December in any year. Financial year

16. (1) The funds of the Council shall consist of- Funds of Council

(a) such sums as may be payable to the Council from moneys appropriated by Parliament;

(b) such sums as may be paid to the Council by way of grant or donation;

(c) such other moneys or assets as may vest in or accrue to the Council in the course of its operation or otherwise.

(2) There shall be paid from the funds of the Council-

(a) the remuneration and allowances of the employees of the Council;

(b) such reasonable travelling, transport and subsistence allowances of members of the Council when engaged on the business of the Council as the Council may, with the approval of the Minister, determine; and

(c) any other expenses incurred by the Council in the discharge of its functions.

(3) The Council may-

(a) receive and accept sums of money by way of grant or donation or in any other way from any source in Zambia and, subject to the approval of the Minister, from any source outside Zambia;

(b) subject to the approval of the Minister, borrow moneys by way of loan or otherwise such sums as it may require for the discharge of its functions;

(c) charge and collect fees in respect of courses, seminars and other

services provided by the Council at the College or at other places.

17. Any moneys in the hands of the Council which are not immediately required for the purposes of its functions may be invested by the Council in such manner as it may consider proper and the Council may realise any such investment.

Investment of moneys not immediately required

18. (1) The Council shall cause to be kept proper books of account and other books and records in relation thereto.

Accounts and audit

(2) The Council shall, within six months of the expiry of its financial year, prepare in respect of that financial year a statement of account and a balance sheet, showing in all necessary detail the income and expenditure and the assets and liabilities of the Council.

(3) The Minister shall appoint one or more persons publicly carrying on the profession of accountants in Zambia (hereinafter referred to as "the auditors") to examine and report to the Council and the Minister on the Council's accounts annually and at such other times as the Minister may direct.

(4) The Council shall produce and lay before the auditors all its books of account together with all vouchers in support thereof and all books, papers and writings in its possession or control relating thereto.

(5) The auditor shall be entitled at all reasonable times to require from all members of, and persons in the employ of, the Council such information and explanations as may be necessary for the performance of their duties as auditors.

(6) The expenses of and incidental to any audit shall be borne and paid by the Council.

19. (1) It shall be the duty of the auditors, in addition to their usual duties, to certify not less than once in each financial year whether-

Duties of auditors

(a) they have obtained all information and explanations which they consider necessary for the performance of their duties as auditors;

(b) the accounts of the Council have been properly kept; and

(c) the accounts of the Council present a true and fair view of the financial position and transactions of the Council according to the information and explanations given and the books and records produced to them.

(2) The auditors shall furnish to the Auditor-General a copy of every certificate given by them and of any report made by them in terms of this section and they shall furnish to the Auditor-General such further report and information relating to the accounts of the Council as he may require.

20. (1) The Council shall, as soon as practicable and in any case not later than nine months after the expiry of each financial year, submit to the Minister an annual report on the exercise and performance of its functions during the year. Annual report

(2) The annual report shall include a balance sheet and a complete statement of revenue and expenditure duly audited and the report of the auditors and such other information as the Minister may, by notice in writing to the Council, require.

(3) The Minister shall, not later than seven days after the first sitting of the National Assembly next after the receipt of the annual report, lay the annual report before the National Assembly.

21. With the approval of the Minister, the Council may, by statutory instrument, make regulations for the better carrying out of the provisions of this Act. Regulations

SCHEDULE

(Section 14)

