

The Laws of Zambia

REPUBLIC OF ZAMBIA

**THE APPRENTICESHIP ACT**

**CHAPTER 275 OF THE LAWS OF ZAMBIA**

**CHAPTER 275 THE APPRENTICESHIP ACT**

THE APPRENTICESHIP ACT

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**CHAPTER 275**

APPRENTICESHIP

36 of 1964  
56 of 1970  
13 of 1994  
*Government Notice*  
497 of 1964

**An Act to regulate the employment of apprentices in various trades; to provide for the registration, transfer, modification and rescission of contracts of apprenticeship; to provide for the appointment of inspectors and to specify their powers; to provide for the making of regulations; and to provide for matters incidental to or connected with the foregoing.**

[3rd September, 1965]

1. This Act may be cited as the Apprenticeship Act. Short title
2. In this Act, unless the context otherwise requires- Interpretation

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"apprentice" means any person employed under a contract of apprenticeship registered under section *twelve* or *fourteen*;

"Controller" means the Controller of Apprenticeship appointed in pursuance of section *seven*;

"designated trade" means any trade designated under subsection (1) of section *eight*, or, if the Minister has defined any such trade under paragraph (b) or subsection (1) of section *eight*, such trade as so defined;

"employer" means any person who employs any apprentice or who employs or provides work for any minor in any designated trade;

"guardian" includes, in the case of a minor who has no guardian, or who has no guardian who is able to assist him, a person who, with the approval of the Controller, acts as or in the place of the guardian of the minor;

"industry" includes any class of undertaking and any section or portion of an industry and any group of industries;

"inspector" means an inspector appointed under section *twenty*;

"minor" means any person under the age of twenty-one years;

"trade" includes any branch of a trade and any group of trades or branches of trades.

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

Application of Act

- (a) any student at a university, university college, technical college or school, specified by the Minister, who works in a designated trade during vacations in order to obtain practical experience;
- (b) work performed in or in connection with any educational institution approved by the Minister, as part of the education or training of the persons performing it;
- (c) any person who, having obtained a diploma or degree of a university, university college or technical college, works in a designated trade in order to obtain practical experience;
- (d) any person who is working in a designated trade as a part of his training as a pupil engineer.

**4-6.** (*Repealed by No. 56 of 1970*)

7. (1) There shall be a Controller of Apprenticeship who shall be a public officer and who shall, subject to the directions of the Minister, exercise the powers conferred and carry out the duties imposed on the Controller by this Act or any other law and perform such other duties as the Minister may from time to time assign to him.

Controller of  
Apprentice-ship

(2) The Minister may, by Gazette notice, designate such number of public officers as he deems necessary for the purpose of carrying out the provisions of this Act, and the Controller may authorise any officer so designated to perform, subject to his directions, any act which may lawfully be performed by the Controller.

(3) The provisions of the Interpretation and General Provisions Act shall apply to the power of designation under this section as it applies to the power of appointment under any written law.

Cap. 2

8. (1) The Minister may, by statutory notice-

Designation of trades

- (a) designate any trade included in an industry as a trade in respect of which the provisions of this Act shall apply;
- (b) define such trade by reference to the work performed therein, the operations of which it is composed or the type or class of premises upon which the work or operations are performed.

(2) The Minister may, by statutory notice, vary or revoke any designation made in pursuance of the provisions of subsection (1).

9. (1) No person shall, without the written permission of the Controller, employ in a designated trade any minor who is eligible for service as an apprentice under this Act for a longer period than six months, or for a period which, when added to any period or periods during which such minor has been employed in a trade, exceeds six months, unless a contract of apprenticeship has been entered into in accordance with this Act:

Penalty for employing  
minors contrary to Act

Provided that any employer of an eligible minor shall inform the Controller of the employment of such person within seven days from the date of his employment.

(2) The permission of the Controller under subsection (1) may be given in respect of any individual minor or any class of minors or in respect of all minors employed in any particular class of work.

(3) Any person dissatisfied with the refusal of the Controller to grant permission under this section may appeal to the Minister within one month of the date on which the decision of the Controller is communicated to him.

**10.** Any person who-

- (a) forces or persuades or endeavours to force or persuade any apprentice to break his contract of apprenticeship; or
- (b) knowing a minor to be an apprentice, persuades or entices such minor to enter his employment;

Enticement to leave  
employment illegal

shall be guilty of an offence and liable to a fine not exceeding one thousand five hundred penalty units or to imprisonment for a period not exceeding six months, or to both.

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

**11.** (1) Any person may, subject to and in accordance with the provisions of this Act, bind himself as an apprentice in any designated trade, if he-

Who may bind himself  
as apprentice

- (a) has the qualifications prescribed in respect of the designated trade concerned;
- (b) has obtained a certificate of physical fitness, appropriate to the needs of the designated trade concerned in the prescribed form;
- (c) has attained the age prescribed in respect of the designated trade concerned; and
- (d) is not required by law to attend any school.

(2) If any such person is a minor he shall be assisted by his guardian and, if he is not a minor, he shall not so bind himself, except with the consent of the Controller.

(3) Any minor may so bind himself as to complete the period of apprenticeship prescribed in respect of the designated trade concerned, after his majority.

**12.** (1) No contract of apprenticeship in a designated trade made after the commencement of this Act shall be binding unless-

Registration of  
contracts of  
apprenticeship

- (a) it is in the prescribed form;
- (b) at the time it was entered into it was reduced to writing;
- (c) it has been signed by or on behalf of the employer, and by the apprentice, and, in the case of a minor, by his guardian; and
- (d) it has been registered by the Controller.

(2) The employer shall lodge the contract in the prescribed manner and within one month after the date on which it was entered into with the Controller for registration.

**13.** (1) Subject to the provisions of section *fourteen*, the Controller may refuse to register a contract of apprenticeship if in his opinion it is not in the interests of the apprentice to enter into such contract, and he may in reaching a decision have regard, in addition to any other circumstances, to the prospects of the apprentice obtaining employment in the trade concerned at the expiry of the contract.

Refusal to register contract of apprenticeship

(2) Any party to a contract of apprenticeship who is dissatisfied with the refusal of the Controller to register such contract may appeal to the Minister within one month of the date on which the decision of the Controller is communicated to him.

**14.** Whenever a trade is designated by the Minister, the following provisions shall apply in respect of any minor employed in that trade:

Existing contract of apprenticeship

(a) if on the date of the designation the minor is employed under a written contract of apprenticeship entered into before the date of designation-

(i) the employer shall lodge the contract in the prescribed manner within four months after the date of designation with the Controller for registration; and

(ii) the Controller shall register the contract and the provisions of this Act shall apply in respect of the contract or of the minor concerned while he is employed under the contract and for the unexpired period thereof;

(b) if on the date of the designation the minor has been employed in that trade continuously during a period of not less than three months immediately before the date of designation without a written contract of apprenticeship, and enters within two months after the date of designation into such a contract with his employer in accordance with the provisions of this Act and with the conditions of apprenticeship applicable to that trade and as nearly as possible in the prescribed form-

(i) the employer shall lodge the contract within one month after the date upon which it was entered into with the Controller for registration; and

(ii) the Controller shall register the contract, and the period during which the minor was employed without a written contract of apprenticeship, or any part thereof, may, with the approval of the Controller, be reckoned as part of the period of apprenticeship prescribed in respect of that trade.

**15.** (1) With the consent of the Controller, the rights and obligations of any employer under any contract of apprenticeship may be transferred to any person.

