

## **CHAPTER 138**

### **THE TECHNICAL EDUCATION AND VOCATIONAL TRAINING ACT(REPEALED AND REPLACED BY ACT NO.13 OF 1998)**

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# CHAPTER 138

## TECHNICAL EDUCATION AND VOCATIONAL TRAINING

37 of 1972

13 of 1994

An Act to convert the Commission for Technical Education and Vocational Training into a Department of the Ministry responsible for education; and to provide for matters incidental to or connected with the foregoing.

[1st January, 1973]

### PART I

#### PRELIMINARY

1. (1) This Act may be cited as the Technical Education and Vocational Training Act. Short title

(2) Nothing in this Act shall apply in relation to-

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

(b) save as provided in section *seventeen*, any school in relation to which the Education Act applies; or Cap. 134

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

(d) any other institution which is established, administered, controlled, licensed or supervised under the provisions of any other written law.

(3) The Minister may, by statutory instrument, grant exemption to any person or class of persons from the application of this Act or any of the provisions of this Act, and any such exemption may be granted subject to such terms and conditions, and in respect of such period, as the Minister may determine.

2. (1) In this Act, unless the context otherwise requires- Interpretation

"Commission" means the Commission for Technical Education and Vocational Training established under section *four* of the Technical Education and Vocational Training Act 1970;

"designated occupation" means an occupation designated as such by the Act No. 56 of 1970 Minister under section *four*, and "designated skill", "designated technology" and "designated trade" shall be construed accordingly;

"Director" means a public officer for the time being holding or acting in the office of Director of Technical Education and Vocational Training constituted by section *five*;

"employer" means any person or body of persons, whether corporate or unincorporate, by whom other persons are employed under contracts of service made in Zambia or elsewhere, and includes the Government and the Clerk of the National Assembly;

"inspector" means a public officer appointed as an inspector under section *eighteen*;

"institution" means any organisation or premises by or at which regular instruction relating to technical education or vocational training is provided or from which such instruction emanates, whether by correspondence or otherwise, and includes a private institution;

"private institution" means any institution other than an institution established or maintained by the Government.

(2) Any reference in this Act to instruction relating to technical education or vocational training does not include a reference to instruction relating to any matter in respect of which provision is made by or under any other written law regulating the nature and scope of such instruction or the manner in which or the persons by whom such instruction may be provided or received and providing for the registration or enrolment of persons who have received such instruction.

## PART II

### FUNCTIONS AND POWERS OF THE MINISTER

3. It shall be the duty of the Minister to promote and provide technical education and vocational training among the people of Zambia, to ensure the establishment and progressive development of institutions and training facilities for that purpose, to establish standards and qualifications for occupations, skills, technologies and trades, to secure the provision of varied and comprehensive services for technical education and vocational training and to regulate the conduct of examinations and issue of certificates relating to technical education and vocational training throughout the Republic, for the improvement of technical and vocational skills of the people of Zambia and for the benefit of industry, commerce and business.

Functions of  
Minister

4. Subject to the provisions of this Act, the Minister shall have power to do all such acts and to carry on all such activities as may be requisite, advantageous or convenient for him to do or to carry on for, or in connection with, the discharge of his duties under section *three*, including in particular, but without prejudice to the generality of the foregoing, power-

Powers of  
Minister

(a) to establish and maintain such institutions as he may deem necessary or desirable for the promotion and study of applied arts and sciences and for providing technical education and vocational training;

(b) to establish and maintain hostels for the benefit of persons receiving education and training at institutions established under the provisions of paragraph (a);

(c) to close or change the site of any institution or hostel established under the provisions of paragraph (a) or (b);

(d) to enter into arrangements with employers for, and to make available to employers facilities in relation to, the technical education and vocational training at any institution of persons in employment;

(e) to enter into arrangements for the attendance of suitable persons at courses of instruction relating to technical education and vocational training conducted outside the Republic in cases where, in the opinion of the Minister, courses of a similar nature or standard are not provided in the Republic;

(f) to make allowances, grants or bursaries to persons receiving instruction at any institution for the purpose of defraying all or any of

the costs of such instruction;

(g) to establish standards, set, conduct or approve examinations for persons attending courses of instruction at any institution or receiving instruction relating to technical education and vocational training from any person or institution;

(h) to issue certificates and diplomas to persons in respect of examinations set, conducted or approved by him;

(i) to charge fees for instruction or examination relating to technical education and vocational training;

(j) to prescribe any occupation, skill, technology or trade as a designated occupation, skill, technology or trade and establish standards therefor.

5. There shall be a Director of Technical Education and Vocational Training who shall be a public officer and shall exercise and perform the functions conferred upon him by or under this Act or any other written law.