POWERS OF THE COUNCIL

1. To plan and construct the College.
2. To buy, take on lease or in exchange, hire or otherwise acquire immovable property and interests therein and rights over the same.
3. To buy, take in exchange, hire or otherwise acquire movable property.
4. To maintain, alter and improve the property vested in the Council.
5. To sell, exchange, lease, mortgage, dispose of, turn to account or otherwise deal with the assets of the Council or any part thereof, which are not required for the purposes of the Council, for such consideration as the Council may determine.
6. To do all such things as are required for the good government and administration of the College.
7. To draw, make, accept, endorse, discount, execute and issue for the purpose of the Council promissory notes, bills of exchange, bills of lading, securities and other negotiable and transferable instruments.
8. To insure against loss, damages, risks and liabilities which the Council may incur.
9. To make contracts and to enter into suretyships or give guarantees in connection with the exercise or performance of the functions of the Council and to modify or rescind such contracts, suretyships and guarantees.
10. Subject to the approval of the Minister, to raise money temporarily or otherwise, to invest moneys of the Council and to vary or realise such investments.
11. To appoint and employ such persons on such terms and conditions as the Council thinks fit, and to dismiss them.
12. To pay such remuneration and allowances, grant such leave of absence and make such gifts, bonuses and the like to employees of the Council as the Council thinks fit.
13. To provide pecuniary benefits for employees of the Council on their retirement, resignation, discharge or other termination of service or in the event of their sickness or injury and for their dependants, and for that purpose to effect policies of insurance, establish pension or provident funds or make such other provision as may be necessary to secure for such employees and their dependants any or all of the pecuniary benefits to which the provisions of this paragraph relate.
14. To purchase, take on lease or in exchange, or otherwise acquire dwelling-houses for occupation by the employees of the Council.
15. To sell or let dwelling-houses and land for residential purposes to the employees of the Council.
16. To purchase and construct thereon dwelling-houses for occupation

by employees of the Council.

17. To guarantee loans made to employees of the Council for the purchase of dwelling-houses and the improvement of dwelling-houses or land which are the property of employees of the Council.

18. To make loans to employees of the Council for the purposes of purchasing vehicles, tools or other equipment to be used by those employees in carrying out their duties.

19. To make loans, not exceeding the equivalent of three months' salary or wages, to employees of the Council for any purpose on such security as the Council may consider adequate.

20. Generally to do all such things as are incidental or conducive to the exercise or performance of the functions of the Council or are incidental to the powers specified in this Schedule.

CHAPTER 147

THE ZAMBIA INSTITUTE OF HUMAN RESOURCES MANAGEMENT ACT

ARRANGEMENT OF SECTIONS

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20. Disciplinary Committee
21. Functions of Disciplinary Committee
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- 28. Rules
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(Section 18 (2))

- 1. Composition of Council
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- 4. Seal of the Council
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SECOND SCHEDULE

(SECTION 29)

SAVINGS AND TRANSITIONAL PROVISIONS

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- 3. Staff of former Institute
- 4. Liabilities and obligations
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CHAPTER 147

An Act to establish the Zambia Institute of Human Resources Management; to provide for its functions; to provide for its membership and organisation; and to provide for matters connected with or incidental to the foregoing.

ENACTED by the Parliament of Zambia

Enactment

PART I

PRELIMINARY

1. This Act may be cited as the Zambia Institute of Human Resources Management Act, 1997, and shall come into operation on such date as the Minister may, by statutory instrument, appoint.

Short title and
commencement

2. In this Act, unless the context otherwise requires –

Interpretation

“Code of Conduct” means the code of conduct referred to in section *twenty-eight*;

“Council” means the Human Resources Management Council of the Institute established under section eighteen;

“Councillor” means a member of the Council referred to in paragraph (1) of the First Schedule;

“Chairman” means the Chairman of the disciplinary Committee elected under section *twenty*;

“Deputy Registrar” means the Deputy Registrar of the Institute appointed under sub-paragraph (1) of paragraph (8) or the First Schedule;

“Disciplinary Committee” means the Disciplinary Committee constituted under section *twenty*

“Infamous conduct” means a breach of the Code of Conduct referred to in section *twenty-eight*;

“Institute” means the Zambia institute of human Resources Management constituted under section *three*;

“member” means the President of the Institute and “membership” shall be construed accordingly;

“President” means the President of the Instituted elected under sub-paragraph (2) of paragraph (1) of the First Schedule;

“Registrar” means the President of the Institute appointed under sub-paragraph (1) (8) of the First Schedule;

“Secretary” means the Secretary of the Council elected to the Council under sub-paragraph (2) of paragraph (1) of the First Schedule;

“Treasurer” means the Treasurer of the Council elected under sub-paragraph (2) of paragraph (1) of the First Schedule;

“vice-President” means the Vice-President of the Council elected under sub-paragraph (2) of paragraph (1) of the First Schedule;

“Vice-Secretary” means the Vice-Secretary of the Council elected to the Council under sub-paragraph (2) of paragraph (1) of the first Schedule, and

“Vice-Treasurer” means the Vice-Treasurer of the Council elected under sub-paragraph (2) of paragraph (1) of the First Schedule.

