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MINISTRY OF EDUCATION, SCIENCE, VOCATION TRAINING AND EARLY EDUCATION

Statutory functions and compositions of Government Portfolio

Subjects

- Adult Literacy
- Apprenticeship Training
- Basic Education
- Biosafety
- Bursaries
- Competence Based Training
- Continuing Education
- Early Education
- Education Policy
- Education Standards and Evaluation
- Educational Broadcasting
- High School Education
- Higher Education
- School Guidance Services
- Science and Technology Policy
- Teacher Training
- Technical and Vocational Teacher Training
- Technical Colleges
- Technical Education and Entrepreneurship
- Technical Training
- Trades Training Institutes
- Training Policy

Statutory Bodies/Institutions

- Copper Belt University
- Educational Board
- Evenly Hone College of Applied Arts and Commerce
- Examination Council of Zambia
- In-Service Resource Center
- In-Service Training and Education Center
- Lusaka and Kitwe Vocational Center
- Mulungushi University
- National Biosafety Authority
- National Council for Technical Education and Vocational Training Centers
- National Science and Technology Council
- Nkumbi International College
- Northern Technical College
- Science and Technology Institutes and Research Support
- Teacher Training Colleges
- Technical and Vocational Teachers College
- Technical Education, Vocational and Entrepreneurship Training Authority
- University of Zambia
- Zambia Education Publishing House
- Zambia Institute of Business Studies and Industrial Practice (ZIBSIP)

Legislation

Click to view Legislation

Biosafety	Act No. 10 of 2007
Day Nurseries(repeal)	Act No. 11 of 2011
Education	Act No. 23 of 2011
Examination Council of Zambia	Cap. 137
Science and Technology	Act No. 26 of 1997
Technical Education, Vocational and Entrepreneurship Training	Act No. 13 of 1998
University	Act No. 11 of 1999
Zambia Education Publishing House	Cap. 145
Zambia National Commission for UNESCO	Cap. 139

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THE BIOSAFETY BILL, 2007

MEMORANDUM

The objectives of this Bill are to—

(a) regulate the research, development, application, import, export, transit, contained use, release or placing on the market of any genetically modified organism whether intended for use as a pharmaceutical, food, feed or processing, or a product of a genetically modified organism;

(b) ensure that any activity involving the use of any genetically modified organism or a product of a genetically modified organism prevents any socio-economic impact or harm to human and animal health or any damage to the environment, non-genetically modified crops and biological diversity;

(c) set and implement standards for the assessment, evaluation and management of any potential risk involving the use of any genetically modified organism or product of a genetically modified organism;

(d) establish the National Biosafety Authority and prescribe its powers and functions;

(e) provide for the establishment of the Scientific Advisory Committee;

(f) provide for public participation, information and consultation in the field of biosafety;

(g) provide for a mechanism for liability and redress for any harm or damage caused to human and animal health, non-genetically modified crops, socio-economic conditions, biological diversity or the environment by any genetically modified organism or a product of a genetically modified organism;

(h) provide for the formation and registration of institutional biosafety committees; and

(i) provide for matters connected with or incidental to the foregoing.

S. NKONDE,
Solicitor General

N.A.B. 3, 2007
2nd February, 2007

THE BIOSAFETY ACT, 2007

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GOVERNMENT OF ZAMBIA

ACT

No. 10 of 2007

I hereby signify my assent to the Bill

Signed.....
President

Date of Assent: 24th April, 2007

An Act to regulate the research, development, application, import, export, transit, contained use, release or placing on the market of any genetically modified organism whether intended for use as a pharmaceutical, food, feed or processing, or a product of a genetically modified organism; ensure that any activity involving the use of any genetically modified organism or a product of a genetically modified organism prevents any socio-economic impact or harm to human and animal health, or any damage to the environment, non-genetically modified crop and biological diversity; set and implement standards for the assessment, evaluation and management of any potential risk involving the use of any genetically modified organism or product of a genetically modified organism; establish the National Biosafety Authority and prescribe its powers and functions; provide for the establishment of the Scientific Advisory Committee; provide for public participation, information and consultation in the field of biosafety; provide for a mechanism for liability and redress for any harm or damage caused to human and animal health, non-genetically modified crop, socio-economic conditions, biological diversity or the environment by any genetically modified organism or a product of a genetically modified organism; provide for the formation and registration of institutional biosafety committees; and provide for matters connected with or incidental to the foregoing.

[3rd May, 2007

ENACTED by the Parliament of Zambia Enactment

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PART I

PRELIMINARY

Short title and commencement

1. This Act may be cited as the Biosafety Act, 2007, and shall come into force on such date as the Minister may, by statutory instrument, appoint.

Interpretation

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

" advance informed agreement " means the consent obtained before any activity is undertaken based upon full disclosure of all relevant information and the taking of full responsibility by the supplier of the information for its accuracy and completeness;

" applicant " means any person making an application for the approval of the Authority, or the person to whom the approval is given;

" Authority " means the National Biosafety Authority;

" biosafety " means a set of measures, policies and procedures used or established for assessing, preventing, monitoring and managing any risk associated with genetically modified organisms to human health and safety and to the environment;

" biotechnology " means the development of products by exploiting biological processes or substances using intact original or modified organism or by using active cell components;

" Cartagena Protocol " means the Protocol on Biosafety under the Convention on Biological Diversity;

" control " means to examine, regulate, manage or direct any activity within a person's jurisdiction;

" contained use " means any operation in which any genetically modified organism or product of a genetically modified organism is produced, grown, stored, destroyed or used in some other way in a closed system in which physical barriers are employed, either alone or together with chemical or biological barriers, to effectively prevent its contact with, and its impact on, humans, biological diversity and the external environment;

" environment " means the aggregate of surrounding objects, conditions and influences that influence the life and habits of man or any other organism or collection of organisms;

" export " means the intentional transboundary movement of any genetically modified organism or a product of a genetically modified organism from one country to another country;

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" exporter " means any legal or natural person who arranges for any genetically modified organism or a product of a genetically modified organism to be exported;

" genetically modified organism " means any biological entity, capable of replication or of transferring genetic material or any plant, animal or microorganism, in which the genetic material has been altered through modern biotechnology;

" gene technology " means any technique that involves the isolation, characterisation, modification and introduction of deoxyribonucleic acid (DNA) into living cells or microorganisms;

" gene therapy " means the replacement of a defective gene in a person or animal suffering from a genetic disease;

" hazard " means an intrinsic biological, chemical or physical characteristic of a genetically modified organism, which could lead to an adverse impact on the environment and health;

" import " means the intentional transboundary movement of any genetically modified organism or a product of a genetically modified organism into one country from another country;

" importer " means any legal or natural person who arranges for any genetically modified organism or a product of a genetically modified organism to be imported;

" inspector " means any person appointed as aninspector under this Act;

" microorganism " means any cellular or non-cellular microbiological entity that is able to reproduce or transfer genetic material;

" modern biotechnology " includes the application of the following techniques:

(a) any recombinant nucleic technique involving the formation of new combinations of genetic material by the insertion of nucleic acid molecules produced by whatever means outside an organism into a virus, bacterium, plasmid or other vector, and their incorporation into a host organism in which they do not naturally occur but in which they are capable of continued propagation;

(b) any technique involving the direct introduction into an organism of heritable material prepared outside the organism including micro-injection, macro-injection and micro-encapsulation; and

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(c) any cell fusion, including protoplast fusion or hybridisation techniques where live cells with new combinations of heritable genetic material are formed through the fusion of two or more cells;

" monitoring " means the maintaining of regular surveillance, the checking of the warning about or the recording of a situation or process;

" notification "means providing information to and, where appropriate, the lodging or depositing of samples with the Authority;

" organism " means a biological entity, cellular or non-cellular, capable of metabolism, replication, reproduction or transferring genetic material and includes a microorganism;

" permit " means a permit issued under this Act;

" person" includes any research, university or other academic institution;

" placing on the market " means supplying, selling, advertising, donating or making available to any third party of any genetically modified organism or product of a genetically modified organism;

" product " means any material derived by processing, or howsoever, from any genetically modified organism;

" Registrar " means a person appointed as Registrar under this Act;

" release " means any intentional introduction into the environment, of a genetically modified organism or a product of a genetically modified organism for any commercial purpose, food aid, remediation, research purpose in any field experiment, use of a genetically modified organism or a product of a genetically modified organism in any greenhouse, aquaculture facility, animal accommodation, unless the facility is approved for contained use as part of an approved laboratory or other installation, disposal of waste containing any genetically modified organism or a product of a genetically modified organism, the import, export or transport of any genetically modified organism or a product of a genetically modified organism;

" risk "means the probability of incurring or causing a loss, injury, an adverse impact or a misfortune on any human, plant or the environment;

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" risk assessment " means an evaluation of any direct or indirect, short, medium and long term risk to human or animal health, the environment, biological diversity and to the socio-economic conditions or ethical values of the people of Zambia arising from the import, transit, contained use, release or placing on the market of a genetically modified organism or a product of a genetically modified organism;

" risk management " means measures necessary to prevent and manage adverse effects of any genetically modified organism or product of a genetically modified organism on human or animal health, non-genetically modified crop, biological diversity, the environment, or socio-economic conditions;

" socio-economic impact " means any direct or indirect effect to the economy, social or cultural practices, livelihoods, indigenous knowledge systems or indigenous technologies as a result of the import, transit, contained use, release or placing on the market of a genetically modified organism or a product of a genetically modified organism;

" trial release " means the release of any genetically modified organism into the environment in the open under conditions where the degree of dissemination of the genetically modified organism is prevented by chemical or physical barriers or by built-in barriers which prevent the survival of the organism in the environment;

" Tribunal " means the Tribunal established under this Act;

" use " excludes the acquisition by purchase or otherwise, by a member of the general public or any utilisation or dealing thereafter, unless specific conditions are attached to the utilization;

" user " means any natural or legal person or institution responsible for the use of a genetically modified organism; and

" waste " means any matter, whether gaseous, liquid or solid or any combination thereof, which is, in the opinion of the person in whose possession or under whose control it is, an undesirable or superfluous by-product, emission, residue or remainder of any process or activity in connection with any genetically modified organism.

Scope

3. This Act applies to the import, development, export, research, transit, contained use, release or placing on the market of any genetically modified organism whether intended for release into the environment, for use as a pharmaceutical, for food, feed or processing, or a product of a genetically modified organism.

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PART II

THE NATIONAL BIOSAFETY AUTHORITY

Establishment of National Biosafety Authority

4. (1) There is hereby established the National Biosafety Authority 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 powers, subject to the other provisions of this Act, to do all such acts and things as a body corporate may by law do or perform and as are necessary for, or incidental to, the carrying out of its functions under this Act.

(2) The provisions of the First Schedule apply to the Authority.

Functions of Authority

5. (1) The functions of the Authority are to—

(a) receive, respond to and make decisions on any notification and application, in consultation with the Scientific Advisory Committee, and in accordance with the requirements of this Act;

(b) establish administrative mechanisms to ensure the appropriate handling, dissemination and storage of documents and data in connection with the processing of applications and notifications and other matters covered by this Act;

(c) promote public awareness and education concerning the activities regulated under this Act, through the publication of guidance and other materials that explain and elaborate on the risk assessment, risk management and authorization processes;

(d) establish and maintain a data base on genetically modified organisms and products of genetically modified organisms intended for direct use as food or feed, or for research and production processing and make available such information to the public;

(e) prescribe criteria, standards and guidelines as may be necessary for the implementation of the provisions of this Act;

(f) take into account the policy recommendations and other guidelines of the Scientific Advisory Committee in making decisions on the import, export, development, transit, research, contained use, release or placing on the market of any genetically modified organism or product of a genetically modified organism;

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(*g*) to cause the establishment and appointment of members of institutional biosafety committees at relevant institutions and constitute any other organ of experts, as appropriate, as technical and scientific advisors on issues of biosafety;

(*h*) to keep any genetically modified organism or any product of any genetically modified organism under review and where the Authority has reasonable grounds to believe that the genetically modified organism or product thereof poses any risk to human and animal health, biological diversity or the environment, to ban its transit, import, export, development, research, use or release in Zambia;

(*i*) review or have made a risk assessment of any genetically modified organism or product of any genetically modified organism;

(*j*) take any measures to protect human and animal health, biological diversity and the environment from the risks that may be posed by any genetically modified organism or product of any genetically modified organism;

(*k*) designate inspectors and undertake inspection as well as any other control measures to ensure compliance with this Act; and

(*l*) carry out any other activity which is necessary or conducive to the performance of its functions under this Act.

(2) The Authority shall serve as the National Biosafety Focal Point and receive, process and respond to information and notifications from the Secretariat of the Cartagena Protocol on Biosafety.

(3) In furtherance of its functions under subsection (2), the Authority shall—

(*a*) facilitate regional and international information exchange and sharing relating to genetically modified organisms or products of genetically modified organisms or any other matter connected therewith; and

(*b*) declare through the Secretariat of the Protocol that—

(i) any genetically modified organism or product of a genetically modified organism intended as food or feed or for processing shall be imported only after it is subjected to a full risk assessment in accordance with this Act; and

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(ii) any application to import a genetically modified organism or product of a genetically modified organism shall require a risk assessment any time a new genetically modified organism is posted in the Clearing House under the Protocol.

Scientific Advisory Committee

6. (1) There is hereby established a Scientific Advisory Committee for the purpose of conducting risk assessments and providing scientific and other technical advice and assistance to the Authority.

(2) The Authority shall appoint the members of the Scientific Advisory Committee.

(3) A member of the Scientific Advisory Committee shall hold office for a period of three years and may be re-appointed for a further like period.

(4) The office of a member becomes vacant—

(a) upon the member's death;

(b) if the member is adjudged bankrupt;

(c) if the member is absent from three consecutive meetings of the Committee of which the member has had notice, without the prior approval of the Committee;

(d) upon the expiry of one month's notice of the member's intention to resign from office, given by the member in writing to the Authority;

(e) upon the expiry of one month's notice of the member's removal given to the member in writing by the Authority;

(f) if the member becomes mentally or physically incapable of performing the duties of a member of the Committee;

(g) if the member is convicted of an offence under this Act;

(h) if the member is convicted of an offence under any other written law and sentenced therefor to imprisonment for a term of six months or more; or

(i) if the member acquires any interest in a biotechnology enterprise or any commercial enterprise likely to benefit directly from biotechnology or its products.

Functions of Scientific Advisory Committee

7. The Scientific Advisory Committee shall—

(a) conduct risk assessments;

(b) review risk assessment and risk management measures;

(c) recommend containment measures, limitations on the duration of authorizations, reporting mechanisms, remedial measures, monitoring procedures and other appropriate and scientifically sound conditions and risk management measures;

(d) provide policy recommendations and guidelines to the Authority; and

(e) provide such other advice and assistance as the Authority may request.

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Composition of Scientific Advisory Committee

8. (1) The Scientific Advisory Committee shall consist of nine scientific experts from any of the following fields:

(a) breeding and genetics;
(b) agronomy;
(c) weed science;
(d) pathology;
(e) molecular biology;
(f) food science;
(g) toxicology;
(h) ecology;
(i) entomology;
(j) virology;
(k) microbiology; and
(l) pharmacology.

(2) The Chairperson of the Scientific Advisory Committee shall be elected by members of the Committee.

(3) The Committee may, for the purpose of performing its functions under this Act, constitute any sub-committees and designate chairpersons of the sub-committees, who shall be drawn from the members of the Scientific Advisory Committee.

(4) The Scientific Advisory Committee may appoint as members of any sub-committee constituted under sub-section (3) persons from any government agency, independent institution, research institute, university or any other academic institution.

(5) The Scientific Advisory Committee may recommend to the Authority the appointment of any additional members of any sub-committee as may be required for purposes of this Act.

(6) The Scientific Advisory Committee may recommend the appointment of any expert advisor from any relevant scientific discipline not otherwise adequately represented on the Scientific Advisory Committee or any sub-committee.

(7) A member or advisor of the Scientific Advisory Committee or any sub-committee, shall publicly disclose any actual or potential conflict of interest relating to any risk assessment or any other matter upon which the Scientific Advisory Committee or any sub-committee may be consulted by the Authority.

(8) Any person with any actual or potential interest with regard to a particular matter which is the subject of discussion or consideration by the Scientific Advisory Committee shall not participate in any risk assessment, discussion or deliberation concerning that matter and shall be removed from the Committee or sub-committee where any actual or potential conflict impair the person's ability to serve in an independent or impartial manner.

(9) The Minister may, by statutory instrument, make regulations for—

(a) the rules of procedure and the operations of the Scientific Advisory Committee and any sub-committee;

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(*b*) any matter necessary for the effective and transparent operation of the Scientific Advisory Committee and any sub-committee;

(*c*) the terms of reference and competence of the Scientific Advisory Committee;

(*d*) the mechanisms and procedures for the appointment of members and chairpersons of the Scientific Advisory Committee and any sub-committee;

(*e*) the manner of appointment of any advisor and the participation of any advisor in the deliberations and discussions of the Scientific Advisory Committee or any sub-committee;

(*f*) the declaration and manner of dealing with any conflict of interest among the members or advisors of the Scientific Advisory Committee or any sub-committee;

(*g*) the remuneration of the members or advisors of the Scientific Advisory Committee or any sub-committee; and

(*h*) the protection of confidential information for purposes of this Act by any member or advisor of the Scientific Advisory Committee or any sub-committee.

Institutional biosafety committees

9. (1) Any institution that is involved in the import, development, research, transit, export, handling, contained use, release or placing on the market of any genetically modified organism or product of a genetically modified organism shall establish an institutional biosafety committee to institute and control safety mechanisms and approval procedures at the institutional level.

(2) Any institutional biosafety committee established under subsection (1) shall register with the Authority in such manner and upon payment of such fee as may be prescribed.

PART III

Regulation of Activities Relating to Genetically Modified Organisms

Prohibition of import, export, transit, etc of genetically modified organism or product of genetically modified organism

10. (1) A person shall not research on, develop, produce, import, export, transit, carry out any contained use, release or place on the market any genetically modified organism or any product of a genetically modified organism or deal in any manner with any genetically modified organism or a product of a genetically modified organism without the prior approval of the Authority.

(2) Sub-section (1) applies to any traditional breeding method which results in or is likely to result in any genetically modified variety.

(3) Any approval or authorisation of the Authority for any activity relating to any genetically modified organism or any product of any genetically modified organism shall be through the issuance of a permit.

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(4) Any person who contravenes subsection (1) commits an offence and is liable, upon conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a term not exceeding ten years or to both.

No permit on crop or live livestock of strategic importance

11. (1) The Authority shall not grant any approval for the importation, development, production, release into the environment or placing on the market of any genetically modified organism or product of a genetically modified organism relating to any crop or livestock of strategic importance to national food security.

(2) The Minister may, for the purpose of sub-section (1), by statutory instrument make provision for a list of any strategic crop or livestock of national importance and food security.

Prohibition of certain work on genetically modified organisms

12. A person shall not conduct the following activities:

(a) any gene therapy or somatic gene therapy for improving or enhancing any desired human characteristic for non-medical reasons; and

(b) use of any genetically modified organism or a product of a genetically modified organism that does not accord with the public interest, morality or cultural and ethical values of the people of Zambia.

Notification procedure

13. (1) Any person who intends to conduct research on, develop, apply, import, transit, release, place on the market or carry out any contained use of any genetically modified organism or product of any genetically modified organism shall submit an application in writing to the Authority for authorisation.

(2) The application referred to under sub-section (1) shall include the following information:

(a) the information set out in the Second Schedule, Third Schedule and any other information as may be prescribed under this Act;

(b) an assessment report on risks that may be posed by the genetically modified organism or product of a genetically modified organism upon the environment, biological diversity or human health, non-genetically modified crop including the consequences of any unintentional release;

(c) any information from any previous or current release of the genetically modified organism or product of a genetically modified organism in the country or in any other country;

(d) information on any previous approvals or rejections of the genetically modified organism or any product of the genetically modified organism by any other country;

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(*e*) if the request for approval is for the purposes of research and development, the recommendations of the relevant institutional biosafety committee;

(*f*) a clear and sequential description of the steps to be taken in the implementation of the project, and the monitoring and evaluation that will be made at the end of each step and the method of disposing off any waste;

(*g*) the place where and the purpose for which the genetically modified organism or the product of a genetically modified organism is planned to be developed, used, kept, released or marketed, including detailed instructions for the use and a proposed labelling and packaging scheme in accordance with the provisions of this Act;

(*h*) a declaration confirming that the information provided is correct including, where appropriate, an undertaking from the originator of such information affirming its accuracy and completeness; and

(*i*) a clear environmental monitoring plan.

Public consultation, information and participation

14. (1) The Authority shall consult the public prior to the grant of any authorisation under this Part, in such manner and within such period as may be prescribed.

(2) The Authority shall for purposes of this Part, consult with any relevant institution responsible for the conservation, management or protection of the environment, human and animal health, and farming local communities.

(3) The Authority shall, upon receipt of an application and the information referred to in section thirteen, avail the information to the public and any relevant government institution.

(4) The public shall make comments on the application in the manner and within such period as may be prescribed.

(5) The Authority shall, in making or reviewing its decision regarding any application, take into account the views or concerns of the public, any relevant institution or other stakeholder made in accordance with the provisions of this Act.

(6) The Authority shall inform the public on the following matters:

(a) information on any genetically modified organism or any product of a genetically modified organism which has been granted or denied authorization for import, transit, release, including the location of the release, placing on the market or contained use;

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(*b*) any risk assessment report relating to a genetically modified organism or product of a genetically modified organism; and

(*c*) any report on the evaluation of the risk assessment.

Regulatory powers on public information, consultation and participation

15. The Minister may, by statutory instrument, in consultation with the Authority, make regulations providing for—

(*a*) the procedure and manner of consulting or making information available to the members of the public for purposes of this Act;

(*b*) the procedure and manner of submission of any comments or objections by members of the public under this Act;

(*c*) the conduct of public hearings pursuant to this section;

(*d*) the forms and procedure to be used for purposes of this section;

(*e*) the period within which the public may make submissions to the Authority and decisions made relating to any application; and

(*f*) any other matter to give effect to the provisions of this section for purposes of this Act.

Decision-making procedure

16. (1) The Authority shall, within such period as may be prescribed, inform the applicant in writing and the public of its decision.

(2) The Authority may approve or reject the application or approve the application on such terms and conditions as it may determine.

(3) The Authority may, prior to making a decision in relation to any application under this Part, request the applicant to submit further and additional information as the Authority may consider necessary for purposes of this Act.

(4) The Authority shall, where an applicant fails to submit any further or additional information requested under subsection (3), reject the application.

(5) The Authority shall, where it rejects an application give reasons to the applicant for the rejection.

Permit condition

17. (1) An approval for a permit shall require the holder to carry out the activity in a step-by-step sequence and to conduct an assessment of risks at each step.

(2) Any approval for the import, transit, placing on the market, release or contained use of a genetically modified organism or product of a genetically modified organism shall require the permit holder to carry out monitoring and evaluation of risks on a continuous basis for a period commensurate with the life cycle of the species as the Authority may determine.

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(3) A permit holder shall, where any new information becomes available on any potential risks to human or animal health, biological diversity or the environment, notify the Authority within forty eight hours from the time the information becomes available.

(4) A permit issued under this Part shall be used solely by the person to whom it is issued and is not transferable to any other person.

Criteria for decision making

18. (1) No approval shall be given unless there is firm and sufficient evidence that the genetically modified organism or product of a genetically modified organism poses minimum risk to human and animal health, non-genetically modified crop, biological diversity or the environment.

(2) The Authority shall not give any approval for a permit where there is reason to believe that any harm or damage may be caused to human and animal health, non-genetically modified crop, biological diversity or the environment although there is lack of scientific evidence or certainty.

(3) Lack of scientific evidence shall not be used as a basis for not taking preventive measures where there is reason to suspect threats of any damage to socio-economic conditions, human and animal health, non-genetically modified crop, biological diversity or the environment.

(4) The Authority may reject an application under this Part on grounds of public interest.

(5) The Authority shall not grant any approval for a permit if—

(a) the applicant fails to meet any condition precedent to the issue of the permit;

(b) the applicant fails to submit the assessment results of the effect of the use of any genetically modified organism or product of a genetically modified organism on human and animal health, non-genetically modified crop, biologicaldiversity or the environment;

(c) any permit previously held by the applicant has been revoked by the Authority;

(d) the applicant has been convicted of an offence under this Act;

(e) the Authority is satisfied that in the interest of protecting human and animal health, non-genetically modified crop, biological diversity and the environment, the permit should not be issued; and

(f) the applicant has been convicted of an offence relating to biosafety in another country or the applicant's permit was withdrawn by the relevant authority in that country.

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(6) The Authority shall notify the applicant in writing of the refusal to issue the permit and shall state the reasons for the refusal.

Socio-economic considerations

19. (1) The Authority shall not grant any approval unless it considers that the import, transit, contained use, development, release or placing on the market of the genetically modified organism or the product of a genetically modified organism shall—

(a) benefit the country without causing any risk to human and animal health, non-genetically modified crop, biological diversity or the environment;

(b) contribute to sustainable development;

(c) not have adverse socio-economic impacts; and

(d) accord with the ethical values and concerns of communities and does not undermine community knowledge and technologies.

(2) The Authority shall, as a condition for approval, require an applicant to furnish evidence of insurance cover or other sufficient arrangement to meet its obligations under this Act.

Appeal against refusal to grant permit

20. (1) An applicant may, where the Authority refuses to grant a permit, not later than thirty days from the date of receipt of the notice of refusal, appeal in writing to the Tribunal against the refusal.

(2) The Minister shall appoint a Tribunal in accordance with Part XIV of this Act.