Director of  
Technical  
Education and  
Vocational  
Training

### **PART III**

## **NATIONAL COUNCIL FOR TECHNICAL EDUCATION AND VOCATIONAL TRAINING**

6. (1) There shall be a National Council for Technical Education and Vocational Training for the Republic (hereinafter referred to as "the Council").

National Council  
for Technical  
Education and  
Vocational  
Training

(2) The members of the Council shall be appointed by the Minister and the Minister shall appoint a member of the Council to be the chairman of the Council.

(3) The Minister shall appoint a public officer as secretary to the Council.

7. (1) It shall be the duty of the Council to advise the Minister from time to time upon all matters appertaining to technical education and vocational training in the Republic and upon any question referred to it by the Minister or the Director. Functions of Council

(2) As from the date of establishment of the Council, the functions of the National Apprenticeship Council vested in the Technical Education and Vocational Training Advisory Board, by virtue of subsection (2) of section *fifteen* of the Technical Education and Vocational Training Act, 1970, shall be vested in and exercised and performed by the Council. Cap. 138

(3) Any contract of apprenticeship entered into or deemed to have been entered into by the National Apprenticeship Council established under the Apprenticeship Act, or by the Technical Education and Vocational Training Advisory Board established under the Technical Education and Vocational Training Act, 1970, and subsisting at the commencement of this Act, shall operate and be enforceable in all respects as if the Council had been established at the date of the contract and had been a party thereto in place of the National Apprenticeship Council or the Technical Education and Vocational Training Advisory Board, as the case may be. Cap. 275  
Cap. 138

8. The Council may, with the consent of the Minister, establish one or more committees of the Council to perform such functions on its behalf as the Council may determine. Committees of Council

9. The Minister may, by statutory instrument, make regulations providing for- Regulations of Council

- (a) the composition of the Council;
- (b) the period for which members of the Council may hold office and the vacation of office by such members;
- (c) the holding of meetings of the Council, the quorum and procedure of such meetings and the keeping of minutes of the proceedings of such meetings;
- (d) the payment of allowances to the members of the Council; and
- (e) the committees of the Council.

## **PART IV**

## REGISTRATION OF PRIVATE INSTITUTIONS

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

11. (1) Any person desirous of establishing a private institution shall first make an application for the registration thereof to the Minister in accordance with the provisions of this Act. Registration

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

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

(b) the provision of any nature or form of technical education or vocational training in any private institution, being of a nature or form different from the nature or form falling within the classification in which the private institution is for the time being registered;

(c) the adoption by the proprietor of any private institution, by any means in relation to the private institution, of a different nomenclature from that in which the private institution is for the time being registered;

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

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

(f) the transfer of a private institution to a new site; and

(g) the alteration of any qualification for admission to the private institution.



(3) An application for registration of a private institution shall state, according to the nomenclature prescribed by the Minister, the classification of the private institution sought to be established and the classes, standards, forms or courses to be provided therein and such other particulars as may be prescribed.

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

(a) that the institution is necessary to meet the technical education or vocational training requirements of the area in which it is proposed to be situated; and

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

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

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

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

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

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

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

the Minister shall cause the private institution to be registered for a period not exceeding one year:

Provided that no registration shall continue in force beyond the 31st

December in the year for which the application for registration is approved.

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

(a) that the application is rejected; or

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

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

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

(8) No private institution shall operate beyond the period for which its registration or renewal of registration has been granted.

**12.** (1) The Minister shall keep and maintain a register of private institutions which shall contain such particulars as may be prescribed. Register

(2) On registration, a certificate of registration shall be issued which shall contain the nomenclature and classification and the classes, standards, forms or courses for which the institution is registered and such other particulars as may be prescribed.

**13.** (1) Where, in the opinion of the Minister, a private institution registered under this Part-

Cancellation of registration of private institutions

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

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

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

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

the Minister shall notify the proprietor in writing-

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

(ii) that the Minister proposes to cancel the registration of the private institution unless, within a period fixed by the Minister, the proprietor complies to the satisfaction of the Minister with such requirements regarding any matters referred to in this subsection as the Minister may specify.

(2) If the proprietor of a private institution, upon whom a notice under subsection (1) has been served, fails, within the period fixed by the Minister, to comply to the satisfaction of the Minister with the requirements specified by the Minister, the Minister shall cancel the registration of the private institution and notify the proprietor in writing accordingly.

**14.** The determination of the Minister upon any matter under this Part shall be final and shall not be called in question in any court of law.

Minister's determination to be final

**15.** Any person who conducts a private institution- Offences

(a) which is not registered; or

(b) for which the registration has lapsed; or

(c) in respect of which the proprietor has been notified in writing that the application for registration of the private institution has been rejected; or

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

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

(As amended by Act No. 13 of 1994)

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

**17.** Notwithstanding the foregoing provisions of this Part, the Minister shall cause to be registered under this Part, for the period expiring on the 31st December, 1973, any private institution which, immediately prior to the commencement of this Act-

(a) was registered as a private school under Part IV of the Education Act; or

(b) was registered as a private institution under Part V of the Technical Education and Vocational Training Act.

