

THE TEACHING PROFESSION ACT, 2026

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GOVERNMENT OF ZAMBIA

ACT

No. 1 of 2026

Date of Assent: 24th March, 2026

An Act to continue the existence of the Teaching Council of Zambia and re-define its functions; re-constitute the Board of the Teaching Council of Zambia and re-define its functions; regulate teachers, their practice and professional conduct; provide for the administration of licensure examinations; repeal and replace the Teaching Profession Act, Cap. 149; and provide for matters connected with, or incidental to, the foregoing.

[27th March, 2026

ENACTED by the Parliament of Zambia.

Enactment

PART I

PRELIMINARY PROVISIONS

1. This Act may be cited as the Teaching Profession Act, 2026, and shall come into operation on the date appointed by the Minister by statutory instrument.

Short title and commencement

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

Interpretation

“associate” has the meaning assigned to the word in the Anti-Corruption Act;

Cap. 91

“Board” means the Board of the Council constituted under section 5;

“certificate of accreditation” means a certificate issued to a continuing professional development programme provider under section 31;

“certificate of registration” means a certificate issued under section 12;

“Chairperson” means a person appointed as Chairperson of the Board under section 5;

- “chairperson” means a person appointed as chairperson of the Disciplinary Committee under section 41;
- “code of ethics” means the code of professional conduct adopted and published by the Council under section 38;
- “Council” means the Teaching Council of Zambia continued under section 3;
- Cap.1 “court” has the meaning assigned to the word in the Constitution;
- “Disciplinary Committee” means the Disciplinary Committee constituted under section 41;
- Cap.1 “Emoluments Commission” means the Emoluments Commission established by the Constitution;
- Cap.134 “educational institution” has the meaning assigned to the words in the Education Act;
- Cap.136 “Higher Education Authority” means the Higher Education Authority established under the Higher Education Act;
- Cap.136 “higher education institution” has the meaning assigned to the words in the Higher Education Act;
- “inspector” means a person appointed as an inspector under section 48;
- Cap.305 “legally disqualified” means the absence of legal capacity as provided under section 4 of the Mental Health Act,;
- “licensure examinations” means examinations administered by the Council under section 29;
- Cap.30 “legal practitioner” has the meaning assigned to the word “practitioner” in the Legal Practitioner’s Act;
- Cap.65 “person with disability” has the meaning assigned to the words in the Persons with Disabilities Act;
- “practising certificate” means a certificate issued under section 18;
- “register” means the register referred to under section 25;
- “Registrar” means a person appointed as Registrar under section 7;

“relative” has the meaning assigned to the word in the Anti-Corruption Act;	Cap.91
“repealed Act” means the Teaching Profession Act;	Cap.149
“student teacher” means a person undergoing training in teaching at a higher education institution registered in accordance with the Higher Education Act;	Cap.136
“teacher” means a person who is qualified in theory and practice of education, registered as a teacher in accordance with this Act, and offers teaching or education services at an educational institution and includes a person working at any other institution in that persons capacity as a teacher, but does not include a university;	
“Teaching Service Commission” means the Teaching Service Commission established by the Constitution;	Cap.1
“trade union” means a trade union registered in accordance with the Industrial and Labour Relations Act;	Cap.269
“Vice-Chairperson” means a person elected as Vice-Chairperson of the Board under section 5;	
“vice-chairperson” means a person appointed as vice-chairperson of the Disciplinary Committee under section 41; and	
“Zambia Qualifications Authority” means the Zambia Qualifications Authority continued under the Zambia Qualifications Authority Act, 2024.	Act No.8 of 2024

PART II

THE TEACHING COUNCIL OF ZAMBIA

3. The Teaching Council of Zambia established under the repealed Act is continued as if established under this Act as a body corporate with perpetual succession and a common seal, capable of suing and being sued in its corporate name, and with power, subject to the provisions of this Act, to do all acts and things that a body corporate may, by law, do or perform.
4. (1) The functions of the Council are to—
- (a) register teachers and regulate their practice and professional conduct;
- (b) set and enforce professional standards in the teaching profession;

Continuation of Teaching Council of Zambia

Functions of Council

- (c) administer licensure examinations;
 - (d) promote the integrity, and enhance the status, of the teaching profession;
 - (e) develop, promote and enforce internationally comparable teaching profession standards in the Republic;
 - (f) investigate cases of professional misconduct under this Act;
 - (g) recommend to the Higher Education Authority and other relevant institutions, the development and maintenance of appropriate standards of qualifications in the teaching profession;
 - (h) register student teachers;
 - (i) accredit continuing professional development programmes providers for teachers;
 - (j) promote continuing professional development of teachers;
 - (k) encourage and promote research in matters affecting the teaching profession;
 - (l) promote public awareness in matters relating to the teaching profession;
 - (m) promote, protect and advance the professional interests of teachers;
 - (n) collaborate with relevant trade unions on matters relating to the teaching profession;
 - (o) advise the Government on matters relating to the teaching profession; and
 - (p) collaborate with higher education institutions, Government departments and other institutions to improve the quality of the teaching profession.
- (2) The Council may determine—
- (a) the fees payable for an inspection conducted or other services rendered for the purposes of this Act; and
 - (b) what portion of any fee is payable in respect of any part of a year and the date on which the fee or portion of the fee is payable.

5. (1) There is constituted the Board of the Council which consists of the following part-time members appointed by the Minister: Constitution of Board

- (a) a representative of the ministry responsible for education;
- (b) a representative of the Teaching Service Commission;
- (c) a representative of a teacher training institution;
- (d) two representatives of trade unions representing teachers;
- (e) a representative of a private schools' association;
- (f) a representative of a civil society organisation in the education sector;
- (g) a registered teacher who is a member of an association or organisation dealing with persons with disabilities; and
- (h) a person from the private sector with knowledge and experience in matters relating to the Act.

(2) The ministries, institutions and organisations referred to in subsection (1) (a) to (h) shall nominate their representatives for appointment by the Minister.

(3) The Minister shall appoint the Chairperson from among the members of the Board.

(4) The members shall elect the Vice-Chairperson from amongst themselves.