Revocation of permit

21. (1) The Authority may revoke a permit or subject it to conditions additional to those initially imposed where—

(a) the Authority is satisfied that the holder of the permit has failed to comply with any conditions relating to the permit; or

(b) in the opinion of the Authority, new information or a review of existing information about a genetically modified organism or any product of a genetically modified organism has established or is likely to establish any risk to human or animal health, non-genetically modified crop, biological diversity or the environment.

(2) The Authority shall, where it revokes a permit, notify the permit holder of the decision in writing within seven days of the revocation and shall state the reasons for the revocation.

(3) The Authority may, where it revokes a permit in accordance with sub-section (1), order the destruction of the genetically modified organism or product of a genetically modified organism or order compensation for the harm caused to human and animal health, non-genetically modified crop, biological diversity or the environment.

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(4) The Authority shall, where the genetically modified organism or product of a genetically modified organism is a plant or seed, cause the sterilisation or decontamination of the soil, as the case may be.

Appeal against revocation

22. (1) A permit holder may, where the Authority revokes the permit, not later than thirty days from the date of receipt of the notice of revocation, appeal in writing to the Tribunal against the revocation.

(2) The decision of the Tribunal on any appeal under this section shall be subject to further appeal to the High Court.

Suspension, cancellation and loss of permit

23. (1) The Authority may suspend, for any period, or cancel any permit issued under this Act, if in the opinion of the Authority, any genetically modified organism or product of a genetically modified organism to which the permit relates poses any risk to human or animal health, non-genetically modified crop, biological diversity or the environment.

(2) Upon the suspension of any permit under subsection (1), the Authority shall notify the holder, in writing, of the period of the suspension and, during that period, the permit so suspended shall be of no legal force or effect and shall be surrendered to the Authority.

(3) Upon the cancellation of any permit under sub-section (1), the Authority shall notify the holder in writing of such cancellation and, from the date of the notice, the permit so cancelled shall no longer be of any legal force or effect and shall forthwith be surrendered to the Authority.

(4) Upon the suspension or cancellation of any permit under sub-section (1), the holder may be refunded such proportion of the fee paid for the permit as the Authority may determine.

(5) Where any person loses a permit, the person shall inform the Authority within fourteen days of the loss and shall after a further period of fourteen days apply to the Authority for the issuance of a duplicate permit.

(6) On application under subsection (5), the Authority—

(a) may issue a duplicate permit on such terms and conditions as the Authority may determine; or

(b) reject the application and notify the holder in writing giving reasons for the refusal.

(7) Any person whose permit has been suspended or cancelled under subsection (1) or to whom the Authority has refused to issue a duplicate permit under subsection (6) may, not later than thirty days after the receipt of the notice given under subsection (2) or (3), or the notice of refusal to issue a duplicate permit under subsection (5), as the case may be, appeal in writing to the Tribunal against the suspension, cancellation or refusal.

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(8) The decision of the Tribunal on any appeal under this section shall be subject to further appeal to the High Court.

PART IV
Risk Assessment

Risk Assessment

24. (1) An applicant shall carry out or cause to be carried out an assessment of any risk associated with a genetically modified organism or a product of a genetically modified organism in respect of which the application is being made.

(2) The Authority shall not make any decision on any application to import, transit, make contained use of, develop, research on, release or place on the market a genetically modified organism or a product of a genetically modified organism unless an assessment of risk to human and animal health, non-genetically modified crop, biological diversity, the environment, socio-economic conditions and cultural norms is conducted.

(3) A risk assessment of a genetically modified organism or a product of a genetically modified organism shall be carried out by an applicant or the Scientific Advisory Committee, as the case may be in a scientifically sound manner, on a case by case basis, in accordance with the Fourth Schedule.

(4) The Authority may require an applicant to bear all the costs for evaluating a risk assessment report or carrying out the risk assessment, as the case may be.

(5) The Authority shall reject an application where an independent risk assessment cannot be undertaken or its independence verified.

Evaluation of risk assessment

25. (1) The Authority shall evaluate or cause the evaluation of any risk assessment report and consider the result of the evaluation in making a decision on any application to import, transit, develop, research, make contained use of, release or place on the market a genetically modified organism or a product of a genetically modified organism.

(2) The Authority shall, where an evaluation of a risk assessment shows that any risk cannot be avoided, reject the application for the import, transit, development, research, contained use of, release or placing on the market of a genetically modified organism or a product of a genetically modified organism.

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(3) No person shall be involved in the evaluation of a risk assessment in respect of a subject matter in which the person has any direct or indirect interest of any kind, or if, for any reason, there is, or there is likely to be, a conflict of interest as a result of the person's participation in the evaluation process.

(4) A person with a conflict of interest shall declare the fact and withdraw from the evaluation process.

Effect of refusal of authorisation on patents

26. Where the Authority rejects an application under subsection (2) of section *eighteen*, any patent or an application for a patent on the genetically modified organism or product of a genetically modified organism shall be revoked or rejected by the relevant authority.

PART V

Risk Management

Risk management

27. (1) The Authority shall—

(a) develop, maintain and use as the need arises, a risk management strategy for protecting human and animal health, non-genetically modified crop, biological diversity or the environment from accidents in genetic engineering, the use of any genetically modified organism or any product of a genetically modified organism: and

(b) impose such measures as may be necessary to implement the Fifth Schedule and to avoid adverse effects on the environment, biological diversity and human and animal health, including on socio-economic conditions, arising from a genetically modified organism or a product of a genetically modified organism.

(2) Without limiting the generality of the foregoing, the Authority may—

(a) require any genetically modified organism to undergo a period of observation commensurate with its life cycle or generation time, at the cost of the applicant, before and after it is put to its intended use;

(b) prohibit the import, development, research on, transit, contained use, release or placing on the market of any genetically modified organism or a product of a genetically modified organism, if it contains any characteristic or trait which poses any risk to human and animal health, non-genetically modified crop, the environment and biological diversity;

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(*c*) order the cessation of any activity, which is being undertaken in violation of any of the provisions of this Act or any decisions made under it;

(*d*) order the cessation of any activity involving a genetically modified organism or a product of a genetically modified organism that is known to cause risks to human and animal health, non-genetically modified crop, the environment or biological diversity;

(*e*) require the person responsible for any activity under this Act to take such measures as may be necessary to prevent or limit any harm to human and animal health, the environment, non-genetically modified crop, biological diversity or socio-economic conditions, to implement remedial measures or restore the environment to its previous state as far as is feasible;

(*f*) undertake measures, as necessary, at the cost of the person responsible, in the event that the person responsible fails to undertake any safety measures prescribed by the Authority;

(*g*) take measures, as necessary, in the case of imminent or serious danger to human and animal health, the environment, biological diversity, non-genetically modified crop, socio-economic conditions or order public caused by a genetically modified organism or a product of a genetically modified organism at the cost of the person responsible for causing the danger;

(*h*) require an applicant to submit reports periodically in respect of any monitoring and evaluation of risks carried out after any approval of the import, research, transit, development, contained use, release or placing on the market of a genetically modified organism or a product of genetically modified organism;

(*i*) restrict or prohibit the development, research, production, transit, import, release, contained use or placing on the market of any genetically modified organism or a product of a genetically modified organism; and

(*j*) assess and prohibit the import, transit, research, development, production, contained use, release or placing on the market of a genetically modified organism or a product of a genetically modified organism that is being or is likely to be used for a hostile purpose.

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(3) The Authority shall, where it has reasonable grounds to believe that any genetically modified organism or a product of a genetically modified organism has caused or is likely to cause serious danger or any adverse effect to human or animal health, non-genetically modified crop, biological diversity or the environment, and that immediate action or redress is required, take such measures as are necessary, without prior notice, to prevent or limit any harm to human or animal health, non-genetically modified crop, biological diversity or the environment and all the costs and expenses for such measures or remedial action shall be borne by, or be recoverable from, the person responsible for the harm.

PART VI

Co-existence

Co-existence of farming practices

28. (1) A person who cultivates any genetically modified crop shall prevent any contamination or commingling of the genetically modified crop with any non-genetically modified crop.

(2) A person who keeps or owns genetically modified livestock shall prevent any cross -breeding between genetically modified and non-genetically modified livestock.

(3) Any person who contravenes subsections (1) or (2) commits an offence and is liable upon conviction to a fine not exceeding five hundred thousand penalty units or to imprisonment for a term not exceeding ten years, or to both.

(4) In addition to any penalty that may be imposed under subsection (3), any person responsible for the contamination or commingling of genetically modified crop with any non-genetically modified crop or cross-breeding between genetically modified livestock with non-genetically modified livestock shall compensate the person whose crop has been contaminated or livestock cross-bred as the case may be.

(5) The Minister may, by statutory instrument, provide for—

(a) the management measures to ensure non-contamination of non-genetically modified crops by genetically modified crops;

(b) the measures to be taken during cultivation, harvesting, transportation, storage and processing of any genetically modified crop;

(c) the prevention and management of any accidental mixing of any genetically modified crop with non-genetically modified crop;

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(*d*) the prevention of cross pollination and commingling between any genetically modified crop and non-genetically modified crop;

(*e*) appropriate segregation, certification, identification and labelling practices and measures;

(*f*) the restriction of cultivation of a certain type of crop in any area;

(*g*) the skill and qualifications of persons involved in the cultivation, storage, handling, harvesting, transportation and processing of any genetically modified crop; and

(*h*) generally, the co-existence of any farming practices and systems.

(5) The regulations made under subsection (4) may make provision for measures specific to different types of crop, taking into account any local or national factors.

(6) Subsections (4) and (5) apply with necessary modifications to livestock.

PART VII

IDENTIFICATION AND LABELING

Packaging, identification and labelling

29. (1) Any genetically modified organism or product of a genetically modified organism shall be clearly identified and labeled as such in accordance with this Act or any regulations enacted thereunder.

(2) The identification required for purposes of subsection (1) shall specify the relevant traits and characteristics given in sufficient detail for purposes of traceability.

(3) Any genetically modified organism or any product of a genetically modified organism shall be clearly labeled and packaged in the manner provided for in paragraph C of the Third Schedule.

(4) The Minister may, in consultation with the Authority, by statutory instrument, make provision for—

(*a*) the manner of labeling, identification and packaging of any genetically modified organism or a product of a genetically modified organism;

(*b*) the manner of indicating any genetically modified organism that may or is likely to cause allergies or pose any other risk to human or animal health, non-genetically modified crop, biological diversity or the environment;

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(c) the measures to be taken by a producer, researcher, importer, exporter or any other person dealing with any genetically modified organism so as to protect consumers;

(d) the prevention of fraudulent practices in the packaging, identification and labeling of any genetically modified organism or product of a genetically modified organism;

(e) the segregation of genetically modified organisms from non-genetically modified organisms;

(f) the threshold level for purposes of identification of any genetically modified organism or a product of a genetically modified organism; and

(g) any other matter necessary to give effect to the provisions of this Part.

PART VIII

EXPORT

Procedure for export

30. (1) Any person who intends to export a genetically modified organism or a product of a genetically modified organism shall provide to the Authority a written advance informed agreement or approval of the competent authority of the importing country.

(2) The presentation of the advance informed agreement by an exporter does not in any manner absolve the exporter from complying with any other laws governing foreign trade.

(3) There shall be no authorization for the re-export of a genetically modified organism or product of a genetically modified organism that is banned by the laws of the exporting country.

(4) An exporter shall —

(a) package any genetically modified organism or a product of a genetically modified organism in the prescribed manner so as to prevent any unintentional release in transit; and

(b) comply with any other requirements imposed by the competent authority of the importer as to labeling or other relevant measures to protect human and animal health, non-genetically modified crops, biological diversity or the environment from any risk or adverse effect from any genetically modified organism or a product of a genetically modified organism.

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PART IX
Requirements for Genetically Modified Organisms in Transit

Requirements for genetically modified organism in transit

31. (1) A person shall not make any transboundary movement of a genetically modified organism or a product of a genetically modified organism otherwise than with the written consent of the Authority.

(2) A person shall not transport or transit any genetically modified organism or a product of any genetically modified organism through Zambia without authorization from the Authority.

(3) Any person who contravenes this section commits an offence and is liable, upon conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a period not exceeding ten years, or to both.

Regulatory powers

32. The Minister may, by statutory instrument, in consultation with the Authority, provide for—

(a) the packaging, handling and transportation of any genetically modified organism or a product of any genetically modified organism in transit; and

(b) the conditions to be met and measures to be taken by any person responsible for the transit of any genetically modified organism or a product of a genetically modified organism.

PART X
Unintentional Release and Emergency Measures

Emergency response plan

33. (1) The Authority shall, for purposes of managing any unintentional release or emergency arising from an accident with a genetically modified organism or a product of a genetically modified organism—

(a) require a permit holder to prepare an emergency plan for the protection of human and animal health, non-genetically modified crops, biological diversity and the environment outside the area of release or contained use in the event of an accident;

(b) require the notification of any hazards in writing by a permit holder of any appropriate emergency services;

(c) require a permit holder to inform any persons likely to be affected by the accident on safety measures and procedures; and

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(d) require the update periodically by a permit holder of any information relating to safety measures and the making available of the information to the general public.

(2) A permit holder shall inform the Authority immediately of any accident and provide the following information:

(a) the circumstances of the accident;

(b) the identity and quantity of any genetically modified organism released unintentionally;

(c) any measure necessary to assess the effects of any accident on human and animal health, biological diversity and in general, the environment; and

(d) the emergency measures taken or to be taken.

(3) The Authority shall, upon receipt of any information under subsection (2)—

(a) ensure that a permit holder responsible for any accident takes measures to neutralise risks to human and animal health, non-genetically modified crop, biological diversity and the environment; and

(b) inform relevant government and non-governmental organisations in countries likely to be affected and the Biosafety Clearing House.

PART XI

CONFIDENTIAL BUSINESS INFORMATION

Protection of certain business information

34. (1) A person shall apply to the Authority in the prescribed manner upon payment of a prescribed fee, for the treatment of any information as confidential for business purposes.

(2) The Authority shall, after consultation with the applicant, determine the information which may be kept confidential and shall inform the applicant of its decision and the reasons therefor.

(3) The following information shall not be kept confidential:

(a) any description of a genetically modified organism or a product of a genetically modified organism;

(b) the name, address or other particulars of the applicant;

(c) the purpose and location of the import, transit, development, research, production, contained use, release or placing on the market of a genetically modified organism or a product of a genetically modified organism;

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(d) any methods and plans for monitoring of a genetically modified organism or a product of a genetically modified organism and for any emergency response; and

(e) the evaluation of any foreseeable effects, in particular any pathogenic or ecologically disruptive effects.

(4) A person shall not disclose any confidential information.

(5) Any person who contravenes subsection (4) commits an offence and is liable, upon conviction to a fine not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding five years, or to both.

(6) The Authority shall not, where an applicant withdraws an application before approval, disclose any confidential information relating to the application.

(7) The Authority may, where it determines that it is in the public interest to do so, make available to the public any information referred to under section *thirteen* notwithstanding that it may be commercially confidential.

Protection of intellectual property rights

35. Notwithstanding subsection (3) of section *thirty-four*, the Authority shall, where it is satisfied on the basis of evidence submitted to it by the applicant and, after consultation with the applicant, that it is necessary to withhold for a specified time, some of the information specified in subsection (3) in order to protect the applicant's intellectual property rights, withhold that information to the extent and for so long as it is necessary to protect the rights.

PART XII

Liability and Redress

Liability and redress

36. (1) A person who imports, arranges transit, develops, makes contained use of, releases or places on the market a genetically modified organism or product of a genetically modified organism shall be strictly liable for any harm caused by the genetically modified organism or product of the genetically modified organism and shall compensate any person to whom the harm is caused.

(2) Liability shall attach to the person responsible for the activity, which results in the damage, injury or loss as well as to the provider, supplier or developer of the genetically modified organism or of the product of a genetically modified organism.

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(3) If there is more than one person responsible for the damage, injury or loss, then the liability shall be joint and several.

(4) Where any harm is caused to the environment or biological diversity, compensation shall include the costs of reinstatement, rehabilitation or clean-up measures which are incurred and where applicable, the costs of preventive measures.

(5) Liability shall also extend to—

(a) any harm or damage caused directly or indirectly by any genetically modified organism or a product of a genetically modified organism to the economy or social cultural conditions;

(b) any negative impacts on the livelihood or indigenous knowledge systems or technologies of any community;

(c) any damage or destruction arising from any incidents of public disorder triggered by any genetically modified organism or a product of a genetically modified organism;

(d) any disruption or damage to any production or agricultural system;

(e) any reduction in yields of the local community;

(f) any soil contamination or damage to biological diversity;

(g) any damage to the economy of an area or community; or

(h) any other consequential disorder.

(6) The right to bring any action in respect of harm caused by a genetically modified organism or product of a genetically modified organism shall lapse after a reasonable period from the date on which the affected person or the community could reasonably be expected to have learned of the harm, taking due account of—

(a) the time the harm may take to manifest itself; and

(b) the time that it may take to correlate the harm with the genetically modified organism or product of a genetically modified organism, having regard to the situation or circumstance of the person or community affected.

(7) Any person, group of persons or any private or state organisation may bring a claim and seek redress in respect of the breach or threatened breach of any provision relating to damage to the environment, non-genetically modified crop, biological diversity, human and animal health or to socio economic conditions:

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(a) in that person's or group of person's interest;

(b) in the interest of or on behalf of, a person who is, for practical reasons, unable to institute such proceedings;

(c) in the interest of, or on behalf of, a group or class of person whose interests are affected;

(d) in the public interest; and

(e) in the interest of protecting the environment or biological diversity.

(8) No costs shall be awarded against any of the persons specified under subsection (7) who fail in any action if the action was instituted reasonably out of concern for the public interest or in the interest of protecting human health, biological diversity and in general, the environment.

(9) Where any harm is caused to human and animal health by a genetically modified organism or a product of a genetically modified organism, compensation shall include—

(a) any costs and medical expenses;

(b) compensation for any disability suffered; and

(c) compensation for loss of life.

PART XIII

INSPECTORATE

Appointment of inspectors

37. (1) The Authority shall appoint such number of competent persons to exercise and perform the powers and functions of inspector as it may consider necessary.

(2) The Authority shall provide an inspector with an identification card that shall be prima facie evidence of the inspector's appointment as such.

(3) An inspector shall, at the request of any person affected by the exercise, or the performance by an inspector, of any power or function under this Act, produce for inspection by the person the identification card referred to under subsection (2).

Seizure, disposal and destruction of genetically modified organism or product illegally imported, exported, etc.

38. (1) Subject to subsection (2), an inspector may seize and destroy, without compensation, any genetically modified organism or a product of a genetically modified organism that—

(a) is not accompanied at the time of importation, transit, exportation, release, placing on the market or otherwise, by a permit or other prescribed document;

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(b) is accompanied by a permit that is incorrect in a material particular;

(c) is imported, in transit, exported, released, placed on the market or otherwise dealt with contrary to the conditions of a permit issued in terms of this Act; and

(d) is imported, exported, in transit, released, placed on the market or otherwise dealt with, in contravention of the provisions of this Act.

(2) An inspector shall not seize or destroy any genetically modified organism or a product of a genetically modified organism unlawfully imported, in transit or exported unless the inspector gives notice to the importer or exporter of the seizure or destruction of the genetically modified organism or product of a genetically modified organism and the reasons therefor.

(3) An inspector shall, where the inspector has reasonable grounds to believe that any seized genetically modified organism or product of a genetically modified organism presents a risk to human and animal health, non-genetically modified crop, biological diversity or the environment, order the importer, exporter or person having any custody or control of the genetically modified organism or product to destroy the goods at the importer's, exporter's or person's cost.

Disposal of abandoned consignment

39. The Authority may, where, after its entry into Zambia, any genetically modified organism or product of a genetically modified organism is not claimed or abandoned at a port of entry within a period of fourteen days from the date of entry into Zambia, dispose of it by sale or destroy it.

Costs for sterilisation, removal, destruction, etc

40. (1) The costs and responsibility for the destruction, re-exportation, remediation, sterilization, disposal or any action taken under this Act shall be borne by the person responsible for the harm or damage or person who is in contravention of the provisions of this Act or conditions and terms of a permit, except where the Authority determines that it should take responsibility for the associated costs.

(2) Where the person responsible for any harm or damage or in contravention of the provisions of this Act or the terms and conditions of a permit does not pay for any cost or fee for inspection, disposal, remediation or other measure required under this Act, the genetically modified organism or product of a genetically modified organism shall be forfeited to the Authority and disposed of as the Authority may determine.

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(3) The assumption by the Authority of any financial responsibility under sub-section (1) is without prejudice to its recovering the costs as a debt.

(4) The costs charged for purposes of this section shall be done in the prescribed manner.

(5) The Authority shall not bear any liability for the destruction or disposal of any genetically modified organism or product of a genetically modified organism dealt with in contravention of this Act.

Powers of inspectors

41. (1) An inspector may—

(a) with a warrant, at any reasonable time, enter upon and inspect any land, building or premises on or in which the inspector has reasonable grounds to believe that a genetically modified organism or product of a genetically modified organism likely to cause any harm to human and animal health, non-genetically modified crop, biological diversity or the environment may be found or in which an activity is being carried out contrary to the provisions of this Act;

(b) inspect any operation or process undertaken or carried out on any land, building or premises in connection with matters provided for in this Act;

(c) inspect and take any sample of any plant under cultivation, in storage or in transit, for the purpose of detecting any genetically modified organism or product of a genetically modified organism likely to pose any risk to human and animal health, non-genetically modified crop, biological diversity or the environment or cultivated, stored or carried in contravention of the provisions of this Act;

(d) open and examine any container, conveyance, package or wrapping reasonably suspected to contain a genetically modified organism or product of a genetically modified organism likely to pose any risk to human and animal health, non-genetically modified crop, biological diversity or the environment or carried, stored, kept or packaged in contravention of this Act;

(e) in collaboration with the relevant government agencies, inspect any consignment of plants, plant products or regulated articles destined for import into or export from Zambia to determine whether the consignment is in compliance with the provisions of this Act;

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(f) inspect and examine any vehicle, carriage or other conveyance in or upon which the inspector has reasonable grounds to believe a genetically modified organism or a product of a genetically modified organism is being or has been transported;

(g) with warrant, search any person whom the inspector has reasonable grounds to believe is harbouring any genetically modified organism or carrying out activities contrary to this Act;

(h) order the application of measures which are reasonably necessary or prescribed for purposes of this Act within a specified period;

(i) order the destruction at any time of any genetically modified crop which is growing on land or used contrary to the provisions of this Act;

(j) order the cessation of any activity or operation carried out in contravention of this Act, any permit condition or any regulations;

(k) order the adoption of measures prescribed for the purpose of protecting human and animal health, non-genetically modified crop, biological diversity or the environment from any risk posed by a genetically modified organism or product of a genetically modified organism; and

(l) restrict areas in which any genetically modified crop may be cultivated.

(2) An owner or occupier of any land, building or premises or conveyance and the owner's servants and agents shall afford an inspector access thereto and shall give such information and provide such reasonable assistance as the inspector may require for the purposes of carrying out an inspection.

(3) An inspector may, in the performance of any functions under this section, be accompanied and assisted by a police officer, wildlife officer, forestry officer, fisheries or other relevant officer.

(4) Subject to subsection (5), an inspector may, in the course of an inspection carried out under this section—

(a) seize, destroy, detain, treat or otherwise dispose of any plant, plant product, material, substance, appliance, equipment or document, or order that any such action be taken, at the expense of the owner;

(b) obtain any sample of any plant, substance or product as the inspector considers necessary; and

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(c) order an owner, occupier, person in charge or control to produce for inspection, or for purposes of obtaining extracts or copies, any book, document or other information concerning any matter relevant to the administration of this Act.

(5) An inspector shall not detain, treat, dispose of or destroy anything in exercise of powers under this Act unless the inspector, as soon as is practicable, notifies in writing, the Authority and the owner or person in possession of the genetically modified organism, plant, plant product, substance, material or other article of the steps required or taken and the reasons therefor.

(6) The Authority may following a notice issued by an inspector under subsection (5) authorise the inspector to detain, treat, dispose off or destroy the genetically modified organism, plant, plant product, substance, material or other article as the case may be under such conditions as the Authority may determine.

Obstruction of inspector

42. (1) A person commits an offence if the person—

(a) wilfully delays or obstructs an inspector in the carrying out of duties or functions under this Act; or

(b) knowingly or negligently gives an inspector false or misleading information orally, in writing or otherwise.

(2) Any person convicted of an offence under subsection (1) shall be liable, upon conviction, to a fine not exceeding twenty thousand five hundred penalty units or to imprisonment for a term not exceeding five years or to both.

Appeals against orders of destruction

43. (1) Subject to subsection (2), any person aggrieved with any decision made by an inspector in terms of this Act may, within seven days of the date of the decision, lodge with the Minister a notice of that person's intention to appeal against the order.

(2) There shall be no right of appeal against—

(a) an order for the destruction of a genetically modified organism or product of a genetically modified organism likely to pose any risk to human and animal health, non-genetically modified crop, biological diversity or the environment; or

(b) an order of destruction of any crop grown on land contrary to the provisions of this Act or any other law.

(3) A notice of intention to appeal lodged in terms of subsection (1) shall be in writing and shall specify in detail the grounds upon which it is given.

(4) The Minister shall transmit to a tribunal board constituted under section *forty-four* a notice lodged in terms of subsection (1).

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PART XIV

APPEALS

Appeals tribunal

44. (1) Subject to subsection (2), any person making an appeal under this Act shall lodge the appeal with the Minister and the Minister shall for the purpose of hearing and determining an appeal against any refusal to grant a permit or authorisation, revoke a permit or authorisation or an order of destruction, appoint a tribunal consisting of three members of whom—

(a) one member, who shall be the chairperson, shall be a legal practitioner or magistrate; and

(b) two other members which persons shall be experts with not less than five years experience and knowledge in matters relevant to this Act.

