

GOVERNMENT OF ZAMBIA

# ACT

No. 23 of 2021

Date of Assent: 19th May, 2021

**An Act to amend the Higher Education Act.**

[20th May, 2021

ENACTED by the Parliament of Zambia.

Enactment

**1.** This Act may be cited as the Higher Education (Amendment) Act, 2021, and shall be read as one with the Higher Education Act, 2013, in this Act referred to as the principal Act.

Short title

Act No. 4 of 2013

**2.** Section 2 of the principal Act is amended—

Amendment of section 2

(a) by the deletion of the definitions of “aided higher education institution”, “affiliated institution”, “constituent college”, “learning programme”, “principal officer” and “school” and the substitution therefor of the following:

“aided higher education institution” means a higher education institution which is not a public higher education institution and is established or maintained by a person, organisation or community with assistance from the Ministry responsible for higher education;

“affiliated institution” means a college or higher education institution affiliated to a public or private higher education institution in accordance with this Act;

“constituent college” means a college, institution or school registered or declared by statutory order as a constituent college of a higher education institution under section 38A;

“learning programme” means a process, programme of study or academic programme by which learners acquire knowledge, skill, competence, instruction, apprenticeship, training or employment;

“principal officer” means the Vice Chancellor, Deputy Vice-Chancellor, Principal, Registrar, Chief Financial Officer, Chief Librarian or Dean of Students; and

“school” means a faculty or an academic unit of a higher education institution in which teaching, learning, study and research is pursued”;

(b) by the deletion of the definitions of “Bursar”, “course of study” and “librarian”; and

(c) by the insertion of the following new definitions in the appropriate places in alphabetical order:

“chief financial officer” means a person appointed as chief financial officer under paragraph 11 of the Third Schedule;

“chief librarian” means the person appointed as chief librarian under paragraph 10 of the Third Schedule;

“chief internal auditor” means a person appointed as a chief internal auditor under paragraph 12A of the Third Schedule;

“citizen” has the meaning assigned to the word in the Constitution;

“college” means an institution registered or declared by statutory order as a higher education institution that provides tertiary education to the level of certificate and diploma;

“higher education” means tertiary education leading to the award of a certificate, diploma, bachelor’s degree, postgraduate diploma, master’s degree or doctorate degree;

“institute” means an institute established under section 20A created solely for the purpose of conducting research;

“legally disqualified” means the absence of legal capacity as provided in section 4 of the Mental Health Act, 2019;

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2019

“principal” means the head of a college, technical university college, university college and constituent college;

“technical university college” means a higher education institution which does not have full university status and does not provide postgraduate education and provides programmes leading to award of certificates, diplomas and bachelor’s degrees in a range of practical and technical subjects;

“technical university” means a higher education institution providing learning programmes leading to award of a certificate, diploma, bachelor’s degree and post graduate qualifications and conducts research and development in various technical subjects;

“university” means a higher education institution which provides learning programmes leading to award of certificates, diploma, bachelor’s degrees and post graduate qualifications and conducts research and development in various academic disciplines; and

“university college” means a college or institution registered or declared by statutory order as a higher education institution does not have full university status and does not provide postgraduate education, that provides tertiary education leading to award of a certificate, diploma and bachelor’s degree in various academic disciplines.

- Repeal and replacement of section 3
3. The principal Act is amended by the repeal of section 3 and the substitution therefor of the following:
- Application Act No. 13 of 1998
3. This Act does not apply to colleges registered under the Technical Education, Vocational and Entrepreneurship Training Act, 1998.
- Amendment of section 6
4. Section 6 of the principal Act is amended in subsection (1)
- (a) by the deletion of paragraph (h) and the substitution therefor of the following:
- (h) in consultation with relevant professional institutions set standards for higher education institutions;;
- (b under paragraph (i), by the insertion of the following new subparagraph immediately after subparagraph (v):
- (vi) classification of higher education institutions;;
- (c) by the deletion of paragraphs (j), (k), (l) and (m) and the substitution therefor of the following:
- (j) promote cooperation among higher education institutions at national, regional and international level and facilitate their linkages with industry; and
- (k) create a database of students studying in higher education institutions;; and
- (d) by the re-numbering of paragraph (n) as paragraph (l).
- Repeal and replacement of section 7
- Board of Authority
5. The principal Act is amended by the repeal of section 7 and the substitution therefor of the following:
7. (1) There is constituted a Board of the Authority which consists of the following part-time members appointed by the Minister:
- (a) one representative each of the ministries responsible for—
- (i) higher education; and
- (ii) labour;
- (b) a representative of the Attorney-General;
- (c) a representative of the Zambia Association of Chambers of Commerce and Industry;
- (d) a representative of the Examinations Council of Zambia;
- (e) a representative of the Zambia Institute of Human Resource Management;
- (f) a representative of the Technical Education, Vocational and Entrepreneurship Training Authority;

- (g) a representative of a civil society organisation working in the education sector;
- (h) a person with knowledge and experience in matters relating to higher education; and
- (i) the Director-General, as an *ex-officio*.