Saving of registration of certain private schools and institutions  
Cap. 134  
Cap. 138

and until so registered any such private school or institution shall be deemed to be registered as a private school or institution under this Part:

Provided that nothing in this section shall prevent the exercise by the Minister of his powers under section *eleven* or *thirteen* in relation to any such private school or institution.

## **PART V**

## INSPECTION

**18.** (1) It shall be the duty of the Minister to cause inspections to be made of every institution, and of every hostel established and maintained for the purpose of accommodating persons attending at any institution, at such intervals as appear to him to be appropriate, and to cause a special inspection of any institution or hostel to be made whenever he considers such inspection to be desirable.

Inspection of  
institutions and  
hostels

(2) The Minister may appoint such number of public officers as he may deem necessary to be inspectors for the purposes of this Act.

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

(4) Any inspection in pursuance of this section shall be made by inspectors appointed under this section.

(5) Any person who obstructs an inspector appointed under this section in the exercise of his duty under this Part shall be guilty of an offence and liable on conviction to a fine not exceeding two thousand penalty units or to imprisonment for a period not exceeding three months, or to both.

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

**19.** An inspector shall have power, on production of the certificate issued to him under section *eighteen* to any person reasonably requiring it-

Powers of  
inspector

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

such instruction;

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

**20.** It shall be the duty of an inspector to furnish to the Minister such reports and other information in respect of matters referred to in section *nineteen* as the Minister may from time to time direct. Duty of inspector to report to Minister

## **PART VI**

### **GENERAL PROVISIONS**

**21.** No person shall be refused admission to any institution established for the purpose of technical education or vocational training on the grounds of sex, race, tribe, place of origin, colour or creed. No refusal on grounds of sex, race, etc.

**22.** (1) The Minister may, by directions in writing, prohibit the use in any institution of any book or material for any reason which he may think fit. Power to prohibit use of books

(2) Any person who uses or permits to be used in any institution any book or material, the use of which has been prohibited under this section, shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand penalty units or to imprisonment for a period not exceeding three months, or to both.

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

**23.** (1) The Minister may recognise any professional association of teaching staff in the field of technical education and vocational training. Professional associations

(2) Any professional association of teaching staff recognised by the Minister may advise and make representations to the Minister and be consulted by the Minister on any matter appertaining to technical education and vocational training.

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

Expenses of administration

(a) the payment of remuneration and allowances to the members of the Council and the committees thereof;

(b) the establishment and administration of institutions and hostels for technical education and vocational training;

(c) the making of allowances, grants and bursaries under section *four*;

shall be paid from monies appropriated by Parliament for the purpose.

**25.** Where a person convicted of an offence against this Act is a company, the chairman and every director and every officer concerned in the management of the company shall be guilty of the like offence unless he proves that the act constituting the offence took place without his knowledge or consent.

Offences by companies

**26.** (1) Any notice or other document required or permitted to be served on any person under this Act may be served on such person by handing it to such person, or by transmitting it by registered post addressed to such person at his usual postal address or at his usual or last known place of abode or principal place of business or, in the case of a company, by leaving the same, or transmitting the same by registered post addressed to the company, at its registered office or principal place of business in Zambia.

Service of notices, etc.

(2) In this Part, "company" means a company registered under the Companies Act.

Cap. 388

## **PART VII**

### **REGULATIONS**

**27.** (1) The Minister may, by statutory instrument, make regulations for the better carrying out of the provisions of this Act and in particular, but without derogating from the generality of the foregoing, may make regulations relating to all or any of the following matters, that is to say:

Regulations

- (a) for safeguarding the health of persons attending at institutions and, in particular, providing for-
- (i) the entry and inspection at all reasonable times by a Government Medical Officer or other medical practitioner of any institution, hostel or other building or premises whatsoever at any institution;
  - (ii) the closing of any institution, hostel or other building or premises whatsoever at any institution on the grounds of health;
  - (iii) the medical, psychiatric and dental examination of persons as a condition of entrance to or continued attendance at any institution;
  - (iv) the furnishing by parents or guardians of information and evidence relating to the health of persons seeking or receiving instruction at any institution;
  - (v) the exclusion of persons from any institution on grounds of health;
  - (vi) the supply of meals and other refreshments at any institution;
- (b) prescribing and regulating the conditions for the enrolment of persons seeking instruction at any institution and for the admission to hostels established for the benefit of such persons at any institution, including fees and charges, if any, to be paid;
- (c) prescribing and regulating the calendar to be observed at institutions, the subjects of instruction to be provided and the syllabus to be followed in respect of such subjects;
- (d) prescribing and regulating the conditions of the suspension, expulsion or exclusion of persons enrolled at any institution or admitted to any hostel;
- (e) providing for the payment of allowances, grants or bursaries to persons receiving instruction at any institution and grants to any institution;
- (f) the establishment of standards, the setting, conduct or approval of examinations relating to technical education and vocational training within Zambia and prohibiting persons and institutions from providing instruction or conducting examinations in designated occupations, skills, technologies or trades, except in accordance with the provisions of such regulations;