(2) The Minister shall not appoint a tribunal unless the appellant deposits with the Minister such sum as the Minister considers will be sufficient to pay the costs, including the allowances payable to the members of the tribunal, likely to be incurred in connection with the appeal.

(3) The powers, rights and privileges of a tribunal shall be the same as those conferred upon commissioners by the Inquiries Act, and the provisions of that Act shall, with the necessary modifications apply in relation to the hearing and determination of an appeal by the tribunal in terms of this section and to a person summoned to give evidence before a tribunal.

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(4) The Minister shall, on the determination of an appeal refund to the appellant the sum deposited by the appellant in terms of subsection (2) less the amount of the costs, if any, payable by the appellant in terms of subsection (5).

(5) If an appeal is dismissed, the tribunal may order the appellant to pay to the Government the costs incurred by the Government in connection with the appeal.

(6) A member of a tribunal shall be paid out of moneys appropriated for the purpose by Parliament, such allowances to meet the reasonable expenses incurred by the member in connection with an appeal as the Minister may prescribe.

(7) The Minister shall where an appeal is lodged, take all reasonable steps to stay the destruction, disposal or treatment of the articles pending a determination of the appeal by the tribunal, except where in the opinion of the Minister, any delay would create a risk of harm to the environment, biological diversity, human and animal health.

(8) The tribunal shall, within fourteen days of determining the appeal, inform the appellant and the Authority in writing of its decision and the reasons therefor.

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(9) A determination by a tribunal under sub-section (2) shall not prejudice the right of any aggrieved party to seek recourse in a court of competent jurisdiction within thirty days of the determination.

PART XV
Offences and Penalties

Offences and penalties

45. (1) Any person commits an offence who—

(a) researches, develops, imports, releases, places on the market or makes contained use of any genetically modified organism or product of a genetically modified organism without the written approval of the Authority;

(b) violates any conditions attached to the grant of approval under this Act;

(c) fails to furnish any information as required by the provisions of this Act;

(d) withholds information that has become available to that person after the approval of the person's application, and that could change the evaluation of the risk posed by that person's project;

(e) provides false, misleading or deceptive information under this Act in order to secure an approval;

(f) does not label, package or identify any genetically modified organism or a product of a genetically modified organism in accordance with this Act or with any conditions imposed under this Act;

(g) labels, packages or identifies any genetically modified organism or product of a genetically modified organism in a manner that is false, misleading or deceptive or in contravention of any regulation made under this Act;

(h) exports a genetically modified organism or a product of a genetically modified organism without the advance informed agreement of the importing country;

(i) participates in proceedings related to decision taking in respect of a subject matter covered by this Act in which thatperson has direct or indirect interest of any kind;

(j) violates any other provision of this Act or any condition or requirement imposed under this Act;

(k) fails to declare any conflict of interest arising in the Authority or Institutional Biosafety committee of which

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the person is a member, or in the evaluation of a risk assessment in which that person is involved and fails to withdraw from its activities in relation to that case: and

(l) uses a genetically modified organism or a product of a genetically modified organism for hostile purposes;

(m) obstructs or fails to assist the Authority or other authorised officers in the performance of their duties under this Act; or

(n) fails to inform the Authority of an accident or emergency involving a genetically modified organism or a product of a genetically modified organism.

(2) Any person who commits an offence under subsection (1) is liable, on conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a term not exceeding fifteen years, or to both.

(3) The court may, where a person is convicted of an offence under paragraphs *(a)*, *(b)*, *(c)* or *(d)* of subsection (1), prohibit the person from carrying out any activities permissible under this Act, connected or related therewith.

(4) Where an offence is committed by a corporation, and the court is of the view that a custodial sentence ought to be imposed, every person concerned in the management of the corporation at the time the offence was committed shall be liable to imprisonment unless the person shows—

(a) that the offence was committed without the person's connivance or consent; and

(b) the person took necessary steps to prevent the offence from being committed.

PART XVI
Miscellaneous

Regulations

46. (1) The Minister may, in consultation with the Authority, by statutory instrument, prescribe all matters which by this Act are required or permitted to be prescribed, or which are necessary to be prescribed for carrying out or giving effect to the provisions of this Act.

(2) Without derogating from the generality of subsection (1), the Minister may, in regulations, orders or notices made or issued in terms of this Act, provide for—

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(a) the form and manner in which applications for registration, permits, certificates and licences are to be made and the information to be supplied in connection therewith;

(b) the form of permits or certificates, the conditions to be contained in permits, certificates and licences and the periods for which permits and licences shall remain in force;

(c) the persons by whom, the circumstances in which and the conditions subject to which permits, certificates and licences shall be issued;

(d) the circumstances in which and the conditions, including the payment of a fee, subject to which copies of permits, certificates and licences may be obtained;

(e) the cancellation, suspension and amendment of permits, certificates and licences and the surrender or delivery of permits, certificates and licences for those purposes;

(f) the procedures to be followed by inspectors in the exercise of their powers under this Act;

(g) conditions for the import, export, development, transit, carriage, packaging, labeling, release, contained use or placing on the market of any genetically modified organism or product of a genetically modified organism;

(h) the ports of entry for the import and export of genetically modified organisms or products of genetically modified organisms;

(i) the fees payable and procedure in respect of any application, appeal, matter or document;

(j) the classification and types of genetically modified organisms and products of genetically modified organisms;

(k) the requirements for contained use of genetically modified organisms and products of genetically modified organisms;

(l) the requirements for laboratory development of genetically modified organisms and products of genetically modified organisms;

(m) the requirements for trial release of genetically modified organisms and products of genetically modified organisms;

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(n) the requirements for general release and marketing of genetically modified organisms and products of genetically modified organisms;

(o) the registration of a place or premises where work on genetically modified organisms and products of any genetically modified organism is to be undertaken;

(p) the control measures which shall be complied with or carried out by a user; and

(q) any other matter necessary for the proper implementation and to give effect to the provisions of this Act.

(3) The Minister may, on the advice of the Authority, in any regulation made under this section, prescribe in respect of the contravention of any provision of the regulations—

(a) for a penalty not exceeding a fine of two hundred thousand penalty units or a term of imprisonment for a period not exceeding five years, or to both;

(b) the forfeiture of anything which is the subject matter of the contravention or with which the offence was committed or which was used in, or for the purpose of, in relation to, or in connection with, the commission of the contravention; and

(c) in the case of a continuing offence, an additional penalty not exceeding a fine of five thousand penalty units on each count.

Transitional Provisions

47. (1) Any person who, on the commencement of this Act, carries out any research, import, release, placing on the market, transit or contained use of a genetically modified organism or product of a genetically modified organism, shall within three months of the coming into force of this Act apply for a permit to the Authority in the manner prescribed under this Act.

(2) A person who contravenes subsection (1) commits an offence, and is liable, upon conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a term not exceeding five years, or to both.

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FIRST SCHEDULE
(Section 4)

PART I
ADMINISTRATION OF AUTHORITY

Composition of Authority

1. (1) The Authority shall consist of thirteen part-time members appointed by the Minister.

(2) The members referred to in subparagraph (1) shall include the following:

(a) one representative each from the ministries responsible for—

(i) science and technology;
(ii) environment and natural resources;
(iii) agriculture;
(iv) health;
(v) commerce, trade and industry;
(vi) information; and
(vii) justice

(b) one person each from the following groups:

(i) consumers;
(ii) religious;
(iii) farmers; and
(iv) traditional authorities and;

(c) two other persons.

(3) The Chairperson and Vice-Chairperson shall be appointed by the Minister from amongst the members.

(4) A person shall not be appointed as a member of the Authority if the person—

(a) is an undischarged bankrupt;

(b) has been convicted of an offence under any law in force or this Act;

(c) has been convicted of any other offence and sentenced to a term of imprisonment of not less than six months; or

(d) has any financial, contractual or other interest in any biotechnology enterprise likely to benefit directly or indirectly from biotechnology or its products.

Seal of Authority

2. (1) The seal of the Authority shall be such device as may be determined by the Authority and shall be kept by the Secretary.

(2) The affixing of the seal shall be authenticated by the Chairperson or the Vice-Chairperson and the Secretary or one other person authorised in that behalf by a resolution of the Authority.

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(3) 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 Secretary by the Secretary or any other person generally or specifically authorised by the Authority in that behalf.

(4) Any document purporting to be a document under the seal of the Authority or issued on behalf of the Authority shall be received in evidence and shall be executed or issued, as the case may be, without any further proof, unless the contrary is proved.

Tenure of office of member and vacancy

3. (1) Subject to the other provisions of this Act, a member of the Authority shall hold office for a period of three years from the date of appointment and may be re-appointed for a further like period.

(2) The office of a member becomes vacant—

(a) upon the member's death;

(b) if the member is adjudged bankrupt;

(c) if the member is absent from three consecutive meetings of the Authority of which the member has had notice, without the prior approval of the Authority;

(d) upon the expiry of one month's notice of the member's intention to resign from office, given by the member in writing to the Authority;

(e) if the member becomes mentally or physically incapable of performing the duties of a member of the Authority;

(f) if the member is convicted of an offence under this Act;

(g) if the member is convicted of an offence under any other written law and sentenced therefor to imprisonment for a term of six months or more; or

(h) if a member acquires any interest in a biotechnology enterprise or any commercial enterprise likely to benefit directly from biotechnology or its products.

Proceedings of Authority

4. (1) Subject to the other provisions of this Act, the Authority may regulate its own procedure.

(2) The Authority shall meet for the transaction of business as often as is necessary or expedient for the conduct of its business at such places and times as the Authority may determine.

(3) Upon giving notice of not less than fourteen days, a meeting of the Authority may be called by the Chairperson and shall be called if not less than one third of the members so request in writing:

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Provided that if the urgency of any particular matter does not permit the giving of such notice, a special meeting may be called upon a shorter notice given by three members of the Authority.

(4) The quorum at any meeting of the Authority shall be five of the members.

(5) There shall preside at any meeting of the Authority—

(a) the chairperson;

(b) in the absence of the chairperson, the vice-chairperson; and

(c) in the absence of both the chairperson and the vice-chairperson, such member as the members present may elect from amongst themselves for the purpose of that meeting.

(6) A decision of the Authority on any question shall be by a majority of votes 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, in addition to a deliberative vote, a casting vote.

(7) Where a member is for any reasonable cause unable to attend any meeting of the Authority, the member may, in writing, nominate another person from the same

organisation to attend such meeting in that member's stead and such person shall be deemed to be a member for the purpose of such meeting.

(8) The Authority may invite any person whose presence in its opinion is desirable to attend and to participate in the deliberations of a meeting of the Authority but such person shall have no vote.

(9) The validity of any proceedings, act or decision of the Authority shall not be affected by any vacancy in the membership of the Authority 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 Authority shall cause minutes to be kept of the proceedings of every meeting of the Authority and every meeting of any committee established by the Authority.

Committees of Authority

5. (1) The Authority may, for the purpose of performing its functions under this Act, constitute any committee and may delegate to any such committee such of its functions as it thinks fit.

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(2) The Authority may appoint as members of a committee constituted under sub-paragraph (1), persons who are or are not members of the Authority and such persons shall hold office for such period as the Authority may determine.

Allowances of members

6. There shall be paid to members of the Authority or any committee of the Authority such allowances as the Authority may, with the approval of the Minister, determine.

Disclosure of interest

7. (1) A person who is present at a meeting of the Authority or any committee of the Authority and who is directly or indirectly interested in a matter that is the subject of consideration at the meeting shall, as soon as is practicable after the commencement of the meeting, disclose the interest and shall not, unless the Authority or the committee otherwise directs, take part in any consideration or discussion of, or vote on, any question relating to the matter.

(2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.

Registrar and staff of Authority

8. (1) The Authority shall appoint a suitably qualified and experienced person as Registrar of the Authority who shall be the chief executive officer of the Authority and who, subject to the general or special direction of the Authority, shall be responsible for the carrying out of the provisions of this Act, and shall be responsible for the administration of the Act.

(2) The Authority shall, with the approval of the Minister, determine the terms and conditions of service of the Registrar.

(3) The Registrar shall be an ex-officio member and Secretary of the Authority.

(4) Where the Registrar is for any reason absent or unable to perform the functions of office, or where a vacancy occurs in the office of Registrar, the Authority shall designate a member of staff to act in that capacity for the duration of the absence until the Registrar resumes functions of office or until another Registrar is appointed in terms of sub-paragraph (1), and that person has, while so acting, such powers and shall perform such duties as may be delegated or assigned by the Authority.

(5) The Authority may appoint, on such terms and conditions as the Authority may with the approval of the Minister determine, such other staff as it considers necessary for the performance of its functions under this Act.

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Prohibition of publication of, or disclosure of information to unauthorized persons

9. (1) A person shall not, without the consent in writing given by or on behalf of the Authority, publish or disclose to any unauthorized person, otherwise than in the course of duties of that person, the contents of any document, communication or information whatsoever, which relates to or which has come to the knowledge of that person in the course of that person's duties under this Act.

(2) Any person who contravenes the provisions of sub-paragraph (1) commits an offence and is liable, upon conviction, to a fine not exceeding ten thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

(3) If any person, having any information which to the knowledge of that person has been published or disclosed in contravention of sub-paragraph (1), unlawfully publishes or communicates any such information to any other person, the person commits an offence and is liable, upon conviction, to a fine not exceeding ten thousand penalty units or to imprisonment for a term not exceeding two years or to both.

Immunity of members of Authority and staff

10. No action or other proceeding shall lie or be instituted against any member of the Authority or a committee of the Authority, or any member of the staff of the Authority, for or in respect of any act or thing done or omitted to be done in good faith in the exercise or performance, or purported exercise or performance, of any of the powers or functions conferred under this Act.

PART II

Financial Provisions

11. (1) The funds of the Authority shall consist of such moneys as may—

(a) be appropriated by Parliament for the purpose of the Authority;

(b) be paid to the Authority by way of fees, levy, grants or donations; and

(c) vest in or accrue to the Authority.

(2) The Authority 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

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(c) in accordance with the regulations made under this Act, charge and collect fees for services provided by the Authority.

(3) There shall be paid from the funds of the Authority—

(a) such monies as may be necessary for the performance of its functions under the Act;

(b) salaries, allowances and loans of the staff of the Authority;

(c) such reasonable travelling, transport and subsistence allowances for members or the members of any committee of the Authority when engaged in the business of the Authority, at such rates as the Minister may determine; and

(d) any other expenses incurred by the Authority in the performance of its function.

(4) The Authority may, subject to the approval of the Minister, invest in such manner as it thinks fit such of its funds as it does not immediately require for the performance of its functions.

Financial year

12. The financial year of the Authority shall be the period of twelve months ending on 31st December, in each year.

Accounts

13. The Authority shall cause to be kept proper books of accounts and other records relating to its accounts.

Annual report

14. (1) As soon as practicable, but not later than six months after the expiry of each financial year, the Authority shall submit to the Minister a report concerning its activities during the financial year.

(2) The report referred to in sub-paragraph (1) shall include information on the financial affairs of the Authority 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 thirty days after the first sitting of the National Assembly next after the receipt of the report

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referred to in sub-paragraph (1), lay it before the National Assembly.

SECOND SCHEDULE

(Section 13)

INFORMATION REQUIRED FOR THE APPLICATION

I General Information

A. Name and address of the applicant

B. Information on personnel and training

1. Name of person(s) responsible for the planning and carrying out the release, including those responsible for supervision, monitoring and safety, in particular, name and qualification(s) of the responsible scientist.

2. Information on training and qualification(s) of personnel involved in carrying out the release.

II. Information Relating to the Genetically Modified Organism(s) or Products thereof

A Characteristics of -

(a) the donor;

(b) the recipient; or

(c) (where appropriate) parental organism(s)

1. Scientific name.
2. Taxonomy.
3. Other names (usual name, strain name, cultivars name, local name etc.).
4. Phenotypic and genetic markers.
5. Degree of relatedness between donor and recipient or parental organisms.
6. Description of identification and detection techniques.
7. Sensitivity, reliability (in quantitative terms) and specificity of detection and identification techniques.
8. Description of the geographic distribution and of the natural habitat of the organisms including information on natural predators, preys, parasites and competitors, symbionts and hosts.
9. Potential for genetic transfer and exchange with other organisms.
10. Verification of the genetic stability of the organisms and factors affecting it, taking into account the relevance of the laboratory experiments undertaken for the authentic

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ecological conditions under which the organisms live or are used.

11. Pathological, ecological and physiological traits:

(a) classification of hazard according to existing national rules concerning the protection of human and animal health and/or the environment;

(b) generation time in natural ecosystem, sexual and asexual reproductive cycle;

(c) information on survival, including seasonability and the ability to form survival structures e.g.: seeds, spores or sclerotia;

(d) pathogenicity: infectivity, toxigenicity, virulence, allergenicity, carrier (vector) of pathogen, possible vectors, host range including non-target organisms. Possible activation of latent viruses (proviruses). Ability to colonize other organisms;

(e) antibiotic resistance, and potential use of these antibiotics in humans and domestic organisms for therapy and prophylaxis;

(f) involvement in environmental processes: primary production, nutrient turnover, decomposition of organic matter, respiration, etc.

12. Nature of indigenous vectors:

(a) Sequence;

(b) Frequency of mobilisation;

(c) Specificity;

(d) Presence of genes, which confer resistance.

13. History of previous modifications.

B. Characteristics of the Vector

1. Nature and source of the vector.
2. Sequence of transposons, vectors and other non-coding genetic segments used to construct the genetically modified organism (s) and products thereof and to make the introduced vector and insert function in the genetically modified organism (s) and products thereof.
3. Frequency of mobilisation of inserted vector and/or genetic transfer capabilities and methods of determination.
4. Information on the degree to which the vector is limited to the DNA required to perform the intended function.

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5. Factors (chemical, biological, climatic, etc.) influencing the functional level of the promoter / enhancer, and how the functional level is changed.

C. *Characteristics of the genetically modified organism (s) and Products thereof*

1. Information relating to the genetic modification:
   (a) method used for the modification;
   (b) methods used to construct and introduce the insert(s) into the recipient or to delete a sequence;
   (c) description of the insert and / or vector construction;
   (d) purity of the insert from any unknown sequence and information on the degree to which the inserted sequence is limited to the DNA required to perform the intended function;
   (e) number of intact and truncated vector inserts. Sequence, functions identity and location of the altered /inserted/deleted nucleic acid segment(s) in question with particular reference to any known sequence; and
   (f) sequence and methylation pattern of the recipient DNA as far as 100 kbp up and down stream from all DNA inserts.
2. Information on the final genetically modified organism (s) and products thereof:
   (a) description of the genetic trait(s) of phenotypic characteristics and in particular any new traits and characteristics which may be expressed or no longer expressed;
   (b) structure and amount of any vector and / or donor nucleic acid remaining in the final construction of the genetically modified organism (s) and products thereof:
   (c) stability of the organism in terms of genetic traits;
   (d) rate and level of expression of the new genetic material.Methods and sensitivity of measurement:
   (e) activity of the expressed protein(s);
   (f) expression levels for the recipient's genes situated as far as 100 kbp up and down stream from all DNA inserts;

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(g) sensitivity, reliability (in quantitative terms) and specificity of detection and identification techniques;

(h) history of previous releases or uses of the genetically modified organism (s) or products thereof;

(i) health considerations:

(i) toxic or allergenic effects of the viable or non-viable genetically modified organism (s) or product thereof or their metabolic products;

(ii) product hazards;

(iii) comparison of the genetically modified organism (s) or products thereof to the donor, recipient or (where appropriate) parental organism regarding pathogenicity;

(iv) capacity for colonisation;

(v) if the organisms is pathogenic to humans who are immuno competent:

(a) disease caused and mechanism of pathogenicity including invasiveness and virulence;

(b) communicability;

(c) infective dose;

(d) host range, possibility of alteration;

(e) possibility of survival outside human;

(f) presence of vectors or means of dissemination;

(g) biological stability;

(h) antibiotic resistance patterns;

(i) allergeneicity;

(j) availability of appropriate therapies.

III Information Relating to the conditions of release and the receiving Environment.

A. *Information on the Release*

1. Description of the proposed deliberate release, including the purpose(s) and foreseen products;
2. Foreseen dates of the release and time planning of the experiment including frequency and duration of releases;
3. Preparation of site prior to the release;

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4. Size of the site;
5. Method(s) to be used for the release;
6. Quantities of genetically modified organism(s) or products thereof to be released;
7. Disturbance on the site (type and method of cultivation, mining, irrigation or other activities);
8. Workers protection measures taken during the release;
9. Post-release treatment of the site;
10. Techniques foreseen for elimination or inactivation of the genetically modified organism (s) or products thereof at the end of the experiment;
11. Information on, and results of, previous releases of the genetically modified organism (s) or products thereof, especially at different scales and in different ecosystems.

B. Information of the environment (both on site and in the wider environment)

1. Geographical location and grid reference of the site(s) (in case of notification the site(s) of release will be the foreseen areas of use of the product).
2. Physical and biological proximity to humans and other significant biota.
3. Proximity to significant biotopes or protected areas.
4. Size of local population.
5. Economic activities of local populations which are based on the natural resources of the area.
6. Distance to closest areas protected for drinking water and/or environmental purposes.
7. Climatic characteristics of the region(s) likely to be affected.
8. Geographical, geological and pedological characteristics.
9. Flora and fauna, including crops, livestock and migratory species.
10. Description of target and non-target ecosystems likely to be affected.
11. A comparison of the natural habitat of the recipient organism with the proposed site(s) of release.
12. Any known planned developments or changes in land use in the region, which could influence the environmental impact of the release.

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IV Information relating to the interactions between the genetically modified Organism(s) or Products thereof and the Environment

A. *Characteristics and factors affecting survival, multi-plication, gene expression and dissemination*

1. Biological features which affect survival, multiplication and dispersal.
2. Known or predicted environmental conditions which may affect survival, multiplication and dissemination (wind, water, soil, temperature, pH, pollutants such as pesticides, heavy metals and others, etc.).
3. Sensitivity to specific agents.

B. *Interactions with the Environment*

1. Predicted habitat of the genetically modified organism (s) or products thereof.
2. Studies of the behaviour and characteristics of the genetically modified organism (s) or products thereof and their ecological impact carried out in simulated natural environments, such as microorganisms, growth rooms, green houses.
3. Genetic transfer capability:
   (a) post-release transfer of genetic material from genetically modified organism (s) or products thereof into organisms in affected ecosystems;
   (b) post-release transfer of genetic material from indigenous organisms to the genetically modified organism (s) or products thereof;
4. Likelihood of post-release selection leading to the expression of unexpected and/or undesirable traits in the genetically modified organism (s) or products thereof.
5. Measures employed to ensure and verify genetic stability. Description of genetic traits, which may prevent or minimise dispersal or genetic material. Methods to verify stability.
6. Routes of biological dispersal, known or potential modes of interaction with the disseminating agent, including inhalation, ingestion, surface contact, burrowing, etc.
7. Description of ecosystems to which the genetically modified organism (s) or products thereof could be disseminated.

C. *Potential Environmental Impact*

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1. Potentials for excessive population increase in the environment.
2. Competitive advantage of the genetically modified organism (s) or products thereof in relation to the unmodified recipient or parental organism(s).
3. Identification and description of the target organisms.
4. Anticipated mechanism and result of interaction between the released genetically modified organism (s) or products thereof and the target organism.
5. Identification and description on non-target organisms, which may be affected unwittingly.
6. Likelihood of post release shifts in biological, or in host range.
7. Known or predicted effects on non-target organisms in the environment, impact on population levels of competitors, preys, hosts, symbionts, predators, parasites and pathogens.
8. Known or predicted involvement in biogeochemical processes.
9. Other potentially significant interactions with the environment.

V. Information on monitoring, control, waste treatment and emergency respose plans

A. Monitoring Techniques

1. Methods for tracing the genetically modified organism (s) or products thereof, and for monitoring their effects.
2. Specificity (to identify the genetically modified organism (s) or products thereof, and to distinguish them from the donor, recipient or, where appropriate, the parental organisms), sensitivity and reliability of the monitoring techniques.
3. Techniques for detecting transfer of the donated genetic material to other organisms.
4. Methods to detect aberrant gene expression.

B. Control of the Release

1. Methods and procedures to avoid and/or minimise the spread of the genetically modified organism (s) or products thereof beyond the site of release or the designated area for use.
2. Methods and procedures to protect the site from intrusion by unauthorised individuals.
3. Methods and procedures to prevent other

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organisms from entering the site.

C. *Waste Treatment*

1. Type of waste generated;
2. Expected amount of waste;
3. Possible risks;
4. Description of treatment envisaged.

D. *Emergency Response Plan*

1. Methods and procedures for controlling the genetically modified organism (s) or products thereof in case of unexpected spread.
2. Methods for decontamination of the areas affected, e.g. eradication of the genetically modified organism (s) or products thereof.
3. Methods for disposal or sanitation of plants, animals, soils, etc. that was exposed during or after the spread.
4. Methods for the isolation of the area affected by the spread.
5. Plans for protecting human health and the environment in case of the occurrence of an undesirable effect.

THIRD SCHEDULE

(Section 29)

ADDITIONAL INFORMATION REQUIRED IN THE CASE OF NOTIFICATION FOR PLACING ON THE MARKET

A. *The following information shall be provided in the notification for placing on the market products, in addition to that of Annex I:*

1. Name of the product and name(s) of genetically modified organism (s) contained therein.
2. Name of the manufacturer or distributor and his address, including address in the country;
3. Specificity of the product, exact conditions of use including, when appropriate, the type of environment and/or the geographical areas(s) of the country for which the product is suited.
4. Type of expected use: industry, agriculture and skilled trades, consumers use by public at large.