Transfer of contracts

(2) Subject to the provisions of subsection (4), no such transfer shall be complete until it has been registered by the Controller.

(3) The Controller may refuse to register any transfer which, in his opinion, is not in the interest of the apprentice, and shall refuse to register such transfer if the apprentice has not declared his acceptance of such transfer.

(4) If any person is apprenticed to a partnership, his contract of apprenticeship shall not be terminated by reason of the death or retirement of any partner if the business of the partnership is continued by another person or partnership; and the rights and obligations of the employer under the contract shall be deemed to be transferred to the person or partnership continuing the business.

(5) Where any person is apprenticed to an individual, a partnership or a company and-

- (a) such individual dies or is adjudged bankrupt; or
- (b) the partnership is dissolved or the estates of the partnership and the partners are adjudged bankrupt; or
- (c) the High Court has approved an arrangement between the company and its creditors or the affairs of the company are being wound up or the company is placed under judicial management;

as the case may be, the Controller shall, after consultation with the sub-committee concerned, transfer the rights and obligations of the employer under the contract to another person.

(6) If the Controller is unable to transfer such rights and obligations within one month of his becoming aware of such death, bankruptcy, dissolution, arrangement, winding-up or being placed under judicial management, as the case may be, he shall suspend the contract of apprenticeship for a period not exceeding four months, and if at the expiry of such period of suspension the rights and obligations under the contract have not been so transferred, the contract shall be rescinded by the Controller.

(7) Where the rights and obligations of the employer under a contract have been transferred to a person or partnership in terms of subsection (4), such person or partnership shall lodge the contract, in the prescribed manner and within one month of the date of such death or retirement, with the Controller for registration of the transfer.

(8) Any employer may, with the consent of the apprentice, apply to the Controller for the suspension of the contract of apprenticeship to enable the apprentice to proceed to any place outside the borders of Zambia for the purpose of receiving training not available within Zambia. The Controller may grant the suspension of such contract for such period and on such conditions as he may specify.

(9) Any employer who is dissatisfied with the refusal of the Controller to register the transfer of any contract of apprenticeship may appeal to the Minister within one month of the date on which the decision of the Controller is communicated to him.

**16.** (1) If an employer is satisfied that an apprentice bound to him by contract under this Act has committed a serious breach of the terms of such contract or of any conditions of apprenticeship applicable to such apprentice, he may forthwith suspend such apprentice.

Suspension of  
apprentice

(2) An employer who has suspended an apprentice in accordance with the provisions of subsection (1) shall report the matter in writing to the Controller within seven days of the suspension, and the Controller shall thereupon investigate the circumstances and may confirm or set aside the suspension of the apprentice.

(3) If the Controller sets aside the suspension of the apprentice, the employer shall pay to the apprentice any wages withheld from him during the period of suspension.

**17.** (1) A contract of apprenticeship may be rescinded by mutual agreement of the parties thereto or by the Controller at the instance of any party thereto if he is satisfied that it is expedient so to do.

Rescission of  
contracts of  
apprenticeship

(2) The employer shall give notice to the Controller of the rescission of any contract by mutual agreement of the parties.

(3) The Controller shall not rescind any contract of apprenticeship until he has given all parties to the contract an opportunity to be heard by him or to make representations to him in writing.

(4) The Controller shall endorse on the registered copy of the contract of apprenticeship the fact that the contract has been rescinded.

**18.** (1) Whenever it appears that the facts relating to any apprentice are incorrectly recorded in his contract of apprenticeship and that by reason thereof prejudice is caused to a party to the contract, the Controller may, if he is satisfied that it is desirable to do so on the application of the prejudiced party and with the consent of the other party to the contract, affix thereto a statement setting out the correct facts and the relative terms of the contract as amended in consequence of those facts.

Modification of  
contracts of  
apprenticeship

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(2) Any such statement shall be signed by the Controller and thereafter the relative terms so set out therein shall form part of the contract of apprenticeship and the Controller shall adjust his records in accordance therewith.

**19.** (1) On appeal being made to him under the provisions of this Act from a decision of the Controller, the Minister may confirm the Controller's decision or give such other decision as, in his opinion, the Controller ought to have given. Appeals to Minister

(2) No appeal shall lie from a decision of the Minister on an appeal.

**20.** (1) The Minister may appoint any person to be an inspector for the purposes of this Act. Appointment of inspectors

(2) Every inspector shall be furnished with a certificate signed by the Minister and stating that he has been appointed as an inspector.

**21.** An inspector may-

Powers of inspectors

- (a) at any reasonable time enter upon any premises in which he has reasonable cause to believe that an apprentice or minor is employed or is being trained in any designated trade and take with him any interpreter or other assistant or police officer;
- (b) while he is upon or in the premises, or at any other time, question any person who is or has been in or upon the premises, in the presence of or apart from others;
- (c) require from any such person the production then and there or at any time and place fixed by the inspector of any document being one or more of the records required under this Act to be kept by an employer, or any document relating to such records which is or has been upon or in the premises or in the possession or custody or under the control of any employer by whom the premises are occupied or used, or of any apprentice or minor employed by that employer;
- (d) at any reasonable time and at any place require from any person who has the possession or custody or control of any such document relating to the business of any person whom he has reasonable cause to believe is or was an employer the production then and there, or at a time and place fixed by the inspector, of that document;
- (e) examine and make extracts from and copies of all such documents and require an explanation of any entries in any such documents as in his opinion may afford evidence of any offence under this Act;
- (f) require any apprentice or minor to appear before him at any time and place fixed by the inspector, and then and there question that apprentice or minor provided that the apprentice or minor may at his request be accompanied by a third party during such interrogation and shall be so informed by the inspector;
- (g) require any employer to make all payments due to any apprentice or minor employed by him, in the presence of the inspector;
- (h) suspend an apprentice for a period not exceeding fourteen days provided that he shall immediately report such suspension and the circumstances giving rise to it to the Controller.

**22.** (1) If any person in the exercise of his powers under this Act or in the performance of his duties in carrying out this Act or by attendance at any meeting of the Council or a sub-committee thereof, acquires information relating to the financial affairs, or the secret processes, or the plant or equipment of any other person, firm or business, he shall not, save for the purposes of legal proceedings under this Act, disclose such information to any other person, except-

Secrecy to be observed

- (a) to a court of law or to any person who by law is invested with the power to compel the disclosure of such information; or
- (b) to the Minister or to any person acting in the execution of this Act, in so far as such information may be necessary for the execution thereof.

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(2) Any person who contravenes the provisions of this section shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding three thousand penalty units or to imprisonment for a period not exceeding twelve months, or to both.