(5) A person shall not be nominated or appointed as a member of the Board if that person—

- (a) is not a citizen;
- (b) is an undischarged bankrupt;
- (c) is legally disqualified;
- (d) has been convicted of an offence under this Act or any other written law and sentenced to imprisonment for a term exceeding six months without the option of a fine;
- (e) is convicted of an offence involving fraud or dishonesty under any written law;
- (f) in the case of a teacher—
 - (i) is found guilty of professional misconduct under this Act within a period of five years preceding the appointment as member; or
 - (ii) the certificate of registration is cancelled in accordance with section 15; or
- (g) is an employee of the Council.

(6) The First Schedule applies to the Board.

Functions of
Board

6. (1) Subject to other provisions of this Act, the Board shall perform the functions of the Council and provide strategic policy direction to the Council.

(2) Despite the generality of subsection (1), the functions of the Board are to—

- (a) approve the policies, programmes and strategic plans of the Council;
- (b) approve the annual budget estimates and financial statements of the Council;
- (c) approve the annual workplan, action plans and activity reports of the Council;
- (d) monitor and evaluate the performance of the Council against budgets and plans;
- (e) promote the effective corporate governance of the Council; and
- (f) advise the Minister on matters relating to the teaching profession.

(3) The Board may, by direction, in writing, and on conditions that the Board considers necessary, delegate to the Registrar any of the Board's functions under this Act.

Registrar and
other staff

7. (1) The Board shall appoint a Registrar, on terms and conditions that the Board may determine, who shall be—

- (a) the chief executive officer of the Council;
- (b) the Secretary to the Board; and
- (c) responsible for the day to day administration of the Council under the direction of the Board.

(2) The Registrar shall attend meetings of the Board or a committee of the Board and may address those meetings, but shall have no vote.

(3) A person qualifies for appointment as Registrar if that person—

- (a) holds a bachelor's degree, or an equivalent qualification, in teaching which is recognised and validated by the Zambia Qualifications Authority;
- (b) has at least five years relevant experience at management level;

- (c) is a registered teacher;
- (d) is of proven integrity; and
- (e) has not been convicted of an offence involving fraud or dishonesty.

(4) The Board shall appoint other staff of the Council that the Board considers necessary for the performance of the functions of the Council.

(5) The Emoluments Commission shall, on the recommendation of the Board, determine the emoluments of the Registrar and other staff of the Council.

(6) The Board shall determine the conditions of service, other than emoluments, of the Registrar and other staff of the Board.

PART III

REGISTRATION OF TEACHERS AND ISSUANCE OF PRACTISING CERTIFICATES

8. (1) There shall be classes of membership with rights and privileges that the Minister may, by statutory instrument, prescribe.

Classes of membership

(2) A teacher who intends to change that teacher's class of membership shall apply to the Council for a change of class of membership in a prescribed manner and form on payment of a prescribed fee.

9. (1) A person shall not be employed or practice as a teacher unless that person is registered as a teacher in accordance with this Act.

Prohibition of employment or practising without registration

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

10. (1) A person who intends to be employed or to practice as a teacher shall apply to the Council for registration in a prescribed manner and form on payment of a prescribed fee.

Application for registration as teacher

(2) The Council may determine different fees for different classes of teachers.

(3) The Council may, within thirty days of receipt of an application under subsection (1), grant or reject the application.

(4) The Council shall, where the Council rejects an application under subsection (3), inform the applicant in a prescribed manner and form, stating the reasons for the rejection.

- Determination of application for registration as teacher
- 11.** The Council shall, in considering an application made under section 10, register an applicant as a teacher if the Council is satisfied that the applicant—
- (a) possesses knowledge, skills and training as prescribed;
 - (b) holds a qualification recognised and validated by the Zambia Qualifications Authority; and
 - (c) meets other requirements that the Minister may, on the recommendation of the Council, prescribe by statutory instrument.
- Certificate of registration
- 12.** (1) Subject to section 11, the Council shall, where the Council grants an application under section 10, issue a teacher with a certificate of registration in a prescribed manner and form showing the teacher's class of membership.
- (2) A certificate of registration shall remain the property of the Council and shall have an unlimited period of validity, unless suspended or cancelled under this Act.
- Disqualification from registration
- 13.** A person shall not qualify for registration as a teacher if that person is—
- (a) convicted of an offence involving fraud or dishonesty under this Act or any other written law in the preceding five years prior to the registration;
 - (b) convicted of an offence under this Act or any other written law and sentenced to imprisonment for a term exceeding six months without the option of a fine;
 - (c) legally disqualified; or
 - (d) an undischarged bankrupt.
- Change in details
- 14.** A teacher registered under this Act shall notify the Registrar, in writing, of any change in the particulars relating to the registration, within thirty days of the change.
- Suspension or cancellation of registration
- 15.** (1) Subject to this Act, the Council may, in a prescribed manner and form, suspend or cancel the registration of a teacher if—
- (a) the Council has reasonable grounds to believe that the registration was obtained through fraud, misrepresentation or concealment of a material fact;
 - (b) the teacher is found guilty of professional misconduct under this Act or the code of ethics, and the Disciplinary Committee orders the suspension or cancellation of the teacher's certificate of registration;

(c) the teacher is convicted of an offence under this Act or any other written law and sentenced to imprisonment for a term exceeding six months without the option of a fine; or

(d) since the registration, circumstances have arisen disqualifying the teacher from registration.

(2) The Council shall, before suspending or cancelling the registration of a teacher under subsection (1), give the teacher an opportunity to be heard.

(3) The Council may, before cancelling the registration of a teacher, suspend a teacher for a specified period and on terms and conditions that the Council may determine.

(4) The name of a teacher shall, where the Council cancels the registration of the teacher under this section, be removed from the register and shall not be restored, except on conditions that may be prescribed and on payment of a prescribed fee.

(5) The practising certificate of the holder of the certificate of registration shall be void, where a certificate of registration is cancelled under this section.

16. (1) A person may, where a certificate of registration is cancelled under this Act and subject to the terms and conditions that the Council may determine, apply to the Council for re-registration in a prescribed manner and form on payment of a prescribed fee.