B. *The following additional information shall be provided when required/relevant:*

1. Measures to take in case of unintended release or misuse.

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2. Specific instructions or recommendations for storage and handling.
3. Estimated production in and/or imports to the country.
4. Proposed packaging. This must be appropriate so as to avoid unintended release of the genetically modified organism (s) during storage, or at a later stage proposed labelling. This must include, at lease in summarised form, the information referred to in points A.1, A.2, A.3, B.1 and B.2.

C. *The following information concerning labelling of products thereof shall be provided on a label and/or in accompanying documents:*

1. The words "This product contains genetically modified organism (s)" whenever there is evidence of the presence of genetically modified organism (s) in the product.
2. The words "This product may contain genetically modified organism (s)"where the presence of genetically modified organism (s) in a product cannot be excluded but there is no evidence of any presence of genetically modified organism (s).
3. The words "This product may cause [specify the particular reactions, allergies or other side effects]" where it is known that a particular reaction, allergy or other side effect may be caused by the product.
4. Where applicable, further or as a qualification to C.1 or C.2, the words "This product contains genetic material (nucleic acids) from genetically modified organism (s)" or this product is based on raw materials from genetically modified organism".
5. The identification and labelling shall specify the relevant traits and characteristics in sufficient detail for purposes of traceability and to facilitate verification by both importing and transiting countries.

FOURTH SCHEDULE

(section 24)

RISK ASSESSMENT

The risk assessment shall take the following parameters into consideration:

A. *General Principles*

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1. The guiding principle of risk assessment is the precautionary approach. Where the transboundary movement, or use or handling of genetically modified organism(s) or products thereof may cause, or has a proven or theoretical potential (or based or reasonable scientific theory of hazards based on deductive, circumstantial as well as inductive evidence) to cause harm to biodiversity, ecosystems, human or animal health, the lack of full scientific certainty or consensus regarding the level of risk should not be interpreted as the lack of risk, or as acceptable risk.
2. The risk assessment should take into account, inter alia, all relevant scientific theory, evidence and experience, including previous risk assessments. This enables the risk assessment to evolve in the light of new evidence and knowledge: a genetically modified organism or product thereof previously considered acceptable may no longer be acceptable, and vice versa.
3. It shall be accepted as a principle underlying the risk assessment that every transgenic line is different because of random insertion, even if they are made with the same vector system, the same gene constructs and the same variety, and that it has to be well characterised to be stable for at least five generations under a reasonable range of environmental conditions that it may encounter.
4. The risk assessment should take into account, inter alia:
   (a) all relevant scientific theory, evidence and experience;
   (b) The general characteristics of both the genetically modified organism or product thereof and the parent organisms, the vector(s) used, the genetic modifications and the novel trait(s), including marker traits(s) and other sequences even when not expressed;
   (c) the naive environments or host range of the recipient organism and donor organisms;
   (d) the intended use(s) of the genetically modified organism or product thereof and the nature of the receiving and surrounding environments;
   (e) potential impact of the genetically modified organism or product thereof on the environment, including long-term direct and indirect ecological impacts, particularly on centres of origin and areas with high genetic diversity of taxa related to the genetically modified organism or product thereof;

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(*f*) effects, long term and direct or indirect, of the genetically modified organism or product thereof on human, plant and animal health;

(*g*) socio-economic impacts;

(*h*) conformity with ethical norms;

(*i*) details of risk assessments completed elsewhere.

B. Specific Information Requirements

The information required for risk assessment should include the following:

1. Characteristics of donor and recipient organisms or parental organisms:

(*a*) scientific name and taxonomy;

(*b*) strain, cultivar or other name;

(*c*) species it is related to and degree or relatedness;

(*d*) the degree of relatedness between the donor and recipient organisms, or between the parental organisms;

(*e*) all sites from where the donor and recipient organisms or parental organisms were collected, if known;

(*f*) information on the type of reproduction (sexual/asexual) and the length of reproductive cycle or generation time, as appropriate, as well as the formation of resting and survival stages;

(*g*) history of prior genetic manipulation, whether the donor or recipient organisms are already genetically modified;

(*h*) phenotypic and genetic markers of interest;

(*i*) description of identification and detection techniques for the organisms, and the sensitivities of these techniques;

(*j*) geographic distribution and natural predators, prey, parasites, competitors, symbionts and hosts;

(*k*) climatic characteristics of original habitats;

(*l*) ability of the organisms to survive and colonise the environment to which release is intended or otherwise;

(*m*) genetic stability of the organisms, and factors affecting the stability;

(*n*) the presence of endogenous mobile genetic elements of viruses likely to affect the genetic stability;

(*o*) the potential of the organisms to transfer or exchange genes with other organisms, either vertically or horizontally;

(*p*) pathogenicity to humans or animals, if any;

(*q*) if pathogenic, their virulence, infectivity, toxicity and modes of transmission;

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(r) known allergeneicity and/or toxicity of biochemical and metabolic products;

(s) availability of appropriate therapies for pathogenicity, allergeneicity and toxicity.

2. Characteristics of the Vector(s):

(a) nature and source of the vector(s);

(b) genetic map of the vector(s), position of the gene(s) inserted for the transfer, other coding and non coding sequences affecting the expression of the introduced gene(s), and marker gene(s);

(c) ability of the vector(s) to mobilise and transfer genes by integration and methods for determining the presence of the vector(s);

(d) complete nucleotide sequence of the vector(s);

(e) history of prior genetic manipulation, whether the donor or recipient organisms are already genetically modified;

(f) potential for pathogenicity and virulence;

(g) natural and host range of vectors;

(h) natural habitat and geographic distribution of natural and potential hosts;

(i) potential impacts on human and animal health and the environment

(j) measures for counteracting adverse impacts;

(k) potential to survive and multiply in the environment, or to from genetic recombinants; and

(l) genetic stability of vector(s), such as hypermutability.

3. Characteristics of the genetically modified organism or Product thereof:

(a) the description of the modifications made using gene technology;

(b) the function of the genetic modifications and/or the new insert, including any marker gene(s);

(c) purpose of the modification and intended use in relation to need or benefit;

(d) method of modification and, in case of transgenic organisms, the methods for constructing inserts and to introduce them into the recipient organism;

(e) whether introduced gene(s) are integrated or extra chromosomal;

(f) number of insert(s) and its/their structure(s), for example, the copy number, the number of

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truncated or fragmented inserts. whether in tandem or other types of repeats and the position of each insert;

(g) nucleotide sequence of each insert, including at least 100 kbp up and down stream form the insert:

(h) products of the transferred gene(s). levels of expression and integration;

(i) stability of the introduced gene(s) in terms of expression and integration:

(j) biochemical and metabolic differences of the genetically modified organism or product thereof compared with unmodified organism;

(k) probability of vertical or horizontal gene transfer to other species;

(l) probability of inserts or transferred gene(s) to generate pathogenic recombinants with endogenous viruses. plasmids and bacteria:

(m) allergeneicities, toxicities, pathogenicities and unintended effects;

(n) autecology of the genetically modified organism or product thereof compared with that of the unmodified organism

(o) susceptibility of the genetically modified organism or product thereof to diseases and pests compared with the unmodified organism;

(p) detailed information on past used including results on all experiments leading to previous releases

4. Characteristics of resuscitated organisms and gene(s) and fossil DNA sequences:

Resuscitated Organism

(a) scientific name and taxonomy;

(b) identify of nearest species and their characteristics which are of relevance to the intended use;

(c) site at which it was found;

(d) method used for resuscitation;

(e) purpose of introducing the organism and benefits. if any;

(f) impacts on human and animal health and the environment;

(g) measures for counteracting adverse impacts;

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(h) length of time the organisms has been in use;

(i) genetic stability;

(j) likelihood of gene transfer to other organisms;

(k) fossil and living nearest relative species;

(l) biological and biochemical differences from related living species;

(m) information on previous uses since resuscitation.

DNA sequences from fossils or from resuscitated organism

(a) scientific name and taxonomy of the species whether resuscitated or a fossil;

(b) site of origin of the fossil;

(c) site of the gene in the resuscitated genome, if known;

(d) base sequence of the extracted gene;

(e) method used in extracting the gene;

(f) function of gene, if known;

(g) purpose of use and benefits, if any;

(h) environment in which it lived before fossilisation;

(i) fossil species related to the species from which the gene was taken;

(j) living species related to the species from which the gene was taken;

5. Safety Considerations for Human and Animal Health:
Information on the genetically modified organism or product and informationon the donor and recipient organisms as well as the vector before it was disarmed or disabled in cases where it has been disarmed or disabled, regarding:

(a) capacity for colonisation

(b) if the genetically modified organism or product thereof is pathogenic to humans or animals the following information is required:

(i) disease caused and mechanisms of pathogenicity, including invasiveness and virulence, and property of virulence;

(ii) communicability;

(iii) infective dose;

(iv) host range and possibilities of alteration;

(v) ability to survive outside of the human or animal host;

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(vi) the existence of vectors or other means of transmission;

(vii) biological stability;

(viii) allergeneicity and

(ix) availability of appropriate therapies.

6. Environmental Considerations:

Information on the genetically modified organism or product thereof and information on the donor and recipient organism as well as the vector before it was disarmed or disabled where it has been disarmed or disabled, regarding:

(a) factors affecting the survival, reproduction and spread of the genetically modified organism or product thereof in the environment;

(b) available techniques for detection, identification and monitoring of the genetically modified organism or product thereof;

(c) available techniques for detecting transmission of genes from the genetically modified organism or product thereof to other organisms;

(d) known and predicated habitats of the genetically modified organism or product thereof;

(e) description of the ecosystems which could be affected by accidental release of the genetically modified organism or product thereof;

(f) possible interaction between the genetically modified organism or product thereof and other organisms in the ecosystem which might be affected by accidental release;

(g) known or predicted effect on plants and animals such as pathogencity, infectibity, toxicity, virulence, being a vector of pathogens, allergeneicity, and colonisation;

(h) possible involvement in biogeochemical processes;

(i) availability of methods for decontamination of the area in case of accidental releases;

(j) effects of agricultural practices with possible undesirable impacts on the environment.

7. Socio-economic Considerations:

(a) anticipated changes in the existing social and economic patterns resulting from the introduction

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of the genetically modified organism or product thereof;

(b) possible threats to biological diversity, traditional crops or other products and, in particular, farmer's varieties and sustainable agriculture;

(c) impacts likely to be posed by the possibility of substituting traditional crops, products and indigenous technologies through modern biotechnology outside of their agro-climatic zones;

(d) anticipated social and economic costs due to loss of genetic diversity, employment, market opportunities and, in general, means of livelihood of the communities likely to be affected by the introduction of the genetically modified organism or product thereof;

(e) possible countries and/or communities to be affected in terms of disruptions to their social and economic welfare;

(f) possible effects, which are contrary to the social, cultural, ethical and religious values of communities arising from the use or release of the genetically modified organism or product thereof.

FIFTH SCHEDULE

(Section 27)

RISK MANAGEMENT SCHEMES

The user shall employ the following risk management schemes and procedures from the development, through all stages of testing of the genetically modified organism or the product of a genetically modified organism, to its intended use or commercialisation.

1. Imported products of genetically modified organisms used for human or animal health (for example, antibodies, drugs and hormones):

   (a) observation to ensure that changes in food habits, nutrition and other factors that could conceivably modify the expected impacts are insignificant;

   (b) such observation can be limited in scope when it is shown that adequate trials on the specific products have been made on humans or animals, as appropriate, in areas other than the State of import.

2. Imported microbial genetically modified organisms for human and animal health:

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Besides the limited observation specified in 1. experiments shall be carried out to evaluate viability and risks of reacquiring virulence or lending virulence to other micro-organisms when in the body and in the environment, since some spilling is inevitable.

3. Imported genetically modified organisms for contained use:

(a) the products of genetically modified organisms will be treated as in 1 above.

(b) experiments will be made in complete laboratory containment to determine:

(i) longevity of the genetically modified organism in cases of unintended release in the premises and in the surrounding environment; and

(ii) genetic transfer into other micro-organisms and implications thereof on human and animal health and the environment; and

(d) methods for counteracting adverse impacts resulting from unintended releases should be specified.

4. Products of genetically modified organism made locally:

(a) trial on experimental animals will be made when the product of the genetically modified organisms is intended to be used on humans;

(b) in all other cases, trials will be made on species for which the product of the genetically modified organism has been designed.

5. Genetically modified organisms made locally for use as human or animal vaccines:

(a) initial molecular, tissue culture, serological and other related studies in the laboratory in complete containment;

(b) trials with experimental animals under strict containment;

(c) experiments in complete containment to evaluate the extent of transfer of the genes of the vector introduced or of other genes through the agency of the vector to the genetically modified organism or to other species which will be found in association with the genetically modified organism to ensure that virulence is not acquired by the

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genetically modified organism in question or by other micro-organisms;

(d) trials on animals completely contained from their species and from related species and species known to be susceptible to the gene recipient micro-organism from which the genetically modified organism has been made; and

(e) statistically valid trials in conditions in which the vaccinated individuals live in their communities.

6. Imported plant or microbial genetically modified organism for release:

(a) the reports from releases in areas other than the State of Import shall be thoroughly evaluated by the Authority. Particular emphasis shall be given to whether the applicable regulations in the previous release have been adequate to ensure safety;

(b) if the regulations mentioned in *(a)* have not been found adequate, the Authority shall decide at which step in item 8 the observations should begin;

(c) if it is decided that the previous release mechanisms have been rigorous enough, observations shall be made in experimental conditions completely contained from the outside environment, but otherwise kept at the same soil community, moisture, air temperature and plant and animal community conditions as the intended area of release;

(d) the observations will include the health of the genetically modified organism, the health of the organism within the area of limited release, and the biological diversity and the ecology of the area; and

(e) nationally approved limited field releases will be carried out with appropriate emergency procedures in place to deal with possible cases of escape.

7. Imported animal genetically modified organism for lease:

(a) the reports from releases in areas other than Zambia shall be thoroughly evaluated by the Authority. Particular emphasis shall be given to whether the

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applicable regulations in the previous release have been adequate to ensure safety:

(b) if the regulations mentioned in *(a)* have not been found adequate, the Authority shall decide at which step in item 9 the observations should begin:

(c) if it is decided that the regulations used in the previous release have been rigorous enough, then observations will be made in complete containment in the expected ambient climatic, nutritional and other environmental conditions to monitor physiological functions, adaptations and gene transfers;

(d) when the results have met the stated requirements, then a trial release may be authorised with adequate emergency plans put in place to deal with cases of escape.

8. Plant or microbial genetically modified organisms produced locally for eventual release:

(a) laboratory biomolecular experiments on transformation or resuscitation and other phenomena will be carried out in complete containment;

(b) tissue culture experiments to develop the genetically modified organism, when required, will be carried out in complete containment;

(c) observations aimed at understanding the nature of the genetically modified organism shall be carried out in complete containment;

(d) experiments with the soil, soil micro-organisms, plant and animal species, under the environmental conditions of the area of intended release, will be carried out in complete containment;

(e) complete observations of the interactions of the genetically modified organism with the environment (soil including micro-organisms and terrestrial communities) will be made in enclosed fields but not fully contained. At the end of the experiment, the products of the genetically modified micro-organisms may be use on an experimental basis, otherwise they shall be destroyed;

(f) the product from the genetically modified organism shall be subjected to the procedure in 4;

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(g) the monitoring of the spread and behaviour of any released plant or micro-organism, genetically modified organism shall continue for at least 150 years in the case of trees, and for at least 30 years in the case of annuals and micro-organisms. the duration for perennials which live shorter than trees being in between. The user who is responsible for releasing the genetically modified organisms or its successor shall provide annual reports to the Authority.

9. Animal genetically modified organism produced locally for eventual release:

(a) laboratory biomolecular experiments on transformation (or resuscitation if it is possible) and other phenomena will be carried out in complete containment:

(b) methods of incubating the transformed generative cell or the resuscitated animal will be carried out in complete containment;

(c) the rearing of and observations on the genetically modified organism will be carried out under complete containment;

(d) the genetically modified organism shall be observed under complete containment in an experimental environment which simulates the intended area of release in climatic, microbial, animal and plant communities. The observations shall include the condition of the transgenic animal and those of its micro-organisms especially in the context of gene transfer and those of the microbial, plant and animal communities in the experiment, again including gene transfer;

(e) a limited release will be carried out in an area with appropriate enclosure and emergency measures put in place to prevent escape. Observations will include the condition of the genetically modified organism, its micro-organism focusing on gene transfer, and the ecology of the microbial, plant and animal communities in the area, again including gene transfer;

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(f) if the animal is intended to yield a product, the regulation of the product will follow the procedure in item 4;

(g) the monitoring of the spread and behaviour of any released animal genetically modified organism will continue for at least 30 years.

10. General Requirements:

(a) all trials, experiments or observations specified in all the above cases (1-9) are put in their logical sequence and shall be subjected to the hierarchical procedures of approval by the lower institutional and higher national level bodies, namely the institutional biosafety committees or the subcommittees or the Scientific Advisory Committee and the Authority;

(b) experiments starting from transformation of living organisms or resuscitation of fossil organisms carried out under completely contained laboratory conditions and continuing in the development of genetically modified organisms or products thereof shall be subject to approval by the institutional biosafety committee or by the Authority as the case may be. All experiments outside of strict laboratory isolation and initial experiments involving imported genetically modified organisms or products thereof shall be subject to approval by the Authority. All final approval for the use of genetically modified organisms or products thereof shall be made by the Authority;

(c) once approval from the Authority is obtained at the completion of the final stage of trials, experiments or observations, the genetically modified organism in question or the product thereof can be employed for its intended use. The Authority shall notify its decision in writing to the competent authority.

(d) whenever there is need to dispose of the genetically modified organism or the product thereof upon the completion of every trial or experiment, it shall be made through complete incineration or other approved means of complete destruction.

(e) the release of genetically modified organisms or products thereof shall be monitored appropriately and emergency plans to prevent escape and accident shall always be in place.

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GOVERNMENT OF ZAMBIA

ACT

No. 11 of 2011

Date of Assent: 12th April, 2011

An Act to repeal the Day Nurseries Act.

[18th April,2011

ENACTED by the Parliament of Zambia. Enactment

1. This Act may be cited as the Day Nurseries (Repeal) Act, 2011. Short title

2. In this Act, unless the context otherwise requires— Interpretation

" repealed Act "means the Day Nurseries Act, 1957. Act No. 63 of 1957

3. (1) The Day Nurseries Act, 1957, is hereby repealed. Repeal of Cap 313

(2) Notwithstanding subsection (1), a certificate of registration issued under the repealed Act shall be valid for a period of six months after which the holder thereof shall apply for registration in accordance with the provisions of the Education Act, 2011. Act No. 63 of 1957 Act No. 23 of 2011

(3) Notwithstanding subsection (1), any existing rights conferred on a person under the repealed Act shall continue to be held by the person as if conferred under the Education Act, 2011, and for the purposes of the Education Act, 2011. Cap 313 Act No. 23 of 2011 Act No. 23 of 2011

4. (1) Any legal proceedings pending immediately before the publication of this Act by or against a local authority may be continued by or against the Government. Legal proceedings

(2) After the publication of this Act, proceedings in respect of any right, liability or obligation which was vested in, held, enjoyed, incurred or suffered by a local authority, may be instituted by or against the Government.

Single copies of this Act may be obtained from the Government Printer, P.O. Box 30136, 10101 Lusaka, Price K1,000 each.

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The Laws of Zambia

REPUBLIC OF ZAMBIA

THE EDUCATION ACT

CHAPTER 134 OF THE LAWS OF ZAMBIA

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THE EDUCATION ACT

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CHAPTER 134

EDUCATION

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

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]

PART I PRELIMINARYPART I

PRELIMINARY

1. This Act may be cited as the Education Act. Short title

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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;

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"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)

Application

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

(*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.

Functions of Minister

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.

(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.

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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 EDUCATIONPART 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

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(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.

Local Councils of Education

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.

(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.

Cap. 281

(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.

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

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

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

(*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.

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Establishment, maintenance and closure of Government schools and hostels

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-

(*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)

Regulations governing Government and aided schools and hostels

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

(*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*) regulating the administration of corporal punishment to pupils at Government and aided schools and hostels;

(*d*) 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;

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

(*f*) 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.

REGISTRATION OF PRIVATE SCHOOLS

Registration and renewal of registration

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

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.

(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

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(*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

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(*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.

Register

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

(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

Cancellation of registration of private schools

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

(*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

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(*a*) 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.

Minister's determination to be final

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.

Offences

18. Any person who conducts a private school-

(*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)

Publication of list of registered private schools

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.

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

Saving of registration of private schools

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 *(1)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:

*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)

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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 GOVERNORSPART 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

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ACT NO. 23 OF 2011

(*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.

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Funds of boards

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

(*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.

Accounts and audit

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:

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.

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Regulations

23. (1) The Minister may, by statutory instrument, make 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 PROVISIONSPART VI

GENERAL PROVISIONS

No refusal of admission on grounds of race or religion.Exemption of pupils from religious observances

24. No pupil shall be refused admission to any school or school hostel on the grounds of his race or religion.

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Exemption of pupils from religious observances

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.

Power to prohibit use of books

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.

(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.

Inspection of schools and hostels

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.

(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)

Powers of inspectors

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-

(*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.

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(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)

Teachers' associations

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

(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.

Parent and teacher associations

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

(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.

Grants and loans

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

Act No. 15 *of* 1960

(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)

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Expenses of administration

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

(*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.

Regulations

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

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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 PROVISIONSPART 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 expanded; 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-

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(*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 specifiifed by the Minister under the provisions of paragraph (c) or (d) of subsection (1).

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

Private schools
Cap. 135

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.

Boards of governors
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.

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.

(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.

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(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

Statutory Instruments
308 *of* 1966
102 *of* 1970

Order by the Minister

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

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Region	*Local Council*	*Area of Local Council*
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 Region.	Kabompo Council of Education	.. Kabompo District.
	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)

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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

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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 names of every member present at that meeting. Minutes of proceedings at 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.

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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 necess-arily 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)

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PART III

LOCAL COUNCILS

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

Cap. 281

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

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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

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(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.

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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 or 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

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(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.

Education Secretary

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

(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.

Principals

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

(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-

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(*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.

Staffing

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.

(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.

Discipline of staff

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.

(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.

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(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.

Parent-Teachers' Association

15. (1) There shall be established for each aided educational institution a 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.

Miscellaneous provisions on resources

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

(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.

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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

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PART I

PRELIMINARY

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

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GENERAL CONDITIONS OF ENROLMENT AT SCHOOLS AND ADMISSION TO SCHOOL HOSTELS

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SCHOOL CALENDAR AND INSTRUCTION AT SCHOOLS

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SUSPENSION, EXPULSION AND EXCLUSION OF PUPILS ON GROUNDS OF DISCIPLINE

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SECTION 12-THE EDUCATION (PRIMARY AND SECONDARY SCHOOLS) REGULATIONS

Regulations by the Minister

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

PART I PRELIMINARYPART I

PRELIMINARY

Title

1. These Regulations may be cited as the Education (Primary and Secondary Schools) Regulations,

Interpretation

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

"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; and references to a grade at a primary school shall be construed in accordance with the provisions of regulation 4;

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

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

"school" means a school to which these Regulations apply in accordance with the provisions of regulation 3;

"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; and references to a grade at a secondary school shall be construed in accordance with the provisions of regulation 4;

(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.

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ACT NO. 23 OF 2011

Application

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

(2) Nothing in these Regulations shall apply in relation to-

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

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

(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 HOSTELSPART II

GENERAL CONDITIONS OF ENROLMENT AT SCHOOLS AND ADMISSION TO SCHOOL HOSTELS

Applications for enrolment and admission

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.

(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.

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(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)

Applications to be considered and determined by Head

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.

(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.

Age of pupils

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

(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-

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(*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.

Educational standard of pupils

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-

(*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.

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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.

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Repetition of classes

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

(*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.

Transfer of pupils between schools

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.

(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.

Powers of Minister

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-

(*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 FEESPART III

FEES

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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 com-pletion 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 Zambian; 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 SCHOOLSPART 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.

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(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.

Instruction at primary schools

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.

(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.

Instruction at secondary schools

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.

(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.

National Anthem and National Flag

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-

(*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-

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(*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 PUNISHMENTPART V

CORPORAL PUNISHMENT

Circumstances justifying 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.

Persons authorised to administer punishment

21. (1) Corporal punishment shall be administered to pupils only by-

(*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 admin-istered in the presence of another member of the staff of the school.

Nature of punishment

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.

Register of corporal punishment

23. (1) There shall be kept at every school one or more registers of corporal punishment in which shall be recorded the following particulars of every case in which corporal punishment is administered to a pupil:

(*a*) the date of the punishment;

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(*b*) the name of the pupil;

(*c*) the nature of the punishment;

(*a*) 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 GROUNDSOF DISCIPLINEPART 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.

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(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.

Reports of suspensions and exclusions

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.

Right to make representations to Chief Education Officer

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.

Powers of Chief Education Officer

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

(*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.

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(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

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The Laws of Zambia

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.....

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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.....

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The Laws of Zambia

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 .....

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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.

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SECOND SCHEDULE

(*Regulation* 15)

FEES

PART I

Zambians	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. Border 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

PART I PRELIMINARYARRANGEMENT OF REGULATIONS

PART I

PRELIMINARY

Regulation

1. Title
2. Interpretation

PART II CONDITIONS OF ENROLMENT AND ADMISSIONPART II

CONDITIONS OF ENROLMENT AND ADMISSION

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

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ACT NO. 23 OF 2011

PART III FEES, RECORDS, SYLLABUSES, EXAMINATIONS AND CALENDARSPART 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 V SUSPENSION, EXPULSION AND EXCLUSION OF STUDENTS ON GROUNDS OF DISCIPLINEPART V

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 PRELIMINARYPART I

PRELIMINARY

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

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Interpretation

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

"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 ADMISSIONPART II

CONDITIONS OF ENROLMENT AND ADMISSION

Age of students

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-

(*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.