- (g) the issue of certificates and diplomas to persons who are successful at examinations conducted under this Part;
  - (h) the eligibility of persons wishing to take examinations;
  - (i) the fees payable in respect of examinations;
  - (j) prescribing the manner and form in which application for the registration of a private institution shall be made, and the information and documents to be submitted in support of such applications;
  - (k) prescribing the forms to be used and the returns and information to be furnished by proprietors of private institutions and the records to be kept relating to private institutions.
  - (l) regulating the advertisements and publications of private institutions;
  - (m) prescribing the fees payable for the registration or renewal of registration of private institutions;
  - (n) the nomenclature to be adopted by or for the classification of private institutions;
  - (o) the designation of occupations, skills, technologies or trades;
  - (p) for framing a scheme of termination of appointment under the provisions of section *thirty-one*; and
  - (q) prescribing such matters as may be prescribed under this Act or which are necessary or convenient to be prescribed for the better carrying out of the provisions of this Act.
- (2) Regulations made under this section may make different provisions with respect to different parts of the Republic, different classes of persons, employers and institutions, different classes of things and different circumstances.
- (3) Regulations made under this section may provide in respect of any contravention thereof that the offender shall be guilty of an offence and

liable on conviction to a fine not exceeding two thousand penalty units or to imprisonment for a period not exceeding three months, or to both.

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

## **PART VIII**

### **TRANSITIONAL PROVISIONS**

**28.** In this Part, unless the context otherwise requires- Interpretation

"the Minister of Finance" has the meaning assigned to that expression in section *two* of the Minister of Finance (Incorporation) Act. Cap. 349

**29.** (1) Notwithstanding anything to the contrary contained in the Technical Education and Vocational Training Act, 1970, or any other written law, from the commencement of this Act the Commission shall act in all matters in accordance with the directions of the Minister. Interim arrangement. Act No. 56 of 1970

(2) When the \*Minister is satisfied that all necessary agreements and arrangements have been made for converting the Commission into a Department of the Ministry responsible for education so that it may be dissolved, he may, by statutory instrument, direct that the Commission shall be dissolved on such date as may be appointed in the statutory instrument (in this Act referred to as "the appointed date").

\* 1st January, 1973, appointed by S.I. No. 260 of 1972.

**30.** (1) Notwithstanding anything to the contrary contained in the Technical Education and Vocational Training Act, 1970, or any other written law, the Commission shall until the appointed date have power, subject to the direction of the Minister, to do anything which is necessary or expedient for the purpose of converting the Commission into a Department of the Ministry responsible for education, including in particular, but without prejudice to the generality of that power, power to enter into and carry out agreements and arrangements for the transfer of its undertaking, property, rights, liabilities and obligations to the Minister of Finance. Vesting of assets and liabilities. Act No. 56 of 1970

(2) Upon the appointed date all property, real or personal, and all

rights in, to or over property and all liabilities arising out of ownership, possession or occupation of property of any kind and all liabilities in tort and all statutory liabilities which were subsisting immediately prior to the appointed date and which were vested in, held, enjoyed, incurred or suffered by the Commission shall, by virtue of this section and without further assurance, be transferred to and vested in the Minister of Finance in the same tenure as the said property and rights were vested in or enured to the benefit of, and to the same extent as the said liabilities were incurred or suffered by, the Commission.

\*1st January, 1973, appointed by S.I. No. 260 of 1972.

(3) Subject to the provisions of this Act, all deeds, agreements (other than an agreement of personal service), bonds, securities, instruments, working arrangements or things in action which were subsisting immediately prior to the appointed date and were vested in the Commission or to which the Commission was a party, whether in writing or not, and whether or not of such a nature that rights, liabilities and obligations thereunder could be assigned, shall, unless its terms and subject-matter make it impossible that it should have effect as modified in the manner provided by this section, by virtue of this section and without further assurance, be transferred to and vested in, and shall enure to the benefit of, the Minister of Finance and shall have effect from the appointed date, in the same manner as if the Minister of Finance had been party to all such deeds, agreements, bonds, securities, instruments or working arrangements instead of the Commission and in the same manner as if the Minister of Finance had at all times been entitled to the benefit of all such things in action instead of the Commission.

(4) Upon the appointed date, all subsisting or future liabilities and obligations arising out of any deed, agreement, bond, security, instrument, working arrangement or thing in action imposed upon, suffered or incurred by the Commission shall, by virtue of this section and without further assurance, be transferred to, imposed upon, suffered or incurred by the Minister of Finance in the same manner as if the Minister of Finance had been party to each such deed, agreement, bond, security, instrument or working arrangement instead of the Commission and in the same manner as if the Minister of Finance at all times had been the party bound or obliged by or under each such thing in action instead of the Commission.