PART II

THE ZAMBIA INSTITUTE OF HUMAN RESOURCES MANAGEMENT

3. There is hereby constituted the Zambia Institute of Human Resources Management.

Constitution of
Institute

4. The functions of the Institute shall be to –

Functions of
Institute

(a) carry out training of persons involved in human resources management

(b) raise the standard of human resources management as a means of increasing productivity and efficiency;

(c) carry out research related to human resources management in Zambia;

(d) publish a journal of the Institute, and collect, collat and publish other information of service and interests to the Institute

(e) encourage, uphold and improve the standards of training and professional ability of persons engaged in human resources management and industrial relations;

(f) maintain close contact with technical colleges, universities, professional institutions, government departments, commercial institutions and similar international institutions so as to improve the quality resources management;

(g) undertake and execute any trusts which are conductive to any of the objects of the Institute;

(h) take proper action on all matters affecting the duties and responsibilities of its members; and

(i) do all such other things as are incidental to the foregoing of the

Institute.

PART III

MEMBERSHIP

5. (1) There shall be six classes of membership of the Institute, namely: Honorary Fellow, Member, Associate, Affiliate and Student.

Classes of
membership

(2) A person making an application for membership of the Institute shall produce such documents as the Council may require.

6. The members may, in special cases, by a vote two-thirds of the members present and voting at a meeting of the Institute, elect an Honorary Fellow member from persons working in the field of general management, where such persons has been recommended by at least two Fellow members, are –

Honorary Fellow
member

(a) has published articles of a professional nature in field of human resources management training, industrial relations or general management; or

(b) has conducted research in matters relating to human resources management training , industrial relations or general management, and has published the same.

7. The Council may, on merit, confer Fellow membership on a member for outstanding contribution to human resources management where such person has pracised human resources management as a human resources manager, consultant, director or senior member at management level for not less than ten years.

Fellow member

8. A person may on application to the Council be admitted as a Member if such person –

Member

(a) is engaged in human resources management or in a specialised field associated with human resources management;

(a) has passed such examination as may be set by the Council;

(b) has performed executive or advisory duties related to human resources management at a senior level for at least five years; and

(c) is supported by a least one Fellow.

9.(1) A person may, on application to the Council, be admitted as an

Associate member

associate member if such person is engaged in human resources management or a specialised field associated with human resources management at the time of application.

(2) A person who applies to be admitted to the Institute as an Associate member shall, in addition to the qualification referred to in subsection (1)

–

(a) have attained a minimum educational level of General Certificate of Education or its equivalent; and

(b) have passed qualify examination determined by the Council.

Affiliate Member

10. (1) The Council may confer Affiliate membership on a person if such person has submitted to the Secretary a written application for membership and –

(a) is engaged in a field in which knowledge of the principles of human resources management is required; or

(b) has experience in the fields of human resources management, but has not been able to practise the profession due to age, lack of qualification or inadequate length of such experience and is not qualified for any other grade of membership.

(2) A person who applies for admission as an Affiliate member shall, in addition to the qualifications referred to in subsection (1) –

(a) have obtained a General Certificate of Education or its equivalent; and

(b) hold a certificate in human resources management from an institution that is recognised by the Council.

Student member

11. (1) The Council may admit a person as a Student member if such person –

(a) has submitted to the Secretary a written application for membership; and

(b) is following an approved course of study in human resources management in preparation for an examination required by the Council to be passed by student who intend to qualify for a career in human resources management.

(2) A person who applies for admission as a Student member shall, in

addition to the qualifications referred to in subsection (1), -

Admission fee

12. An application for membership as a Fellow, Member, Associate, Affiliate or Student member shall be accompanied by an admission fee and such other fees as may be determined by the Council.