Re-
registration

(2) Despite subsection (1), the Council shall not re-register a person as a teacher if the person was found guilty of professional misconduct by the Disciplinary Committee and the Disciplinary Committee ordered the cancellation of the person's certificate of registration as a teacher.

17. (1) A person shall not practice as a teacher without a valid practising certificate issued to that person by the Council under this Act.

Prohibition
of practising
without
valid
practising
certificate

(2) A person shall not offer employment to a person as a teacher who does not hold a valid practising certificate issued under this Act.

(3) A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding three hundred thousand penalty units or to imprisonment for a term not exceeding three years, or to both.

Practising
certificate

18. (1) A registered teacher shall apply to the Council for a practising certificate in a prescribed manner and form on payment of a prescribed fee.

(2) The Council shall, within thirty days of the receipt of an application under subsection (1), issue the applicant with a practising certificate in a prescribed form where the applicant meets the requirements of this Act.

(3) The Minister may, by statutory instrument, and on the recommendation of the Council, make regulations to provide for—

- (a) the terms and conditions for the issuance of a practising certificate;
- (b) the type of continuing professional development and training and any other information required for the issuance of a practising certificate; and
- (c) any other matter that is necessary for the purposes of this section.

Renewal of
practising
certificate

19. (1) A practising certificate shall be renewed annually in a prescribed manner and form on payment of a prescribed fee.

(2) A practising certificate that is not renewed in accordance with subsection (1) is void.

Suspension
or
cancellation
of practising
certificate

20. (1) Subject to this Act, the Council may, in a prescribed manner and form, suspend or cancel a practising certificate if the holder of the practising certificate—

- (a) is found guilty of professional misconduct and the Disciplinary Committee orders the suspension or cancellation of the practising certificate;
- (b) is convicted of an offence under this Act or any other written law and sentenced to imprisonment for a term exceeding six months without the option of a fine;
- (c) becomes legally disqualified;
- (d) is an undischarged bankrupt;
- (e) obtained the practising certificate through fraud, misrepresentation or concealment of a material fact; or
- (f) is de-registered under this Act.

(2) The Council shall, before suspending or cancelling the practising certificate of a teacher under this section, give the teacher an opportunity to be heard.

(3) The Council may, before cancelling the practising certificate of a teacher, suspend the teacher for a specified period and on terms and conditions that the Council may determine.

21. (1) A teacher who does not intend to practice teaching for a specified period of time shall notify the Council, in writing, of the teacher's intention.

Maintenance of non-practising teacher on register

(2) The Council may, where a teacher notifies the Council in accordance with subsection (1), maintain the name of the teacher on the register in a non-practising category, for the period of time specified by the teacher.

22. A certificate of registration or practising certificate issued under this Part shall not be transferred to a third party.

Prohibition of transfer of certificate of registration or practising certificate

23. (1) A teacher whose certificate of registration or practising certificate is destroyed or lost may apply to the Registrar for a duplicate certificate in a prescribed manner and form on payment of a prescribed fee.

Duplicate certificate of registration or practising certificate

(2) The Registrar may, within fourteen days of receipt of an application under subsection (1), issue a duplicate certificate of registration or practising certificate to the teacher.

24. A teacher whose certificate of registration or practising certificate is cancelled under this Part shall, within seven days of being notified of the cancellation, surrender the certificate of registration or practising certificate to the Council.

Surrender of cancelled certificate of registration or practising certificate

25. (1) The Council shall keep and maintain a register of—

Register

- (a) registered teachers;
- (b) holders of certificates of registration and practising certificates and persons whose certificates of registration or practising certificates are cancelled;
- (c) the applications rejected and reasons for the rejection;
- (d) student teachers;
- (e) approved continuing profession development providers; and
- (f) any other information that the Council may determine.

(2) The register referred to under subsection (1) shall contain particulars that may be prescribed.

(3) The register shall be kept in the custody of the Registrar at the offices of the Council and shall be open for inspection to members of the public during normal office hours on payment of a fee that the Council may determine.

(4) The Registrar shall, on an application by any person, issue to the person a certified extract from the register or a copy of a certificate of registration or practising certificate, on payment of a fee that the Council may determine.

Publication
of copies of
register

26. (1) The Registrar shall, on the direction of the Board, cause copies of the register, including alterations of or additions to the register, to be printed and published in a manner and form that the Board may direct.

(2) Subject to this Act, a copy of the last published and printed register shall be *prima facie* evidence in legal proceedings of what is contained in that register, and the absence of the name of a teacher or student teacher from that copy, is *prima facie* evidence that the person is not registered as a teacher or student teacher.

Offences
relating to
registration,
etc.

27. (1) A person shall not—

- (a) make or cause to be made, an unauthorised entry, alteration or erasure on a register, certificate of registration or practising certificate, or on a certified copy of a register, certificate of registration or practising certificate;
- (b) procure or attempt to procure registration under this Act by fraud, misrepresentation or the concealment of a material fact;
- (c) impersonate a teacher or use the title or designation of a teacher while not registered as a teacher under this Act;
- (d) falsify a certificate of registration, practising certificate or other document issued under this Act; or
- (e) undertake to provide teaching services in excess of the scope of practice prescribed for the registered teacher.