Applications to be considered by Principal

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.

(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.

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(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 CALENDARSPART III

FEES, RECORDS, SYLLABUSES, EXAMINATIONS AND CALENDARS

Prescribed fees

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-

(*a*) different areas of Zambia;

(*b*) different institutions; or

(*c*) different classes of persons.

Records of students enrolled

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:

(*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.

Instruction

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

(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.

Institution calendar and length of course

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

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(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 V SUSPENSION, EXPULSION AND EXCLUSION OF STUDENTS ON GROUNDS OF DISCIPLINEPART V

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

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(*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

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(*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.

Principal may recommend discharge of student

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.

National Anthem and NationalFlag

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-

(*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;

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(*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

Statutory Instrument
322 *of* 1967

Order by the Minister

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

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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

Statutory Instrument
311 *of* 1966

Regulations by the Minister

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.

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(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.

Composition of boards

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.

Tenure of office

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:

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.

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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-

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(*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.

Attendance of non-members at meetings

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.

(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.

Pecuniary interest in matters under discussion

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

(*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.

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Minutes of proceedings at meetings

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.

(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.

Allowances

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

(*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 neces-sarily incurred by him;

while he is engaged on the business of the board.

Estimates of revenues and expenditure

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.

(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.

Investments

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

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(*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 occassion requires, realise any investments made by it.

Arrangements for handling receipts and payments

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.

SCHEDULE

(*Regulation* 2)

COMMON SEALS

PART I

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PART II

THE EDUCATION (PARENT-TEACHER ASSOCIATION) REGULATIONS

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

ARRANGEMENT OF REGULATIONS

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2. Interpretation
3. Establishment of association
4. Functions of association
5. Composition of association
6. Formation and composition of committee
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10. Raising and control of funds
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13. Maintenance and operation of account and keeping of records of moneys
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SECTION 29-THE EDUCATION (PARENT-TEACHER ASSOCIATION) REGULATIONS

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

Regulations by the Minister

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Title

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

Interpretation

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

"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.

Establishment of association

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

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

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(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)

Functions of association

4. The functions of the association shall be-

(*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.

Composition of association

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

(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.

Formation and composition of committee

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

(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

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(*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.

Tenure of office of member of committee

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.

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

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(*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.

Procedure of meetings of association and committee

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.

(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.

Minutes of proceedings

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

(*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;

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(*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.

Raising and control of funds

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.

(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.

Parent-Teacher Association Fund

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

Parent-Teacher Association Fund Committee

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.

(2) The Fund Committee shall be appointed by the association committee.

(3) No *ex-officio* member of the association committee shall be eligible for appointment to the Fund Committee.

(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.

Maintenance and operation of account and keeping of records of moneys

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.

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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.

Submission of financial statement

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.

Inspection of books, documents and records of Fund

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.

Power to withdraw recognition of association

17. The Education (Parent-Teacher Association) Regulations, 1967, are hereby revoked.

Revocation of *S.I. No.* 156 *of* 1967

SECTION 32-THE EDUCATION (HEALTH) REGULATIONS

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

Regulations by the Minister

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

Title

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

Interpretation

"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.

3. These Regulations apply to every-

Application

(*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.

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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;

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(*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

Statutory Instrument 312 *of* 1966

Regulations by the Minister

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

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. Use of vernacular in unscheduled primary schools

(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.

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. Religious instruction

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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. — Instruction in foreign languages

SECTION 32-THE SCHOOL (COMPULSORY ATTENDANCE) REGULATIONS

Regulations by the Minister

Statutory Instrument
118 *of* 1970
Act No.
13 *of* 1994

1. These Regulations may be cited as the School (Compulsory Attendance) Regulations. — Title

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

"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.

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(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.

Duty of parent to ensure regular attendance

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 rails to attend regularly thereat, the parent of such child shall be guilty of an offence.

(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.

Enforcement of school attendance

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.

(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.

Cap. 53

(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.

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(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;

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(*c*) the courses comprising-

(i) Forms I to III inclusive; and

(ii) Forms IV to V inclusive.

Statutory Instrument
313 *of* 1966

SECTION 35-THE EDUCATION (GENERAL PURPOSE FUNDS) REGULATIONS

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 *(2)commencement of these Regulations any monies standing to the credit of a general purpose fund were- Monies in Post Office Savings Bank, etc.,or invested in securities

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

(*b*) invested in any security;

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.

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6. On and after the *(3)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.

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Special provisions relating to private donations

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 *(4)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.

(2) All moneys referred to in sub-regulation (1) shall vest in the Head of the school and shall be expanded 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

Statutory Instrument
46 of 1975
58 of 1977
11 of 1990

Regulations by the Minister

Title
17 of 1994

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

Interpretation

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

"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;

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"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.

Application

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-

(*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.

Levies

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

(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.

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(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.

Recovery of money for loss or damage to school property

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.

(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.

School Fund

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.

(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.

School Fund Committee

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

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

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(*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.

School Fund Account

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.

(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)

Inspection of books of account

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.

Audit of School Fund Account

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.

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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 a private school shall complete and sign the appropriate forms of application prescribed in the First or Second Schedule. Applicant for registration or renewal of registration to complete and sign forms

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Procedure

4. (1) The application forms shall be completed by the applicant in quadruplicate and submitted by him as follows:

(*a*) the original copy to the Minister;

(*b*) the duplicate and triplicate copies to the Chief Education Officer of the area in which the school is or will be situated.

(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.

(3) The quadruplicate copy shall be retained by the applicant.

Minister to inform applicant of result of application

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.

Application to be made by 1st July

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.

(2) Late applications shall not be considered.

(*As amended by S.I. No.* 25 *of* 1990)

Certificate of registration to be issued

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.

Registration fee

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

Education (Registration of Private Schools) Regualtions

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

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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.

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.

Minister to approve and Inspectors to be satisfied of certain matters

(2) Inspectors shall, during their routine inspection of the institutions, satisfy themselves in respect of the matters referred to in sub-regulation (1).

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.

Inspectors to be issued with identity certificates

14. The identity certificate shall be in the form prescribed in the Sixth Schedule.

Form of identity certificates

15. (1) The Minister shall cause to be kept a register of names of the officers issued with identity certificates.

Register of names of officers issued with, and surrender and loss of identity certificates

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(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.

(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.

(4) The Permanent Secretary shall cause the loss of the identity certificate to be published in the *Gazette*.

Records and information

16. It shall be the duty of the proprietor of a registered private school-

(*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.

Notice of intention to close 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.

(2) The notice refered 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)

Penalty

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.

(*As amended by Act No.* 13 *of* 1994)

Revocation of *S.I. No.* 385 *of* 1966

19. The Education (Private Schools) Regulations, 1966, are hereby revoked.

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FIRST SCHEDULE

(*Regulation* 3)

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The Laws of Zambia

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.

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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:

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Comments by the Chief Education Officer:

.....

.....

.....

(*As amended by S.I. No.* 25 *of* 1990)

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SECOND SCHEDULE
(*Regulation* 3)

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REPUBLIC OF ZAMBIA
THE EDUCATION ACT
THE EDUCATION (REGISTRATION OF PRIVATE SCHOOLS) REGULATIONS, 1975
APPLICATION FOR THE RENEWAL OF REGISTRATION OF PRIVATE SCHOOLS

Ministry of Education

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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* : .....

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THIRD SCHEDULE
(*Regulation* 7)

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REPUBLIC OF ZAMBIA

THE EDUCATION ACT

THE EDUCATION (REGISTRATION OF PRIVATE SCHOOLS) REGULATIONS, 1975

CERTIFICATE FOR THE REGISTRATION OF A PRIVATE SCHOOL

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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:

Subject	*From*	*To*
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

(*b*) Laboratory:

Subject	*From*	*To*
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

(*c*) Tutorial:

Subject	*From*	*To*
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

Recreational:

Name of courses: .....
.....

Boarding facilities are *authorised/not authorised (*Delete as applicable):
.....
.....

Reg. No.: .....

.....
Minister

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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 Institution

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The Laws of Zambia

(*Regulation* 16)

REPUBLIC OF ZAMBIA

THE EDUCATION ACT

THE EDUCATION (REGISTRATION OF PRIVATE SCHOOLS) REGULATIONS, 1975

STATISTICS RETURNS: STAFF AND DIVISION OF WORK

..... Term 197.....

Surname	Initials	Appoint-ment	File No.	Date of Birth	Date of Present Appoint-ment	*(5)Condi-tions of Service	Zambian or Non-Zambian	Academic Qualifica-tions	Profes-sional Qualifica-tions	Subje Taug and le

* Conditions of Service: State whether staff are employed on daily, weekly, monthly, temporary, permanent, part-time basis or any other stipulated co

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SIXTH SCHEDULE
(*Regulation* 14)

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The Laws of Zambia

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

Statutory Instrument
182 *of* 1973

Regulations by the Minister

PART I PRELIMINARYPART 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;

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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 COMMITTEEPART 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

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(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 COMMITTEEPART III

FUNCTIONS OF THE COMMITTEE

Functions of the Committee

9. (1) The Committee, acting for and on behalf of the Minister, shall have the power-

(*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.

Financial assistance

10. A grant or loan under regulation 9 shall be for the following purposes only, that is to say-

(*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.

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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 foregore 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

SECTION 12-THE EDUCATION (TEACHER TRAINING INSTITUTIONS) (BOARDING FEES) REGULATIONS

S.I. No.
41 *of* 1995
Act No.
13 *of* 1994

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

Title

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Ministry of Education

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

"boarding fees" means the fees specified in the Schedule;

"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.

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

(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.

(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.

(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.

5. Boarding fees shall be paid either in cash, by postal order or by cheque certified by the bank on which it is drawn. — Manner of payment

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. — In-service student

(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.

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. — Refund of fees in certain cases

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(2) The provisions of this regulation shall not apply in relation to a student if-

(*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 *twelve* or *fifteen* of the Education (Teacher Training Institutions) Regulations, 1973; or

(*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.

Expenditure

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.

Estimates of expenditure

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.

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)

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The Laws of Zambia

Statutory Instrument
130 *of* 1996

SECTION 19-THE EDUCATION (PRIMARY SCHOOL BOARDS) (ESTABLISHMENT) ORDER
Order by the Minister

Title

1. This Order may be cited as the Education (Primary Schools Boards) (Establishment) Order.

Establishment of Boards

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.

SCHEDULE

(*Paragraph* 2)

PRIMARY SCHOOL BOARDS: COPPERBELT PROVINCE

SN	*District*	*Constituency*	*School*
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
		8. 4 Masaiti	Mishikishi

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(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 address. — Service of documents

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

REPUBLIC OF ZAMBIA

THE EXAMINATIONS COUNCIL OF ZAMBIA ACT

CHAPTER 137 OF THE LAWS OF ZAMBIA

CHAPTER 137 THE EXAMINATIONS COUNCIL OF ZAMBIA ACTCHAPTER 137

THE EXAMINATIONS COUNCIL OF ZAMBIA ACT

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EXAMINATIONS COUNCIL OF ZAMBIA

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7. Tenure of office and vacancies
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9. Remuneration and allowances of members
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12. Director and Deputy Director
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OATHS, OFFENCES AND PENALTIES

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FINANCIAL AND OTHER PROVISIONS

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CHAPTER 137

EXAMINATION COUNCIL OF ZAMBIA

Act No 15 of 1983,
Act No 33 of 1993,
Act No 13 of 1994.

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.

[12*th August*, 1983]

PART I PRELIMINARYPART 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*;

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"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 ZAMBIAPART 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.

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(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)

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Disqualification from membership

6. A person shall not be qualified for nomination as a member of the Council if-

(*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.

Tenure of office and vacancies

7. (1) This section applies to a member referred to in paragraphs (*d*) and (*e*) of subsection (1) of section *five*

(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

Functions of Council

8. (1) The functions of the Council shall be to-

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(*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 its own procedure. Proceedings of 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:

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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.

Committees of 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.

(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.

Director and Deputy Director

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.

(2) The Council may appoint, on such terms and conditions as it may determine, a Deputy Director to assist the Director.

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(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.

Secretary and other staff

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.

(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.

Disclosure of interest

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.

(2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which it is made.

Immunity of members

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.

Prohibition of publication or disclosure of information to unauthorised

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.

(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.

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(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 PENALTIESPART III

OATHS, OFFENCES AND PENALTIES

Oath of secrecy
Cap. 5

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*.

(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)

Disclosure of examination question, etc.

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.

(*As amended by Act No.* 13 *of* 1994)

Unauthorised possession of examination paper or information

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.

(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)

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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 PROVISIONSPART 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.

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(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.

Financial year

24. The financial year of the Council shall be the period of twelve months ending on the 31st December in each year.

Accounts

25. The Council shall cause to be kept proper books of account and other records relating to its accounts.

Annual report

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.

(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

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(*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.

Regulations

27. The Minister may, by statutory instrument, make regulations for the better carrying out of the purposes of this Act.

REPUBLIC OF ZAMBIA

THE TECHNICAL EDUCATION AND VOCATIONAL TRAINING ACT

CHAPTER 138 OF THE LAWS OF ZAMBIA

CHAPTER 138 THE TECHNICAL EDUCATION AND VOCATIONAL TRAINING ACTCHAPTER 138

THE TECHNICAL EDUCATION AND
VOCATIONAL TRAINING ACT

ARRANGEMENT OF SECTIONS

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PRELIMINARY

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1. Short title
2. Interpretation

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Ministry of Education

THE SCIENCE AND TECHNOLOGY ACT, 1997

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2. Interpretation

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4. Functions of Council
5. Composition of Council
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SCIENCE AND TECHNOLOGY INSTITUTES AND RESEARCH AND DEVELOPMENT SUPPORT CENTRES

7. Establishment of institutes and centres
8. Restriction on- execution against property of institute or centre

PART IV

REGISTRATION OF CENTRES AND INSTITUTES

9. Registration of centres and institutes

PART V

CONSTITUTION OF MANAGEMENT BOARDS FOR INSTITUTES AND CENTRES

10. Constitution of management boards
11. Functions of management boards
12. Director, Deputy Director, Secretary and other staff
13. Transfer of staff

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14. Rights of management boards in discoveries
15. Tax exemption

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18. Vesting of assets and transfer of liabilities
19. Registration of property to be transferred
20. Legal Proceedings
21. Appeals
22. Regulations
23. Repeal of Cap. 140

FIRST SCHEDULE

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ADMINISTRATION

1. Seal of Council
2. Tenure of office of member
3. Filling of casual vacancy

*

4. Proceedings of Council
5. Committees of Council
6. Remuneration and allowances of members
7. Disclosure of interest 'K
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GOVERNMENT OF ZAMBIA

ACT

No. 26 of 1997

Date of Assent: 11 th November, 1997

An act to establish the National Science and Technology Council; to define its functions and provide for its composition; to provide for the establishment of centres and institutes and to define their functions; to constitute management boards for the centres and institutes established under the Act and to provide for their composition; io provide for the establishment of existing research institutions as centres and institutes under this Act; and to provide for matters connected with or incidental to the foregoing.

[14th November, 1997

ENACTED by the Parliament of Zambia. Enactment

PARTI

PRELIMINARY

1. This Act may be cited as the Science and Technology Act, 1997, and shall come into operation on such date as the Minister may, by statutory instrument, appoint. Short title and commence ment

2. In this Act, unless the context otherwise require— Interpreta- tion

" appointed date " means the date appointed by the Minister under section *one;* *

" centre " means a research and development support centre established under section *seven* or registered under section *nine* ;

" chairperson " means a person appointed as Chairperson for the Council under section *five;*

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" Council " means the National Science and Technology Council established under section *three*

" Deputy Director " means a person appointed as Deputy Director under section *twelve;*

" Deputy Executive Secretary " means a person appointed as Deputy Executive Secretary under section six;

" Director " means a person appointed as Director under section *twelve;*

" Executive Secretary " means a person appointed as Executive Secretary under section *six;*

Cap. 236

" former Council" means the National Council for Scientific Research established under the National Council for Scientific Research Act;

Government research institution " means a branch or department of the Government whose main function to carry out science and technology research;

" institute " means a science and technology institute established by the Government under section *seven* or registered as a private institute under section *nine;*

management board " means a management board constituted under section *ten;*

" Secretary " means a person appointed as Secretary of the Council under section *six;* and

" Vice-Chairperson " means a person elected as Vice-Chairperson of the Council under section *five.*

PART IT

THE NATIONAL SCIENCE AND TECHNOLOGY COUNCIL

Establishment of Council

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

(2) The provisions of the First Schedule Ishall apply to the Council.

Functions of Council

4. (1) The functions of the Council shall be to promote science and technology so as to improve the quality of life in Zambia.

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(2) Without prejudice to the generality of subsection (1), the functions of the Council shall be to—

(a) promote the development of an indigenous and environmentally friendly technological capacity;

(b) regulate research in science and technology in Zambia;

(c) register institutes and centres;

(d) advise the Government on science and technology policies and activities in Zambia;

(e) determine broad directions, stimulate co-ordination and initiate special projects in science and technology;

(/) promote and publicise board national priorities in science and technology research;

(g) liaise with Government, industry and centres and institutes in science and technology;

(h) mobilise and distribute financial, **human** and other resources to management boards for science and technology research;

(/) recommend to the Government the establishment of-any new research institutes and centres;

(/) promote the use of science and technology in industry;

(k) ensure that gender concerns are integrated at all levels of science and technology development;

(/) collect and disseminate science and technology information including publication of scientific reports, journals and other such documents and literature;

(m) establish and maintain a relationship with corresponding scientific organizations in other countries; V

(n) take all measures that are necessary to popularise science and technology;

(o) identify and determine national research and development priorities in science and technology; and

(p) do all such things connected with or incidental to the functions of the Council under this Act.

(3) The Council may, by directions in writing and subject to-such conditions as it thinks fit, delegate to any member, committee or the Executive Secretary any of its functions under this Act.

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Composition of Council

5. (1) The Council shall consist of thirteen members appointed by the Minister as follows:

(a) two members from any research institute or centre established under this Act;

(b) two members from any public or private university;

(c) a member from a technical college;

(d) an engineer from industry;

(e) a member with rich business and commercial experience in the private sector; and

(/) a member each from the ministries responsible for science and technology, environment and natural resources, health, commerce and trade, agriculture and mines.

(2) The Chairperson and Vice Chairperson of the Council shall be elected by the members from amongst themselves.

Executive Secretary, Deputy Executive Secretary and other staff

6. (1) Subject to subsection (3), the Council shall, on such terms and conditions as it may determine, appoint an Executive Secretary who shall be the Chief Executive Officer of the Council and who shall, subject to the control of the Council, be responsible for the day to day administration of the affairs of the Council.

(2) The Council may appoint a Deputy Executive Secretary who shall—

(a) assist the Executive Secretary in the performance of his duties under this Act; and

(b) discharge the functions of the Executive Secretary whenever the office of the Executive' Secretary is vacant or the Executive Secretary is absent or is for any other reason unable to discharge the functions of his office.

(3) The Executive Secretary shall be appointed for a term of three years and shall be eligible for re-appointmenlVfor a further term of three years.

(4) The Executive Secretary shall attend meetings of the Council and may address such meetings, but shall have not vote.

(5) The Executive Secretary shall be the Secretary of the Council.

(6) 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.

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PART III

SCIENCE AND TECHNOLOGY INSTITUTES AND RESEARCH AND DEVELOPMENT SUPPORT CENTRES

Establishment of institutes and centres

7. (1) The Minister may, on the recommendation of the Council, by statutory instrument, establish any science and technology institute or a research and development support centre and set out the functions of each institute or centre.

(2) An institute or centre establish under subsection (1) shall be a body corporate with perpetual succession and a common seal, capable of suing and of being sued in its corporate name, and with power, subject to this Act, to do all such acts and things as a body corporate may by law do or perform.

(3) On or after the appointed date the Minister shall, by statutory instrument, establish the former Council, as an institute under-this Act.

(4) On or after the appointed date, the Minister may, by statutory instrument, establish an existing Government research institution as an institute or centre under this Act.

(5) The Second Schedule shall apply to an institute or centre established under this Act.

Restriction on execution against property of institute or centre

8. Notwithstanding anything contrary contained in any written law, where any judgement or order has been obtained against any institute or centre established by the Minister under section *seven,* no execution or attachment or process of any nature thereof, shall be issued against the institute or centre or against any property of the institute or centre, but the Director shall cause to be paid out of the revenue of the institute or centre such amounts as may, by the judgement or order, be awarded against the institute or centre to the person entitled thereto.

PART IV

REGISTRATION OF CENTRES AND INSTITUTES

Registration of centres and institutes

9. (1) Every centre or institute shall apply to the Council for registration as a centre or institute in the prescribed form. L

(2) An application referred to in subsection (1) shall state: _

(a) the name of the private centre or institute;

(b) the principal place of business;

(c) the names and qualifications of its research and development staff;

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(d) the areas of research and development in which the private centre or the institute is involved; and;

(e) any other details the Minister may, on the recommendation of the Council, by statutory instrument prescribe.

(3) The Council shall, subject to subsection (5), register every centre or institute on the payment of the prescribed fee.

(4) Where the Council is not satisfied with the application to register an institute or centre in accordance with subsection (1), it shall refuse to register a centre or institute and shall state the reasons for the refusal.

(5) The Council shall keep a register of centres and institutes registered under subsection (3).

(6) The Council shall every year, publish in the *Gazette,* the list of all institutes and centres registered under this Act.

PART V

CONSTITUTION OF MANAGEMENT BOARDS FOR CENTRES AND INSTITUTES

Constitution of management boards

10. (1) The Minister shall, by statutory instrument, constitutes management board for a centre or institute established under this Act.

(2) In constituting a management board for an institute or centre under subsection (1), the Minister shall appoint not more than seven members of the Board and set out the functions of each management board.

Functions of management board

11. (1) Notwithstanding the provisions of a statutory instrument specifying the functions of each management board pursuant to subsection (2) of section *ten,* a management board for an institute or a centre established under this Act shall—

(a) administer the affairs of any centre or institute established under this Act; and

(b) do all such things as a re necessary to promote science and technology. V

(2) A management board may, by directions in writing and subject to such conditions as it thinks fit, delegate to any member, committee or the Director any of its functions under this Act.

(3) The Council may give to a management board, such general or specific directions with respect to the discharge of its functions as it may consider necessary and the management board shall give effect to such directions.

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(4) A management board may collaborate, or enter into agreement, with any organisation or institution on-any matter relevant to the carrying out of the functions of the management board under this Act.

(5) The Chairperson and Vice Chairperson of each management board shall be elected by the members from amongst themselves.

Director, Deputy Director, Secretary and other staff

12. (1) Subject to subsection (2), a management board shall appoint a Director on such terms and conditions as it may determine, who shall be the Chief Executive Officer of a management board and who shall, subject torn the control of the management board, be responsible for the day to day administration of the institute or centre.

(2) The Director shall be appointed for a term of three years and shall be eligible for re-appointment for a further term of three years.

(3) The Director shall attend meetings of a management board and may address such meetings, but shall have no vote.

(4) The Director shall be the Secretary to a management board.

(5) A management board may appoint a Deputy Director who shall—

(a) assist the Director in the performance of his duties under this Act; and

(b) discharge the functions of the Director whenever the Office of the Director is vacant or the Director is absent or is for any other reason unable to discharge the functions of his office.

(6) A management board may, on such terms and conditions as it may determine, appoint such other staff as it considers necessary for the performance of its functions under this Act.

staff

13. (1) The Minister may, by statutory instrument, approve arrangements under which all or some of the public officers shall be transferred to the Council or a management board from the public service or from the former council.

(2) Where a person is transferred, in accordance with the arrangements made under subsection (1), his terms and conditions with the Council or a management board shall be no less favourable than those enjoyed while in the public service or the former Council, and for the purposes of determining his rights to, or eligibility for, any pension, gratuity, leave or other benefits, his previous service with the public service or the former Council shall be treated as continued service.

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Rights of management boards in discoveries

14. Where any person employed by a management board while carrying out research or other duties makes a discovery, invention or improvement in the course of his duties, the management board shall be deemed to be the owner for all purposes of the rights therein:

Provided that the management board shall pay to that person such bonus, fees or royalties thereof, or make such arrangements for such person to share in the profits derived therefrom, as the management board may determine.

Tax exemption

15. (1) Notwithstanding any other law to the contrary, centres and institutes shall be exempt from duties and taxes on all capital goods and consumables as agreed by the Minister of Finance.

(2) In this section " consumables" means laboratory consumables.

PART VI

MISCELLANEOUS

Venture capital fund

16. (1) The Minister shall constitute the Venture Capital Fund to promote new technology in small businesses.

(2) The Minister may, by statutory instrument, provide for the management of the Venture Capital Fund.

Transitional provisions

17. (1) Subject to the provisions of this Act, a person who immediately before the appointed date held office as a member of the former Council shall on the appointed date, hold office as a member of the Council for a period of three months.

(2) After the period referred to in subsection (1) the members shall be appointed in accordance with this Act.

Vesting of assets and transfer of liabilities

18. (1) The Minister may, by statutory instrument, regulate the transfer of all property which immediately before the appointed date, was the property of the former Council.

(2) The rights, liabilities and obligations relating to the property owned by the former Council shall vest in any institution established under this Act to which the property referred to in subsection (1) shall be transferred.