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

- (a) is adjudged bankrupt;
- (b) is legally disqualified;
- (c) is not a citizen; or
- (d) is convicted of an offence under this Act or any written law and is sentenced to imprisonment for a period exceeding six months without the option of a fine within a period of five years preceding the appointment.

(3) The Minister shall appoint the Chairperson from among the members of the Board, except a member under subsection (1)(a) and (b).

(4) The members shall elect the Vice-Chairperson of the Board from among themselves.

(5) The ministries, institutions or organisations referred to in subsection (1) (a), (b), (c), (d), (e), (f) and (g) shall nominate their representatives for appointment by the Minister.

(6) A member shall, hold office for a term of three years and may be re-appointed for a further term of three years.

(7) A member may resign on giving one month's notice, in writing, to the Minister.

(8) The office of a member becomes vacant if that member—

- (a) is absent, without reasonable excuse, from three consecutive meetings of the Board of which that member had notice;
- (b) is adjudged bankrupt;
- (c) is convicted of an offence under this Act or any other written law and is sentenced to imprisonment for a period exceeding six months without the option of a fine;
- (d) is convicted of an offence involving fraud or dishonesty;
- (e) is legally disqualified from performing the functions of a member; or
- (f) dies.

- (9) The First Schedule applies to the Board.
- Repeal and replacement of section 11      **6.** The principal Act is amended by the repeal of section 11 and the substitution therefor of the following:
- Types of higher education institutions      **11.** (1) Higher education institutions shall consist of the following:
- (a) a college;
  - (b) a university college;
  - (c) a university;
  - (d) a technical university college;
  - (e) a technical university;
  - (f) an institute;
  - (g) an institution established by any other written law; and
  - (h) an institution for the specialised training of professionals in a specified field.
- (2) A higher education institution intending to offer a certificate, diploma or degree training programme shall obtain accreditation of the learning programme from the Authority.
- (3) A higher education institution may be either public or private.
- Amendment of section 12      **7.** Section 12 of the principal Act is amended in subsection (1) by the —
- (a) insertion of the words “other than an institute” after the word “institution”; and
  - (b) deletion of paragraph (e) and the substitution therefor of the following:
    - (e) conduct research necessary and responsive to national, regional and international requirements.
- Amendment of section 14      **8.** Section 14 of the principal Act is amended—
- (a) in subsection (1), by the insertion of the words “in consultation with the Authority” immediately after the words “the Minister may”;
  - (b) by the insertion of the following new subsection immediately after subsection (1):
    - (2) A public higher education institution established or declared under subsection (1) shall comply with the standards set by the Authority for higher education institutions and be subject to periodic audits.; and

(c) by the re-numbering of subsections (2) and (3) as subsections (3) and (4), respectively.

- 9.** Section 17(1) of the principal Act is amended— Amendment of section 17  
(a) by the deletion of paragraph (a) and the substitution therefor of the following:

- (a) the proposed level of education or learning programme which it intends to offer;
- (b) in paragraphs (d), by the deletion of the word “course” and the substitution therefor of the words “learning programme”; and
- (c) in paragraph (e), by the deletion of the word “course” and the substitution therefor of the words “learning programme”.

- 10.** Section 19 of the principal Act is amended by the deletion of subsection (1) and the substitution therefor of the following: Amendment of section 19

(1) A person who intends to operate a private higher education institution, other than an institute, shall apply to the Authority for registration of the private higher education institution in the prescribed manner and form on payment of the prescribed fee.

- 11.** The principal Act is amended by the repeal of section 20 and the substitution therefor of the following: Repeal and replacement of section 20

**20.** (1) Subject to subsections (2) and (3), the Authority shall approve an application for registration of a private higher education institution, except that of an institute, if— Criteria for registration of private higher education institution

(a) the name of the private higher education institution in respect of which the application is made does not so resemble the name of another higher education institution as to mislead the public to believe that the private higher education institution, in respect of which the application is made, that other private higher education institution or that the private higher education institution is funded by Government;

(b) the premises of the private higher education institution and any hostel or other facilities provided or to be provided at the private higher education institution are suitable, adequate and meet the prescribed standards relating to number, age, gender and accessibility;

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of 2015

- (c) the establishment of the private higher education institution is consistent with the needs of learners and the subsisting national higher education policy;
- (d) the private higher education institution has an approved operational plan approved by the governing body;
- (e) the private higher education institution fulfils the prescribed minimum requirements of health and safety and complies with the Urban and Regional Planning Act, 2015, or any other relevant written law;
- (f) adequate financial provision is made or guaranteed for the proper maintenance of the private higher education institution for a reasonable period;
- (g) the teaching staff to be employed at the private higher education institution are qualified for the purpose of efficient provision of quality higher education;
- (h) the learning programmes to be provided at the private higher education institution are accredited by the Authority; and
- (i) the facilities to be used at the private higher education institution allow satisfactory tuition in the learning programmes to be offered at the private higher education institution.