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

PART IV

LICENSURE EXAMINATION AND ACCREDITATION OF
CONTINUING PROFESSIONAL DEVELOPMENT PROGRAMME PROVIDERS

- 28.** The Council shall administer a licensure examination to a person who applies for registration as a teacher prior to the issuance of a certificate of registration to that person. Administration of licensure examination
- 29.** (1) A person who intends to sit for a licensure examination shall apply to the Council, thirty days before the date of the licensure examinations, in a prescribed manner and form on payment of a prescribed fee. Application for licensure examination
- (2) The Council may, within thirty days of the receipt of an application under subsection (1), approve or reject an application in a prescribed manner and form.
- (3) A person shall only be granted a certificate of registration in accordance with Part III of this Act if that person has passed the licensure examination.
- 30.** (1) A person shall not offer a continuing professional development programme for teachers without accreditation by the Council. Prohibition of offering continuing professional development programme for teachers without accreditation
- (2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a term not exceeding five years, or to both.
- 31.** (1) A person who intends to offer a continuing professional development programme for teachers shall apply to the Council for accreditation as a continuing professional development programme provider in a prescribed manner and form on payment of a prescribed fee. Application for accreditation as continuing professional development programme provider
- (2) The Council shall, within thirty days of the receipt of an application under subsection (1), approve or reject the application.
- (3) The Council shall, where an applicant meets the requirements as prescribed, approve the application and issue the applicant with a certificate of accreditation in a prescribed manner and form.
- (4) The Council shall, where the Council rejects an application under this section, notify the applicant in a prescribed manner and form stating the reasons for the rejection.
- 32.** (1) A certificate of accreditation shall be renewed annually in a prescribed manner and form on payment of a prescribed fee. Renewal of certificate of accreditation

(2) The Council shall renew the certificate of accreditation if the holder of a certificate of accreditation—

- (a) complies with the prescribed requirements;
- (b) has provided information that the Council may require as a condition for the renewal of the certificate of accreditation; and
- (c) has paid the prescribed annual fees.

Variation of certificate of accreditation

33. A holder of a certificate of accreditation may, at any time during the validity of the certificate of accreditation, apply to the Council for a variation of the terms and conditions of the certificate of accreditation in a prescribed manner and form on payment of a prescribed fee.

Surrender of certificate of accreditation

34. A holder of a certificate of accreditation shall, where a holder of a certificate of accreditation does not intend to continue to provide the continuing professional development programme to which the certificate of accreditation relates, surrender the certificate of accreditation to the Council.

Transfer of certificate of accreditation

35. A certificate of accreditation issued under this Part shall not be transferred to a third party without the prior accreditation of the Council.

Suspension or cancellation of certificate of accreditation

36. (1) Subject to this Act, the Council may, in a prescribed manner and form, suspend or cancel a certificate of accreditation if the holder of the certificate of accreditation—

- (a) obtained the certificate of accreditation through fraud, misrepresentation or concealment of a material fact;
- (b) fails to comply with the terms and conditions of the certificate of accreditation;
- (c) is an undischarged bankrupt;
- (d) becomes legally disqualified from providing the continuing professional development programme; or
- (e) has ceased to fulfil the eligibility requirements under this Act.

(2) The Council shall, before suspending or cancelling the certificate of accreditation in accordance with subsection (1), notify the holder of the certificate of accreditation of the Council's intention to suspend or cancel the certificate of accreditation and shall—

- (a) give reasons for the intended suspension or cancellation; and

(b) require the holder to show cause, within a period of not more than thirty days, why the certificate of accreditation should not be suspended or cancelled.

(3) The Council shall not suspend or cancel a certificate of accreditation under this section if the holder takes remedial measures to the satisfaction of the Council within the period specified under subsection (2).

(4) The Council shall, in making its final determination on the suspension or cancellation of a certificate of accreditation, consider the submissions made by the holder of a certificate of accreditation under subsection (2).

(5) The Council may, suspend or cancel a certificate of accreditation if the holder after being notified under subsection (2) fails to show cause or does not take any remedial measures, to the satisfaction of the Council, within the time specified in that subsection.

(6) The holder of a certificate of accreditation shall, where a certificate of accreditation is cancelled in accordance with subsection (5), surrender the certificate of accreditation to the Council.

(7) The Council shall, where it suspends or cancels a certificate of accreditation under this section, publish the suspension or cancellation in a manner that the Council may determine.

37. (1) The Minister may, by statutory instrument, on the recommendation of the Council, make regulations to provide for continuing professional development to be undertaken by a teacher.

Continuing
professional
development

(2) Despite the generality of subsection (1), the regulations may provide for—

- (a) the nature and extent of continuing professional development to be undertaken by a teacher;
- (b) the criteria for recognition by the Council of a continuing professional development programme;
- (c) the minimum professional and technical training to be provided by a holder of certificate of accreditation; and
- (d) the requisite infrastructure of a holder of a certificate of accreditation, appropriate educational and training curriculum qualifications of faculty personnel, suitable training equipment and staffing level of teachers and other personnel.

PART V

DISCIPLINARY MATTERS

- Code of ethics **38.** The Council shall develop and publish a code of ethics for teachers which shall bind teachers regulated under this Act.
- Professional misconduct **39.** A teacher commits professional misconduct if that teacher—
- (a) contravenes a provision of this Act;
 - (b) unlawfully discloses or uses to the teacher's advantage any information acquired in the practice of the teacher;
 - (c) engages in conduct that is dishonest, fraudulent or deceitful;
 - (d) engages in any conduct that is prejudicial to the teaching profession or is likely to bring it into disrepute; or
 - (e) breaches the code of ethics or encourages another teacher to breach or disregard the code of ethics.
- Initiation of disciplinary action **40.** (1) A person may lodge a complaint with the Council against a teacher where that person alleges that the teacher has contravened the code of ethics or any provision of this Act.
- (2) The Council may initiate disciplinary action under this section where the Council has reasonable grounds to believe that a teacher has contravened the code of ethics or any provision of this Act.
- (3) A complaint under subsection (1) shall be made to the Registrar in a prescribed manner and form.
- Disciplinary Committee **41.** (1) The Board shall constitute a Disciplinary Committee which consists of the following part-time members:
- (a) a chairperson who shall be a legal practitioner;
 - (b) a vice-chairperson who shall be a legal practitioner;
 - (c) a member of a private schools association;
 - (d) a representative of a teacher training institution; and
 - (e) a representative of the Teacher Service Commission.
- (2) The chairperson and vice-chairperson of the Disciplinary Committee shall be legal practitioners eligible to be appointed as Judges of the High court.
- (3) The Registrar shall be the Secretary to the Disciplinary Committee but shall not vote on any matter before the Disciplinary Committee.

(4) A person shall not be appointed as a member of the Disciplinary Committee if that person is—

- (a) found guilty of professional misconduct under this Act or any other written law;
- (b) an undischarged bankrupt;
- (c) legally disqualified; or
- (d) convicted of an offence under this Act or any other written law and sentenced to imprisonment for a term exceeding six months without the option of a fine.