(5) Whenever in pursuance of this Act, any property, rights, liabilities

or obligations of the Commission are transferred by it to the Minister of Finance in respect of transfer of which any written law provides for registration, it shall be the duty of a public officer authorised in that behalf by the Minister responsible for education to make an application in writing to the proper officer of the appropriate registration authority for the registration of such transfer and it shall be the duty of such officer to make such entries in the appropriate register as shall give effect to such transfer and, where appropriate, to issue to the transferee concerned a Certificate of Title in respect of the said property or to make necessary amendments to the register, as the case may be, and if presented thereof, to make endorsement on the deeds relating to the title, right or obligation concerned and no registration fees, stamp duty or other duties shall be payable in respect thereof.

(6) Where, upon the appointed date, any legal proceeding is pending to which the Commission is a party, the Attorney-General shall be substituted in such proceeding for the Commission and such proceeding shall not abate by reason of such substitution.

**31.** (1) A person who was employed in the service of the Commission immediately preceding the appointed date on an agreement for a specified period of service shall, subject to the approval of the appropriate authority, be employed, and from the appointed date shall be deemed to have been employed, in the public service of the Republic on the terms and conditions of his contract with the Commission and his service with the Commission immediately preceding the appointed date shall for all purposes of the contract be regarded as service with the Government and his contract shall have effect as if the Government had been, from the date of such contract, a party thereto instead of the Commission.

Transfer of  
service

(2) Every person, other than a person mentioned in subsection (1), who was employed in the service of the Commission immediately preceding the appointed date shall, if approved by the appropriate authority, be employed and be deemed to have been appointed from the appointed date in the public service of the Republic:

Provided that, where the approval of the appropriate authority is not given, the employment of such person shall be terminated in accordance with a scheme of termination of appointment prepared by the Minister.

(3) A person mentioned in subsection (2) for whom the approval of the appropriate authority is given may-

(a) within a period of three months from the appointed date elect to remain for the unexpired period of three years from the date of his first appointment with the Commission on the terms and conditions on which he was employed by the Commission and, if he elects as aforesaid, he shall be deemed to be a public officer on an agreement for temporary service until the expiry of the unexpired period of the said three years and thereafter may elect, subject to the approval of the appropriate authority, to remain in the public service and shall, if otherwise eligible, be appointed to a pensionable post in the public service from such date and on such terms and conditions as the Government may determine;

(b) within a period of three months from the appointed date elect to be forthwith employed in the public service without exercising the option mentioned in paragraph (a) and in that case his terms and conditions of service shall be determined by the Government.

(4) Notwithstanding anything to the contrary contained in any written law, where a person makes election under the provisions of paragraph (a) of subsection (3), he shall, in relation to his service with the Commission and in the public service prior to the expiry of the unexpired period of the said three years, be deemed to be a temporary employee in the public service for the purpose of section *nine* of the Public Service Pensions Act.

(5) The provisions of subsection (1) or (2) shall not apply to a person who is employed by the Commission as a daily paid employee.

(6) A person to whom the provisions of subsection (3) apply shall not be liable to any payment of rent in excess of the rate fixed by the Commission for him in respect of any period prior to his election under subsection (3).

(7) For the purposes of this Part, "appropriate authority" means the Public Service Commission or the Teaching Service Commission, as the case may be.

# SUBSIDIARY LEGISLATION

## SECTION 9-THE NATIONAL COUNCIL FOR TECHNICAL EDUCATION AND VOCATIONAL TRAINING REGULATIONS. *Regulations by the Minister*

*Statutory  
Instruments  
34 of 1973  
50 of 1993*

1. These Regulations may be cited as the National Council for Technical Education and Vocational Training Regulations.

Title

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

Interpretation

"Act" means the Technical Education and Vocational Training Act;

"Council" means the National Council for Technical Education and Vocational Training established under the provisions of section *six* of the Act.

3. The Council shall consist of not less than nine and not more than twelve members appointed by the Minister of whom-

Composition of  
the Council

(a) one member shall be designated by the Minister as the Chairman of the Council and another member shall be designated by the Minister as Vice-Chairman of the Council;

(b) two members shall be persons having special knowledge and experience of matters relating to technical education and vocational training;

(c) one member shall be a person appointed by the Minister after consultation with such persons and bodies as he thinks fit, to represent the interests of employers;

(d) one member shall be a person appointed by the Minister after consultation with such persons and bodies as he thinks fit, to represent the interests of employees;

(e) two members shall be persons appointed by the Minister to represent the University of Zambia and the Copperbelt University.