Registration of property to be transferred

19. (1) Whenever under this Act any property, rights, liabilities or obligations of the former Council are transferred to an institute established under this- Act in respect of which transfer a written law provides for registration, that institution shall make an application in writing to the proper officer or the appropriate registration authority for the registration of the transfer.

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(2) The proper officer or the registration authority referred to in subsection (1) shall make such entries in the appropriate register as shall give effect to the transfer and, where appropriate, issue the transferee concerned with a certificate of title in respect of the property or make necessary amendments to the register, as the case may be, and shall make endorsements on the deeds relating to the title, right or obligation concerned.

(3) Registration fees or duty shall not be paid in respect of any transfer effected under this Part.

Legal proceedings

20. Any legal proceedings or application pending before any authority before the commencement of this Act by or against the former Council may be continued by or against the Council.

Appeals

21. (1) Where any person is aggrieved by any decision made under this Act by the Council, that person may within thirty days of the decision appeal to the Minister.

(2) The Minister may vary, confirm, amend or rescind any decision appealed against and shall give reasons for his decision.

Regulations

22. (1) The Minister may, on the recommendation of the Council, make regulations by statutory instrument for the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1) the Minister may, on the recommendation of the Council, make rules or regulations—

*

(a) the conduct of research in science and technology;

(b) the registration of institutes and centres; and

(c) any matter which the Board is authorised by this Act to formulate or regulate.

V

(3) Rules or regulations made under this Act may provide in respect of any contravention thereof that the offender shall be liable to a fine not exceeding twenty thousand penalty units or to a term of imprisonment not exceeding five\years or to both.

Repeal of Cap. 140

23. The National Council for Scientific Research Act shall stand repealed on the appointed date.

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FIRST SCHEDULE

(Section 3)

PARTI

ADMINISTRATION

Sea] of Council

1. (1) The seal of the Council shall be such device as may be determined by the Council and shall be kept by the Secretary.

(2) The affixing of the seal shall be authenticated by the Chairperson or the Vice-Chairperson and the Secretary or one other person authorised in that behalf by a resolution of the Council.

(3) 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 generally or specifically authorised by the Council in that behalf.

(4) 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 without further proof, unless the contrary is proved.

Tenure of office of member

2. (1) Subject to the other provisions of this Act, a member shall
hold office for a period of three years from the date of appointment and may be re-appointed for a further term of three years:

Provided that the first members shall be appointed for periods ranging from two to three years in order to facilitate retirement by rotation.

(2) A member may resign by giving one month's notice in writing to the Secretary and the appointing authority.

(3) The office of a member shall become vacant—

(a) upon his death;

(b) if he is absent without reasonable excuse from three consecutive meetings of the Council of which he has had notice;

(c) on ceasing to hold the office by virtue of which he was appointed member under **section** *five',* or

Filling of casual vacancy

(d) if he is declared bankrupt.

3. Whenever the office of a member becomes vacant before the expiry of the term of office, the Minister may appoint another member in place of the member who vacates the office.

Proceedings of Council

4. (1) Subject to the other provisions of this Act, the Council may regulate its own procedure.

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(2) The Council shall meet for the transaction of business, at least once in every three months at such places and at such times as the Chairperson may decide.

(3) Upon giving notice of not less than fourteen days, a meeting of the Council may be called by the Chairperson and shall be called if not less than one third of the 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) The quorum at any meeting of the Council shall be seven members.

(5) There shall preside at any meeting of the Council—

(a) the Chairperson or the Vice-Chairperson; or

(b) in the absence of the Chairperson and Vice-Chairperson, such member as the members present may elect from amongst themselves 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 a member referred to in paragraphs *(a), (b), (c)* and *(f)* section/iv<? is for any reasonable cause unable to attend any meeting of the Council, he may, in writing, nominate another person from the same organisation 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 in its opinion is 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 every meeting of any committee established by the Council.

Committee

5. (1) The Council may, for the purpose of performing its *the* of Council functions under this Act, establish committees and delegate to any such committee such of its functions as it thinks fit.

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(2) The Council may appoint as members of a committee established under subsections (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.

Remuneration and allowances of members

6. The members shall be paid such remuneration and allowances as the Council may determine, with the approval of the Minister.

Disclosure of interest

7. (1) If a member is present at a meeting of the Council or any any committee of the Council at which any matter is the subject of consideration and in which matter the member or member's spouse is directly or indirectly interested in a private capacity, the member shall, as soon as is 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.

(2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which it is made.

Prohibition of publication or disclosure of information to an Unauthorised person

8. (1J A person shall not, without the consent in writing given by or on behalf of the Council, publish or disclose to any unauthorised person, otherwise than in the course of his duties, the contents of any documents, communication or information whatsoever, which relates to, and which has come to his knowledge in the course of his duties under this Act.

(2) Any person who contravenes the provisions of sub-paragraph (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 three years, or to both.

(3) If any person having any information Which to his knowledge has been published or disclosed in contravention of sub-paragraph (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 five thousand penalty units or to imprisonment for a term not exceeding three months or to both.

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PART II

FINANCIAL PROVISIONS

9. (I) The funds of the Council shall consist of such moneys as may— Funds of the Council

(a) be appropriated by Parliament for the purposes of. the Council;

(b) be paid to the Council by way of fees, levy, grants or donations; or

(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) raise moneys by way of loans or otherwise, from any source in Zambia and subject to the approval of the Minister, from any source outside Zambia, such moneys as it may require for the discharge of its functions, and

(c) in accordance with the regulations made under this Act, charge and collect fees for services provided by 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 of any committee of the Council when engaged in 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.

(5) The Council shall constitute a Science and Technology Development Fund to—

(a) encourage special initiatives in science or technology re search development; and

(b) Commercialise technology.

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(6) The Minister, may by statutory instrument, provide for the management of the Science and Technology Development Fund.

Financial year

10. The financial year of the Council shall be the period of twelve months ending on the 31st of December, in each year.

Accounts

11. The Council shall cause to be kept proper books of account and the other records relating to its accounts.

Annual report

12. *(\)* As soon is 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.

(2) The report referred to in paragraph (1) shall include information on the financial affairs of the Council and the management boards for centres and institutes established under this Act and there shall be appended thereto—

(a) an audited balance sheet;

(b) an audited statement of income and expenditure;

(c) an audited statement of income and expenditure of the Venture Capital Fund and Science and Technology Development Fund; and

(d) such other information as the Minister may require.

(3) The Minister shall, not later than thirty days after the first sitting of the National Assembly next after receipt of the report referred to in sub-paragraph (1), lay it before the National Assembly: N. - ■ ■

SECOND SCHEDULE

(Section 7)

PARTI

ADMINISTRATION FOR MANAGEMENT BOARDS

Seal of management board

1. (1) The seal of a management board shall be such device as may be determined by the board and be kept by the Secretary.

(2) The affixing of the seal shall be authenticated by the Chairperson or the Vice-Chairperson and the Secretary of a management board or one other person authorised in that behalf by a resolution of the board.

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(3) 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 a management board by the Secretary of a management board or any other person generally or specifically authorised by the board behalf.

(4) Any document purporting to be a document under the seal of a management board or issued on behalf of the board shall be received in evidence and shall be executed of issued, as the case may be, without further proof, unless the contrary is proved.

Tenure of office of member

2. (1) Subject to the other provisions of this Act, a member of a Management board shall hold office for a period of three years from the date of appointment and may be re-appointed for a further term of three years:

Provided that the first members shall be appointed for periods ranging from two to three years in order to facilitate retirement by rotation

(2) A member of a management board may resign by giving one month's notice in writing to the Secretary of a management board and the appointing authority.

(3) The office of a member shall become vacant—

(a) upon his death;

(b) if he is absent without reasonable excuse from three consecutive meetings of the Council of which he has had notice;

(c) on ceasing to hold the office by virtue of which he was appointed member of a management board under section *ten;* or

(d) if he is declared bankrupt.

Filling of vacancy

3. Whenever the office of a member of a management board becomes vacant before the expiry of the term of office, the Minister may appoint another member in place of the member who vacates. the office.

Proceedings of manage-ment board

4. (1) Subject to the other provisions of this Act, a management board may regulate its own. procedure.

(2) A management board shall meet for the transaction of business, at least once in every three months at such places and at such times as the Chairperson of the management board may decide.

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(3) Upon giving notice of not less than fourteen days, a meeting of a management board may be called by the Chairperson and shall be called if not less than one third of the 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) The quorum at any meeting of a management board shall be one half of the members.

(5) There shall preside at any meeting of a management board—

(a) the Chairperson or the Vice-Chairperson; or

(b) in the absence of the Chairperson and the Vice-Chairperson, such member as the members present may elect from amongst themselves for purpose of that meeting.

(6) A decision of a management board 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 a member is for any reasonable cause unable to attend any meeting of a management board, he may, in writing, nominate another person from the same organisation to attend such meeting in his stead and such person shall be deemed to be a member for the purpose of such meeting.

(8) A management board may invite any person whose presence in its opinion is desirable, to attend and to participate in the deliberations of a meeting of the management board but such person shall have no vote.

(9) The validity of any proceedings, act or decision of a management board shall not be affected by any vacancy in the membership of the board 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) A management board shall cause minutes to be kept of the proceedings of every meeting of the board and every meeting of any committee established by the management board.

Committees of board functions

5. (1) A management board may, for the purpose of performing under this Act, establish committees and delegate to any such committee such of its functions as it thinks fit.

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(2) A management board may appoint as members of committee establish under subsection (1), persons who are or are not members of the board and such persons shall hold office for such period as the board may determine.

(3) Subject to any specific or general direction of a management board any committee established under subsection (1), may regulate its own procedure.

Remuneration and allowances of members

6. The members shall be paid such remuneration and allowances as a management board may, with the approval of the Minister, determine.

Disclosure of interest

7. (1) If a member is present at a meeting of a management board or any committee of the board at which any matter is the subject of consideration and in which matter the member or the member's spouse is directly or indirectly interested in a private capacity, the member shall, as soon as is practicable after the commencement of the meeting, disclose such interest and shall not, unless the board otherwise directs, take part in any consideration or discussion of, or vote, any question touching such matter.

(2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which it is made.

Prohibition of publication or disclosure of information to an unauthorised person

8. (1) A person shall not, without the consent in writing given by or on behalf of a management board, publish or disclose to any unauthorised person, otherwise than in the course of his duties, the contents of any documents, communication or information whatsoever, which relates to, and which has come to his knowledge in the course of his duties under this Act.

(2) Any person who contravenes the provisions of sub-paragraph (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 three years, or to both..

(3) If any person having any information which to his knowledge has been published or disclosed in contravention of sub-
paragraph (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 five thousand penalty units or to imprisonment for a term not exceeding three months or to both.

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PART II

FINANCIAL PROVISIONS FOR MANAGEMENT BOARDS

Funds of management board

9. (1) The funds of a management board shall consist of such moneys as may—

(a) be appropriated by Parliament for the purposes of the management board;

(b) be paid to the management board by way of fees, levy, grants or donations; or

(c) vest in or accrue to the management board.

(2) A management board 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) raise by way of loans or otherwise, such moneys as it may require for the discharge of its functions; and

(c) in accordance with the regulations made under this Act, charge and collect fees for services provided by the management board.

(3) There shall be paid from the funds of a management board—

(a) the salaries, allowances and loans of the staff of the board;

(b) such reasonable travelling, transport and subsistence allowances for members or members of any committee of the board when engaged in the business of the board, at such rates as the Minister may determine; and

(c) any other expenses incurred by the board in the performance of its functions. x*

(4) A management board 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.

Financial year

10. The financial year of a management ".board shall be the period of twelve months ending on the 31st of December, in each year.

Accounts

11. A management board shall cause to be 'kept proper books of account and other records relating to its accounts.

Annual report

12. (1) As soon as is practicable, but not later than six months after the expiry of each financial year, a management board shall submit to the Council a report concerning its activities during financial year.

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(2) The report referred to in paragraph (1) shall include information on the financial affairs of a management board 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 Council may require.

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THE TECHNICAL EDUCATION, VOCATIONAL AND ENTREPRENEURSHIP TRAINING ACT, 1998

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Single copies of this Act may be obtained from the Government Printer, P.O. Box 30136, 10101 Lusaka. Price K6,500

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GOVERNMENT OF ZAMBIA

ACT

No. 13 of 1998

Date of Assent: 21st April, 1998

An Act to establish the Technical Education, Vocational and Entrepreneurship Training Authority and to define its functions; to provide for the establishment of government institutions of technical education, vocational and entrepreneurship training; to constitute management boards for institutions established under the Act and provide for their composition; to regulate all institutions providing technical education, vocational and entrepreneurship training; to repeal the Technical Education and Vocational Training Act, 1972; and to provide for matters connected with or incidental to the foregoing.

[24th April, 1998

ENACTED by the Parliament of Zambia. Enactment

PART I

PRELIMINARY

1. This Act may be cited as the Technical Education, Vocational and Entrepreneurship Training Act, 1998, and shall come into operation on such date as the Minister may, by statutory instrument, appoint. Short title and commencement

2. Nothing in this Act shall apply to— Application

(a) a university established in Zambia under the Universities Act; Cap. 136

(b) any school in relation to which the Education Act applies except as may be prescribed by statutory instrument in consultation with the Minister responsible for general education; Cap. 134

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(j) regulate and conduct national examinations relating to technical education, vocational and entrepreneurship training;

(k) charge and collect fees in respect of examinations and other services provided by the Authority;

(l) award certificates to persons who succeed in examinations set under this Act;

(m) guide institutions in preparing rules for the recruitment of students and teachers;

(n) approve curricula and standards of certificates in institutions established or registered under this Act;

(o) register institutions;

(p) cancel the registration of an institution established or registered under this Act; and

(q) do all such things connected with or incidental to the functions of the Authority under this Act.

Composition of Authority

6. (1) The Authority shall consist of members appointed by the Minister as follows:

(a) the Permanent Secretary in the ministry responsible for technical education and vocational trainging;

(b) a representative of a federation of trade unions;

(c) a person from the mining industry;

(d) the chairperson of Zambia Association of Chambers of Commerce and Industry;

(e) a chairperson of an organisation representing the informal sector in small scale industry;

(f) the Permanent Secretaries of the ministries responsible for education, labour, youth and sport, commerce, trade and industry and community and social development;

(g) two representatives of universities established under the Universities Act;

(h) a representative of a federation of employers' organisations;

(i) a representative of the Engineering Institution of Zambia;

(j) a person from a financial institutions;

(k) a representative of Small Enterprise Development Board;

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(*l*) a representative of women involved in technical education, vocational and entrepreneurship;

(*m*) a representative of the building industry;

(*n*) a representative of religious institutions involved in providing technical education, vocational and entrepreneurship training; and

(*o*) two other persons.

(2) The Minister shall appoint the Chairperson of the Authority.

(3) The Vice-Chaiperson shall be elected by the members from amongst themselves.

Director-General

7. (1) The Authority, with the approval of the Minister, shall appoint a Director-General who shall be the chief executive officer of the Authority and who shall be responsible, for the day-to-day administration of the Authority.

(2) The Director-General shall be appointed for a period of four years and may be eligible for re-appointment.

(3) Subject to the other provisions of this section the terms and conditions of service of the Director-General shall be determined by the Authority with the approval of the Minister in consultation with the Cabinet.

(4) The Director-General shall attend meetings of the Authority and may attend meetings of any committees of the Authority and may address such meetings, but shall have no vote.

Secretary and other staff

8. (1) The Director-General shall be the Secretary to the Authority.

(2) The Authority may appoint such other staff of the Authority as it considers necessary for the performance of its functions under this Act.

(3) The terms and conditions of service of the staff of the Authority shall be determined by the Authority with the approval of the Minster in consultation with the Cabinet.

PART III

ESTABLISHMENT OF GOVERNMENT INSTITUTIONS AND MANAGEMENT BOARDS

Establishment of institution

9. (1) The Minister may, in consultation with the Authority, by statutory instrument, establish an institution for the provision of technical education, vocational and entrepreneurship training and define its functions.

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PART IV

Registration of Institutions

Registration of institutions

15. (1) Every institution shall apply for registration in the prescribed form to the Authority.

(2) The application referred to in subsection (1) shall state—

(a) the classification of institution to be established;

(b) the levels, classes, standards or courses to be provided; and

(c) other particulars as may be prescribed.

(3) The Authority shall issue a certificate or registration to every institution on the payment of a prescribed fee if satisfied that—

(a) the institution meets the technical education, vocational and entrepreneurship training standards set by the Authority;

(b) the premises of the institution, including any hostel or other buildings used by persons attending the institution are suitable for that purpose;

(c) there are adequate finances to maintain the institution;

(d) the proprietor of a private institution is a fit and proper person or body of persons to run the institution; and

(e) the list and qualifications of the teaching staff employed or to be employed at the institution show that the teaching staff of the institution are properly qualified.

(4) If the Authority is satisfied that an application does not meet the requirements set out in subsection (3), it shall notify the proprietor or the management board of the institution in writing that—

(a) the application is rejected; or

(b) the application shall be granted after the proprietor or the management board has, within such period as the Authority may specify, complied with the conditions set out in subsection (3).

(5) If the proprietor or management board of an institution who is notified under section (4) fails, in the opinion of the Authority, to comply with the instructions within the period specified by the Authority, the Authority shall reject the application and shall notify the proprietor or the management board in writing accordingly.

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(6) A certificate of registration shall contain—

(a) the name;

(b) the classification;

(c) the classes;

(d) the courses for which the institution is registered; and

(e) such other particulars as may be prescribed.

(7) A certificate of registration issued under subsection (3) shall be valid for one year.

Register of institutions

16. The Authority shall keep and maintain a register of institutions which shall contain such particulars as may be prescribed.

Cancellation of registration of institution

17. (1) Where a registered institution—

(a) ceases to comply with any of the provisions under section sixteen;

(b) is being managed or operated in a manner detrimental to the physical, mental or general welfare of the persons receiving instruction at that institution; or

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

the Authority shall notify the institution in writing—

(i) that the registration of the institution shall be cancelled from such date as the Authority may specify; or

(ii) that the Authority proposes to cancel the registration of the institution unless, within a period specified by the Authority, the institution complies with such requirements as the Authority may specify.

(2) Where the proprietor or the management board of an institution, referred to under subsection (1) fails, within the period prescribed by the Authority, to comply with the requirements specified therein, the Authority shall cancel the registration of the institution and notify the Principal or the management board in writing accordingly.

Appeals

18. (1) A person may appeal to the Minister on any decision made by the Authority under this Act.

(2) A person may appeal to the Authority on any decision made by an institution established or registered under this Act.

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Offences and penalties

19. Any person who operates an institution which—

(a) is not registered ; or

(b) has been notified in writing that the application for registration of the institution has been rejected or cancelled;

shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding one hundred thousand penalty units or to imprisonment for a term not exceeding five years, or to both.

Publication of list of registered institutions

20. The Authority shall at regular intervals, but not less than once in every year, cause to be published in the *Gazette* a list of all institutions registered under this Part.

Registration of private institutions

21. Notwithstanding the provisions relating to registration under this Act, the Authority shall register under this Part any private institution which, immediately before the commencement of this Act was registered as a private institution under the repealed Act and shall be deemed to be registered as an institution under this part for the period expiring on the 31st December, 1998.

PART V

Inspection and General Provisions

Inspectors

22. (1) The Authority shall appoint such number of inspectors as are necessary to enforce the provisions of this Act with respect to institutions established or registered under this Act.

(2) Every inspector appointed under this section shall be issued with a certificate of appointment which shall be *prima-facie* evidence of the inspectors appointment as such.

(3) An inspector shall on demand by a person affected by the exercise of the inspectors powers under this Act, produce for inspection the certificate referred to in subsection (2).

Powers of inspectors

23. To ensure that the provisions of this Act are being complied with, an inspector shall have power, on production of the certificate of appointment issued under section *twenty-two* to—

(a) demand the production of, and to inspect or make copies of, books or documents relating to training; and

(b) enter and inspect, at all reasonable times, any institution established or registered under this Act.

Obstruction of inspectors

24. (1) A person shall be guilty of an offence if that person—

(a) willfully delays or obstructs an inspector in carrying out duties under this Act;

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(b) knowingly or negligently gives an inspector false or misleading information orally, in writing or otherwise.

(2) Any person guilty of an offence under subsection (1) shall be liable upon conviction to a fine not exceeding eight thousand penalty units or to imprisonment for a term not exceeding six months or to both.

Transfer of employees

25. (1) On or after the appointed date, an institution shall on such terms and conditions as it may determine appoint as officers of the Institution or Authority such number of public officers as may be necessary for the performance of the functions of the Authority or institution.

(2) Where an employee of the Government is appointed to the service of the Authority or an institution—

(a) the terms and conditions of service with the Authority or institution shall not be less favourable than those the employee enjoyed in the service of the Government; and

(b) the employee shall be deemed to have been retired under section *thirty-nine* of the Public Service Pensions Act. Act No. 35 of 1996

(3) On or after the appointed date the employees of government who are not engaged by the Authority or institution under subsection (2) shall be retained by the government and shall—

(a) be re-deployed in the service of the government; or

(b) be retired under section *thirty-nine* of the Public Service Pensions Act. Act No. 35 of 1996

Regulations

26. (1) The Minister may in consultation with the Authority, by statutory instrument, make regulations for the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of the foregoing, the Minister may, in consultation with the Authority, make regulations prescribing:

(a) the manner and form in which an application for the registration and renewal of registration of an institution including a private institution shall be made, and the information and documents to be submitted in support of such application;

(b) the forms to be used and staff and student returns to be furnished by the proprietors and management boards of institutions established or registered under this Act;

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(c) the fees payable for the registration and renewal of registration of institutions;

(d) the fees payable for national examinations at institutions established or registered under this Act;

(e) the conditions and procedures for apprenticeship training;

(f) the classification of each institution;

(g) the conditions under which the Authority may take over the operations of an institution whose registration has been suspended or cancelled under this Act; and

(h) anything which may or is required to be prescribed under this Act for the better carrying out of the provisions of this Act.

(3) Any regulations made under this section may make different provisions for different parts of the Republic, and for different institutions and management boards.

(4) The regulations made under this section may provide in respect of any contravention that the offender shall be guilty of an offence and liable upon conviction to a fine not exceeding twenty thousand penalty units or to imprisonment for a term not exceeding twelve months, or to both.

Cap. 138

27. The Technical Education and Vocational Training Act, 1972, is hereby repealed.

FIRST SCHEDULE

(Sections 3 and 7)

ADMINISTRATION OF AUTHORITY

PART I

Seal of Authority

1. (1) The seal of the Authority shall be such device as may be determined by the Authority and shall be kept by the Secretary.

(2) The affixing of the seal shall be authenticated by the Chairperson or the Vice-Chairperson and the Secretary or one other person authorised in that behalf by a resolution of the Authority.

(3) Any document purporting to be a document under the seal of the Authority or issued on behalf of the Authority shall be received in evidence and shall be executed or issued, as the case may be, without further proof, unless the contrary is proved.

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Tenure of office of member

2. (1) Subject to other provisions of this Act, a member of the Authority shall hold office for a period of three years from the date of appointment and may be re-appointed for a further period of three years.

(2) A member of the Authority may resign by giving one month's notice in writing to the Authority and to the organisation that nominated that member.

(3) The office of a member of the Authority shall become vacant—

(a) upon the death of the member;

(b) if that member has been absent from three consecutive meetings of the Authority without reasonable execuse of which that member has had notice;

(c) on ceasing to hold the office by virtue of which that person was appointed member;

(d) the member is declared bankrupt; or

(e) if the member is declared to be of unsound mind.

Filling of casual vacancy

3. (1) Whenever the office of a member becomes vacant before the expiry of the term of office the Minister may appoint another member in place of the member who cavates the office; but that member shall hold office only for the unexpired part of the term.

Proceedings of Authority

4. (1) Subject to the other provisions of this Act, the Authority may regulate its own procedure.

(2) The Authority shall meet for the transaction of business, at least once in every three months at such places and at such times as the Chairperson may decide.

(3) Upon giving notice of not less than fourteen days, a meeting of the Authority may be called by the Chairperson and shall be called if not less than one third of the 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) The quorum at any meeting of the Authority shall be one half of the members of the Authority.

(5) There shall preside at any meeting of the Authority—

(a) the Chairperson; or

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(b) in the absence of the Chairperson, the Vice-Chairperson; or

(c) in the absence of the Chairperson and the Vice-Chairperson, such member as the members present may elect for the purpose of that meeting.

(6) A decision of the Authority 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 a member is for any reasonable cause unable to attend any meeting of the Authority, the member may, in writing, nominate another person from the same organisation to attend such meeting in that member's stead and such person shall be deemed to be a member for the purposes of such meeting.

(8) The Authority may invite any person, whose presence is in its opinion desirable, to attend and to participate in the deliberations of a meeting of the Authority but such person shall have no vote.

(9) The validity of any proceedings, act or decision of the Authority shall not be affected by any vacancy in the membership of the Authority 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 Authority may cause minutes to be kept of the proceedings of every meeting of the Authority and every meeting of any committee established by the Authority.

Committees of Authority

5. (1) The Authority 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.

(2) The Authority may appoint as members of a committee established under subsection (1), persons who are or are not members of the Authority and such persons shall hold office for such period as the Authority may determine.

(3) Subject to any specific or general direction of the Authority, any committee established under subsection (1), may regulate its own procedure.

Remuneration and allowances

6. A member of the Authority or any committee of the Authority shall be paid such allowances as the Authority may, with the approval of the Minister, determine.

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Disclosure of interest

7. (1) If a member is present at a meeting of the Authority or any committee of the Authority at which any matter is the subject of consideration and in which matter the member or the spouse of the member is directly or indirectly interested in a private capacity, the member shall, as soon as practicable after the commencement of the meeting, disclose such interest and shall not, unless the Authority otherwise directs, take part in any consideration or discussion of, or vote on, any question touching such matter.