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

23. (1) The Minister may, on the advice of the Council, by statutory instrument, Regulations  
make regulations for all or any of the following purposes:

- (i) the qualifications, including age and educational standard required, for apprenticeship in any designated trade;
- (ii) the registration of contracts of apprenticeship and transfers thereof and the notification of the expiration or cancellation of contracts of apprenticeship;
- (iii) the rescinding of contracts of apprenticeship;
- (iv) records to be kept by employers;
- (v) the period of apprenticeship in any designated trade, the reduction in such period which may be allowed, the circumstances in which such reduction may be allowed and the rates according to which wages shall be payable to apprentices in any designated trade;
- (vi) the circumstances in which the period of apprenticeship may or shall be extended because of sickness or absence of the apprentice or for other cause;
- (vii) the classes which apprentices shall attend and the number of hours per week, whether within or without their ordinary working hours, during which they shall attend such classes;
- (viii) the nature and number of the correspondence courses to be followed by apprentices in lieu of or in addition to any classes prescribed under paragraph (vii) and the conditions subject to which such courses may be followed in lieu of classes;
- (ix) the practical training which employers shall provide for apprentices in their employ;
- (x) the practical training which may be provided other than by the employer for apprentices in any designated trade;
- (xi) the number of efficiency tests, examinations or assessments which apprentices shall undergo from time to time;
- (xii) the maximum number of ordinary working hours which apprentices may be required to work during any week or any day and the hours of any day before or after which and the intervals during which no such apprentice may be required to work;
- (xiii) the maximum period of overtime which an apprentice may be required to work;
- (xiv) the number and duration of paid holidays which shall be allowed to apprentices during any year of apprenticeship;
- (xv) the circumstances in which employers shall pay the fees in respect of any prescribed technical education classes or courses;
- (xvi) the fees payable for hostel accommodation while apprentices attend technical education classes and the manner of making payment;
- (xvii) the circumstances in which travelling expenses may be paid for or by apprentices attending technical education classes and the method of payment;
- (xviii) the certificates in respect of birth or educational standard which may be demanded in connection with the registration of a contract of apprenticeship;
- (xix) the number of apprentices in relation to artisans or other instructors who may be employed in any designated trade;
- (xx) the issue of certificates of apprenticeship;
- (xxi) the manner and form in which exemptions by the Minister shall

(2) Different conditions of apprenticeship may be prescribed under subsection (1) in respect of different classes of employers or apprentices in different designated trades.

**24.** (*Spent*)

**25.** (1) Any employer who contravenes any provision of a contract of apprenticeship or any condition of apprenticeship which is binding upon him shall be guilty of an offence and liable- Offences

- (a) in the case of an offence under this subsection (which does not consist of the failure to make any payment to an apprentice), to a fine not exceeding one thousand five hundred penalty units or to imprisonment for a period not exceeding six months, or to both;
- (b) in the case of an offence under this subsection which consists of the failure to make any payment to an apprentice, to a fine not exceeding three thousand penalty units or to imprisonment for a period not exceeding twelve months, or to both.

(2) Any person who-

- (a) employs a minor contrary to the provisions of section *nine*;
- (b) fails to lodge a contract within the time provided in subsection (2) of section *twelve*;
- (c) fails to lodge a contract within the time provided in paragraph (a) (i) or (b) (i) of section *fourteen*;
- (d) fails to lodge a contract within the time provided in subsection (7) of section *fifteen*;
- (e) falsely holds himself out to be an inspector;
- (f) refuses or fails to answer to the best of his knowledge any question which an inspector has put to him in the exercise of his functions under section *twenty-one*;
- (g) refuses or fails to comply to the best of his ability with any requirement of an inspector under section *twenty-one*;

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- (h) hinders an inspector in the performance of his functions under section *twenty-one*;
- (i) fails to comply with any conditions imposed under subsection (3) of section *twenty-seven*;
- (j) makes any incorrect statement or entry in any records kept in pursuance of any regulations made under section *twenty-three*, knowing the same to be incorrect;

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

(As amended by Act No. 13 of 1994)

**26.** (1) Whenever any manager, agent or employee of any employer does or omits to do any act which it would be an offence under this Act for the employer to do or omit to do, unless it is proved that-

Acts or omissions by managers, agents or employees

- (a) in doing or omitting to do that act the manager, agent or employee was acting without the connivance or permission of the employer;
- (b) all reasonable steps were taken by the employer to prevent any act or omission of the kind in question; and
- (c) it was not under any condition or in any circumstances within the scope of the authority, or in the course of the employment of the manager, agent or employee to do or omit to do acts, whether lawful or unlawful, of the character of the act or omission charged;

the employer shall be presumed himself to have done or omitted to do that act and be liable to be convicted and sentenced in respect thereof, and the fact that he issued instructions forbidding any act or omission of the kind in question shall not, of itself, be accepted as sufficient proof that he took reasonable steps to prevent the act or omission.

(2) Whenever any manager, agent or employee of any employer does or omits to do any act which it would be an offence under this Act for the employer to do or omit to do, he shall be liable to be convicted and sentenced in respect thereof as if he were the employer.

(3) Any manager, agent or employee may be so convicted and sentenced in addition to the employer.

**27.** (1) Notwithstanding anything to the contrary in this Act, the Minister may, if in his opinion special circumstances exist which justify exemption, by statutory notice, exempt any class, group, section or type of employers or apprentices specified in the notice, either generally or with such restriction as he may deem fit and subject to any conditions he may impose in the notice, from all or any of the provisions of this Act, or from any condition of apprenticeship, and the Minister may, in so specifying any such class, group, section or type, apply any method of differentiation he may deem advisable, other than differentiation on the grounds of the nationality, colour or religion of the employers or apprentices. Exemption by Minister

(2) The Minister may in the same manner cancel or amend any notice published under subsection (1).

(3) The Minister may, if in his opinion special circumstances exist which justify exemption, exempt any person, either generally or with such restrictions as he may deem fit, and subject to any conditions he may impose and for such period as he may specify, from all or any of the provisions of this Act, or from any conditions of apprenticeship or from any conditions prescribed in a notice published under subsection (1).

(4) A certificate stating that such exemption has been granted and setting out all the conditions of the exemption shall be signed and issued by the Controller.

(5) Any exemption granted under subsection (3) may at any time be withdrawn at the discretion of the Minister.

**28.** The Apprenticeship Act, Chapter 187 of the 1964 Edition of the Laws (hereinafter in this section referred to as the "former Act") is hereby repealed: Repeal and savings

Provided that-

- (i) a Scheduled trade, as defined in the former Act, shall be deemed to be a designated trade for the purposes of this Act, and the provisions of this Act shall apply accordingly;
- (ii) every Scheduled trade, as defined in the former Act, shall be deemed to have been designated by the Minister under and in accordance with the provisions of section *eight* immediately after the commencement of this Act;
- (iii) the provisions of paragraph (a) (i) of section *fourteen* shall not apply to a written contract of apprenticeship in respect of a Scheduled trade, as defined in the former Act, and the Controller shall register every such contract subsisting immediately after the commencement of this Act, notwithstanding that such contract is not lodged with him in pursuance of the said paragraph.

**SUBSIDIARY LEGISLATION**

APPRENTICESHIP

SECTIONS 8 AND 28-DESIGNATION OF TRADES

*Notices by the Minister*

*Government Notices*

264 of 1950

258 of 1951

006 of 1952

131 of 1952

253 of 1952

143 of 1953

227 of 1953

329 of 1954

189 of 1955

254 of 1955

005 of 1957

038 of 1957

334 of 1957

132 of 1958

008 of 1960

071 of 1960

138 of 1961

193 of 1961

*Statutory Instruments*

208 of 1965

312 of 1965

Automobile electrician  
Automotive fitter\machinist  
Blacksmith  
Boilermaker  
Bookbinder  
Bricklayer  
Carpenter  
Coachbuilder (vehicle)  
Compositor in the printing trade  
Diesel fitter  
Electrician  
Fitter  
Fitter and turner  
Flat stereotyper  
Instrument mechanic  
Lead burner  
Letterpress machine minder  
Lithographer  
Mason  
Motor vehicle mechani  
Moulder  
Office appliance mechanic  
Painter and signwriter  
Panel beater  
Patternmaker  
Plumber  
Plumber and sheetmetal worke  
Printer's engineer (general)  
Process engraver  
Radio mechanic  
Radio serviceman  
Refrigeration mechanic  
Rigger  
Rotary stereotyper and machine minder  
Saw doctor  
Sheetmetal worker  
Shopfitter  
Signal technician  
Toolmaker  
Turner\machinist  
Welder  
Woodworking machinist

In all industries and undertakings, and in the service of the Government

SECTION 23-THE APPRENTICESHIP (CONTRACT) REGULATIONS

*Statutory Instrument  
311 of 1965*

*Regulations by the Minister on the advice of the National Apprenticeship Council*

1. These Regulations may be cited as the Apprenticeship (Contract) Regulations, and shall be read as one with the Apprenticeship Regulations. Title

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2. The educational qualifications required by section *eleven* of the Act of a person wishing to be bound as an apprentice for a trade specified in Column A of the First Schedule shall be those indicated opposite thereto in Column B of the First Schedule.