(f) one member shall be a person appointed by the Minister to represent the proprietors of private institutions;

(g) one member shall be a person appointed by the Minister to represent a recognised professional association of teaching staff in the

field of technical education and vocational training.

*(As amended by S.I. No. 50 of 1993)*

- 4.** No person shall be appointed a member of the Council- Disqualification  
for membership
- (a) while he is an undischarged bankrupt;
  - (b) while he is serving a sentence of imprisonment;
  - (c) if he has at any time been convicted of an offence against the Act or any offence involving fraud or dishonesty.

**5.** The Minister shall appoint a public officer as the Secretary to the Secretary Council.

- 6.** The members referred to in regulation 3 shall hold office for a Tenure of office  
period of three years from the date of appointment and may be re-  
appointed upon the expiration of that term.

*(As amended by S.I. No. 50 of 1993)*

**7.** A member of the Council may at any time, by notice in writing to Resignation  
the Minister, resign his office.

- 8.** The office of a member of the Council shall become vacant- Vacation of office
- (a) upon his death;
  - (b) if he is adjudged bankrupt;
  - (c) if he is convicted of an offence and sentenced to imprisonment without the option of a fine;
  - (d) if he is absent from three consecutive meetings of the Council without the leave of the Chairman;
  - (e) if in the opinion of the Minister he is mentally or physically incapable of performing his duties as a member of the Council;
  - (f) if in the opinion of the Minister he is guilty of improper conduct and is so notified in writing by the Minister.

**9.** A person may be appointed by the Minister to fill a casual Casual vacancies  
vacancy in the membership of the Council occurring by reason of  
resignation, death or otherwise, but he shall hold office only so long as  
the member in whose stead he is so appointed would have held office.

**10.** (1) Subject to the provisions of these Regulations, the Council may regulate its own procedure. Procedure

(2) The quorum of the Council shall be six.

(3) In the absence of the Chairman of the Council from a meeting thereof, the Vice-Chairman of the Council shall preside; and in the absence of both the Chairman and the Vice-Chairman of the Council from a meeting of the Council, the members present and forming a quorum shall elect one of their number to preside at the meeting.

(4) The member of the Council presiding at a meeting thereof shall have a casting vote in addition to his deliberative vote.

(5) The Council may act notwithstanding any vacancy in its membership.

**11.** Meetings of the Council shall be held at such places and times as the Council shall determine: Meetings of the Council

Provided that the Council shall meet not less often than two times in every twelve months.

**12.** The Chairman of the Council may at any time, and shall if the Minister so directs or any three members of the Council by notice in writing to the Chairman so request, convene a special meeting of the Council at such place and on such date as he may specify by notice in writing to the members of the Council. Special meetings

**13.** (1) The Council shall cause minutes to be kept recording all resolutions, proceedings and meetings of the Council, and the names of members present at each meeting of the Council. Minutes of proceedings

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



- 14.** A committee of the Council shall consist of- Composition of committees of the Council
- (a) such members of the Council as the Council may appoint; and
- (b) such other persons (not being persons disqualified from membership of the Council) as the Council may, with the approval of the Minister, appoint; and
- (c) the Chairman of the Council who shall be a member *ex officio*.
- 15.** The Chairman of a committee of the Council shall be appointed by the Council from among the members of the Council. Chairman of a committee
- 16.** Subject to the provisions of these Regulations, the procedure of a committee of the Council shall be regulated by the Council. Procedure of a committee
- 17.** The Chairman of a committee of the Council may at any time convene a meeting of that committee. Meetings of a committee
- 18.** A committee of the Council shall keep minutes recording all resolutions, proceedings and meetings of the committee and the names of the members of the committee and other persons present at each meeting thereof. Minutes of proceedings
- 19.** A committee of the Council shall keep the Council informed of its activities and deliberations and shall furnish such reports and information relating to its functions as the Council may from time to time direct. Reports of committees
- 20.** The Minister may, by notice in writing to the Chairman of the Council, nominate any public officer to attend meetings of the Council, or of any committee thereof, and any such officer may take part in the proceedings of any such meeting and shall be entitled to address any such meeting, but not to vote, on any matter under discussion. Attendance of non-members
- 21.** A member of the Council, or of any committee thereof, who is in any way directly or indirectly interested in any matter under consideration by the Council or such committee, as the case may be, shall disclose the nature of his interest at a meeting of the Council or such committee and shall not take part in any deliberations or decision Disclosure of interest

of the Council or such committee in respect of that matter.

**22.** A member of the Council or any Committee of the Council shall Renumeration be paid such remuneration and allowances as the Council may with the and allowances approval of the Minister determine.