(2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which it is made.

Prohibition of publication or disclosure of information to unauthorised persons

8. (1) A person, shall not without the consent in writing given by or on behalf of the Authority publish or disclose to any person, otherwise than in the course of that person's duties, the contents of any documents, communication or information whatsoever which relates to, and which has come to that person's knowledge in the course of duties under this Act.

(2) Any person who contravenes the provisions of sub-paragraph (1) 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 term not exceeding three years, or to both.

(3) If any person having any information which to that person's knowledge has been published or disclosed in contravention of sub-paragraph (1) unlawfully publishes or communicates any such information to any other person, that person 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 term not exceeding three years or to both.

PART II

FINANCIAL PROVISIONS

Funds of Authority

9. (1) The funds of the Authority shall consist of such moneys as may—

(a) be appropriated by Parliament for the purposes of the Authority;

(b) be paid to the Authority by way of fees, grants or donations;

(c) subject to the approval of the Minister responsible for finance, be paid to the Authority from any levy which may be imposed and collected for purposes of technical

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education, vocational and entrepreneurship training; and

(d) vest in or accrue to the Authority.

(2) The Authority may—

(a) subject to the approval of the Minister, accept moneys by way of grants or donations from any source;

(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 for services provided by the Authority.

(3) There shall be paid from the funds of the Authority—

(a) such monies as may be required for the operations of the Authority in accordance with its functions specified under this Act;

(b) the salaries, allowances and loans of the staff of the Authority;

(c) such reasonable sitting, travelling, transport and subsistence allowances for members or members of any committee of the Authority when engaged on the business of the Authority, at such rates as the Authority may determine; and

(d) any other expenses incurred by the Authority in the performance of its functions.

(4) The Authority may invest in such manner as it thinks fit any of its funds which it does not immediately require for the performance of its functions.

Financial year

10. The financial year of the Authority shall be the period of twelve months ending on the 31st of December of each year.

Accounts

11. (1) The Authority shall cause to be kept proper books of account and other records relating to its accounts.

(2) The accounts of the Authority shall be audited annually by independent auditors appointed by the Authority.

Annual Report

12. (1) As soon as practicable, but not later than six months after the expiry of each financial year, the Authority shall submit to the Minister a report concerning its activities during such financial year.

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(2) The report referred to in paragraph (1) shall include information on the financial affairs of the Authority 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 after the receipt of the report referred to in sub-paragraph (1), lay it before the National Assembly.

SECOND SCHEDULE

ADMINISTRATION OF INSTITUTIONS AND MANAGEMENT BOARDS

(Section 7)

PART I

ADMINISTRATION

Seal of institution

1. (1) The seal of an institution shall be such device as may be determined by a management board and be kept by the Secretary.

(2) The affixing of the seal shall be authenticated by the Chairperson or the Vice-Chairperson and the Secretary of a management board or one other person authorised in that behalf a resolution of the board.

(3) 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 an institution by the Secretary of a management board; or any other person generally or specifically authorised by the board in that behalf.

(4) Any document purporting to be a document under the seal of an institution or issued on behalf of the institution shall be received in evidence and shall be executed or issued, as the case may be, without further proof, unless the contrary is proved.

Tenure of office of member

2. (1) Subject to the other provisions of this Act, a member of a management board shall hold office for period of three years from the date of appointment and may be re-appointed for a further term of three years:

Provided that the first members shall be appointed for periods ranging from two to three years in order to facilitate retirement by rotation.

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(2) A member of management board may resign by giving one month's notice in writing to the Secretary of a management board and the appointing authority.

(3) The office of a member shall become vacant—

(a) upon the death of the member;

(b) if the member, is absent without reasonable excuse from three consecutive meetings of the institution of which the member has had notice;

(c) on ceasing to hold office by virtue of which the member was appointed member of a management board; or

(d) if the member is declared bankrupt.

Filling of casual vacancy

3. Whenever the office of a member of a management board becomes vacant before the expiry of the term of office, the Minister may appoint another member in place of the member who vacates the office; but that member shall hold office only for the unexpired part of the term.

Proceedings of management board

4. (1) Subject to the other provisions this Act, a management board may regulate its own procedure.

(2) A management board shall meet for the transaction of business, at least once in every three months at such places and at such times as the Chairperson of the management board may decide.

(3) Upon giving notice of not less than fourteen days, a meeting of a management board, may be called by the Chairperson and shall be called if not less than one third of the 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) The quorum at any meeting of a management board shall be one half of the members.

(5) There shall preside at any meeting of a management board—

(a) the Chairperson;

(b) in the absence of the Chairperson, the Vice-Chairperson;or

(c) in the absence of the Chairperson and the Vice-Chairperson, such member as the members present may elect from amongst themselves for purpose of that meeting.

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(6) A decision of a management board 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 a member is for any reasonable cause unable to attend any meeting of a management board, the member may, in writing, nominate another person from the same organisation to attend such meeting in that member's stead and such person be deemed to be a member for the purpose of such meeting.

(8) A management board may invite any person whose presence in its opinion is desirable, to attend and to participate in the deliberations of a meeting of the management board but such person shall have no vote.

(9) The validity of any proceedings, act or decision of a management board shall not be affected by any vacancy in the membership of the board or by any defect in the appointment of any member or by reason that any person not entitled so to do, took part the proceedings.

(10) A management board shall cause minutes to be kept of the proceedings of every meeting of the board and every meeting of any committee established by the management board.

Committees of management board

5. (1) A management board 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.

(2) A management board may appoint as members of the committee established under subsection (1), persons who are or are not members of the board and such persons shall hold office for such period as the board may determine.

(3) Subject to any specific or general direction of a management board any committee established under subsection(1), may regulate its own procedure.

Remuneration and allowances of members

6. The members of a management board shall be paid such remuneration and allowances as a management board may, with the approval of the Minister, determine.

Disclosure of interest

7. (1) If a member is present at a meeting of a management board or any committee of the board at which any matter is the subject of consideration and in which matter the member or the member's spouse is directly or indirectly interested in a private

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capacity, the member shall, as soon as is practicable after the commencement of the meeting, disclose such interest and shall not, unless the board otherwise directs, take part in any consideration or discussion of, or vote, any question touching such matter.

(2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which it is made.

Prohibition of publication or disclosure of information to an unauthorised person

8. (1) A person shall not, without the consent in writing given by or on behalf of a management board, publish or disclose to any unauthorised person, otherwise than in the course of that person's duties, the contents of any documents, communication or information whatsoever, which relates to, and which has come to that person's knowledge in the course of his duties under this Act.

(2) Any person who contravenes the provisions of sub-paragraph (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 three years, or to both.

(3) If any person having any information which to that person's knowledge has been published or disclosed in contravention of sub-paragraph (1) unlawfully publishes or communicates any such information to any other person, that person 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 three months or to both.

PART II

Financial Provisions of Institutions

Funds of management board

9. (1) The funds of an institution shall consist of such moneys as may—

(a) be appropriated by Parliament for the purpose of the management board;

(b) be paid to the institution by way of fees, levy, grants or donations;

(c) subject to the approval of the Minister responsible for finance, be paid to the institution from levy which may be imposed and collected for the purpose of technical education, vocational and entrepreneurship training; and

(d) vest in or accrue to the institution.

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(2) An institution 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) raise by way of loans or otherwise, such moneys as it may require for the discharge of its functions; and

(c) in accordance with the regulations made under this Act, charge and collect fees for services provided by the management board.

(3) There shall be paid from the funds of an institution—

(a) such monies as is required for the operations of the institution;

(b) the salaries, allowances and loans of the staff of the management board;

(c) such reasonable travelling, transport and subsistence allowance for members or members of any committee of the board when engaged in the business of the board, at such rates as the Minister may determine; and

(d) any other expenses incurred by the management board in the performance of its functions.

(4) A management board may invest in such manner as it thinks fit any of its funds which does not immediately require for the performance of its functions.

Financial year

10. The financial year of an institution shall be the period of twelve months ending on the 31st of December, in each year.

Accounts

11. A management board shall cause to be kept proper books of account and other records relating to the accounts of the institution.

Annual report

12. (1) As soon as is practicable, but not later than six months after the expiry of each financial year, a management board shall submit to the Authority a report concerning the activities of the institution during such financial year.

(2) The report referred to in paragraph (1) shall include information on the financial affairs of institution and the management board 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 Authority may require.

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GOVERNMENT OF ZAMBIA

ACT

No. 11 of 1999

Date of Assent: 4th October, 1999

An Act to provide for the establishment, regulation, control and functions of public and private universities; to repeal and replace the University Act, 1992; and to provide for matters connected with or incidental to the foregoing.

[10th December, 1999

ENACTED by the Parliament of Zambia. Enactment

PART I

PRELIMINARY

1. This Act may be cited as the University Act, 1999, 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

" affiliated institution " means any college or educational institution affiliated to a public university under section *five;*

" appointed date " means such date as the Minister may appoint under section *one;*

" Bursar " means the person appointed Bursar of a public university under section *twelve;*

" Chancellor " means the person appointed Chancellor of a public university under section *seven;*

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" constituent college " means any college or institution established or declared by statutory order, as a constituent college or institution of a public university under section *four*;

" Council " means the Cuncil of a public university established under section *sixteen*;

" Dean " means the person appointed Dean of a school of a public university under paragraph *twenty-three* of the First Schedule;

" Dean of Students " means the person appointed Dean of Students of a public university 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 person appointed Deputy Vice-Chancellor of a public university under section *nine*;

"Director " means the person appointed Director of an institute, bureau or similar body under paragraph *twenty-three* of the First Schedule;

" Librarian " means the person appointed Librarian of a public university under section *eleven*;

" principal officer " means the Vice-Chancellor, Deputy Vice-Chancellor, Registrar, Bursar, Librarian, and Dean of Students;

" private university " means any university which is not established or maintained 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 owned by the Government or a local government authority and is financed out of public funds;

" Registrar " means the person appointed Registrar of a public university under section *ten*;

Act No. 26 of 1992 " repealed Act " means the University Act, 1992;

" school " means an academic unit of a public university in which teaching, learning, study and research are pursued;

" search committee " means a search committee constituted under section *fifteen*;

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" Senate " means the Senate of a public university constituted under section *twenty-two*;

" statutes " means the rules governing a private university made under section *forty-two*;

" students affairs unit " means the students' affairs unit established under section *thirty-five*;

" student's union " means an association of students established under section *thirty-six*;

" university " means a public university or a private university, established under this Act;

" University Staff Tribunal " means the University Staff Tribunal established under section *twenty-nine*; and

' Vice-Chancellor " means the person appointed Vice-Chancellor of a public university under section *eight*.

PART II

PUBLIC UNIVERSITIES

Division 2.1–Establishment and Functions

Establishment of public universities

3. (1) The Minister may, by statutory instrument, establish public universities in accordance with the structure and requirements specified under this Part.

(2) Notwithstanding section *fifty-one*, the University of Zambia and the Copperbelt University shall continue to exist as seperate institutions as if established under this Act as public universities.

Constituent college of public university

4. (1) On the recommendation of the Senate, the Minister may, by statutory order—

(a) establish any college or institution of learning as a constituent college or institution of a public university; or

(b) declare any existing college or institution of learning as a constituent college or institution of a public university.

(2) Where the Minister establishes or declares any college or institution of learning as a constituent college or institution of a public university—

(a) the Council shall appoint a principal for the constituent college or institution; and

(b) the Council shall appoint the members of the academic and adminstrative staff and other employees of the constituent college or institution.

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(3) Where the Minister makes an order under subsection (1), the Minister shall, by the same or a subsequent order—

(a) in consultation with the Council, appoint not more than eleven members of the board and set out the functions of the board; and

(b) make provision for—

(i) the vesting of the property of the college or institution in the public university;

(ii) the transfer of the academic or adminstrative staff or other employees of the college or institution to the service of the public university; and

(iii) the payment of retirement benefits of 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 assurances, vest in the public university.

Affiliation to university

5. (1) The Minister may, on the recommendation of the Senate, approve the affiliation with the public university of any college or other educational institution of teaching or research within or outside Zambia which has concluded an agreement to become affiliated with the public university.

(2) Where an educational institution is affiliated with the public university—

(a) its name shall be added to the list of institutions so designated;

(b) the Council shall appoint two representatives of the public university on the decision-making body of the affiliated institution;

(c) the affiliated institution shall appoint a representative on the board of studies of the most closely related school of the public unversity;

(d) the Senate shall, after receiving a report from the relevant school, approve the entrance requirements, the syllabuses and the academic regulations of the affiliated institution in those areas of study for which the public unversity is providing certification;

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(e) the Council of the public university shall be consulted on the qualifications of those members of staff appointed at the affiliated institution, who are to teach in the areas of study for which the public university provides certification;

(f) the Senate of the public university shall moderate examination papers and examination scripts of the affiliated institution in the areas of study for which the public university provides certification;

(g) the diplomas or certificates of the affiliated institution for which certification is granted by the public university shall be joint diplomas or certificates of the public university and the affiliated institution and be awarded at a special awarding ceremony to be held at the affiliated institution with the participation of the public university's representatives;

(h) all diplomas or certificates certified by the public university shall be signed by the relevant authorities of both the public university and the affiliated institution; and

(i) the public university may determine whether and at what entry level diploma or certificate students shall be admissible to further studies at the public university.

(3) An educational institution may establish special relationships with the public university, particulary in the fields of staff and student exchange, priority admission for post graduate work, joint financing or research projects.

Functions of public university

6. (1) The general functions of a public university are to--

(a) provide university education, promote research and advancement of learning; and

(b) disseminate knowledge and, without discrimination, to hold out to all persons, who meet all the stipulated academic or professional qualifications, the opportunity of acquiring university education.

(2) For the purpose of carring out its functions under subsection (1) a public university shall, so far as its resources permit—

(a) 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 which is responsive to the needs of Zambia; and

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(b) make those facilities avaliable to persons equipped to benefit from the use of the facilities on such terms and conditions as the Council may determine.

Division 2.2—Chancellor and Principal Officers

Chancellor

7. (1) There shall be a Chancellor for a public university who shall be the titular head of the university.

(2) The Chancellor shall be appointed by the President, on the recommendation of the Minister, from among eminent Zambian citizens.

(3) A person appointed to the office of Chancellor shall hold office for a period of three years and may be re-appointed for a further like period.

(4) 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.

(5) The Chancellor may resign upon giving one month's notice in writing to the President

(6) The Chairperson 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 the Chancellor 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 directive.

(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.

(9) A person holding the office of Chancellor may be removed by the President for inability to perform the functions of the office whether arising from infirmity of body or mind or for behaviour which is incompatible with the office of Chancellor.

Vice-Chancellor

8. (1) There shall be a Vice-Chancellor for a public university appointed by the Minister on the recommendation of the Council who shall be the academic, financial and administrative head of the university and who shall, where the Chancellor is unable to do so, preside at the ceremonial assemblies of the university, and confer all degrees and the other academic titles and distinctions of the university.

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(2) A person appointed to the office of Vice-Chancellor shall hold office, on such terms and conditions as shall be specified in that person's letter of appointment, for a period of four years but shall be eligible for re-appointment for a further term of four years.

Deputy Vice-Chancellor

9. (1) There shall be a Deputy Vice-Chancellor for a public university appointed by the Minister, on the recommendation of the Council who shall assist the Vice-Chancellor in the Vice-Chancellor's 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 the Vice-Chancellor's functions.

(2) A person appointed to hold the office of Deputy Vice-Chancellor shall hold office, on such terms and conditions as shall be specified in that person's letter of appointment, for a period of three years but shall be eligible for re-appointment for a further term of three years.

Registrar

10. There shall be a Registrar for a 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 custody of its property and the administration of its assets.

Librarian

11. There shall be a Librarian for a 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 library services in a university.

Bursar

12. There shall be a Bursar for a public university appointed by the Council, on such terms and conditions as the Council may determine, and who shall, under the general direction of the Registrar, 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.

Dean of students

13. There shall be a Dean of Students for a public university appointed by the Council, on such terms and conditions as the Council may determine, and who shall, under the general direction of the Vice-Chancellor, be responsible for the management of students' affairs and shall exercise superintendence over the students' affairs unit.

Performance of functions in absence of office bearer

14. (1) Where the Vice-Chancellor and the Deputy Vice-Chancellor are absent from office at the same time or are unable for any reason to perform the functions of the Vice-Chancellor or Deputy Vice-Chancellor, the Minister may, after consultation with

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the Council, appoint, on such terms and conditions as the Minister may determine, a senior member of the academic staff of the university who shall be a Dean of a school, Director of an institute or a professor, to perform the functions of Vice-Chancellor.

(2) Where the Registrar, Librarian, Bursar or Dean of Students is absent from office or is unable for any reason to perform the functions of the office, the Vice-Chancellor may, after consultation with the Council, appoint, on such terms and conditions as the Vice-Chancellor may determine, a suitable person to perform the functions of the office.

(3) Where the Dean of a school or Director of an institute is absent from office or is unable for any reason to perform the functions of the office, the Vice-Chancellor may, after consultation with the Senate, appoint, on such terms and conditions as the Vice-Chancellor may determine, a suitable person to perform the functions of the office.

Search committee

15. (1) The Minister shall, for the purposes of sections *eight* and *nine*, constitute an ad hoc search committee of a public university consisting of seven members who have experience in the administration, management and academic life of universities.

(2) The chairman of a search committee shall be appointed by the Council.

(3) The members of a search committee shall be appointed on such terms and conditions as the Council may determine.

(4) The Secretary to the Council shall be the Secretary to a search committee.

(5) The functions and powers of a search committee shall be

(a) to advertise locally and internationally the posts of Vice-Chancellor and Deputy Vice-Chancellor whenever the posts fall vacant; and

(b) to select, from among the applicants, the candidate for the post of Vice-Chancellor or Deputy Vice-Chancellor and to submit a recommendation to the Council.

(6) A search committee shall determine its own procedure.

(7) There shall be paid to the members of a search committee such allowances as the Minister may determine.

(8) The Council shall pay the expenses incurred by a search committee in the performance of its functions.

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Division 2.3–The Council

Establishment of Councils of public universities

16. (1) There shall be established a Council for a public university 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 powers, subject to the other provisions of this Act, to do all such acts and things as a body corporate may, by law, do or perform and as are necessary for, or incidental to, the carrying out of its functions under this Act.

(2) The provisions of Parts I and II of the First Schedule shall apply to the Council.

Functions of Council

17. (1) Subject to the other provisions of this Act, a Council shall be responsible for the governance, control and administration of a university and in all other cases, not otherwise provided for by this Act, shall act in the best interest of the university.

(2) Without prejudice to the generality of the foregiong, a Council may—

(a) receive, on behalf of the university or constituent college or institution, gifts, donations, bequests, grants or other monies and make disbursement therefrom to the university, constituent college or institution;

(b) provide for the welfare of the staff and students of the university;

(c) determine the salaries and other conditions of service of the staff of the university;

(d) appoint and suspend, dismiss or otherwise discipline persons in the employment of the university in accordance with the provisions of this Act;

(e) regulate and determine all matters concerning the university in accordance with the rules enacted in that behalf by the Council;

(f) administer funds placed at the disposal of the university for specific purposes;

(g) select and determine the form of coat of arms for the university;

(h) take into account and if the Council considers it proper to do so, give effect to or approve reports or recommendations from Senate on those matters upon which the Senate is authorised or required by this Act to make reports or recommendations;

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(i) implement the decisions of the Senate on those matters upon which Senate has authority under this Act;

(j) determine the terms and conditions on which examiners shall be appointed by the Senate and the remuneration to be paid to the examiners;

(k) determine, after consultation with the Senate, the academic dress and insignia of the Chancellor, officers and graduates of the university;

(l) call for, receive and consider reports from the Vice-Chancellor on the working of the university;

(m) enter into, vary, carry out or rescind contracts on behalf of the university;

(n) determine all fees:

Provided that when determining tuition fees the Senate shall be consulted;

(o) establish administrative or service sections or units of the university as it considers necessary and abolish or vary the constitution of any such administrative or service section or unit; and

(p) do any other things which are necessary or conducive to the performance of its functions under this Act.

Dissolution of Council

18. (1) Where in the opinion of the Minister a Council has failed to exercise any of its functions under this Act, the Minister may in writing dissolve and thereafter reconstitute the Council within ninety days of such dissolution.

(2) During the period when the Council is dissolved, the Minister shall appoint a caretaker committee which shall exercise the powers, functions and duties of the Council.

Management of property

19. (1) All funds, assets and property, movable and immovable, of a public university shall be managed and utilised by the Council in accordance with this Act and in such manner and for such purposes as shall promote the best interest of the university.

(2) A Council may, after approval of the Minister and subject to such conditions, if any, as the Minister may impose, charge or dispose of the immovable property of a university.

Transfer of property

20. (1) For the purpose of this section and the Second Schedule, "the old Council" means the Council of the University of Zambia and the Council of the Copperbelt University, as the case may be, under the repealed Act.

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(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.

Restriction on execution against property of Council of public university

21. Notwithstanding anything to the contrary contained in any written law, where any judgement or order has been obtained against the Council no execution or attachment, or process of any nature, shall be issued against the Council or against any property of the Council, but the Vice-Chancellor shall cause to be paid out of the revenues of the Council such amounts as may, by the judgement or order, be awarded against the Council to the person entitled to such monies.

Division 2.4–Senate

Constitution of Senate

22. (1) There shall be a Senate for a public university which shall be the supreme academic authority of the university.

(2) The provisions of Part III of the First Schedule shall apply to the Senate.

Powers and functions of Senate

23. (1) Subject to the other provisions of this Act, the Senate 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.

(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) determining the academic policy of the university and advising the Council on the provision of facilities to carry out the policy;

(b) directing and determining the programme of instruction and the 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 in such courses;

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(d) regulating all university examinations and the standard of proficiency to be attained in such examinations;

(e) appointing examiners:

Provided that for degree examinations and any other qualifying examinations, at least one external examiner shall be appointed for each subject forming part of a course of studies required;

(f) awarding degrees, diplomas, certificates and making other awards and distinctions of the university:

Provided that honorary degrees shall be awarded on the recommendation of an Honorary Degree Committee established by the Senate;

(g) awarding scholarships and prizes administered by the university;

(h) constituting professorial chairs, readerships and other academic offices and abolishing or suspending any such office;

(i) 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 any 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;

(j) approving, reviewing, amending, referring back, controlling or disallowing any act relating to the academic affairs of any school, institute, bureau or similar body within the university or giving direction to any school, institute, bureau or similar body; 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 such person if, after due enquiry, the person 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 or distinction of a university under subsection (3) may appeal from the decision of the Senate to the Council.

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(5) The Senate shall make an academic budget which shall be approved by the Council.

(6) The Senate shall make regular reports to the Council regarding the performance of its functions.

Division 2.5–Staff

Staff

24. (1) There shall be three categories of staff of a public university designated "academic staff", "administrative staff" and "other staff".

(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 and other similar bodies;

(e) all the members of staff engaged in teaching and research;

(f) the Librarian; and

(g) such other persons as the Council may designate.

(3) The administrative staff shall consist of 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 persons employed by a university who are neither members of the academic staff nor of the administrative staff.

Discipline and removal of Vice-Chancellor and Deputy Vice-Chancellor

25. Where the Minister or a Council has reasonable grounds to believe that the Vice-Chancellor or Deputy Vice-Chancellor should be removed from office on grounds of misconduct or inability to perform the functions of the office, the Council shall, on the advice of the joint committee constituted under section *twenty-six*, recommend to the Minister the removal of the Vice-Chancellor or Deputy Vice-Chancellor, as the case may be.

Joint committee

26. (1) Whenever, for purposes of section *twenty-five*, it becomes necessary to do so, the Minister shall constitute an ad hoc committee which shall conduct an inquiry into the removal of the Vice-Chancellor or the Deputy Vice-Chancellor.

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(2) The Chairperson of the University Staff Tribunal shall preside over the meetings of the ad hoc committee constituted under subsection (1).

Discipline and removal of Registrar, Bursar, Chief Internal Auditor, Librarian, Dean of Students, Dean or Director

27. If the Vice-Chancellor has reasonable grounds to believe that the Registrar, the Bursar, the Dean of Students, the Chief Internal Auditor, the Librarian, a Dean or a Director, should be removed from office on the grounds of incompetence or misconduct the Vice-Chancellor shall—

(a) give notice in writing of those grounds to the officer in question;

(b) in writing, suspend the officer in question from office 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 to appear before, and be heard by the University Staff Tribunal with respect to the matter.

Discipline and removal of member of academic or administrative staff

28. If a Dean, Director or a principal officer, has reasonable grounds to believe that a member of the academic or administrative staff for whom the Dean, Director or principal officer has direct responsibility should be removed from office or employment on grounds of misconduct or failure to perform the functions of the office or employment, the Dean, Director or principal officer shall—

(a) give notice in writing of those grounds to the member in question;

(b) in writing, 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 to appear before and be heard by the University Staff Tribunal with respect to the matter.

University Staff Tribunal

29. (1) There shall be established in each public university a University Staff Tribunal to investigate and consider disciplinary cases referred to it and make recommendations to the Council.

(2) The University Staff Tribunal shall consist of the following members —

(a) a person who is qualified to be a High Court Judge, as Chairperson, appointed by the Council;

(b) two persons from the non-academic members of the Council appointed by the Chairperson of the Council; and

(c) two persons nominated by the academic staff of the university and appointed by the Chairperson of the Council.

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(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) The Council shall appoint the Secretary to the University Staff Tribunal.

(5) The members of the University Staff Tribunal shall hold office for a period of three years but shall be eligible for re-appointment for a further like period.