(5) A member of the Disciplinary Committee shall hold office for a term of three years and may be re-appointed for a further and final term of three years.

(6) A member of the Disciplinary Committee shall, on the expiration of the term for which the member is appointed continue to hold office until another member is appointed, but in no case shall an extension of the period exceed three months.

(7) The office of a member of the Disciplinary Committee becomes vacant if the member—

- (a) dies;
- (b) is adjudged bankrupt under any written law;
- (c) is absent from three consecutive meetings of the Disciplinary Committee of which the member has had notice, without the prior approval of the Disciplinary Committee;
- (d) resigns by notice, in writing, to the Council;
- (e) is legally disqualified from performing the functions of a member of the Disciplinary Committee;
- (f) is found guilty of professional misconduct;
- (g) is de-registered under this Act or any other written law;
or
- (h) is convicted of an offence under this Act or any other written law and sentenced to imprisonment for a term exceeding six months without the option of a fine.

(8) The Board shall, where there is a vacancy in the membership of the Disciplinary Committee before the expiry of the term of office, appoint another person to replace the member who vacates office, but that person shall only hold office for the remainder of the term.

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- Functions of Disciplinary Committee
- 42.** The functions of the Disciplinary Committee are to hear and determine—
- (a) any complaint or allegation of professional misconduct made by a person against a teacher; or
 - (b) a disciplinary action initiated by the Council against a teacher under section 40(2).
- Proceedings of Disciplinary Committee
- 43.** (1) Subject to other provisions of this Act, the Disciplinary Committee may regulate its own procedures.
- (2) Three members of the Disciplinary Committee shall form a quorum at a meeting or sitting of the Disciplinary Committee.
- (3) The chairperson, or in the absence of the chairperson, the vice-chairperson, shall preside at a meeting or sitting of the Disciplinary Committee.
- (4) A question at a meeting or sitting of the Disciplinary Committee shall be decided by a majority of the votes of the members of the Disciplinary Committee present at the meeting or sitting of the Disciplinary Committee and in the event of an equality of votes, the person presiding at the meeting or sitting shall have a casting vote in addition to that person's deliberative vote.
- (5) The proceedings of the Disciplinary Committee shall be in camera.
- (6) A party to a hearing of the Disciplinary Committee may appear in person, or be represented by a legal practitioner or, if the party so elects, by any other person.
- (7) A decision of the Disciplinary Committee shall be in the form of a reasoned judgement and a copy of the judgement shall be supplied to each party to the proceedings and to every person affected by the decision.
- (8) If a person is present at a meeting or sitting of the Disciplinary Committee at which any matter is the subject of consideration, and in which matter that person or that person's relative or associate is directly or indirectly interested in a private capacity, that person shall, as soon as is practicable after the commencement of the meeting or sitting, disclose the interest and shall not, unless the Disciplinary Committee otherwise directs, take part in any consideration or discussion of, or vote on, any question relating to that matter.
- (9) A disclosure of interest made under this section shall be recorded in the minutes of the meeting or sitting at which it is made.

(10) The Disciplinary Committee shall cause to be kept a record of its proceedings.

44. (1) The Disciplinary Committee may, for the purposes of a hearing, hear and receive evidence and may—

Powers of
Disciplinary
Committee

(a) under the hand of the chairperson or the Registrar, summon witnesses and require the production of a book, record, document, electronic record or anything required for the purposes of the proceeding; and

(b) through the chairperson or vice-chairperson, administer an oath to a witness.

(2) A person summoned to attend before the Disciplinary Committee shall not—

(a) refuse or fail, without reasonable excuse, to attend at the time and place specified in the summons or, having attended, leave without the permission of the Disciplinary Committee;

(b) having attended, refuse to be sworn or to affirm;

(c) refuse, without lawful excuse, to answer fully and satisfactorily to the best of that person's knowledge and belief, a question lawfully put to that person; or

(d) refuse to produce a book, record, document or thing which that person has been required by summons to produce.

(3) A person who contravenes subsection (2) commits an offence and is liable, on conviction, for that refusal or failure, to a fine not exceeding two hundred thousand penalty units.

(4) Despite subsection (2), a person shall not be compelled to answer any question or produce any book, record or document which that person would not be compelled to answer or produce on the trial of an action in any court.

(5) A hearing before the Disciplinary Committee shall, for purposes of Chapter XI of the Penal Code, be deemed to be a judicial proceeding.

Cap.87

(6) A finding of fact which is shown to have been made by a court in the Republic shall, in any hearing before the Disciplinary Committee, be conclusive evidence of the fact so found.

(7) The Disciplinary Committee shall, where the Disciplinary Committee has reasonable cause to believe that a teacher is legally disqualified, refer the matter for determination in accordance with the Mental Health Act.

Cap.305

Cap.305 (8) The Disciplinary Committee shall, where a determination is made in accordance with the Mental Health Act, that a teacher is legally disqualified, suspend the practising certificate of the teacher.

(9) The Disciplinary Committee shall, where the Disciplinary Committee finds, after due inquiry, that a teacher is not guilty of professional misconduct, record a finding that the teacher is not guilty of the conduct to which the charge relates.

(10) The Disciplinary Committee may, for the purpose of any proceedings, use assessors or experts that the Disciplinary Committee considers necessary.

Sanctions for professional misconduct by Disciplinary Committee

45. The Disciplinary Committee shall, where the Disciplinary Committee finds a teacher guilty of professional misconduct, after due inquiry, impose one or more of the following sanctions:

- (a) order the cancellation of the teacher's practising certificate or certificate of registration;
- (b) order the suspension of the certificate of registration or practising certificate for a specified period and on conditions that the Disciplinary Committee determines;
- (c) censure the teacher;
- (d) caution the teacher;
- (e) impose an administrative penalty, not exceeding three hundred thousand penalty units, to be paid to the Council;
- (f) order the teacher to pay to the Council or a party to the hearing the costs of, or incidental to, the proceedings;
- (g) order the teacher to pay any party to the hearing or any other person, as restitution, the amount of loss caused by that teacher's misconduct; or
- (h) order that the teacher be re-trained or rehabilitated.