*(As amended by S.I. No. 50 of 1993)*

## **SECTION 27-THE TECHNICAL EDUCATION AND VOCATIONAL TRAINING (FEES) REGULATIONS.**

### **Regulations by the Minister**

*Statutory  
Instrument  
107 of 1985  
34 of 1995  
65 of 1997  
Act No.  
13 of 1994*

**1.** These Regulations may be cited as the Technical Education and Vocational Training (Fees) Regulations. Title

**2.** *Revoked by S.I. 34 of 1995.* Application

**3.** The fees set out in the Schedule shall be payable for the purposes Fees therein specified.

### SCHEDULE

#### ***(Regulation 3)***

FEES

**(PAYABLE BY FULL TIME STUDENTS ENROLLED AT GOVERNMENT MAINTAINED AND AIDED INSTITUTIONS)**

ZAMBIANS:

RESIDENTIAL STUDENTS:	Tuition per Annum	Boarding per Annum	General Purpose Fund	Total per Annum
<i>Course:</i>	Fee Units	Fee Units	Fee Units	Fee Units
1.1 Craft	224	596	4	284
1.2 Technician or Technology Diplomas	1,474	596	4	2,075
1.3 Certificate in Business Studies, Applied Arts, Commercial, Academic	219	596	4	819
1.4 Technical Teacher, Secretarial	591	596	4	1,192
1.5 Commercial Pilot	8,160	596	4	8,761
NON-RESIDENTIAL STUDENTS:				
<i>Course:</i>	Fee Units	Fee Units	Fee Units	Fee Units
2.1 Craft	224		4	228
2.2 Technician or Technology Diplomas	1,474		4	479
2.3 Certificate in Business Studies, Applied Arts, Commercial, Academic	219		4	224
2.4 Technical Teacher, Secretarial	591		4	596
2.5 Commercial Pilot	8,160		4	8,143

NON-ZAMBIANS:

RESIDENTIAL STUDENTS:	Tuition per Annum	Boarding per Annum	General Purpose Fund	Total per Annum
<i>Course:</i>	US Dollar	US Dollar	US Dollar	US Dollar
3.1 Craft	960	630	3	1,593

3.2 Technician or Technology Diplomas	1,374	630	3	2,007
3.3 Certificate in Business Studies, Applied Arts, Commercial, Academic	957	630	3	1,590
3.4 Technical Teacher, Secretarial	765	630	3	1,398
3.5 Commercial Pilot	6,426	630	3	7,059
NON-RESIDENTIAL STUDENTS:				
<i>Course:</i>				
4.1 Craft	960		3	963
4.2 Technician or Technology Diplomas	1,374		3	960
4.3 Certificate in Business Studies, Applied Arts, Commercial, Academic	957		3	960
4.4 Technical Teacher, Secretarial	765		3	768
4.5 Commercial Pilot	6,429		3	6,429

(As amended by S.I. No. 65 of 1997 and Act No. 13 of 1994)

# **THE TECHNICAL EDUCATION AND VOCATIONAL TRAINING (MAINTAINED AND AIDED INSTITUTIONS) REGULATIONS.**

## ARRANGEMENT OF REGULATIONS

### **PART I**

#### **PRELIMINARY**

##### Regulation

1. Title
2. Application
3. Interpretation

### **PART II**

#### **GENERAL CONDITIONS OF ENROLMENT AND ADMISSION**

4. Age of students
5. Application for enrolment
6. False statement in relation to application
7. Record of enrolment
8. Attendance of students
9. National Anthem and National Flag

### **PART III**

#### **SUSPENSION, EXPULSION AND EXCLUSION OF STUDENTS**

10. Students to comply with rules
11. Suspension, expulsion and exclusion
12. Procedure relating to suspension, expulsion and exclusion
13. Discharge
14. Reports to Director

15. Right to make representations to Director
16. Powers of Director
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**THE TECHNICAL EDUCATION AND VOCATIONAL TRAINING  
(MAINTAINED AND AIDED INSTITUTIONS)  
REGULATIONS.  
*Regulations by the Minister***

***Statutory  
Instrument  
44 of 76  
Act No. 13 of  
1994***

**PART I  
PRELIMINARY**

1. These Regulations may be cited as the Technical Education and Vocational Training (Maintained and Aided Institutions) Regulations. Title

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

(a) any institution other than a Government institution or any institution established or maintained with the assistance of a grant or loan made by the Minister;

(b) any correspondence course, educational broadcasting, television service, or special educational institution run or provided by the Ministry of Education.

(2) The Minister may from time to time cause to be published in the *Gazette* a list of all institutions to which these Regulations apply.

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

"Director" includes Principal, where applications are made under the proviso to regulation 5;

"institution" means any organisation or premises by or at which regular instruction relating to technical education or vocational training is provided;

"Principal" means a person for the time being holding or acting in the office of a Principal of an institution to which enrolment or an institution hostel to which admission is sought or procured.