Sponsorship

13. The Council may sponsor candidates in order for them to study any course approved by the Institute.

Annual
subscription

14. (1) Every member shall on or before the fourteenth day of January each year, pay such annual subscription as the Council may determine.

(2) The Council shall, on the payment of an annual subscription in subsection (1), issue a certificate to such paid up member; and the Registrar shall –

(a) Keep a registrar in which the name of a member shall be entered;

(b) Show against the name of the member who is entered in the register, such particulars as the Registrar may consider necessary; and

(c) enter any changes made in relation to those particulars.

(3) A member who pays a subscription fee after the date stipulated in subsection (1) shall, in addition to the subscription fee, pay such late registration fee as may be determined by the Council.

Honorary fellow
not to pay annual
subscription fee

15. Notwithstanding section *fourteen*, an Honorary Fellow member shall not pay an annual subscription.

Designation of
members

16. (1) A member, other than an Affiliate member or student member, shall be entitled to use the following terms after that member's name:

(a) Honorary Fellow as 'Honorary Fellow of the Zambia Institute of Human Resource Management' or by the abbreviation 'Hon F.Z.I.H.R.M.';

(b) Fellow as 'Fellow of the Zambia Institute of Human Resources Management' or by the abbreviation 'M.Z.I.H.R.M.';

(c) Member as 'Member of the Zambia Institute of Human Resources Management' or by the abbreviation 'M.Z.I.H.R.M.' and

(d) Associate as 'Associate of the Zambia Institute of Human Resources

Management’ or by the abbreviation ‘A.Z.I.H.R.M.’

(2) An Affiliate member a student member shall be entitled to receive all notices of and to attend an annual general meeting of the Institute and to enjoy all other privileges of membership, except that an Affiliate member or student member shall not have any right to vote at an annual general meeting of the Institute or to serve on a the Council, or on any committee of the Council, or as a representative of the Council on any board committee or other body.

17. Any person who, not being authorised to do so, uses the title or description Honorary Fellow, Fellow ,Member Associate, Affiliate or student of the Zambia Institute of Human Resources Management, or the authorised abbreviation designating any of the titles under subscription (1) of section *sixteen* shall be guilty of an offence and shall be liable , upon conviction , to a fine not exceeding ten thousand penalty units or to imprisonment for a period not exceeding twelve months , or to both.

Penalty for
improper use of
title or description

PART IV

THE HUMAN RESOURCES MANAGEMENT COUNCIL

18. (1) There is hereby established the Human Resources Management Council which shall be a body corporate with perpetual succession and a common seal, capable of suing sued in its corporate name, and with power subject to the provisions of this Act, to do all such things as a body corporate may by law do or perform.

Establishment of
Council

(2) There First Schedule shall apply to the composition of the council, the proceedings, funds and other matters of the council.

19 The functions of the council shall be to-

Functions of
Council

(a) set minimum educational and other qualifications or requirements of persons seeking enrolment as students of the Institute:

(b) enrol students of human resources management and to keep a register of all such enrolled students:

(c) determine fees to be paid by any member or other person in respect of courses and examinations by the council;

(d) set and establish such course of study or syllabus whether graduate, post- graduate or otherwise as it considers necessary;

(e) confer certificate on persons who are successful candidates in the examinations conducted by the council; and

(f) do all such other things as are incidental to the foregoing or conducive to the attainment of the Institute.

PART V

THE DISCIPLINARY COMMITTEE

20. (1) There shall be a Disciplinary Committee of the Council.

Disciplinary
Committee

(2) The Disciplinary Committee shall consist of-

(a) not more than five and not less than two other members, who shall be appointed by the Council; and

(b) a representative of the Attorney-General.

(3) The members of the Disciplinary Committee shall elect the Chairperson from amongst themselves.

21. (1) The functions of the Disciplinary Committee shall be to –

Functions of
Disciplinary
committee

(a) hear and determine any complaint or allegation against a member of the Institute; and

(b) do all such things as are incidental or conducive to the attainment of the functions of the Committee.