Report by Disciplinary Committee

46. The Disciplinary Committee shall, within sixty days of receipt of a complaint, hear and determine the complaint and submit to the Board a report of the proceedings together with a copy of the record.

Rules relating to disciplinary proceedings

47. (1) The Chief Justice may, by statutory instrument, and on the recommendation of the Council, make rules relating to the—

- (a) manner and form for lodging of complaints under this Part;

-
- (b) mode of summoning persons before the Disciplinary Committee;
 - (c) manner and form of service of a summons requiring the attendance of a witness before the Disciplinary Committee and the production of a book, record, document or thing;
 - (d) procedure to be followed and rules of evidence to be observed in proceedings before the Disciplinary Committee; and
 - (e) functions of assessors and experts to the Disciplinary Committee.
- (2) Rules made under subsection (1) may provide—
- (a) that before a matter is referred to the Disciplinary Committee it shall be investigated by the Council;
 - (b) for securing notices for the proceedings and specifying the time and manner of proceedings; and
 - (c) for securing that a party to the proceedings shall, if that person requires, be entitled to be heard by the Disciplinary Committee.

PART VI

INSPECTORATE

48. (1) The Council shall appoint suitably qualified persons as inspectors to ensure compliance with the provisions of this Act. Inspectors

(2) The Council shall provide an inspector with an identification card which shall be *prima facie* evidence of the inspector's appointment as inspector.

- (3) An inspector shall, in performing a function under this Act—
- (a) be in possession of the identification card referred to in subsection (2); and
 - (b) show the identification card to a person who requests to see the identification card or is the subject of an investigation under this Act.

Power of
entry,
search and
inspection

49. (1) An inspector may, for the purpose of enforcing the provisions of this Act, at any reasonable time, without prior notice, and on the authority of a warrant, enter any premises that the inspector has reasonable grounds to believe is used for the commission of an offence or contrary to the provisions of this Act, and—

- (a) search the premises;
- (b) search any person on the premises if the inspector has reasonable grounds to believe that the person has possession of an article, document or record that has a bearing on an inspection or investigation, except that a person shall only be searched by a person of the same sex;
- (c) take extracts from, or make copies of, any book, document or record that is on the premises and that has a bearing on an inspection or investigation;
- (d) demand the production of, and inspect, relevant certificates; and
- (e) make inquiries that may be necessary to ascertain whether the provisions of this Act or any other written law on which an inspection or investigation is based, have been complied with.

(2) A court may issue a warrant on application by an inspector if it appears from written information given by that inspector, on oath or affirmation, that there are reasonable grounds to believe that this Act has been, or is likely to be, contravened.

(3) An inspector who removes anything from any premises shall—

- (a) issue a receipt for anything removed to the owner or the person in control of the premises; and
 - (b) return anything removed as soon as practicable after the thing removed has served the purpose for which it was removed.
- (4) A person commits an offence if that person—
- (a) delays or obstructs an inspector in the performance of that inspector's functions under this Act;
 - (b) refuses to give an inspector reasonable assistance as the inspector may require for the purpose of performing the inspector's functions;

(c) impersonates an inspector or presents oneself to be an inspector; or

(d) wilfully gives an inspector false or misleading information in answer to an inquiry made by the inspector.

(5) A person who contravenes subsection (4) is liable, on conviction, to a fine not exceeding three hundred thousand penalty units or to imprisonment for a term not exceeding three years, or to both.

(6) An inspector shall furnish the Council with a written report and any other information relating to an inspection.

PART VII

GENERAL PROVISIONS

50. (1) A person shall not knowingly or recklessly make a false or misleading statement, orally or in writing, to the Council or Disciplinary Committee with the intention that it be acted on by the Council or Disciplinary Committee.

False or
misleading
statement

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

51. (1) A person who is aggrieved by a decision of the Council may, within thirty days of the receipt of the decision, appeal to the Minister against the decision.

Appeals

(2) The Minister shall, within thirty days of receipt of an appeal under subsection (1), determine the appeal and inform the appellant, in writing, of the Minister's decision.

(3) A person aggrieved by a decision of the Minister under this section may, within thirty days of receipt of the decision, appeal to the High Court.

(4) A person aggrieved by a decision of the Disciplinary Committee may, within thirty days of the date of the decision, appeal to the High Court.

(5) A decision of the Disciplinary Committee shall not take effect until the expiration of the time for lodging an appeal against the decision or, if an appeal is lodged, until the time the appeal is disposed of, withdrawn or struck out for want of prosecution.

(6) The proceedings of the Disciplinary Committee shall not be set aside by reason only of some irregularity in those proceedings if such irregularity did not occasion a substantial miscarriage of justice.

Jurisdiction over acts committed outside Republic	<p>52. (1) A court shall have jurisdiction over a teacher for any act committed outside the Republic which, if it had been committed in the Republic, would have been an offence of professional misconduct under this Act.</p> <p>(2) Any proceedings against a teacher under this section which would be a bar to subsequent proceedings against the teacher for the same offence, if the offence had been committed in the Republic, shall be a bar to further proceedings against the teacher under any written law relating to the extradition of persons, in respect of the same offence outside the Republic.</p>
Cap.98	<p>(3) The Mutual Legal Assistance in Criminal Matters Act shall apply to proceedings under this Act.</p>
Offences by principal officers of body corporate or unincorporate body	<p>53. Where an offence under this Act is committed by a body corporate or an unincorporate body, with the knowledge, consent or connivance of the director, manager, shareholder or partner of the body corporate or an unincorporate body, that director, manager, shareholder or partner commits the same offence as the body corporate or an unincorporate body and is liable, on conviction, to the penalty specified for that offence under this Act.</p>
General penalty	<p>54. A person convicted of an offence under this Act for which a penalty is not specified is liable to a fine not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both.</p>
Administrative penalty	<p>55. (1) The Council may impose an administrative penalty on a person for a failure to comply with a provision of this Act which is not an offence.</p> <p>(2) An administrative penalty shall not exceed the amount prescribed by the Minister for each day during which such failure continues.</p> <p>(3) An administrative penalty is payable to the Council within the period specified by the Council.</p> <p>(4) The Council may, where a person fails to pay an administrative penalty, within the period specified in subsection (3), by way of civil action in a competent court, recover the amount of the administrative penalty from that person as an amount due and owing to the Council.</p>
No execution on Council or property of Council	<p>56. Despite anything contrary contained in any written law, where a judgment 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 the property of the Council, but the Registrar shall cause to be paid out of the revenue of the Council such amounts as may, by the judgment or order, be awarded against the Council to the person entitled to the amounts.</p>