Educational qualifications

3. The minimum age to be attained in accordance with section *eleven* of the Act by a person wishing to be bound as an apprentice in any trade shall be fifteen years.

Minimum age

4. The length of the period of apprenticeship required to be served by apprentices shall be five years:

Length of apprenticeship

Provided that an apprentice who passes a trade test to be set in the fourth year of apprenticeship may have a year of such period of apprenticeship remitted in addition to any remission granted for the passing of recognised examinations coupled with demonstrated ability above average in earlier trade tests.

5. The form of the certificate of physical fitness required by subsection (1) (*b*) of section *eleven* of the Act shall be as set out in the Second Schedule.

Certificate of physical fitness

6. The contract of apprenticeship required to be lodged in accordance with section *twelve* of the Act shall be in the form set out in the Third Schedule.

Form of contract of apprenticeship

7. The manner of lodging a contract of apprenticeship for registration or for registration of a transfer of the contract of apprenticeship shall be-

Lodging contracts of apprenticeship

- (a) by delivery by hand to the Controller at his office within usual office hours; or
- (b) by posting by prepaid registered post an envelope containing the contract addressed to the Controller.

FIRST SCHEDULE

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(Regulation 2)

Column A <i>Designated Trade</i>	Column B <i>Educational Qualifications</i>
Automobile electrician .. ..	Form II with passes in English, Mathematics and any two other subjects.
Automotive fitter\machinist .. ..	Form II with passes in English, Mathematics and any two other subjects.
Blacksmith .. ..	Grade VII, average rating C.
Boilermaker .. ..	Form II with passes in English, Mathematics and any two other subjects.
Bookbinder .. ..	Form II with passes in English, Mathematics and any other two subjects.
Bricklayer .. ..	Grade VII, average rating C.
Carpenter .. ..	Grade VII, average rating C.
Coachbuilder (vehicle) .. ..	Form II with passes in English, Mathematics and any two other subjects.
Compositor in the printing .. ..	Form II with passes in English, Mathematics trade and any two other subjects.
Diesel fitter .. ..	Form II with passes in English, Mathematics and any two other subjects.
Electrician .. ..	Form II with passes in English, Mathematics and any two other subjects.
Fitter .. ..	Form II with passes in English, Mathematics and any two other subjects.
Fitter and turner .. ..	
Flat stereotyper .. ..	Form II with passes in English, Mathematics and any two other subjects.
Instrument mechanic .. ..	Form II with passes in English, Mathematics and any two other subjects.
Lead burner .. ..	Grade VII, average rating C.
Letterpress machine minder.. ..	Form II with passes in English, Mathematics and any two other subjects.
Lithographer .. ..	Form II with passes in English, Mathematics and any two other subjects.
Mason .. ..	Grade VII, average rating C.
Motor vehicle mechanic .. ..	Form II with passes in English, Mathematics and any two other subjects.
Moulder .. ..	Grade VII, average rating C.
Office appliance mechanic .. ..	Form II with passes in English, Mathematics and any two other subjects.
Painter and signwriter .. ..	Grade VII, average rating C.
Panel beater .. ..	Grade VII, average rating C.
Patternmaker .. ..	Form II with passes in English, Mathematics and any two other subjects.
Plumber .. ..	Grade VII, average rating C.
Plumber and sheetmetal worker.	
Printer's engineer (general).. ..	Form II with passes in English, Mathematics and any two other subjects.
Process engraver .. ..	Form II with passes in English, Mathematics and any two other subjects.
Radio Mechanic .. ..	Form II with passes in English, Mathematics and any two other subjects.
Radio serviceman .. ..	
Refrigeration mechanic .. ..	Form II with passes in English, Mathematics and any two other subjects.
Rigger .. ..	Grade VII, average rating C.
Rotary stereotyper and machine minder .. ..	Form II with passes in English, Mathematics and any two other subjects.
Saw doctor .. ..	
Sheetmetal worker .. ..	Form II with passes in English, Mathematics and any two other subjects.
Shopfitter .. ..	Grade VII, average rating C.
Signal technician . .. ..	Form II with passes in English, Mathematics and any two other subjects.
Toolmaker .. ..	Form II with passes in English, Mathematics and any two other subjects.
Turner\machinist .. ..	Form II with passes in English, Mathematics and any two other subjects.
Welder .. ..	Grade VII, average rating C.
Woodworking machinist .. ..	Grade VII, average rating C.

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SECOND SCHEDULE

(Regulation 5)

CERTIFICATE OF PHYSICAL FITNESS

I certify that I have examined.....  
(name)

and have found him to be physically fit to be employed as an apprentice.....  
.....  
(Trade)

.....  
Medical Practitioner

Place:.....

Date:.....

THIRD SCHEDULE

(Regulation 6)

ARTICLES OF APPRENTICESHIP

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THIS CONTRACT OF APPRENTICESHIP made the..... day of .....One thousand nine hundred and .....  
BETWEEN ..... whose registered office is at ..... and who has a place of business at ..... (hereinafter called "the Employer") of the first part and ..... born on the ..... day of .....19..... (hereinafter called "the Apprentice") of the second part and ..... the father/mother/and/or guardian of the Apprentice of ..... (hereinafter called "the Guardian") of the third part.

WHEREAS:

1. The Apprentice has attained the age of fifteen years;
2. The Apprentice has been examined by a medical practitioner lawfully registered in Zambia and certified by such practitioner to be of a sufficient standard of physical fitness to perform the work of the trade to which he is bound;
3. The Apprentice has attained the prescribed educational standard;

NOW THIS CONTRACT WITNESSETH as follows:

1. The Apprentice of his own free will and with the consent of the Guardian testified by the latter's execution of this contract hereby agrees:

- (a) To bind himself apprentice to the Employer in the trade or occupation of ..... for the period of apprenticeship of five years commencing from the ..... day of ....., 19..... unless the said period shall be sooner lawfully determined or reduced.
- (b) To serve faithfully, honestly and diligently the Employer and to obey all lawful and reasonable commands and requirements of the Employer or those duly placed in authority over him.
- (c) Not to disclose or communicate to any person whomsoever any information relating to the business of the Employer.
- (d) Not to be interested directly or indirectly, either as paid agent or servant, in any business or undertaking other than that of the Employer, and not to absent himself except in the event of sickness from his employment without permission.
- (e) To attend such courses and classes as he may be directed to attend pursuant to regulations made under the Apprenticeship Act.
- (f) To reside if so required by the Employer in such accommodation as may be provided by the Employer or by the school or other institution where a course of instruction is conducted and to abide by all rules and regulations made by the person in authority over such accommodation.