(2) Despite subsection (1), a person who intends to operate a private higher education institution as a college, technical university or university college shall apply to the Authority in the prescribed manner and form on payment of the prescribed fee.

(3) The Authority shall approve an application under subsection (2) where a college, technical university college or university college meets the prescribed standards.

(4) Subject to section 19, a higher education institution may apply for registration as a technical university or university if that institution has been operating for a period of not less than five years prior to the application for registration.

(5) The Authority shall assess a private higher education institution which is registered as a university or technical university in order to determine whether the private higher education institution should continue to operate as a university or technical university.



(6) The Authority may, where a private higher education institution fails to meet the standards of operating as a university or technical university, relegate that private higher education institution to a university college or technical university college.

**12.** The principal Act is amended by the insertion of the following new sections immediately after section 20:

Insertion of sections 20A, 20B and 20C

**20A.** The Minister may, in consultation with the Authority, by statutory instrument, establish or declare an educational institution as a public institute.

Establishment of public institute

**20B.** (1) A person who intends to establish a private institute shall apply to the Authority for registration as a private institute in the prescribed manner and form on payment of the prescribed fee.

Application for registration of private educational institute

(2) The Authority may, within ninety days of the receipt of an application under subsection (1), approve or reject the application.

(3) The Authority shall, where it rejects the application, inform the applicant, in writing, giving reasons for the rejection.

(4) The Minister shall, on the recommendation of the Authority, prescribe the criteria for registration of a private institute.

**20C.** (1) The functions of an institute are to—

Functions of institute

(a) conduct research on specific topics required and responsive to national, regional and international requirements;

(b) provide facilities appropriate for the pursuit of research and for the acquisition of higher education in specific topics;

(c) create conditions and an environment for researchers to generate knowledge and pursue excellence; and

(d) promote and strengthen the impacts of research in the enhancement of social and economic development.

(2) An institute shall submit data on the research, records of achievement and awards of researchers to the Authority at intervals and in a manner that the Authority may determine.

(3) An institute may—

- (a) establish its own procedure of research programmes in accordance with guidelines set by the Authority;
- (b) publish research findings;
- (c) define its organisational structure and internal working regulations;
- (d) provide consultancy services;
- (e) establish a framework for cooperation with local and foreign institutes; and
- (f) establish a framework for cooperation with local and foreign higher education institutions.

Amendment of section 22

**13.** Section 22 of the principal Act is amended by the insertion of the words “or institute” immediately after the word “institution”.

Insertion of section 22A

**14.** The principal Act is amended by the insertion of the following new section immediately after section 22:

Institutional audit of higher education institution by Authority

**22A.** (1) A higher education institution registered or declared by statutory order under this Act shall be subjected to an annual institutional audit by the Authority in the prescribed manner and form on payment of the prescribed fee.

(2) The Authority shall, where the Authority has reason to believe that a higher education institution has mismanaged funds or the academic processes, conduct an incidental institutional audit of the higher education institution.

Repeal and replacement of section 23

**15.** The principal Act is amended by the repeal of section 23 and the substitution therefor of the following:

Deregistration of private higher education institution or institute

**23.** (1) The Authority shall de-register a private higher education institution or institute if—

- (a) any ground exists on which the Authority would have rejected the application for registration;
- (b) the private higher education institution or institute contravenes any term or condition of the certificate of registration or any provision of this Act;
- (c) the private higher education institution or institute is operated in a manner that is detrimental to the physical, mental or moral welfare of the learners at the private higher education institution or institute is being managed in a manner that is detrimental to the interest of peace, order or good management;

(d) the private higher education institution or institute has ceased to operate or exist;

(e) the private higher education institution or institute is closed for a period exceeding six months; or

(f) the private higher education institution or institute changes its premises in a manner which the Authority determines to be detrimental to the prescribed quality assurance standards.

(2) The Authority shall, before de-registering a private higher education institution or institute under subsection (1)—

(a) by notice, in writing—

(i) inform the private higher education institution or institute of the intention to de-register it;

(ii) state the ground for the proposed de-registration and request the private higher education institution or institute to take remedial measures that the Authority may determine; and

(iii) state the date on which the de-registration is proposed to be done;

(b) invite the private higher education institution or institute to make written representations to the Authority on the matter, within thirty days from the date of the notice; and

(c) take into account the representations made by the private higher education institution or institute under paragraph (b).

