

CHAPTER 146

THE NATIONAL COLLEGE FOR MANAGEMENT AND DEVELOPMENT STUDIES ACT (REPEALED BY ACT NO. 18 OF 2005)

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CHAPTER 146

NATIONAL COLLEGE FOR MANAGEMENT AND
DEVELOPMENT STUDIES

21 of 1972
34 of 1994

An Act to establish the National College for Management and Development Studies; to provide for the membership, powers, duties and functions of the Council for the College; and to make provision for matters incidental to or connected with the foregoing.

[24th November, 1972]

PART I

PRELIMINARY

1. This Act may be cited as the National College for Management and Development Studies Act. Short title
2. In this Act, unless the context otherwise requires- Interpretation

"Agreement" means the agreement entered into on the 31st January, 1969, between Friedrich Ebert-Stiftung Bonn of the Federal Republic of Germany and the Registered Trustees of the Council for the National College for Management and Development Studies;

"College" means the National College for Management and Development Studies established under section *twelve*;

"Council" means the Council for the National College for Management and Development Studies established under section *three*.

PART II

COUNCIL FOR THE NATIONAL COLLEGE FOR MANAGEMENT AND DEVELOPMENT STUDIES

3. There is hereby established a Council under the name of the Council for the National College for Management and Development Studies which shall be a body corporate with perpetual succession and a common seal, and shall, under the said name, be capable of suing and being sued and, subject to the provisions of this Act, of purchasing or otherwise acquiring, holding and alienating property, real or personal, and of doing and performing all such acts or things as a body corporate may by law do and perform. Establishment of Council for the College

4. (1) The Council shall consist of sixteen members appointed by the Minister. Composition of Council

(2) The Minister shall designate one member of the Council as the chairman of the Council, and the Council shall elect another member as the vice-chairman of the Council.

(3) If the chairman of the Council ceases to be a member of the Council, the Minister may appoint another member of the Council as its chairman.

(4) The vice-chairman of the Council shall discharge the functions of

the chairman whenever the office of the chairman of the Council is vacant or the chairman is absent or is for any other cause prevented from or incapable of discharging the functions of his office.

(5) No person shall be appointed as a member of the Council-

(a) while he is an undischarged bankrupt; or

(b) while he is serving a sentence of imprisonment.

5. (1) Subject to the provisions of this section, every member of the Council shall hold office for such period not exceeding three years as may be specified in the instrument of his appointment, and shall, on ceasing to be a member, be eligible for re-appointment: Tenure of office of members and vacancies

Provided that any member may at any time, by notice in writing to the Minister, resign his office.

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

(a) upon his death;

(b) if he is adjudged bankrupt;

(c) if he is convicted of an offence and sentenced to imprisonment without the option of a fine;

(d) if, in the opinion of the Minister, he is mentally or physically incapable of performing his duties as a member of the Council;

(e) if he is absent from three consecutive meetings of the Council without the leave of the chairman.

(3) Upon the happening of any vacancy in the membership of the Council, the chairman of the Council shall, as soon as may be, notify such vacancy to the Minister in writing and the Minister may appoint any person to fill the vacancy for such period as he may determine.

6. (1) Subject to the provisions of this section, the Council may regulate its own procedure.

Meetings of
Council and
procedure

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

(3) The meetings of the Council may be held as and when necessary for the transaction of the business of the Council and shall be held at such places and times as the chairman of the Council may determine.

(4) There shall preside at any meeting of the Council-

(a) the chairman of the Council; or

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

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

(5) Any question proposed for decision at a meeting of the Council shall be determined by a majority of votes of the members present and voting.

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

(7) The Council shall keep minutes of the proceedings of every meeting and every committee established by the Council and a copy of such minutes shall be furnished by the Council to-

(a) the Minister; and

(b) such other person as the Council may determine.

(8) The Council may invite any person, whose presence is in the opinion of the Council desirable, to attend a meeting of the Council but such person shall have no vote on any matter for decision by the Council.

(As amended by Act No. 34 of 1994)

7. (1) The Council may establish committees thereof for the purpose of performing any of its functions under this Act and may delegate to any such committee such of its functions as it deems fit. Committees of Council

(2) The Council may appoint as members of a committee established pursuant to subsection (1) persons, who may or may not be members of the Council, and such members shall hold office for such period as the Council may determine.

(3) Subject to any direction given to it by the Council, any committee established pursuant to subsection (1) may regulate its own procedure.