57. (1) The Council may, in the exercise of the Council's functions under this Act, issue guidelines as are necessary for the better carrying out of the provisions of this Act. Guidelines

(2) The Council shall publish the guidelines issued under this Act by notice in the *Gazette* or in a manner that the Council may determine, and the guidelines shall take effect on the date of publication.

(3) The guidelines issued by the Council under this Act shall bind the persons regulated under this Act.

58. (1) The Minister may, on the recommendation of the Council, by statutory instrument, make Regulations for the better carrying out of the provisions of this Act. Regulations

(2) Despite the generality of subsection (1), Regulations made under that subsection may make provision for the—

- (a) manner and form of application, and the fees payable;
- (b) the information and documents to be submitted in support of applications to be made under this Act;
- (c) particulars to be entered on the register;
- (d) form of the certificate of registration and the conditions of the certificate of registration;
- (e) form of the practising certificate and the conditions of the practising certificate;
- (f) qualifications for registration as a teacher;
- (g) manner and form of application for licensure examinations;
- (h) scope of practice for registered teachers;
- (i) code of ethics to which a teacher shall subscribe;
- (j) continuing professional development of teachers;
- (k) the requirements and conditions relating to the registration of teachers; and
- (l) the manner of registration of student teachers.

59. (1) The Teaching Profession Act, is repealed.

(2) Despite subsection (1), the Second Schedule applies to the savings and transitional provisions.

Repeal of
Cap.149 and
savings and
transitional
provisions

FIRST SCHEDULE

(Section 5(6))

PART I

ADMINISTRATION OF BOARD

Seal of
Council

1. (1) The seal of the Council shall be a device that the Board may determine and shall be kept by the Registrar.

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

(3) A 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 Registrar or any other person generally or specifically authorised by the Board in that behalf.

(4) A 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 without further proof, unless the contrary is proved.

Tenure of
office
for members
and
vacancy

2. (1) A member of the Board shall hold office for a term of three years and may be re-appointed for a further and final term of three years.

(2) On the expiration of the term for which a member is appointed, the member shall continue to hold office until another member is appointed, but in no case shall any extension of the period exceed three months.

(3) The office of a member shall be vacant if that member—

(a) dies;

(b) is adjudged bankrupt;

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

(d) resigns by giving notice, in writing, to the Minister;

(e) is legally disqualified from performing the functions of a member;

(f) is convicted of an offence under this Act or any written law and has been sentenced to imprisonment for a period exceeding six months without the option of a fine; or

(g) ceases to be an employee of the Ministry, institution or organisation that nominated or appointed that member to sit on the Board.

(4) Where there is a vacancy in the membership of the Board, before the expiry of the term of office, the Minister shall appoint another person to replace the member but that person shall only hold office for the remainder of the term.

3. (1) Subject to this Act, the Board may regulate its own procedure.

Proceedings
of
Board

(2) The Board shall meet at least once every three months at such place as the Board may determine.

(3) On giving notice of not less than fourteen days, a meeting of the Board may be called by the Chairperson and shall be called if not less than one third of the members so request in writing, except that if the urgency of a particular matter does not permit the giving of notice, a special meeting may be called on giving shorter notice.

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

(5) There shall preside at a meeting of the 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, a member elected from among the members present at the meeting for the purpose of that meeting.

(6) A decision of the Board on any question shall be by a majority of 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) The Board may invite a person whose presence is in the Board's opinion desirable to attend and participate in the deliberations of the meeting, but that person shall not vote.

(8) The validity of any proceedings, act or decision of the Board shall not be affected by any vacancy in the membership of the Board or any defect in the appointment of any member or by reason that any person not entitled to do so, took part in the proceedings.

- (9) The Board shall cause minutes to be kept of the proceedings of every meeting of the Board and any committee of the Board.
- Committees **4.** (1) The Board may, for the purpose of exercising its powers and the effective and efficient performance of the functions of the Council, constitute committees and delegate to the committees functions of the Board that it considers necessary.
- (2) The Board may appoint as members of a committee persons who are or are not members, except that at least one member of the Board shall be a member of a committee.
- (3) A member of a committee shall hold office for a period that the Board may determine.
- (4) A committee shall have the power to invite any person whose presence, in its opinion, is desirable to attend and participate in the deliberations of the meeting of the committee but that person shall have no vote.
- (5) A person presiding at a meeting of a committee shall cause to be kept a record of the proceedings of the meeting and shall cause to be submitted to the Board, as soon as possible after a meeting of the committee, that record.
- (6) Subject to any specific or general direction of the Board and the other provisions of this Act, a committee may regulate its own procedure at meetings.
- Allowances **5.** A member of the Board or committee of the Board shall be paid allowances that the Emoluments Commission may, on the recommendation of the Minister, determine.
- Disclosure of interest **6.** (1) A person who is present at a meeting of the Board or a committee of the Board at which any matter is the subject of consideration, and in which matter that person or that person's relative or associate is directly or indirectly interested in a private capacity shall, as soon as is practicable after the commencement of the meeting, disclose the interest and shall not, unless the Board or the committee of the Board 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 in accordance with this paragraph shall be recorded in the minutes of the meeting at which the disclosure is made.
- Prohibition of publication or disclosure of information to unauthorised person **7.** (1) A person shall not, without the consent in writing given by or on behalf of the Board or as otherwise permitted by any written law, publish or disclose to any unauthorised person, otherwise than in the course of that person's duties, the contents of any document, communication or information whatsoever, which relates to, and which has come to that person's knowledge in the course of, that person's duties under this Act.