2. The Employer hereby agrees with the Guardian and with the Apprentice and each of them severally as follows:

- (a) To receive and allow to continue the Apprentice as his apprentice during the period of apprenticeship unless the said period shall be sooner lawfully determined or reduced and during the said period to teach the Apprentice or cause the Apprentice to be taught the trade or occupation of ..... and to provide suitable and sufficient experience and training in every part of the trade to which the Apprentice is bound.
- (b) To pay to the Apprentice during the said period such wages as may be prescribed by regulations made under the Apprenticeship Act.

3. It is further mutually agreed by and between all the parties hereto as follows:

- (a) This contract of apprenticeship may with the mutual consent of all parties be transferred to another employer in the same trade provided that the Controller consents to such transfer and such transfer shall be effected by executing the transfer annexed to this contract by all necessary parties.
- (b) If the Employer is satisfied that the Apprentice has committed a serious breach of the terms of this contract or of any condition of apprenticeship, he may forthwith suspend the Apprentice and shall within three days report the matter to the Controller of Apprenticeship.
- (c) If the Employer shall commit any serious breach of the terms of this contract, the Apprentice may with the consent of the Guardian report the matter to the Controller.
- (d) Where for any reason beyond his control the Employer is unable to provide the Apprentice with work or training during the full period of his ordinary working hours, the Employer may with the written approval of the Controller employ the Apprentice on short-time or lend his services to another employer for such period or periods and upon such conditions as to wages and otherwise as may be determined by the Controller.

IN WITNESS whereof the contracting parties hereto have hereunder set their hands this ..... day of ..... 19.....

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DETAILS OF EXAMINATIONS PASSED

<i>Title of Examination</i>	<i>Date of passing</i>	<i>Signature of Controller of Apprenticeship</i>
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DETAILS OF SPECIALISED TRAINING UNDERTAKEN

<i>Branch of trade</i>	<i>Length of period of specialisation</i>	<i>Signature of Controller of Apprenticeship Seal of Controller of Apprenticeship</i>
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DEDUCTIONS

<i>Deduction Granted</i>	<i>Reason for Deduction</i>	<i>Signature of Controller of Apprenticeship</i>
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TRANSFER OF CONTRACT

WHEREAS it is agreed, with the consent of the Controller to transfer the rights and obligations of the Employer under this contract to ..... whose registered office is at .....and who has a place of business at ..... (hereinafter called "the Transferee");

NOW this Agreement witnesseth as follows:

1. The Employer hereby transfers and assigns the within contract of apprenticeship and all his interest therein and the benefit of all covenants therein to the Transferee for all the residue now unexpired of the within stated period of apprenticeship.

2. The Transferee covenants with the Employer, the Guardian and the Apprentice and each of them severally as follows:

- (a) to take the Apprentice as his apprentice for the now unexpired residue of the within stated period of apprenticeship unless the said apprenticeship shall be sooner lawfully determined or reduced;
(b) that he will observe and perform all the covenants in the within contract of apprenticeship contained on the part of the Employer to be observed and performed in like manner as if he the Transferee were therein named instead of the Employer and will keep the Employer indemnified accordingly.

3. The Guardian and the Apprentice severally covenant with the said Transferee as follows:

- (a) that the Apprentice will serve the Transferee as his apprentice in the within stated trade or occupation for the now unexpired residue of the within stated period of apprenticeship unless the said apprenticeship shall be sooner lawfully determined or reduced;
(b) that they and each of them will observe and perform all the covenants in the within contract of apprenticeship contained and on their part to be observed in all respects as if the Transferee were therein named instead of the Employer.

IN WITNESS WHEREOF the parties hereto have hereunder set their hands this .....day of ....., 19.....

AS WITNESSES: Signed by ..... for and on behalf of the Employer
1. ....
2. ....
Employer
1. Signed by the said
2. ....
Guardian
1. Signed by the said
2. ....
Apprentice
1. Signed by the said
2. ....
Transferee

TRANSFER registered at the Office of the Controller of Apprenticeship this ..... day of ....., 19.....

Controller of Apprenticeship

RESCISSION OF CONTRACT

This contract was, in terms of section 17 (1) of the Apprenticeship Act, rescinded as from the.....day of.....19.....

Controller of Apprenticeship

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COMPLETION OF CONTRACT

This is to certify that the apprentice named in the Indenture has satisfactorily completed an apprenticeship of .....  
years ..... months .....days to the trade of.....in accordance with the  
Apprenticeship Act.

Dated this.....day of.....19.....

.....  
*Controller of Apprenticeship*

THE APPRENTICESHIP REGULATIONS

ARRANGEMENT OF REGULATIONS

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*Regulation*

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2. Interpretation

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30. Maximum hours of work
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SCHEDULE-Certificate of completion of contract

SECTION 23-THE APPRENTICESHIP REGULATIONS

*Statutory Instrument  
288 of 1965  
Act No. 13 of 1994*

*Regulations by the Minister*

PART I

PRELIMINARY

1. These Regulations may be cited as the Apprenticeship Regulations. Title
2. In these Regulations, unless the context otherwise requires- Interpretation

"block release course" means a course of instruction whereby an apprentice is absent from his normal place of work to undertake a full-time course of one week or more;

"contract" means any contract of apprenticeship;

"day release course" means a course of instruction whereby an apprentice is absent from his normal place of work to undertake a course of one day's duration or less;

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"employer" means any person who employs any apprentice or who employs or provides work for any minor in any designated trade;

"evening class" means a technical educational class which is held after the hour of five o'clock in the evening;

"holidays" means Christmas Day and Good Friday and such other days as by custom or agreement are observed as holidays in the industry in which the apprentice concerned is employed;

"wages" means basic wages, but does not include cost of living allowance, climatic allowance, or other payment additional to basic wages.

PART II

CONTRACTS OF APPRENTICESHIPS

**3.** Every contract made after the \*(1)commencement of these Regulations shall be deemed to include an agreement by the parties thereto that each of them shall comply with the provisions of these Regulations.

Regulations are binding on parties to contract

\* 3rd September, 1965.

**4.** (1) There shall be three copies of every contract and each copy shall be signed by or on behalf of the employer and by the apprentice, and, in case of a minor, by his guardian.

Form of contract

\*3rd September, 1965.

(2) No contract shall be executed unless prior to the execution thereof an apprentice or his guardian has delivered to an employer the documents in respect of the apprentice's age and educational standard in accordance with sub-regulation (1) of regulation 13.

**5.** (1) Every employer shall, within one month of the execution of any contract, transmit to the Controller all three copies of the contract together with any documents delivered to him in accordance with sub-regulation (1) of regulation 13.

Registration of contracts

(2) The Controller shall register any contract transmitted to him under sub-regulation (1) if he is satisfied that the contract has been executed in accordance with these Regulations, and shall endorse on each copy of the contract a certificate under his hand that the contract has been registered.

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(3) The Controller shall transmit one copy of the contract registered under sub-regulation (2), together with any other documents referred to in sub-regulation (1), to the apprentice and one copy thereof to the employer and the Controller shall retain in his possession one copy of the contract.

6. (1) The Controller may refuse to register any contract if the provisions of the Act and of these Regulations are not satisfied.

Refusal to register contracts and appeals

(2) The Controller shall inform the parties to a contract of his refusal to register any contract and shall transmit to each of them a statement of the grounds for refusal and shall inform the parties of their rights of appeal.

(3) Any person who is not satisfied with the refusal to register any contract by the Controller may appeal to the Minister within one month of the date on which the decision of the Controller is communicated to him.