(3) The Authority shall order the closure of a private higher education institution or institute where it fails to take the remedial measures determined by the Authority under subsection (2)(a) and that order shall be published in the *Gazette*.

(4) A private higher education institution or institute which is de-registered under this section shall surrender the original certificate of registration to the Authority within seven days of the de-registration.

(5) A person who contravenes subsection (4) or operates a de-registered private higher education institution or institute 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.

(6) Despite any other provisions of this Act, where a private higher education institution or institute is deregistered, the Authority may, in the national interest, direct that the private higher education institution or institute be operated under the management and control of a competent person, in this section referred to as the “statutory manager”.

(7) A statutory manager shall be appointed by the Authority for a period and on terms and conditions that the Authority may determine.

(8) A statutory manager shall, during the term of appointment, keep the Authority informed on matters relating to the private higher education institution or institute under the statutory manager’s management and control.

(9) Any expenses connected with the appointment of a statutory manager and the management of a private higher education institution or institute by the statutory manager shall be a charge on the revenues of a private higher education institution or institute for which the statutory manager is appointed.

(10) The Authority may re-register a private higher education institution or institute which is de-registered in the prescribed manner and form on payment of a prescribed fee.

Insertion of  
Part IVA

**16.** The principal Act is amended by the insertion of the following new Part immediately after Part IV:

#### PART IVA

##### ACCREDITATION OF LEARNING PROGRAMMES IN HIGHER EDUCATION INSTITUTIONS

Accreditation  
of learning  
programmes  
in higher  
education  
institutions

**23A.** Despite any other written law, the Authority shall, in consultation with relevant professional institutions, accredit learning programmes offered in a higher education institution for the purpose of—

- (a) setting and safeguarding the quality of learning programmes;
- (b) recognising learning programmes; and
- (c) ensuring the continuous improvement of the quality of learning programmes.

- 23B.** (1) A higher education institution shall not offer a learning programme which is not accredited. Prohibition of higher education institution from offering learning programme not accredited
- (2) A higher education institution which contravenes subsection (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.
- 23C.** (1) A higher education institution that seeks to offer a learning programme shall apply to the Authority for accreditation of that learning programme in the prescribed manner and form on payment of the prescribed fee. Application for Accreditation
- (2) The Authority shall, where an application meets the requirements for accreditation, within ninety days of receipt of an application under subsection (1), approve the application and notify the applicant.
- (3) The Authority shall, where it rejects an application for accreditation, notify the applicant, stating the reasons for the rejection.
- 23D.** The Authority shall accredit a learning programme of a higher education institution if Criteria for accreditation of learning programmes
- (a) the aims and objectives of the learning programme promote national, regional or international human resource development;
  - (b) the curriculum as approved by the professional institution is clearly defined and responds to the demands of the labour market;
  - (c) the student enrolment in the learning programme is clearly determined;
  - (d) the levels of qualifications conform to the national qualifications framework provided under the Zambia Qualifications Authority Act, 2011; Act No. 13 of 2011
  - (e) the delivery and learning methods are adequate and appropriate;
  - (f) there is evidence that the proposed learning programme is acceptable to industry or any relevant profession;
  - (g) the learning programme is relevant to the work place and other stakeholder needs;

- (h) the higher education institution has regulations that specify requirements for admission, credit transfer, recognition of prior learning, length and structure of the programme, integration of practical or workbased components, and progression within a learning programme;
- (i) the higher education institution has clear and defined assessment methods for learning programmes;
- (j) the staff to be employed are adequate for the efficient delivery of the learning programmes and possess the necessary qualifications and experience in the relevant field;
- (k) there are sufficient facilities at the higher education institution to enable it deliver the learning programme;
- (l) there are academic support services for the efficient delivery of the learning programme;
- (m) institutional management arrangements exist for the purpose of internal quality assurance;
- (n) a higher education institution has clear and defined policies on external examiners; and
- (o) adequate financial provision is made or guaranteed for the efficient delivery of the learning programmes.

Certificate of accreditation

**23E.** (1) The Authority shall, where it accredits a learning programme under this Act, issue the applicant with a certificate of accreditation in the prescribed form, on terms and conditions that the Authority may determine.

(2) The period of validity of the certificate of accreditation shall be determined by the Authority.

Variation of accredited programme

**23F.** (1) A higher education institution that seeks to vary an accredited learning programme shall apply to the Authority in the prescribed manner and form on payment of the prescribed fee.

(2) The Authority shall, where the proposed variation meets the standards set out by the Authority for variation of an accredited programme, approve the application within ninety days of receipt of the application under subsection (1).