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

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

8. An action or other proceeding shall not lie or be instituted against a member of the Board, a committee of the Board, a member of staff of the Council or a member of the Disciplinary Committee, for or in respect of an act or thing done or omitted to be done in good faith in the exercise or performance, of any of the powers, functions or duties conferred under this Act.

Immunity of member, committee and employee

PART II

FINANCIAL PROVISIONS

9. (1) The funds of the Council consist of money that may—
- (a) be appropriated to the Council by Parliament;
 - (b) be paid to the Council by way of fees, levy, grants or donations;
 - (c) be obtained through sale of publications; and
 - (d) vest in or accrue to the Council.

Funds of Council

- (2) The Council may—

- (a) subject to the Public Finance Management Act and the approval of the Minister, accept monies by way of grants or donations from any source within or outside Zambia; and
- (b) in accordance with the Regulations made under this Act, charge and collect fees for services provided by the Council.

Cap.347

(3) The loans for the Council shall be raised in accordance with the Public Debt Management Act, 2022.

Act No. 15 of 2022

- (4) There shall be paid from the funds of the Council—
- (a) emoluments and loans of the members of staff of the Council;
 - (b) reasonable traveling and other allowances for members of the Board and members of a committee of the Board, when engaged in the business of the Council, at such rates as the Emoluments Commission may, on the recommendation of the Minister, determine; and
 - (c) any other expenses incurred by the Council in carrying out its functions under this Act.
- Cap.347 (5) The Council may, subject to the Public Finance Management Act and the approval of the Minister, invest in a manner the Council considers appropriate funds of the Council that the Council does not immediately require for the performance of the Council's functions.
- Financial year **10.** The financial year of the Council shall be a period of twelve months ending on 31st December of each year.
- Accounts and audit **11.** (1) The Council shall cause to be kept proper books of account and other records relating to accounts of the Council.
- (2) The Auditor-General or an auditor appointed by the Auditor-General shall audit annually the accounts of the Council.
- (3) The Council shall pay the fees for the Auditor-General or an auditor appointed by the Auditor-General.
- Annual report **12.** (1) The Council shall, as soon as practicable but not later than ninety days after the end of the financial year, submit to the Minister a report concerning the Council's activities during that financial year.
- (2) The report referred to under sub-paragraph (1), shall include information on the financial affairs of the Council and there shall be appended to the report—
- (a) an audited statement of financial position;
 - (b) an audited statement of comprehensive income and expenditure; and
 - (c) such other information as the Minister may require.
- (3) The Minister shall not later than seven days after the first sitting of the National Assembly next after receipt of the report referred to under sub-paragraph (1), lay the report before the National Assembly.

SECOND SCHEDULE

(Section 59(2))

SAVINGS AND TRANSITIONAL PROVISIONS

- 1.** For purposes of this Part—
- “former Council” means the Council established under the repealed Act; and
- “former Disciplinary Committee” means the Disciplinary Committee established under the repealed Act.
- 2.** (1) A person who, before the commencement of this Act, was an officer or employee of the former Council, shall continue to be an officer or employee of the Council, as if appointed or employed under this Act.
- (2) The service of the persons referred to in sub-paragraph (1) shall be treated as continuous service.
- (3) Nothing in this Act affects the rights and liabilities of a person employed or appointed by the former Council before the commencement of this Act.
- 3.** A person who immediately before the commencement of this Act—
- (a) held office as a member of the Board of the former Council shall continue to hold office as a member of the Board for a period of three months after which the Minister shall appoint the members of the Board in accordance with the provisions of this Act; and
- (b) held office as a member of the former Disciplinary Committee shall continue to hold office as a member of the Disciplinary Committee for a period of six months after which the Council shall constitute a Disciplinary Committee in accordance with this Act.
- 4.** A certificate of registration, practising certificate and any other authorisation issued under the repealed Act shall continue to be valid as if issued under this Act until expiry, revocation or surrender of the certificate of registration or practising certificate.
- 5.** (1) On or after the commencement of this Act, there shall be transferred to, vest in and subsist against, the Council by virtue of this Act and without further assurance, the assets, rights, liabilities and obligations that the Minister may determine which immediately before that date were the assets, rights, liabilities and obligations of the former Council.

Interpretation

Staff of
CouncilMember of
former
Council or
former
Disciplinary
CommitteeCertificate of
registration
and
practising
certificate
issued under
repealed ActTransfer of
assets or
liabilities

(2) Subject to sub-paragraph (1), every deed, bond and agreement, other than an agreement for personnel service, to which the former Council was a party immediately before the commencement of this Act whether or not of a nature that rights, liabilities and obligations could be assigned shall, unless its subject matter or terms make it impossible that it should have effect as modified, as provided under this paragraph, have effect as if—

- (a) the Council had been party to it;
- (b) for any reference to the former Council there was substituted, with respect to anything falling to be done on or after the commencement of this Act, a reference to the Council; or
- (c) for any reference to any officer of the former Council, not being a party to it and beneficially interested, there was substituted, with respect to anything required to be done on or after the commencement of this Act, a reference to such officer of the Council that the Council shall designate.

(3) Where under this Act, any assets, rights, liabilities and obligations of the former Council are considered to be transferred to the Council in respect of which transfer a written law provides for registration, the Council shall make an application, in writing, to the appropriate registration authority for registration of the transfer.

(4) The registration authority, referred to in sub-paragraph (3), shall make entries in the appropriate register that shall give effect to the transfer and, where applicable issue to the transferee concerned a certificate of title in respect of the property or make necessary amendments to the register and shall endorse the deeds relating to the title, right or obligation concerned and no registration fees or other duties shall be payable in respect of the transaction.

Legal
proceedings

6. (1) Any legal proceedings or application pending immediately before the commencement of this Act by or against the former Council may be continued by or against the Council.

(2) After the commencement of this Act, proceedings in respect of any right, liability or obligation which was vested in, held, enjoyed, incurred or suffered by the former Council may be instituted by or against the Council.