7. The provisions of regulation 5 shall apply *mutatis mutandis* to any transfer of the rights and obligations of any employer under any contract to any other employer.

Registration of transfer of contracts

8. (1) Where any contract is rescinded by mutual agreement of the parties thereto, each party shall, by a letter to the Controller, indicate his agreement to the rescission and at the same time send his copy of the contract to the Controller who shall endorse upon every copy of the contract the fact that the contract has been rescinded.

Discharge by agreement or death

(2) Every employer shall notify the Controller of the death of an apprentice within a period of one month from the date of such death.

(3) Every apprentice shall notify the Controller of the death of his employer or, if such employer be a partnership or company, of the dissolution or winding-up of the same, within a period of one month from the date of such death, dissolution or winding-up, as the case may be.

9. (1) Where, in the opinion of the Controller, an employer has an insufficient number of journeymen or instructors to train his apprentice in any aspect of his trade, he may order-

Discharge by default

- (a) that the contract be rescinded and demand from the employer and apprentice their respective copies of the contract and endorse thereupon the fact of such rescission; or
- (b) that the apprentice be transferred to such other employer as may be arranged.

(2) Before taking action the Controller shall give notice in writing of his intention to act under sub-regulation (1) to an employer and to an apprentice not less than thirty days before such action is taken.

(3) Any employer or apprentice to whom notice is given in accordance with sub-regulation (2) may appeal to the Minister within thirty days of the date on which the notice is transmitted to him.

(4) If any employer or apprentice to whom notice is given under sub-regulation (2) intimates in writing to the Controller his intention to appeal to the Minister, such intimation shall operate to stay the execution of the intention by the Controller until the appeal is heard by the Minister.

(5) The decision of the Minister on hearing an appeal under sub-regulation (4) shall be final and binding on all parties.

**10.** (1) Where a contract is discharged by performance of all obligations thereunder, each party to the contract shall forward the copy of the contract in his possession to the Controller.

Discharge by performance

(2) If the Controller is satisfied that the parties have fulfilled their obligations under the contract and have complied with the provisions of the Act and of these Regulations, he shall endorse on each copy of the contract a certificate in the form set out in the Schedule.

**11.** (1) The lending of the services of any apprentice by one employer to another employer shall not be permitted unless the apprentice has given his consent, or, in case of a minor, that of his guardian has been given and prior permission for such loan is granted by the Controller.

Loan of apprentices

(2) Where, in the opinion of the Controller, an employer is unable to train an apprentice in any particular aspect of his trade, the Controller may, subject to the consent by the apprentice or, in case of a minor, by his guardian, direct such employer to lend the services of his apprentice-

(a) to another employer who is able and willing to provide the necessary training for such period of time as the Controller may direct; or

(b) to any establishment or institution where that particular aspect of the apprentice's training may be given.

(3) The loan of services of any apprentice by one employer to another employer, establishment or institution under sub-regulation (1) or (2) shall in no way release the lending employer from his obligations under the contract.

PART III

QUALIFICATIONS FOR APPRENTICESHIP

**12.** (1) Notwithstanding anything contained in these Regulations, no contract shall be valid unless prior to its execution an apprentice has attained the age of fifteen years and has attained the required educational standard prescribed by the Minister or has satisfied the Controller that he has attained an educational standard equal to or higher than the standard required for the particular trade.

Persons who may become apprentices

(2) The Controller may, in deciding whether or not an apprentice has attained the required educational standard, obtain and may have regard to, but shall not be bound by, the opinion of the Permanent Secretary, Ministry of Education.

**13.** (1) Prior to the execution of any contract an apprentice shall deliver to his employer evidence of his age and educational standard in such form as the Controller may require.

Evidence of age and educational standard

(2) The Controller shall not register any contract unless he is satisfied-

- (a) that an apprentice has attained the age of fifteen years; and
- (b) that an apprentice has attained the educational standard required; and
- (c) that the provisions of regulation 4 have been complied with.

PART IV

RECORDS AND RETURNS

**14.** Every employer shall keep in a clear form a full and correct record of the following particulars in respect of every apprentice in his employment: Records by employers

- (a) full name;
- (b) name and address of the parent or guardian;
- (c) the work performed by him during each period of three months together with a report upon the manner in which he has performed such work during each period of three months by the foreman or, with the approval of an inspector, by any other responsible person under whose supervision such work has been performed;
- (d) particulars of all wages paid to him;
- (e) particulars of all overtime worked by him;
- (f) particulars of all times during which he is absent from his work, whether such absence is due to leave, sickness or otherwise.

**15.** The Controller may at any time direct an employer to submit a return to the Controller regarding any matter relating to apprenticeship in respect of any apprentice who is or at any time has been in his employment, and every employer shall comply with such direction unless there are reasonable grounds for not doing so. Returns by employers

## PART V

### PERIOD OF APPRENTICESHIP AND WAGES

**16.** The period of apprenticeship required for any designated trade shall be prescribed by the Minister. Length of apprenticeship period

**17.** An apprentice shall be presumed to have completed any year of his apprenticeship and shall, if he has not completed his apprenticeship, be permitted to commence the next year of his period of apprenticeship unless- Yearly progression

- (a) an inspector reports to the Controller that the apprentice has not made reasonable progress towards acquiring a proper degree of skill and ability in the trade to which he is bound in accordance with the provisions of sub-regulation (5) of regulation 24; or
- (b) the principal or head of the college, school or other institution where a course of instruction is conducted reports to the Controller that the apprentice has failed to show reasonable diligence and progress in the course of instruction he is attending or in the correspondence course which he is taking in accordance with sub-regulation (6) of regulation 25.

**18.** (1) The Controller may make a reduction in any period of apprenticeship and such reduction may be for any period or part of any period- Reductions in the period of apprenticeship

- (a) during which an apprentice has served in another country as an apprentice in the same trade as that to which he is bound in Zambia; or

- (b) during which an apprentice has attended a course of instruction at a technical college or other technical institution prior to his indenture under the Act and these Regulations:

Provided that no reduction in the period of apprenticeship shall be granted in excess of one-half of the time spent at such technical college or other technical institution.

(2) No reduction in a period of apprenticeship shall be made under sub-regulation (1) unless-

- (a) the Controller is satisfied that, having regard to the probability of an apprentice acquiring a proper degree of skill and ability in the trade to which he is bound, the experience he has gained during the period referred to in sub-regulation (1) is not of less value than that which he would have gained had he been employed or trained as an apprentice in Zambia for the same period; and
- (b) the period referred to in sub-regulation (1) has terminated not more than one year immediately prior to the date on which the apprentice enters into a contract under the Act.

(3) The Controller may reduce any period of apprenticeship in respect of any apprentice who has had previous relevant experience and such reduction may be for such period as the Controller may think fit:

Provided that the Controller shall not make any reduction unless he is satisfied that such reduction shall in no way prejudice the acquiring by the apprentice of a proper degree of skill and ability in the trade to which he is bound.

**19.** (1) For the purpose of calculating the rate at which wages are payable to an apprentice, any reduction in the period of apprenticeship made under paragraph (a) of sub-regulation (1) of regulation 18 shall be deemed to be part of the period of apprenticeship of the apprentice and to have expired on the day preceding the date of the commencement of the contract.

Wages after reduction  
in period

(2) For the purpose of calculating the rate at which wages are payable to an apprentice as a result of a reduction granted under paragraph (b) of sub-regulation (1) of regulation 18 or under sub-regulation (3) of regulation 18, any reduction from the period of apprenticeship shall be deemed to be that part of the apprenticeship period immediately following the date on which the reduction is made.