## **PART II**

### **GENERAL CONDITIONS OF ENROLMENT AND ADMISSION**

4. No student shall be enrolled at any institution or admitted to any institution hostel unless he shall have- Age of students

(a) attained the age of 16 years at the commencement of the course for which he desires to be enrolled;

(b) attained the requisite entry qualifications applicable to the course for which he desires to be enrolled;

(c) obtained a satisfactory medical certificate as to his physical fitness.

5. (1) Application for enrolment at any institution or for admission to any institution hostel, shall be made by the applicant to the Director: Application for enrolment

Provided that the Director may, if he thinks fit, in the case of extension studies, permit applications to be made direct to a Principal.

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

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

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

(5) For the purposes of this regulation "applicant" means any person seeking enrolment at an institution or admission to an institutional hostel.

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

(2) No student shall be entitled to attend an institution or to be accommodated at an institution hostel if he or any other person acting on his behalf knowingly makes or has made to the Director any false statement material to the application.

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

7. The Principal shall, within three months from the date of commencement of any course, render to the Director a return giving the following particulars in respect of students enrolled at an institution for which he is responsible:

- (a) name, date of birth and sex;
- (b) national registration number;
- (c) the nature and date of commencement of the course enrolled for;
- (d) such other particulars as the Director may from time to time require.

8. (1) Every student enrolled at an institution shall present himself at the institution on the first day of a term or, where he is to be enrolled after the commencement of a term, on such later day as the Principal may appoint.

(2) It shall be the duty of every student to attend classes regularly and punctually.

9. (1) For the purpose of promoting national unity and proper respect



for the National Anthem and the National Flag as the secular symbols and National Flag 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) all students attending an institution shall be required to salute the National Flag on such occasions as they are lawfully required to do so:

Provided that no student shall be required to salute the National Flag as part of any religious ceremony or observance.

(2) Whenever in accordance with this regulation students are required to salute the National Flag, each of such students shall salute the National Flag by raising the right hand to the temple with the open palm facing outwards while standing at attention.

(3) The Minister may give to the Principal such directions as he may consider necessary with respect to the occasions on which students shall be required to salute the National Flag.

### **PART III**

### **SUSPENSION, EXPULSION AND EXCLUSION OF STUDENTS**

**10.** All students shall comply with the rules of the institution at which they are enrolled.

Students to comply with rules

**11.** (1) No student shall be excluded from any institution hostel, or suspended, expelled or otherwise excluded from attendance at any institution except in accordance with the provisions of this Part.

Suspension, expulsion and exclusion

(2) The Principal may suspend or temporarily exclude from attendance at any institution-

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

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

(c) any student who without reasonable excuse fails to attend classes regularly;

(d) any student who wilfully refuses to salute the National Flag when he is lawfully required to do so.

(3) The Principal may temporarily exclude from an institution hostel any student whose accommodation in the hostel is prejudicial to the maintenance of discipline therein.

(4) Where the Principal has cause to believe that the health of any student so warrants, he may order such student to be medically examined, and may exclude him from attending classes and other institutional activities.

**12.** Before any student is expelled or permanently excluded from an institution hostel the Principal shall-

(a) notify the student, in writing, of the action which he proposes to take and the grounds thereof;

(b) afford the student and his sponsor, if any, a reasonable opportunity of making representations against the action which he proposes to take; and

(c) give due consideration to any representations made by the student or his sponsor.

Procedure relating to suspension, expulsion, and exclusion

**13.** Notwithstanding the other provisions of these Regulations, the Principal may recommend to the Director the expulsion of any student whose work is unsatisfactory and whom he considers unlikely to benefit from further training.

Discharge

- 14.** The Principal shall immediately report to the Director the full facts of a case of suspension or temporary exclusion made by him. Reports to Director
- 15.** Where any student has been temporarily excluded from an institution hostel or suspended or temporarily excluded from attendance at an institution, he shall be entitled within twenty-one days, commencing on the date of such temporary exclusion or such suspension, to make representations to the Director regarding the suspension or temporary exclusion and any further action which the Director may have taken, or is about to take. Right to make representations to Director
- 16.** After considering any representations made to him under regulation 15, the Director may- Powers of Director
- (a) in any case where a student has been suspended or temporarily excluded from attendance at an institution-
- (i) direct the Principal to withdraw the suspension against the student;
- (ii) direct the Principal to expel the student from the institution, either permanently or for a period to be determined by the Director;
- (iii) direct the transfer of the student to another institution;
- (iv) give such other directions as may appear to be just in the circumstances;
- (b) in any case where a student has been temporarily excluded from an institution hostel-
- (i) confirm the exclusion;
- (ii) direct the Principal to re-admit the student;
- (iii) direct the transfer of the student to another institution hostel;
- (iv) give such other directions as may appear to be just in the circumstances.
- 17.** Any student who is aggrieved by any decision of the Director Appeal to

may within twenty-one days of receipt of such decision appeal therefrom to the Minister.

Minister

*(As amended by S.I. No. 44 of 1976)*