**23G.** (1) The Authority may suspend or revoke a certificate of accreditation if the holder of that certificate of accreditation—

Suspension and revocation of accreditation of learning programme

- (a) obtained the certificate on the basis of fraud, negligence or misrepresentation;
- (b) assigns, cedes or otherwise transfers the certificate without the prior approval of the Authority;
- (c) fails to comply with any term or condition of the certificate; or
- (d) operates the registered higher education institution in contravention of this Act or any other relevant written law.

(2) The Authority shall, before suspending or revoking a certificate of accreditation under subsection (1), notify the holder of the certificate of its intention to suspend or revoke the certificate, giving reasons for its decisions and requesting the holder of the certificate to show cause within a reasonable period that may be specified in the notice, why the certificate should not be suspended or revoked.

(3) The Authority shall, where a holder of a certificate of accreditation fails to correct the contravention within the period specified under subsection (2), suspend or revoke the certificate as it considers appropriate in the circumstances of the case.

(4) Where a certificate of accreditation is revoked under this section, the holder of the certificate of accreditation shall surrender the certificate to the Authority and the Authority shall cancel the certificate of accreditation, subject to conditions that it may impose with respect to the learning programme.

(5) The Authority shall, where it revokes the accreditation of a learning programme, publish a notice of the revocation in the *Gazette* and a daily newspaper of general circulation in the Republic.

(6) The Authority may, in addition to a suspension or revocation of a certificate of accreditation of a learning programme, charge the holder of a certificate of accreditation the cost of carrying out the enforcement action.

**23H.** (1) A higher education institution may apply, within three months before the expiry of the certificate of accreditation, for the renewal of accreditation of a learning programme to the Authority in the prescribed manner and form, on payment of the prescribed fee.

Renewal of accreditation

(2) The Authority shall, where a higher education institution complies with the terms and conditions of accreditation, renew the accreditation of a learning programme.

Display of  
certificate of  
accreditation

**23I.** A higher education institution shall display, in a conspicuous place of the relevant department of the learning programme, the certificate of accreditation of a learning programme or a certified copy of the learning programme.

Publication  
of accredited  
learning  
programmes

**23J.** The Authority shall, within the first quarter of each financial year, publish in the *Gazette* and a daily newspaper of general circulation in the Republic, a learning programme accredited in each higher education institution.

Amendment  
of  
section 24

**17.** Section 24 of the principal Act is amended by the deletion of subsection (3) and the substitution therefor of the following:

(3) The proprietor of a private higher education institution shall appoint the following members of the Council:

- (a) a representative of the shareholders of the higher education institution;
- (b) a member of the academic staff of the higher education institution;
- (c) a legal practitioner;
- (d) an accountant;
- (e) two other persons; and
- (f) the Vice-Chancellor, as an *ex-officio* member.

(4) The members of the Council shall elect the Chairperson and Vice-Chairperson from among themselves.

(5) A Council of a private higher education institution shall regulate its own procedure.

Amendment  
of  
section 28

**18.** Section 28 of the principal Act is amended by the insertion of the words “other than a college,” immediately after the word “institution”.

Amendment  
of  
section 29

**19.** Section 29 of the principal Act is amended by the deletion of subsection (1) and the substitution therefor of the following:

(1) A higher education institution, other than an institute, shall develop and adopt statutes to govern its administration which shall include—

- (a) the governance structure;
- (b) the functions of the Council;
- (c) the functions of the Senate or academic board;
- (d) constituent colleges, schools, directorates and institutions;



- (e) the functions of the chancellor and staff ;
- (f) student entrance requirements and policies;
- (g) qualifications;
- (h) research, publication and consultancy policies;
- (i) financial management;
- (j) human resource management; and
- (k) resolution of disputes or disciplinary procedures.

**20.** Section 30 (1) of the principal Act is amended by the deletion of paragraph (a) and the substitution therefor of the following: Amendment of section 30

- (a) confer qualifications as may be specified in its statutes;.

**21.** Section 32 of the principal Act is amended by the deletion of subsection (2) and the substitution therefor of the following: Amendment of section 32

- (2) The Minister shall, during the period when the Council is dissolved under subsection (1), appoint a caretaker committee to exercise the functions of the Council for a period of six months or a further period not exceeding six months that the Minister may, in consultation with the Authority, determine.

**22.** Section 36 of the principal Act is amended— Amendment of section 36

- (a) in subsection (2)—
  - (i) under paragraph (b), by the deletion of the words “degree courses” and the substitution therefor of the words “certificate, diploma, degree, post graduate qualifications and other awards”;
  - (ii) by the deletion of paragraph (c) and the substitution therefor of the following:
    - (c) regulate and determine the requirements for the admission of a person to a higher education institution and a learning programme in the institution and the person’s continuance in that learning programme; and
  - (iii) under paragraph (f), by the insertion of the words “certificates, diplomas and” between the words “award” and “degrees”;
- (b) in subsection (3), by the deletion of the words “any degree or other award” and the substitution therefor of the words “a qualification”.