**20.** (1) The parties to any contract may at any time, with the approval of the Controller, alter or modify the contract by written agreement for the purpose of enabling an apprentice to change the trade to which he is bound to some other designated trade, and such agreement shall, within one month of its execution, be transmitted by the employer with the apprentice's and the employer's copies of the contract to the Controller for endorsement. Change of trade

(2) On receipt of the copies of the contract and the agreement mentioned in sub-regulation (1), the Controller shall endorse the fact of agreement on all copies of the contract and shall return one copy each to the employer and the apprentice.

(3) Where, in the opinion of an inspector after consultation with an employer, an apprentice who completes his first year of apprenticeship is not making sufficient progress towards acquiring a proper degree of skill and ability in trade to which he is bound the inspector may, with the approval of the Controller, and with the consent of the apprentice, or, in case of a minor, that of his guardian, arrange for the apprentice to change his trade whereupon the provisions of sub-regulations (1) and (2) shall apply *mutatis mutandis*.

(4) Where an apprentice changes his trade in accordance with sub-regulation (3), an inspector shall assess the apprentice's level of skill and ability in his new trade and shall report to the Controller and the Controller may grant any reduction for previous experience in accordance with sub-regulation (3) of regulation 18.

(5) When an agreement has been made in terms of sub-regulation (1) the apprentice shall, for the purposes of these Regulations, be deemed to have served as an apprentice in the trade mentioned in such agreement since the commencement of his apprenticeship.

**21.** Subject to the provisions contained in regulations 33 and 34, the wages which every employer shall pay his apprentice under any contract shall be at not less than the following rates: Wages

During the first year of the period of apprenticeship .. .. .	15n per hour;
During the year of the period of apprenticeship following the period during which wages are at the rate of 15n per hour ..	18n per hour;
During the year of the period of apprenticeship following the period during which wages are at the rate of 18n per hour ..	22n per hour;
During the year of the period of apprenticeship following the period during which wages are at the rate of 22n per hour ..	32n per hour;

During the remaining period of the contract

52n per hour.

## PART VI

### PRACTICAL TRAINING AND EFFICIENCY TESTS

**22.** (1) Subject to sub-regulations (1) and (2) of regulation 11, every employer shall provide for every apprentice employed by him suitable and sufficient training in every aspect of the trade to which the apprentice is bound.

Practical training

(2) The Controller or any inspector may give directions to any employer regarding the work to be performed by any apprentice employed by him and every employer shall comply with any such direction given to him.

(3) No employer shall be deemed to have failed to comply with any direction given under sub-regulation (2) if he proves that-

- (a) compliance with such direction was not necessary for enabling an apprentice in respect of whom such direction was given to acquire a proper degree of skill and ability in the trade to which he is bound; or
- (b) having regard to the nature of work performed in the undertaking carried on by the employer, the direction with which he is required to comply is unreasonable.

**23.** (1) Where an inspector certifies to the Controller that a person who has received practical training has reached a standard of practical proficiency commensurate with the standard that any apprentice must reach in such trade in any particular year, the Controller shall consider, without prejudice to the operation of regulation 18, whether or not to grant any reduction in the period of apprenticeship after such person has been properly indentured.

Reduction in the period of apprenticeship after practical training

(2) The Controller, when considering whether or not to grant a reduction under sub-regulation (1), shall have regard to, but shall not be bound by, the inspector's assessment of the level of practical proficiency attained by such person.

**24.** (1) Prior to the date on which he has completed his first year, his third year or his final year of apprenticeship or at such other times as the Controller may direct, the practical progress of every apprentice shall be assessed by an inspector or by any person authorised in writing by the inspector.

Assessment of practical skill

(2) Where any training is given to any apprentice by any person other than the employer, an inspector or any person authorised in writing by the inspector may pay due regard to the assessment of progress of the apprentice made by the person in charge of such training.

(3) For the purposes of assessing practical skill under this regulation, an inspector or any person authorised in writing by him may have the aid of such person or persons as he may consider fit and may have regard to the opinion of such person or persons.

(4) An inspector or any person authorised in writing by the inspector may require any apprentice whose progress is being assessed under sub-regulation (1) to carry out in his presence such operations or answer such questions as he may think necessary in order to enable him to make a proper assessment of the apprentice's skill.

(5) In respect of every apprentice whose progress is assessed under this regulation, an inspector shall prepare and transmit to the Controller a written report and shall state in such report the manner in which such assessment was made and shall further state whether or not the apprentice has made reasonable progress towards acquiring a proper degree of skill and ability in the trade to which he is bound.

(6) Where an inspector reports to the Controller in pursuance of sub-regulation (5) that an apprentice has not made reasonable progress, he shall further state whether the failure of the apprentice to make such progress is due in any respect to any failure on the part of the employer to provide the apprentice with suitable and sufficient training, having regard to all the circumstances of the case.

## PART VII

### CLASSES AND CORRESPONDENCE COURSES

**25.** (1) The Controller, or any inspector with the approval of the Controller, may at any time direct any apprentice to attend any course of instruction or classes which may include a block release course, a day release course or evening classes or take any correspondence course or any combination of these courses and classes as he may consider desirable for improving the apprentice's knowledge of, and aptitude for, the trade to which he is bound.

Courses and classes

(2) Subject to the provisions of sub-regulation (3) of regulation 36 and sub-regulation (4) of regulation 37, any direction given to an apprentice under sub-regulation (1) shall be for a course or classes the duration of which does not extend beyond the expiration of the period for which the apprentice is bound, and the terms of any such direction may be varied at any time by the Controller or, with the approval of the Controller, by the inspector who gave the direction or by any other inspector.

(3) Any classes which any apprentice may be directed to attend shall be for not less than four hours and not more than eight hours in any one week and all the classes shall be held during working hours.

(4) The provisions of sub-regulation (3) shall not apply to any apprentice attending a block release course or evening classes or any full-time course of instruction.

(5) An apprentice shall be deemed to have failed to complete his course if, upon the conclusion of such course of instruction or correspondence course, the principal or head of the college, school or other institution where such a course is conducted or under whose guidance the correspondence course is taken certifies to the Controller that the apprentice has not shown reasonable diligence in relation to such course of instruction or correspondence course.

(6) The principal or head of the college, school or other institution where a course of instruction is conducted or under whose guidance a correspondence course is taken shall at the end of each year of the course report to the Controller any apprentice who has not during that year shown reasonable diligence and progress in relation to the course.

(7) No employer shall restrain an apprentice from attending any course of instruction which he has been directed to attend under the provisions of sub-regulation (1).

**26.** Where, in the opinion of the Controller after consultation with the principal or head of any technical college, school or other technical institution, it is not considered practicable for any apprentice to attend any block release course, any day release course or evening classes for any reason, the Controller may direct that such apprentice shall take a correspondence course to be specified by him.

Compulsory  
correspondence  
courses

**27.** (1) Any apprentice who completes a course of instruction or a correspondence course of less than one year's duration which he has been directed to attend or take under sub-regulation (1) of regulation 25 shall be entitled to recover the fees he paid in respect of such course from his employer unless the principal or head of the college, school or other institution where the course of instruction is conducted certifies to the Controller that the apprentice has not shown reasonable diligence in relation to the said course in accordance with sub-regulation (5) of regulation 25.