22. (1) At any meeting of the Disciplinary Committee, three members shall form quorum.

Proceedings of
Disciplinary
committee

(2) The Chairman shall preside at any meeting of the Disciplinary Committee or in the absence of the Chairman, such member as the members present may elect for the purpose of that meeting.

(3) Any question proposed for decision by the Disciplinary Committee shall be determined by a vote of the members present and voting at a meeting of the Committee.

(4) At all meetings of the Disciplinary Committee, each member present shall have one vote on a question proposed for decision by the Committee and, in the event of an equality of votes, the person presiding at the meeting shall, in addition to a deliberative vote, have a casting vote.

(5) The Disciplinary Committee shall –

- (a) allow the offender to make a statement or explanation; and
- (b) establish whether the alleged breach has been proved or not.

23. (1) If any member is, after due inquiry, found by the Disciplinary Committee to have been guilty of infamous conduct in any professional respect, the Disciplinary Committee may, if it considers appropriate, impose one or more of the following penalties:

Inquiries by
Disciplinary
Committee and
penalties

- (a) direct the de-registration of that member;
- (b) censure such member;
- (c) warn the member and suspend any further action against that member for one year depending on that member's conduct during the suspension of such action;
- (d) order the member to pay a fine to the Council and any costs incidental to the proceedings incurred by the Council;
- (e) expel the member; or
- (f) take such other action as it may consider necessary.

(2) If any university, or other examining authority, having granted to any person a qualification upon which that person was registered under this Act exercise any power conferred by law of disqualifying such person and notifies the Council of the disqualification –

- (a) the Registrar shall make a note of the fact in the register; and
- (b) if the said university, or other examining authority notifies to the Council the findings of fact on which the decision to disqualify the person was based, the findings may, be treated as conclusive of the facts found for the purposes of any inquiry whether that member has been guilty of infamous conduct in any professional respect.

(3) If, after due inquiry, the Disciplinary Committee is satisfied that during the period of any postponement under paragraph (c) of subsection (1) a member has

not complied with the conditions imposed there under, the Disciplinary committee may, impose any of the penalties specified in paragraphs (a),

(b), (d) or (e) of that subsection.

(4) A certificate under the hand of the President that any costs have been ordered to be paid by a member under this section shall be conclusive evidence thereof.

24. The disciplinary Committee may direct the Registrar to de-register a member if it is proved to the satisfaction of the Disciplinary Committee that any entry made in such register has been made fraudulently, or incorrectly or if such member is found guilty of an offence under this Act.

De-registration on grounds of fraud, error or offence

25. (1) A member may be re-registered:

Re-registration

Provided that –

A member shall not be re-registered except by an application in that behalf to the Disciplinary committee, if such member is de-registered on the ground of fraud.

(2) The Disciplinary Committee may, if it considers necessary, direct that a member shall not be re-registered until the expiration of such period as may be specified in the direction on any application by a member for re-registration.

(3) Subject to subsection (4), the Disciplinary Committee may, at any time direct the Registrar to re-register a member on the register where a member has been de-registered from such register.

(4) An application for the re-registration of a member on a register shall not be made to the Disciplinary Committee –

(a) before the expiration of six months from the date of de-registration; or

(b) in any period of six months in which such application has already been made by or on behalf of the member who has been de-registered.

(5) a member shall pay to the Council on the re-registration of such member, such re-registration fee as may be determined by the Council.

26.(1) Where the Disciplinary Committee –

(a) makes a finding and imposes a penalty on a registered member;

Appeals

(b) directs the de-registration of a member from the register; or

(c) rejects an application for the re-registration of a member on the register;

the Registrar shall give the member to whom the proceedings relate, notice in writing and such member may, within thirty days of the date on which the notice was given, appeal to the Council.

(2) The Council may, on appeal against the findings or orders of the Disciplinary Committee –

(a) confirm, vary or set aside any findings made, penalty imposed or direction given by the committee; or

(b) refer the matter back to the Disciplinary Committee for further consideration.

(3) A direction for the de-registration of a registered member from a register shall not take effect until the expiration of the time for appealing or, if any appeal is brought, until the appeal is disposed of, withdrawn or struck out for want of prosecution, as the case may be.