Amendment of section 37	<b>23.</b> Section 37(2)(a) of the principal Act is amended by the insertion of the word “academic” before the word “decision”.
Amendment of section 38	<b>24.</b> Section 38 (1)(a) of the principal Act is amended by the insertion of the word “school,” immediately after the words “establish any”.
Insertion of section 38A	<b>25.</b> (1) The principal Act is amended by the insertion of the following new section immediately after section 38:
Establishment of constituent college of private higher education institution	<p><b>38A.</b> (1) The Authority may, on the recommendation of the Council of a private higher education institution, approve the establishment of a school, college or educational institution as a constituent college of a private higher education institution.</p> <p>(2) The Council of a private higher education institution shall, where the Authority approves the establishment of a school, college or an educational institution as a constituent college of the private higher education institution—</p> <p style="margin-left: 40px;">(a) appoint a Principal for the constituent college; and</p> <p style="margin-left: 40px;">(b) appoint the members of the academic and administrative staff and other employees of the constituent college.</p>
Insertion of sections 39A, 39B and 39C	<b>26.</b> The principal Act is amended by the insertion of the following new sections immediately after section 39:
Application for affiliation to private higher education institution	<p><b>39A.</b> (1) A private higher education institution that intends to affiliate a college or another private higher education institution shall apply to the Authority in the prescribed manner and form on payment of the prescribed fee.</p> <p>(2) This section does not apply to a public higher education institution which intends to affiliate to a public college or a public higher education institution.</p>
Approval of affiliation to private higher education institution	<p><b>39B.</b> (1) The Authority may, on the recommendation of the Senate of a private higher education institution, approve the application to affiliate to a college or other private higher education institution, within or outside the Republic, to the private higher education institution subject to an affiliation agreement with that private higher education institution.</p> <p>(2) Where a college or other private higher education institution is affiliated to a private higher education institution under subsection (1) —</p> <p style="margin-left: 40px;">(a) the Senate of a private higher education institution to which it is affiliated shall appoint two representatives of the private higher education institution on the academic decision-making body of the affiliated institution;</p>

- (b) the affiliated institution shall appoint a representative on the board of studies of the most closely related school of the private higher education institution;
- (c) the Senate of the private higher education institution shall, after receiving a report from the relevant school, approve the entry requirements, syllabi and the academic regulations of the affiliated institution in those areas of study for which the private higher education institution is providing certification;
- (d) the Senate of the private higher education institution shall be consulted on the qualifications of the members of staff appointed at the affiliated institution to teach in the areas of study for which the private higher education institution provides certification;
- (e) the Senate of the private higher education institution shall moderate examination papers and examination scripts of the affiliated institution;
- (f) the qualifications of the affiliated institution for which certification is granted by the private higher education institution shall be joint academic awards of the private higher education institution and the affiliated institution and be awarded at a special ceremony to be held at the affiliated institution with the participation of representatives of the private higher education institution;
- (g) qualifications certified by the private higher education institution shall be signed by the Vice-Chancellor or Registrar of both the private higher education institution and the affiliated institution; and
- (h) the private higher education institution may determine whether, and at what entry level, students from the affiliated institution shall be admitted for further studies at the private higher education institution.

(3) An affiliated institution may establish special relationships with the private higher education institution it is affiliated to, particularly in the fields of staff and student exchange, priority admission for postgraduate work, joint financing and research projects.

Prohibition against offering education outside level of affiliated institution	<p><b>39C.</b> An affiliated college or other private higher education institution shall not offer any type of education not falling within the level in which that college or other private higher education institution is registered or established.</p>
Repeal and replacement of section 41	<p><b>27.</b> The principal Act is amended by the repeal of section 41 and the substitution therefor of the following:</p>
Closure of higher education institution	<p><b>41.</b> (1) The Authority may close a private higher education institution for a specified period on the grounds of health or public disorder.</p> <p>(2) A private higher education institution that intends to permanently close shall apply to the Authority for approval to close at least ninety days before the proposed date of closure of that higher education institution.</p> <p>(3) The Authority shall approve the permanent closure of a private higher education institution on being satisfied with the arrangements of the Council of the institution relating to the closure of the private higher education institution.</p>
Repeal and replacement of section 46	<p><b>28.</b> The principal Act is amended by the repeal of section 46 and the substitution therefor of the following:</p>
Appeals	<p><b>46.</b> (1) A person aggrieved with a decision of the Authority shall, within thirty days of the decision, appeal to the Minister.</p> <p>(2) A person aggrieved with the decision of the Minister shall appeal to the High Court.</p>
Amendment of section 52	<p><b>29.</b> Section 52(2) of the principal Act is amended—</p> <p>(a) by the insertion of the following new paragraph immediately after paragraph (f):</p> <p style="padding-left: 40px;">(g) the classification of higher education institutions; and</p> <p>(b) by the renumbering of paragraph (g) as paragraph (h).</p>
Amendment of First Schedule	<p><b>30.</b> The First Schedule to the principal Act is amended—</p> <p>(a) by the insertion of the following new paragraph immediately after paragraph 1:</p>
Tenure of office	<p><b>1A.</b> Subject to this Act, a member of the Board shall hold office for a period of three years, and shall be eligible for re-appointment for a further and final period of three years.;</p>