8. A member of the Council who is in any way directly or indirectly interested in a contract made or proposed to be made by the Council shall disclose the nature of his interest at a meeting of the Council, and the member shall not take any part in any deliberation or decision of the Council with respect to that contract. Duty of members to disclose interest

9. (1) There shall be a secretary to the Council who shall be appointed by the Council on such terms and conditions of service as may be determined by the Council. Secretary to Council

(2) The secretary shall be the chief executive officer of the Council and shall be responsible for carrying out the instructions of the Council, for keeping the minutes of the meetings of the Council and its committees and shall have such other functions as the Council may from time to time determine.

10. The Council may appoint, on such terms and conditions of service as it determines, such persons as are in its opinion necessary for the due discharge of its functions. Staff

11. (1) A document requiring authentication by the Council shall be sufficiently authenticated if signed by the secretary to the Council or any other officer of the Council authorised in that behalf by a resolution of the Council. Authentication of documents and execution of deeds

(2) A deed shall be deemed to have been duly executed by the Council if the common seal of the Council is affixed thereto in the presence of, and attested by, the chairman or the vice-chairman of the Council and any other member of the Council authorised in that behalf by a resolution of the Council.

(3) Any document purporting to be a document duly authenticated or executed by or on behalf of the Council shall, unless the contrary is proved, be deemed to be a document so authenticated or executed.

(4) The Council may use a wafer or rubber stamp in lieu of an embossed common seal until such time as an embossed common seal is procured by the Council.

PART III

FUNCTIONS AND POWERS OF THE COUNCIL

12. (1) There is hereby established the National College for Management and Development Studies (hereinafter called "the College") to offer training courses and seminars to promote and fulfil the functions of the Council mentioned in section *thirteen*. Establishment of College

(2) The management and operations of the College shall be vested in and controlled by the Council.

(3) There shall be a Principal of the College appointed, with the approval of the Minister, by the Council. The Principal of the College shall be the academic and administrative head of the College and shall be responsible to the Council.

(4) There shall be a Deputy Principal of the College who shall be

appointed by the Council.

(5) *(Repealed by Act No. 34 of 1994).*

(6) There shall be a Registrar of the College who shall be appointed by the Council. The Registrar of the College shall, in accordance with the directions of the Principal of the College, be responsible for the administration of the College.

13. The functions of the Council shall be to organise and provide relevant training courses and seminars- Functions of Council

(a) for workers, trade unionists and persons engaged in the trade union movement, industrial relations and employers organisations and productivity improvement;

(b) in management and administrative skills in business, industry, civil service, foreign service, Local Government Service and other professions and vocations;

(c) in accountancy, computer and information technology leading to a diploma; and

(d) for effective implementation and understanding of national socio-economic development policies and plans.

(As amended by Act No. 34 of 1994)

14. In addition to any power otherwise expressly or impliedly conferred by this Act, the Council shall, subject to the provisions of this Act, have power to do all or any of the things specified in the Schedule. Powers of Council

PART IV

FINANCE

15. The financial year of the Council shall be the period of twelve months ending on the 31st December in any year. Financial year

16. (1) The funds of the Council shall consist of- Funds of Council

- (a) such sums as may be payable to the Council from moneys appropriated by Parliament;
- (b) such sums as may be paid to the Council by way of grant or donation;
- (c) such other moneys or assets as may vest in or accrue to the Council in the course of its operation or otherwise.

(2) There shall be paid from the funds of the Council-

- (a) the remuneration and allowances of the employees of the Council;
- (b) such reasonable travelling, transport and subsistence allowances of members of the Council when engaged on the business of the Council as the Council may, with the approval of the Minister, determine; and
- (c) any other expenses incurred by the Council in the discharge of its functions.

(3) The Council may-

- (a) receive and accept sums of money by way of grant or donation or in any other way from any source in Zambia and, subject to the approval of the Minister, from any source outside Zambia;
- (b) subject to the approval of the Minister, borrow moneys by way of loan or otherwise such sums as it may require for the discharge of its functions;
- (c) charge and collect fees in respect of courses, seminars and other services provided by the Council at the College or at other places.

17. Any moneys in the hands of the Council which are not immediately required for the purposes of its functions may be invested by the Council in such manner as it may consider proper and the Council may realise any such investment. Investment of moneys not immediately required

18. (1) The Council shall cause to be kept proper books of account and other books and records in relation thereto. Accounts and audit

(2) The Council shall, within six months of the expiry of its financial year, prepare in respect of that financial year a statement of account and a balance sheet, showing in all necessary detail the income and expenditure and the assets and liabilities of the Council.