(4) Any member who is still aggrieved by the decision of the council may within thirty days appeal to the High Court.

27. The Disciplinary Committee shall before taking any disciplinary action –

Rules relating to
disciplinary
procedure

(a) give the member at least fourteen days' notice of the time and place of the proceedings;

(b) serve the member with the notice in compliance with this Act;

(c) give the member an opportunity to decide whether to appear in person or by a legal representative or to make written submissions; and

(d) make the member aware of the member's right to call witnesses and to be assisted by another member during the proceedings.

PART VI

MISCELLANEOUS

Council may make rules for the better carrying out of the provisions of this Act, and in particular shall have power to –

Rules

- (a) lay down the Code of Conduct, and other guidelines to good practice;
- (b) determine the voting procedure at annual general meetings;
- (c) determine the voting procedure at annual general meetings;
- (d) lay down the forms in which a member may appoint a proxy to vote on a member's behalf at general meetings;
- (e) regulate the manner of conducting proceedings of the Council;
- (f) stipulate the conditions for sponsorship of members to study human resources management and related subjects at recognised establishments;
- (g) provide for matters in respect of the organisational structure of the Institute;
- (h) state the objects of the functional committee of the Institute; and
- (i) make provision concerning such matters as are required or permitted to be prescribe under this Act.

Savings

29. The savings ad transitional provisions shall be set out in the Second Schedule.

FIRST SCHEDULE

(Section 18 (2))

he Council shall consist of the following Councillors:

Composition of
Council

President;

Vice-President;

Secretary;

Treasurer;

Vice-Secretary;

Vice-Treasurer;

other members; and

representative of the Attorney-General.

Except for the Councillor referred to in sub-paragraph (h) of paragraph (1) the Councillors referred to above shall be elected by secret ballot at an annual general meeting.

A councillor or shall hold office for years and may be re-elected or re-appointed, as the case may be.

Tenure of office

Councillor resigns or ceases to hold office more than six months before the next annual general meeting, an extraordinary meeting of the Institute shall be held for the purpose of electing a successor, who shall hold office for the remainder of the term.

3. (1) The office of a Councillor shall become vacant –

Vacation of office

(a) if such Councillor is adjudged bankrupt;

(b) if such Councillor is adjudged or otherwise declared to be of unsound mind;

(c) if such Councillor is absent without prior approval of the Council from three consecutive meetings of the Council, of which due notice was given to such Councillor;

(d) upon the expiry of not less than one month's notice in writing, of that Councillor's intention to resign given by the Councillor to the President; or

(e) if such councillor ceases to be a member of the Institute.

4. (1) the seal of the Council shall be such device as may be determined by the Council and shall be kept by the Secretary.

Seal of the Council

(2) The affixing of the seal shall be authenticated by the President or the Vice-President and the Secretary or one other person authorised in that behalf by a resolution of the Council.

(3) Any document purporting to be a document executed under the seal of the Council or issued on behalf of the Council shall be received in

evidence and shall be deemed to be so executed or issued, as the case may be, without further proof, unless the contrary is proved.

5. (1) subject to the other provisions of this Act, the Council may regulate its own procedure.

Proceedings of
council

(2) The Council shall, for transaction of business, meet at least twice in every calendar year at such places and at such times as the President may determine.

(3) Five Councillors shall constitute a quorum at any meeting of the Council.

(4) Subject to sub-paragraph (5), the Council shall, upon giving notice of not less than fourteen days, call a special meeting of the council if not less than five Councillors so request in writing.

(5) If the urgency of any particular matter does not permit the giving of the notice referred to in sub-paragraph (4), a special meeting may be called upon giving shorter notice.

(6) There shall preside at a meeting of the Council the President or, in the absence of the President, the Vice-President or, in the absence of both, such Councillor as the Councillors present may elect for the purposes of that meeting.

(7) A decision of the Council on any question shall be by a majority of the Councillors present and voting at the meeting and in the event of an equality of votes the Councillor presiding at the meeting shall have a casting vote in addition to that Councillor's deliberative vote.