(b) in paragraph 9—

- (i) under subparagraph (2), by the insertion of the words “after the end” immediately after the word “days”; and
- (ii) under subparagraph (3), by the deletion of the words “statement of affairs or balance sheet” and the substitution therefor of the words “statements of financial affairs of the Authority”;

(c) in paragraph 10, by the deletion of subparagraph (2) and the substitution therefor of the following:

(2) The report referred to in subparagraph (1) shall include information on the financial affairs of the Authority and there shall be appended to the report—

- (a) an audited statement of financial position;
- (b) an audited statement of comprehensive income; and
- (c) other information that the Minister may require.

**31.** The Second Schedule to the principal Act is amended by the deletion of paragraph 1 and the substitution therefor of the following:

Amendment  
of  
Second  
Schedule

**1.** (1) A Council consists of the following part-time members appointed by the Minister:

Composition  
of Council

- (a) a member of the academic staff of the higher education institution who is a member of the Senate and nominated by the Senate;
- (b) a representative of the Law Association of Zambia;
- (c) one member who is associated with another higher education institution within the Republic;
- (d) a member who is a graduate of the higher education institution and who is not a member of staff of that higher education institution;
- (e) a member from the private sector;
- (f) a representative each from the Ministries responsible for higher education and finance;
- (g) an accountant with at least five years experience; and
- (h) the Vice-Chancellor, as an *ex-officio* member.

(2) A Council may carry out its functions despite any vacancy in its membership.

(3) The members of the Council shall elect the Chairperson and Vice-Chairperson of the Council from among themselves, except that the Chairperson shall not be elected from among the members who are officers in another higher education institution or is a public officer.

(4) The Chairperson and the Vice-Chairperson of a Council shall hold office for a term of three years and shall be eligible for re-election for a further term of three years.

(5) The Registrar of the higher education institution shall be the Secretary of the Council.

Amendment  
of Third  
Schedule

**32.** The Third Schedule to the principal Act is amended—

(a) by the deletion of paragraph 1 and the substitution therefor of the following:

Staff

1. (1) There shall be three categories of staff of a higher education institution designated “academic staff”, “administrative staff” and “other staff”.

(2) The academic staff of a university consists of —

(a) the Vice-Chancellor;

(b) the Deputy Vice-Chancellor in charge of academic affairs;

(c) the Deputy Vice-Chancellor in charge of research and innovation;

(d) principal of constituent college;

(e) the Deans of Schools;

(f) the Directors of institutes, bureaux and other similar bodies;

(g) members of staff engaged in teaching, research and skills development;

(h) the chief librarian; and

(i) other persons that the Council may designate.

(3) The academic staff of a technical university college and a university college consists of—

(a) the Principal;

(b) the Vice-Principal;

- (c) the Deans of Schools;
- (d) the Directors of institutes, bureaux and other similar bodies;
- (e) members of staff engaged in teaching and research;
- (f) the Chief Librarian; and
- (g) other persons as the Council may designate.

(4) The administrative staff shall consist of persons employed by a higher education institution, other than the academic staff, who hold administrative, professional or technical posts designated by the Council as senior posts.

(5) The other staff shall consist of persons employed by a higher education institution who are not members of the academic staff or of the administrative staff.;

(b) by the deletion of paragraph 6 and the substitution therefor of the following:

**6.** (1) Subject to subsection (6), there shall be at least two Deputy Vice-Chancellors responsible for academic affairs and research and innovation, respectively, for a higher education institution.

Deputy  
Vice-  
Chancellor

(2) Subparagraph (1) does not apply to a university college or technical university college.

(3) The functions of a Deputy Vice-Chancellor shall be as prescribed in the statutes of a higher education institute.

(4) A Deputy Vice-Chancellor shall act in the place of the Vice-Chancellor when the office of Vice-Chancellor is vacant or the Vice-Chancellor is for any reason absent or otherwise unable to perform the functions of the Vice-Chancellor.