Refund of fees

(2) Any apprentice who attends a course of instruction or takes a correspondence course of more than one year's duration which he has been directed to attend under sub-regulation (1) of regulation 25 shall be entitled, on the termination of each year of the course, to recover the fees he paid in respect of that year of the course from his employer unless the principal or head of the college, school or other institution where the course of instruction is conducted reports to the Controller that the apprentice has not shown reasonable diligence in relation to that year of the course in accordance with sub-regulation (6) of regulation 25.

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(3) Where any fees paid in respect of any course of instruction which an apprentice is directed to attend in accordance with the provisions of sub-regulation (1) of regulation 25 include a charge for board or lodging, his employer shall not be required to refund that charge.

**28.** Notwithstanding anything contained in regulation 25, an apprentice shall not be deemed to have failed to comply with any direction given under sub-regulation (1) of regulation 25 if he proves that his failure to attend regularly or complete the number of papers required by the principal or head is due to sickness or other reasonable cause.

Excuses for non-attendance

**29.** When any apprentice is absent from his work by reason of compliance on his part with any direction given to him under sub-regulation (1) of regulation 25, his employer shall not make any reduction in his wages by reason only of such absence, and during such absence the apprentice shall be deemed for the purposes of calculating the amount of wages due and payable to him to have been engaged upon the work he is employed to do:

Wages while attending classes

Provided that, in calculating the period in any one week in respect of which the employer is prohibited from making any reduction in his wages, there shall be excluded and no regard shall be had to any period spent by the apprentice attending evening classes.

PART VIII

HOURS, OVERTIME AND HOLIDAYS

**30.** Subject to the provisions of regulation 32, no apprentice shall work or be permitted or required to work for more than forty-eight hours in any one week.

Maximum hours of work

**31.** (1) No apprentice shall work or be permitted or required to work during the night.

Night work

(2) Notwithstanding anything contained in sub-regulation (1), any apprentice may work or be permitted or required to work during the night if his so working is necessary-

- (a) as a matter of emergency to avoid or lessen danger to life or serious danger to property; or
- (b) to enable him to obtain experience of work which he would not otherwise obtain.

(3) Any classes which an apprentice is directed to attend under sub-regulation (1) of regulation 25 shall not constitute work for the purposes of this regulation.

(4) For the purpose of this regulation, "night" means the period between six o'clock in the evening and six o'clock in the morning.

**32.** Any apprentice who completes at least three years of the period of apprenticeship may work or be permitted or required to work for a period of not more than eight hours in any one week in excess of the period for which he is permitted to work during such week by regulation 30. Overtime

**33.** Any apprentice who works or is permitted or required to work for any overtime under regulation 32 shall, in addition to any wages payable to him under regulation 21, be paid by his employer additional remuneration in respect of such overtime at rates bearing the same relation to his normal rate of remuneration as the additional remuneration paid to artisans in the employment of the same employer in respect of any overtime bears to the normal remuneration of such artisans. Payment for overtime

**34.** (1) No apprentice shall work or be permitted or required to work on any holiday. Holidays

(2) Notwithstanding anything contained in sub-regulation (1), any apprentice may work or be permitted or required to work on any holiday if his so working is necessary-

- (a) as a matter of emergency to avoid or lessen danger to life or serious danger to property; or
- (b) to enable him to obtain experience of work which he would not otherwise obtain.

(3) Notwithstanding anything contained in sub-regulation (1), every apprentice shall be deemed to have worked on any holiday for the purposes of computing the amount of wages due and payable to him by his employer and for the purpose of computing the period of his apprenticeship.

(4) When any apprentice works or is permitted or required to perform any work on any holiday under sub-regulation (2), he shall be paid in respect of such work at rates bearing the same relation to his normal rate of remuneration as the additional remuneration paid to artisans in the employment of the same employer in respect of any work performed by them on any holiday bears to the normal remuneration of such artisans.

**35.** (1) Save as is provided by regulation 34, no apprentice shall be permitted any leave of absence in excess of a total of three days, excluding holidays, during the period of twelve months from the date of commencement of his apprenticeship. Leave

(2) Subject to the operation of sub-regulation (1), an apprentice shall be entitled to twelve working days' leave for each period of twelve months' service. Any holiday, other than a Sunday, falling within a period of leave shall not be included in any leave.

(3) The Controller may in his discretion authorise the granting of either paid or unpaid leave in excess of any period of leave granted under sub-regulation (1) or (2).

(4) No leave resulting in an apprentice being absent from any course of instruction or evening classes to which he is directed under sub-regulation (1) of regulation 25 shall be granted.

(5) The period qualifying for leave shall be calculated from the day succeeding the last day of the latest period of leave taken or, in the case of a first year apprentice, from the date of commencement of contract.

**36.** (1) For the purpose of calculating wages while on leave, an apprentice shall be deemed to have worked during any period of leave, except when he is granted unpaid leave. Wages while on leave

(2) Any period of leave taken by any apprentice in accordance with sub-regulation (1) or (2) of regulation 35 shall be counted as working time towards the completion of his period of apprenticeship.

(3) Any apprentice to whom any excess leave is granted under sub-regulation (3) of regulation 35 may be required to continue his apprenticeship beyond his contractual period for a time equal to the excess period of leave taken if the Controller shall by writing so require him.

**37.** (1) When an apprentice is unable to attend his place of work or instruction due to sickness for more than one day, he shall, on production of a certificate signed by a medical practitioner, be granted by his employer not more than twelve days' sick leave in any one calendar year, and during this period his service towards his apprenticeship shall continue. Sick leave

(2) If any apprentice is absent from work or a course of instruction beyond the period of sick leave granted by his employer in accordance with sub-regulation (1), his employer may at the request of the apprentice grant him any leave to which he is entitled under regulation 35.

(3) If an apprentice is absent from work beyond the time of any period of leave due to him, the Controller shall be so informed by the employer and the employer shall notify the Controller immediately the apprentice returns to work.

(4) Where an apprentice returns to work after a period of leave taken in accordance with this regulation, the Controller may consider the progress of the apprentice and may, after consultation with the employer, direct that the period of absence, or any part of it, in excess of twelve days be treated as sick leave, or require the apprentice to continue his apprenticeship period beyond his contractual period for all or any part of the excess of time of absence over the period of leave due to him as the Controller may deem fit.

## PART IX

### OFFENCES AND PENALTIES

**38.** (1) Any person who, without reasonable excuse, fails or refuses to comply with any of the provisions of these Regulations shall be guilty of an offence and shall be liable to a fine not exceeding seven hundred and fifty penalty units or to imprisonment for a period not exceeding three months, or to both.

Offences and penalties

(2) Any person who, without reasonable excuse, fails or refuses to comply with any direction given under these Regulations shall be guilty of an offence and shall be liable to a fine not exceeding seven hundred and fifty penalty units or to imprisonment for a period not exceeding three months, or to both.

(3) The conviction or acquittal of any person charged with any offence under these Regulations shall in no way affect any civil right or obligation of such person.

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

### SCHEDULE

*(Regulation 10)*

GOVERNMENT OF ZAMBIA

THE APPRENTICESHIP ACT

CERTIFICATE OF COMPLETION OF CONTRACT

The Laws of Zambia

This is to certify that the apprentice named in the Indenture has satisfactorily completed an apprenticeship of ..... years ..... months to the trade of ..... in accordance with the Apprenticeship Act.

Dated this ..... day of .....

.....  
*Controller of Apprenticeship*

The Laws of Zambia

**Endnotes**

**1 (Popup - Popup)**  
3rd September, 1965.