(8) The Council may invite any person whose presence is in its opinion desirable, to attend and to participate in the deliberations of a meeting of the Council, but such a person shall have no vote.

(9) The validity of any proceedings, act or decision of the Council shall not be affected by any vacancy in the membership of the Council or by any defect in the appointment of any Councillor.

(10) The Council shall cause minutes to be kept of the proceedings of every meeting of the Council and of every meeting of any committee established by the Council.

6. (1) The Council may, for the purposes of performing its functions under this Act, appoint committees and delegate to any such committees such of its functions as it considers necessary.

Committees of
Council

(2) The Council may appoint as members of committee established under sub-paragraph (1) persons who are, or are not Councillors, and such persons shall hold office for such period as the Council may determine.

(3) Subject to specific or general directions of the Council any committee established under sub-paragraph (1) may regulate its own procedure.

7. (1) If any person is present at a meeting of the Council at which any matter in which that person or that person's spouse is directly interested, such person shall, as soon as practicable after the commencement of the meeting, disclose that interest and shall not, unless the Council otherwise directs, take part in any consideration or discussion of, or vote on, any question touching that matter.

Disclosure of
interest

(2) A disclosure of interest made under sub-paragraph (1) shall be recorded in the minutes of the meeting at which it is made.

Registrar and other
staff

8. (1) There shall be a Registrar and a Deputy Registrar of the Institute who shall be appointed by the Council.

(2) The Council may appoint, on such terms and conditions as it may determine, such other staff as it may consider necessary.

Funds of Council

9. (1) The funds of the Council shall consist of such moneys as may –

(a) be paid as subscriptions by members;

(b) be paid to the Council by way of grants or donations; or

(c) otherwise vest in or accrue to the Council.

(2) The Council may -

(a) borrow or raise or secure the payment of money for the purpose of the functions of the Institute and the Council and mortgage and charge the Institute or all or any of its movable and immovable property;

(b) negotiate loans of every description and receive the money on deposit or loan upon such terms as the Council may approve;

(c) charge and collect fees in respect of seminars, programmes, publications, consultancy services or such other services as may be

provided by the Institute;

(d) collect registration fees and annual subscriptions from members of the Institute;

(e) acquire and hold shares, stocks or debenture stocks in any company or corporation whether

incorporated in Zambia or elsewhere, or any bonds, or securities of any public body or authority.

(3) The Council may invest in such manner as it considers necessary such of its funds as it does not immediately require for the performance of its functions.

(4) The funds of the council shall be used to further the objectives of the Institute.

Financial year

10. The financial year of the Institute shall be the period of twelve months ending on 31st December in each year.

SECOND SCHEDULE

(section 30)

SAVING AND TRANSITIONAL PROVISIONS

1. In this schedule-

Interpretation

‘appointed date’ means such date as the Minister may appoint under section one;

‘Former Institute’ means the Zambia Institute of personnel Management; and

‘Executive Committee’ means the office bearers of the Zambia Institute of personnel Management.

2. (1) Any person who immediately prior to the commencement of this Act was an Honorary Fellow, Fellow, Member Associate, Affiliate or student of the former Institute shall be deemed as from the commencement of this Act to be an Honorary Fellow, Fellow, Member,

Member of Institute
before

Associate, Affiliate or student of the Institute , respectively, under this Act.	commencement of Act to be member of Institute in corresponding class after commencement Act
(2)A person who immediately before the appointed date held office as a member of the Executive Committee of the former Institute , shall hold office, subject to this Act, until replaced by a person elected for the purpose of paragraph(1) of the First schedule.	
3. Nothing in this Act shall affect the rights of any person employed by the former Institute immediately before the appointed date.	Staff of former Institute
4. On the appointed date, all property ,assets, rights, liabilities and obligations of the former Institute as registered under the Companies Act, shall vest in the Council established by this Act.	Liabilities and obligations Cap. 388
5. Any proceedings or cause of action instituted or pending by or against the former Institute as registered under the Companies Act, immediately prior to the appointed date, shall continue as if instituted under this Act.	Proceedings Cap. 388