(5) A person appointed to hold the office of Deputy Vice-Chancellor of a public higher education institution shall hold office, on the terms and conditions specified in that persons letter of appointment, for a period of four years but shall be eligible for re-appointment for a further and final term of four years.;

(c) in paragraph 8, by the deletion of subparagraph (2) and the substitution therefor of the following:

(2) The Council shall appoint a Chairperson of the *ad hoc* Joint Committee constituted under subparagraph (1).;

(d) by the deletion of paragraph 9, and substitution therefor of the following:

Registrar

**9.** There shall be a Registrar for a higher education institution appointed by the Council, on terms and conditions that the Council may determine, and who, under the direction of the Vice-Chancellor, shall be responsible for legal services, public relations, employee relations, corporate governance and corporate secretarial services relating to the meetings of the Council and committees of the Council.;

(e) in paragraph 11, by the deletion of the word “Bursar” and the substitution therefor of the words “Chief Financial Officer”;

(f) by the insertion of the following new paragraph immediately after paragraph 12:

Chief Internal Auditor

**12A.** The Council shall appoint a Chief Internal Auditor, on terms and conditions that the Council may determine, in accordance with the Public Finance Management Act, 2018.;

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(g) in paragraph 17—

(i) under subparagraph (1)—

(A) by the deletion of paragraph (b) and the substitution therefor of the following:

(b) the Deputy Vice-Chancellor in charge of academic affairs;

(c) the Deputy Vice-Chancellor in charge of research and innovation;

(d) the Principal of a constituent college;

(B) by the renumbering of subparagraphs (c),(d),(e), (f), (g), (h), (i) and (j) as subparagraphs (e), (f), (g), (h), (i), (j) (k) and (l); and



(ii) by the deletion of subparagraph (4) and the substitution therefor of the following:

(4) The Deputy Vice-Chancellor in charge of academic affairs shall be the Secretary to the Senate.;

(h) by the insertion of the following new paragraph immediately after paragraph 17:

**17A.** (1) A Senate of a technical university college and a university college, consists of —

Senate of technical university college and university college

- (a) the Principal;
- (b) the Vice-Principal;
- (c) Deans and Directors of schools and faculties;
- (d) the Chief Librarian;
- (e) not more than ten members of academic staff of the technical university college or university college from each academic unit elected by the academic staff in accordance with the election procedures that academic staff may determine;
- (f) two students of the technical university college or university college elected by the student of the higher education institution in accordance with election procedures that students' union or organisation may determine; and
- (g) not more than three persons appointed by the Principal representing industry.

(2) The Principal shall be the chairperson of the Senate of the technical university college or university college.

(3) There shall preside at a meeting of Senate of the technical university college or university college—

- (a) the Principal;
- (b) in the absence of the Principal, the Vice-Principal; and
- (c) in the absence of both the Principal and the Vice-Principal, a member whom the members present may elect from

among themselves for the purpose of that meeting.

(4) A person in charge of academic affairs at the technical university college or university college shall be the secretary of the Senate.;

(i) in paragraph 22—

(i) by the deletion of subparagraph (2)(b) and the substitution therefor of the following:

(b) two persons from non-academic members of staff appointed by the Chairperson of the Council; and

(ii) by the deletion of subparagraph (7) and the substitution therefor of the following:

(7) The Council may implement the recommendations of the Disciplinary Committee.

(8) A person aggrieved by the decision of the Council may appeal to the High Court.; and

(j) by the deletion of paragraph 23 and the substitution therefor of the following:

Code of  
conduct  
and  
grievance  
procedure

**23.** A higher education institution shall develop a Code of Conduct and Grievance Procedure which shall bind its members of staff.; and

(1) in paragraph 27(1), by insertion of the words “or organisation” immediately after the word “union”, wherever it appears.

Insertion of  
Part IIIA in  
Third  
Schedule

**33.** The principal Act is amended in the Third Schedule by the insertion of the following new Part immediately after Part III.

### PART IIIA

#### RESEARCH AND TEACHING STAFF

Qualifications  
for research  
and teaching  
staff

**25A.** (1) Staff teaching in a diploma program shall have a minimum qualification of a bachelor’s degree in the respective field of specialisation with relevant pedagogical training.

(2) Staff teaching in a bachelor’s degree program shall have a minimum qualification of a masters degree in the respective field of specialisation with relevant pedagogical training.

(3) Staff teaching in postgraduate degree programs shall have a minimum qualification of a doctorate degree in the respective field of specialisation with relevant pedagogical training or any other qualifications that may be prescribed by statutory instrument.

(4) Staff engaged in research shall have a minimum qualification of a bachelor's degree in the respective field.

**34.** The principal Act is amended by the deletion of the words “Bursar”, “Librarian” and “Tribunal” wherever the words appear and the substitution therefor of the words “Chief Financial Officer”, “Chief Librarian” and “Disciplinary Committee”, respectively.

General  
amendment

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