(6) A University Staff Tribunal shall complete its work within a period of four months from the date from which the suspension of a member of staff takes effect.

(7) The Council shall implement the decisions of the University Staff Tribunal.

Rules by Chief Justice

30. The Chief Justice shall, by statutory instrument, and in consultation with the Council, prescribe the procedure to be followed by the University Staff Tribunal in the determination of disciplinary cases.

Discipline of other staff

31. The application of disciplinary measures to other staff members of the university shall be in accordance with their conditions and terms of service.

Appeals

32. (1) A member of the academic or administrative staff may appeal within fourteen days against any decision of the Council to the Industrial Relations Court with further appeal to the Supreme Court.

(2) The Court under subsection (1) may confirm, vary, amend or set aside the decision of the Council.

(3) A member of the academic or administrative staff removed from office or employment by the Council shall remain suspended until the period within which the appeal is allowed expires.

(4) The date of removal from office for the member referred to in subsection (3) shall be the date on which the period allowed under that subsection expires.

Salaries and conditions of service

33. The Council shall, subject to the approval of the Minister, conclude an agreement on salaries and conditions of service with the appropriate trade union, if any.

Rights of Council in discoveries or consultancies

34. Where any person who is employed by a Council on full time basis or who is teaching or carrying out research at the university, makes any discovery, invention or improvement in the course of that person's duties, the Council shall be deemed to be the owner for all purposes of the rights therein:

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Provided that the Council may pay to such a person any bonus, fee, or royalty therefor, or make such arrangement for such person to share in the profits derived therefrom, as the Council may determine.

Division 2.6–Students

Students' affairs unit

35. There shall be a students' affairs unit under the supervision of the Dean of Students in every public university which shall organise, co-ordinate and administer students' affairs.

Students' union and branches

36. (1) There shall be a students' union in a public university.

(2) Where any university has more than one campus, there shall be a branch of the students' union on each campus.

(3) All registered students of the university shall be eligible to be members of the students' union.

(4) A students' union shall have a constitution which shall provide for such matters as may be prescribed under this Act.

Discipline

37. (1) The Deans, Directors, the Librarian and the Dean of Students shall exercise disciplinary control over students in public universities in schools, institutions, bureaux, departments, the library and similar bodies and halls of residence respectively:

Provided that in the case of exclusion from study or use of any facility of the university, rustication or expulsion of a student, a student may appeal to the Vice-Chancellor.

(2) Subject to any disciplinary procedures prescribed in any regulations made under this Act, any appeal against any penalty imposed under subsection (1) 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.

(3) Where a student is aggrieved with any decision of the Vice-Chancellor the student may appeal to the Council.

PART III

PRIVATE UNIVERSITIES

Registration of private university

38. (1) Any person or body of persons desirous of establishing a private university shall apply to the Minister in accordance with this Part.

(2) An application for the registration of a private university shall be accompanied by the prescribed fee and shall state the schools and

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courses to be provided by the university and such other particulars as may be prescribed, by statutory instrument, by the Minister.

(3) The Minister shall register a private university in the register of private universities and shall issue the proprietor with a certificate of registration where the Minister is satisfied that—

(a) the name of the university does not so resemble the name of another university as to mislead the public to believe that the institution is that other university, or that the university is funded by the Government;

(b) the premises of the university, including any hostel or other buildings used or to be used in connection with 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 properietor 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.

(4) Where the Minister is not satisfied with any matter referred to in subsection (3), the Minister shall notify the the proprietor of the university in writing that:

(a) the application is rejected, and give reasons for such rejection; or

(b) the application may be granted after the proprietor has, within such period as may be specified, complied, to the satisfaction of the Minister, with any matter referred to in subsection (3).

(5) Where the proprietor of a private university, who is notified under paragraph *(b)* of subsection (4) fails to comply with such notice, the Minister shall reject the application and shall notify the proprietor, in writing, accordingly.

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Register of private universities

39. (1) The Minister shall cause to be kept and maintained a register of all private universities which shall contain such particulars as may be prescribed.

(2) The Register shall be open to public inspection at all reasonable times upon payment of the prescribed fee.

Cancellation of registration of private university

40. (1) Subject to subsection (2), the Minister shall cancel the registration of any private university where that university —

(a) ceases to comply with any of the provisions specified under section *thirty-eight*;

(b) is being managed in a manner detrimental to the interest of peace, order or good management or to the physical, mental or moral welfare of the persons receiving instruction at the university; or

(c) has remained closed for a period of six consecutive months or more, without reasonable cause.

(2) The Minister shall notify the proprietor in writing before the cancellation—

(a) that the registration of the university shall be cancelled from such date as the Minister may specify; or

(b) 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 any matter referred to in section *thirty-eight* or rectifies the problem which is the cause of the proposed cancellation.

(3) Where a proprietor of a registered university on whom a notice has been served under subsection (1) fails to comply with the notice, the Minister shall cancel the registration of the private university and notify the proprietor, in writing, accordingly.

(4) Notwithstanding any other provision of this Act, where the registration of a university has been cancelled, the Minister may in the national interest, after giving the proprietor an opportunity of being heard, direct that the university be operated under the management and control of a competent person (in this section referred to as the " statutory manager ").

(5) A statutory manager shall be appointed by the Minister for such period and upon such terms and conditions as the Minister thinks fit.

(6) A statutory manager shall, during the term of appointment, keep the Minister informed on all matters relating to the private university under the statutory manager's management and control.

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(7) 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.

Functions of private university

41. (1) The general functions of a private university shall be to—

(a) provide university education, promote research and advancement of learning; and

(b) disseminate knowledge and to hold out to all persons, without discrimination, the opportunity of acquiring university education

(2) For the purpose of carrying out the functions referred to under this section, a private university shall—

(a) provide facilities appropriate to a university of the highest standing for the pursuit of learning and research; and

(b) make those facilities available on proper terms to such persons as are equipped to benefit from the use of the facilities.

Statutes

42. (1) A private university shall issue statutes to govern its administration.

(2) A private university may amend or vary its statutes.

(3) Copies of statutes issued or varied under this section shall be lodged with the Minister within sixty days of issue or variation.

Power to confer degrees, etc.

43. A private university shall have power to—

(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 who are not students of the university as the university may determine and to grant certificates to such persons.

Power to confer honorary degrees

44. A private university may grant honorary degrees in accordance with its statutes.

Examinations

45. All examinations held by a private university shall be conducted in such manner as the statutes and any rules made thereunder may prescribe:

Provided that for degree examinations, and other qualifying examinations, at least one external examiner shall be appointed for each subject or group of subjects forming part of a course of studies required.

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Fees

46. The proprietor of a private university may charge such fees as may be prescribed in its statutes.

PART IV

General Provisions

Powers of Minister

47. (1) The Minister shall convey to a Council of a public university or a proprietor of a private university general or particular Government policies relating to education in Zambia.

(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 the Minister may request on any particular matter concerning the university.

(3) Where in the opinion of the Minister, it is necessary to do so, the Minister may take such steps as the Minister considers to be in the best interests of the university.

Offences and penalties

48. (1) A person, other than a public university or a proprietor of a private university registered under this Act, shall not—

(a) in any manner hold out to another person that that person can offer a course of study or part of such course of study which will entitle a person upon successful completion of the course of study to obtain a degree, diploma or certificate that will be recognised by persons in the industry or field to which the degree, diploma or certificate relates;

(b) confer any degree or award any diploma or certificate purporting to be a degree, diploma or certificate conferred by a public or private university registered under this Act;

(c) without a certificate of registration, establish or operate any institution or organisation as a private university or use the title " university "; or

(d) do anything likely to lead people to infe that the institution or organisation that the person rep, sents is a public or private university registered under this Act.

(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 one hundred and twelve thousand penalty units or to imprisonment for period not eceeding three years, or to both.

(3) A person who contravenes any provision of this Act for which no penalty is provived shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding thirty thousand penalty units or to imprisonment for a period not exceeding three years, or to both.

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Regulations

49. The Minister may, by statutory instrument, prescribe anything which may be prescribed under this Act and in respect of which no other prescribing authority is specified, and may in like manner make regulations for the better carrying out of the provisions of this Act.

Savings and transitional provisions

50. (1) Nothing in this Act shall affect any right, privilege, obligation or liability acquired or incurred by the Councils of the University of Zambia and the Copperbelt University established under the repealed Act, with respect to the University of Zambia and the 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.

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(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 with respect to the University of Zambia or by the Senate of the Copperbelt University with respect to the Copperbelt University established under the repealed Act.

(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 the Vice-Chancellor whether or not on behalf of the Council or Senate with respect to the University of Zambia or the Coppperbelt University established under the repealed Act prior to the commencement of this Act.

(4) The members of the Council appointed under the repealed Act shall cease to hold office on the appointed date.

(5) The Senate appointed under the repealed Act will continue in office until the expiration of its term.

(6) Notwithstanding section *fifty-one*, the employees of the University of Zambia and the Copperbelt University shall on the appointed date continue to be employees of the University of Zambia and the Copperbelt University respectively in accordance with this Act.

(7) The service of the employees referred to in subsection (6) shall for the purpose of pension, gratuity or other benefits be treated as continuous service.

Repeal of Act No. 26 of 1992

51. The University Act, 1992, is hereby repealed.

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FIRST SCHEDULE

PART I

(Sections 16 and 22)

ADMINISTRATION OF COUNCIL

Seal of Council

1. (1) The seal of the Council shall be such device as may be determined by the Council and shall be kept by the Secretary.

(2) The affixing of the seal shall be authenticated by the Chairperson or the Vice-Chairperson and the Secretary or one other person authorised in that behalf by a resolution of the Council.

(3) Any document 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 generally or specifically authorised by the Council in that behalf.

(4) 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 executed or issued without further proof, unless the contrary is proved.

Composition of Council

2. (1) A Council shall consist of members appointed by the Minister as follows:

(a) the Vice-Chancellor who shall be an ex-officio member;

(b) the Deputy Vice-Chancellor who shall be an ex-officio member;

(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;

(d) two members of the academic staff of the university who shall be members of Senate and who shall be nominated by Senate;

(e) one member who shall be associated with universities outside the Republic;

(f) one member who shall be associated with other universities within the Republic;

(g) one member who shall be a student 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;

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(h) one person who shall be a member 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;

(i) one member of the academic staff of the university, elected by the academic staff of the university, in accordance with such election procedure as the academic staff may determine;

(j) 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;

(k) three members representing trade, commerce and the professions not being employees or students of the university, public servants or members of Parliament and who shall be nominated by a recognised business or professional association or organisation in accordance with such procedure as the business or professional association may determine;

(l) one member of the National Assembly nominated by the Speaker; and

(m) one Permanent Secretary each from the ministries responsible for education and finance.

(2) A Council may exercise its powers notwithstanding any vacancy in its membership.

(3) The Chairperson and Vice-Chairperson shall be elected by the Council from among its members, who are not civil servants, ex-officio, staff or student members of the Council.

(4) The Chairperson and the Vice-Chairperson shall hold office for a period of three years and shall be eligible for re-election for a further term of three years.

(5) The Registrar of the University shall be the Secretary of the Council.

Tenure of office of Council member

3. Subject to the other provisions of this Act, a member of the Council shall hold office for a period of three years but shall be eligible for re-appointment.

Removal of member, Chairperson or Vice-Chairperson

4. Notwithstanding paragraph *three*, the office of member of a Council shall become vacant—

(a) upon a member's death;

(b) on ceasing to be a representative of the particular office or body by virtue of which the person became a member;

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(c) if the member is absent without reasonable cause from three consecutive meetings of the Council of which the member has had notice;

(d) if the member is adjudged or otherwise declared to be of unsound mind;

(e) if the member is adjudged or otherwise declared banckrupt;

(f) if the member is lawfully detained or the member's freedom of movement is restricted under any law in force in Zambia;

(g) if the member is sentenced to imprisonment for a term exceeding six months; or

(h) at the expiry of the period for which the member was appointed or re-appointed.

(2) Notwithstanding paragraph *three*, the Minister may at any time, remove a person from office if the Minister is satisfied that the continuance of that person in office shall be prejudicial to the interest of the university.

(3) A member of a Council may at any time resign from office by giving notice in writing to the Minister.

Filling of casual vacancy

5. (1) Whenever the office of a member of the Council becomes vacant before the expiry of the term of office the Minister may appoint another person to be a member and such a person shall hold office only for the unexpired term of office of the member vacating the office.

(2) Where a Chairperson or Vice-Chairperson resigns from office under sub-paragraph (3) of paragraph *four* the members of the Council shall elect a Chairperson or Vice-Chairperson under sub-paragraph (6) of paragraph *two*.

Proceedings of Council

6. (1) Subject to the other provisions of this Act, a Council may regulate its own procedure.

(2) A Council shall meet for the transaction of business, at least once in every three months at such places and times as the Chairperson may decide.

(3) Upon giving notice of not less than twenty-one days, a meeting of the Council may be called by the Chairperson and shall be called if not less than one third of the members so request in writing:

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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) The quorum at any meeting of the Council shall be eleven members, six members of whom shall be members appointed from outside the university community:

Provided that no Council business shall be transacted where the number of members present is below nine members.

(5) There shall preside at any meeting of the Council—

(a) the Chairperson;

(b) in the absence of the Chairperson, the Vice-Chairperson; or

(c) in the absence of the Chairperson and the Vice-Chairperson, such member as the members present may, subject to sub-paragraph (3) of paragraph 2, elect from amongst themselves 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 the deliberative vote.

(7) Except for the Council members who are Permanent Secretaries, no member shall nominate another person to attend a Council meeting in that member's stead.

(8) A 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.

Committees of Council

7. (1) The Council may, for the purpose of performing its functions under this Act, constitute any committee and may delegate to any such committee such of its functions as it thinks fit.

(2) The Council may appoint as members of a committee constituted under sub-paragraph (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:

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Provided that at least half of the members of a committee shall be members of the Council.

(3) The Chairperson of a committee shall be a member of the Council.

(4) The quorum at any meeting of a committee shall be half the members.

Remuneration and allowances of members

8. There shall be paid to members of the Council or any committee of the Council such remuneration and allowances as the Council may, with the approval of the Minister, determine.

Disclosure of interest

9. (1) If a member is present at a meeting of the Council or any committee of the Council at which any matter in which the member or the member's spouse is directly or indirectly interested in a private capacity, is the subject of consideration, the member shall, as soon as praticable after the commencement of the meeting, disclose such interest, and shall not unless the Council or the committee otherwise directs take part in any consideration or discussion of or vote on any question relating to that matter.

(2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which it is made.

Immunity of members

10. No action or other proceedings shall lie or be instituted against any member or any member of the committee 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 the member's functions under this Act.

Prohibition of publication or disclosure of information to unauthorised persons

11. (1) A person shall not, without the consent in writing given by or on behalf of the Council, publish or disclose to any unauthorised person, otherwise than in the course of duties of that person, the contents of any document, comr unication or information whatsoever, which relates to, and which has come to the knowledge of that person in the course of the person's duties under this Act.

(2) Any person who contravenes the provisions of sub-paragraph (1) shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding thirty thousand penalty units or to imprisonment for a term not exceeding three years, or to both.

(3) If any person, having any information which to the knowledge of that person has been published or disclosed in contravention of sub-paragraph (1), unlawfully publishes or communicates any such information to any other person, the person shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding thirty thousand penalty units or to imprisonment for a term not exceeding three years, or to both.

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PART II

FINANCIAL PROVISIONS

Funds of Council

12. (1) The funds of the Council shall consist of such monies as may—

(a) be appropriated by Parliament for the purposes of the Council;

(b) be paid to the Council by way of fees, subscriptions, contributions, grants or donations; and

(c) otherwise vest in or accrue to the Council.

(2) The Council may accept monies by way of grant or donations from any source in Zambia and, with the approval of the Minister, from any source outside Zambia:

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 to it.

(3) 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.

(4) There shall be paid from the funds of the Council—

(a) monies necessary for the performance of its functions under this Act;

(b) the salaries and allowances and loans of the staff of the Council;

(c) such reasonable travelling and subsistence allowances for members or members of any committee of the Council when engaged in the business of the Council, at such rates as the Council may, with the approval of the Minister, determine; and

(d) any other expenses incurred by the Council in the performance of its functions.

(5) Any person who misuses the funds of the Council shall be liable to surcharge.

Investment of funds

13. The Council may, with the approval of the Minister, invest in such manner as it may determine any of its funds which it does not immediately require for the performance of its functions.

Estimates

14. (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 submit such estimates to the Minister at least four months before the commencement of the financial year for scrutiny and consolidation into the Ministry's estimates, before submission to the Minstry responsible for finance for approval.

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(2) A Council may furnish, to such bodies as the Council may determine, copies of the estimates.

Financial year

15. The financial year of the Council shall be the period of twelve months ending on 31st December in each year.

Accounts and audit

16. (1) The Council shall cause to be kept proper books of accounts and other records relating to its accounts.

(2) The accounts of the Council shall be audited, annually or whenever necessary, by the Auditor-General or such independent auditors as may be appointed by the Auditor-General.

Annual report

17. (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.

(2) The report of the Council shall include information on the financial affairs of the Council and there shall be appended to the report—

(a) an audited balance sheet;

(b) an audited statement of income and expenditure;

(c) a report of the auditors on the accounts; and

(d) such other information as the Minister may require.

(3) The Minister shall, not later than thirty days after the first sitting of the National Assembly next after receipt of the report referred to in sub-paragraph (1), lay it before the National Assembly.

PART III

SENATE

Composition of Senate

18. (1) A Senate shall consist of—

(a) the Vice-Chancellor;

(b) the Deputy Vice-Chancellor;

(c) The Deans of schools within the university;

(d) not more than fourteen professors and associate professors who are not members of the Senate by virtue of other provisions of this paragraph and which number shall include at least one professor or associate professor from each school elected by the academic staff in accordance with such election procedures as the Senate may decide:

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(e) the Librarian;

(f) the Directors of the centres, institutes, bureaux or other similar bodies of the university;

(g) the Dean of Students;

(h) not more than fourteen members of the non-professional academic staff of the university and which number shall include one person from each academic unit, elected by the academic staff in accordance with such election procedure as they may determine;

(i) two students of the university who shall be elected by the students of the university in accordance with such election procedure as the students' union may determine;

(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) The Vice-Chancellor shall be the Chairperson of the Senate and shall preside at all meetings of the Senate and, in the absence of the Vice-Chancellor, the Deputy Vice-Chancellor shall preside.

(3) 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 member to preside.

(4) The Registrar of the University shall be the Secretary of the Senate.

Tenure of office

19. Subject to the other provisions of this Act, appointed and elected members or the Senate shall hold office for a period of three years from the date of appointment or election but shall be eligible for re-appointment or re-election.

Meetings of Senate

20. (1) Senate shall meet for the conduct of its business at such times and places as the Senate may determine or, as the Vice-Chancellor may require, but not less than three times during an academic year.

(2) The quorum at any meeting of the Senate shall be one half of the members.

(3) The quorum at any meeting of a committee of Senate shall be one half of the members of that committee.

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Delegation of powers and functions

21. The Senate may delegate to any school, Board of Studies or committee such of its powers and functions as it may consider appropriate.

Board of Studies

22. (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 within the university.

(2) A Board of Studies established under sub-paragraph (1) shall be composed of 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 of a university shall be the Chairperson of the Board of Studies for that school, institute, bureau or similar body.

Deans of Schools and Directors

23. (1) A Dean of a School and a Director of an Institute, Bureau or similar body shall be appointed by the Council from among senior members of the academic staff of a School, Institute, Bureau or similar body concernd after an election by the academic staff in accordance with such election procedure as they may determine:

Provided that in the case of a School, Institute, 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 and be appointed as provided under this section.

(2) Subject to sub-paragraphs (1) and (3), the tenure of office of a Dean of school or Director of an institute, bureau or similar body, shall be for a period of three years but the Dean of school or Director shall be eligible, for re-appointment:

Provided that a person shall not hold office for a continuous period of more than six years.

(3) The appropriate Board of Studies may, by a two-thirds majority petition the Council for the removal of the Dean of a school or the Director of an institute, bureau or a similar body.

(4) The Vice-Chancellor may recommend to the Council for the removal of a Dean of a school or Director of an institute, from office for incompetence or misconduct or on medical ground.

(5) A Dean of school or Director of an institute, bureau or similar body shall exercise general superintendence over the academic, administrative and financial affairs of a school, institute, bureau or similar body and in particular, shall be responsible for promotion and maintenance of effective teaching, research, consultancies and services.

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Heads of Department

24. (1) The Vice-Chancellor shall, in consultation with the Dean of a school or Director of an institute, bureau or similar body concerned, appoint Heads of Department from among the senior academic members within each department.

(2) A Head of department shall co-ordinate the academic and administrative affairs of the department and shall be responsible for the promotion and maintenance of efficient teaching, research and consultancy services under the direction of the Dean.

(3) A Head of department shall be appointed for a two-year period and may be eligible for re-appointment.

(4) The Dean of a school or Director of an institute, bureau or similar body concerned shall recommend to the Vice-Chancellor the removal of a Head of department.

SECOND SCHEDULE

(Section 20)

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 of this Act, so far as it relates to property transferred by this Act to the appropriate Council as if--

(a) the Council has been a party to the agreement; and

(b) for any reference, however, worded and whether express or implied, to the old Council 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 constructed in accordance with paragraph *one* 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 place of such person and on any question whether such person was a duly authorised person the certificate of the Minister shall be conclusive.

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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 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 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 to the owners, as the case may be.

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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.

REPUBLIC OF ZAMBIA

THE ZAMBIA EDUCATIONAL PUBLISHING HOUSE ACT

CHAPTER 145 OF THE LAWS OF ZAMBIA

CHAPTER 145 THE ZAMBIA EDUCATIONAL PUBLISHING HOUSE ACTCHAPTER 145

THE ZAMBIA EDUCATIONAL PUBLISHING HOUSE ACT

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OBJECTS AND POWERS OF THE PUBLISHING HOUSE.

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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.

[2*nd April*, 1971]

PART I PRELIMINARYPART 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 HOUSEPART II

OBJECTS AND POWERS OF THE PUBLISHING HOUSE

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Establishment of Publishing House

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.

(*As amended by Act No.* 29 *of* 1992)

Composition of Publishing House

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.

(*As amended by No.* 36 *of* 1974 *and Act No. 29 of* 1992)

Objects of Publishing House

5. The objects of the Publishing House shall be-

(*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;

(*b*) to contribute towards the efficient operation and the extension of educational services in Zambia.

(*As amended by Act No.* 29 *of* 1992)

Powers of Publishing House

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 *five* or which is incidental or conducive thereto, including, in particular, but without prejudice to the generality of the foregoing, power to-

(*a*) purchase, take on lease, or otherwise acquire any real or personal property;

(*b*) accept any gift, whether or not subject to any special trust;

(*c*) solicit from any source, within or outside Zambia, contributions towards the funds or other assets of the Publishing House;

(*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;

(*e*) borrow or otherwise raise money;

(*f*) invest any moneys of the Publishing House which are not immediately required for other purposes;

(*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.

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Funds of Publishing House

7. The funds of the Publishing House shall consist of-

(*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)

Exemption from customs and excise duty and tax

8. Notwithstanding anything to the contrary contained in this Act or any other law-

(*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)

Duty of members to disclose interest

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.

(*As amended by Act No* 29 *of* 1992)

Procedure and meetings of Publishing House

10. (1) Subject to the provisions of this section, the Publishing House may regulate its own procedure.

(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 HOUSEPART III

EXECUTIVE COMMITTEE OF THE PUBLISHING HOUSE

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Establishment and proceedings of executive committee

11. (1) There shall be an executive committee (hereinafter referred to as "the committee") of the Publishing House consisting of-

(*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.

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(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 APPOINTMENTSPART 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 AUDITPART V

ACCOUNTS AND AUDIT

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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.

(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 PROVISIONSPART VI

TRANSITIONAL PROVISIONS

Interpretation of terms in Part VI

15. For the purposes of this Part-

"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 as the Zambia Educational Publishing House Company Limited; Cap. 388

"undertaking" means any undertaking carrying on any commercial, industrial, mining or agricultural operations.

(*As amended by Act No.* 29 *of* 1992)

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Resolution by company

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.

Vesting of assets and liabilities

17. At the appointed time-

(*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)

Transitional provisions

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 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.

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(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)

Registration of transfers

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 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)

REPUBLIC OF ZAMBIA

THE NATIONAL COLLEGE FOR MANAGEMENT AND DEVELOPMENT STUDIES ACT

CHAPTER 146 OF THE LAWS OF ZAMBIA

CHAPTER 146 THE NATIONAL COLLEGE FOR MANAGEMENT AND DEVELOPMENT STUDIES ACTCHAPTER 146

THE NATIONAL COLLEGE FOR MANAGEMENT AND DEVELOPMENT STUDIES ACT

ARRANGEMENT OF SECTIONS

PART I PRELIMINARYPART I

PRELIMINARY

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THE ZAMBIA NATIONAL COMMISSION FOR UNESCO ACT

CHAPTER 139 OF THE LAWS OF ZAMBIA

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THE ZAMBIA NATIONAL COMMISSION FOR UNESCO ACT

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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.

[26*th August*, 1966]

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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-

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(*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.

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(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)

Procedure of Commission and its committees

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:

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.

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(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)

Secretariat

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.

(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)

Allowances

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.

Expenses of Commission

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.

(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.

Regulations

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.

(*As amended by No.* 16 *of* 1981)

REPUBLIC OF ZAMBIA

THE NATIONAL COUNCIL FOR SCIENTIFIC RESEARCH ACT

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THE NATIONAL COUNCIL FOR SCIENTIFIC RESEARCH ACT

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SCHEDULE-Powers of the National Council for Scientific Research

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