(3) The Minister shall appoint one or more persons publicly carrying on the profession of accountants in Zambia (hereinafter referred to as "the auditors") to examine and report to the Council and the Minister on the Council's accounts annually and at such other times as the Minister may direct.

(4) The Council shall produce and lay before the auditors all its books of account together with all vouchers in support thereof and all books, papers and writings in its possession or control relating thereto.

(5) The auditor shall be entitled at all reasonable times to require from all members of, and persons in the employ of, the Council such information and explanations as may be necessary for the performance of their duties as auditors.

(6) The expenses of and incidental to any audit shall be borne and paid by the Council.

19. (1) It shall be the duty of the auditors, in addition to their usual duties, to certify not less than once in each financial year whether- Duties of auditors

(a) they have obtained all information and explanations which they consider necessary for the performance of their duties as auditors;

(b) the accounts of the Council have been properly kept; and

(c) the accounts of the Council present a true and fair view of the financial position and transactions of the Council according to the information and explanations given and the books and records produced to them.

(2) The auditors shall furnish to the Auditor-General a copy of every certificate given by them and of any report made by them in terms of this section and they shall furnish to the Auditor-General such further report and information relating to the accounts of the Council as he may require.

20. (1) The Council shall, as soon as practicable and in any case not later than nine months after the expiry of each financial year, submit to the Minister an annual report on the exercise and performance of its functions during the year. Annual report

(2) The annual report shall include a balance sheet and a complete statement of revenue and expenditure duly audited and the report of the auditors and such other information as the Minister may, by notice in writing to the Council, require.

(3) The Minister shall, not later than seven days after the first sitting of the National Assembly next after the receipt of the annual report, lay the annual report before the National Assembly.

21. With the approval of the Minister, the Council may, by statutory Regulations instrument, make regulations for the better carrying out of the provisions of this Act.

SCHEDULE

(Section 14)

POWERS OF THE COUNCIL

1. To plan and construct the College.
2. To buy, take on lease or in exchange, hire or otherwise acquire immovable property and interests therein and rights over the same.
3. To buy, take in exchange, hire or otherwise acquire movable property.
4. To maintain, alter and improve the property vested in the Council.
5. To sell, exchange, lease, mortgage, dispose of, turn to account or otherwise deal with the assets of the Council or any part thereof, which are not required for the purposes of the Council, for such consideration

as the Council may determine.

6. To do all such things as are required for the good government and administration of the College.
7. To draw, make, accept, endorse, discount, execute and issue for the purpose of the Council promissory notes, bills of exchange, bills of lading, securities and other negotiable and transferable instruments.
8. To insure against loss, damages, risks and liabilities which the Council may incur.
9. To make contracts and to enter into suretyships or give guarantees in connection with the exercise or performance of the functions of the Council and to modify or rescind such contracts, suretyships and guarantees.
10. Subject to the approval of the Minister, to raise money temporarily or otherwise, to invest moneys of the Council and to vary or realise such investments.
11. To appoint and employ such persons on such terms and conditions as the Council thinks fit, and to dismiss them.
12. To pay such remuneration and allowances, grant such leave of absence and make such gifts, bonuses and the like to employees of the Council as the Council thinks fit.
13. To provide pecuniary benefits for employees of the Council on their retirement, resignation, discharge or other termination of service or in the event of their sickness or injury and for their dependants, and for that purpose to effect policies of insurance, establish pension or provident funds or make such other provision as may be necessary to secure for such employees and their dependants any or all of the pecuniary benefits to which the provisions of this paragraph relate.
14. To purchase, take on lease or in exchange, or otherwise acquire dwelling-houses for occupation by the employees of the Council.
15. To sell or let dwelling-houses and land for residential purposes to the employees of the Council.
16. To purchase and construct thereon dwelling-houses for occupation by employees of the Council.
17. To guarantee loans made to employees of the Council for the purchase of dwelling-houses and the improvement of dwelling-houses or land which are the property of employees of the Council.
18. To make loans to employees of the Council for the purposes of purchasing vehicles, tools or other equipment to be used by those employees in carrying out their duties.
19. To make loans, not exceeding the equivalent of three months' salary or wages, to employees of the Council for any purpose on such security

as the Council may consider adequate.

20. Generally to do all such things as are incidental or conducive to the exercise or performance of the functions of the Council or are incidental to the powers specified in this Schedule.