

GOVERNMENT OF ZAMBIA

ACT

No. 19 of 2009

Date of Assent: 28th August, 2009

**An Act to amend the Zambia Institute of Advanced Legal
Education Act.**

[31st August, 2009

ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the Zambia Institute of Advanced Legal Education (Amendment) Act, 2009, and shall be read as one with the Zambia Institute of Advanced Legal Education Act, in this Act referred to as the principal Act.

Short title

Cap. 49

2. Section *two* of the principal Act is amended by the insertion in the appropriate place of the following new definition:

Amendment
of Section 2

“Accreditation Committee” means the Committee established under section *ten A*;

3. Section *four* of the principal Act is amended in subsection (2)—

Amendment
of Section 4

(a) by the deletion of paragraphs (e) and (f) and the substitution therefor of the following paragraphs:

(e) accredit law schools at private and public universities and set the criteria for accreditation;

(f) approve qualifications of foreign students who wish to be enrolled at the Institute;

(b) by the deletion of the word “and” at the end of paragraph (1);

(c) by the insertion after paragraph (1) of the following new paragraph:

(m) appoint the teaching staff of the intitute;

(d) by the insertion of the word “ and ” after the semi-colon at the end of paragraph (m); and

(e) by the renumbering of paragraph (m) as paragraph (n).

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

(1) The Council shall consist of the following part-time members:

(a) the Attorney-General, with the Solicitor-General as an alternate member;

(b) a judge nominated by the Chief Justice;

(c) the Director of Public Prosecutions;

(d) the Permanent Secretary responsible for administration in the Ministry responsible for justice;

(e) a representative of the Attorney-General with expertise in legislative drafting;

(f) a representative of the Law Association of Zambia;

(g) a representative of the Zambia Institute of Chartered Accountants;

(h) a representative of the department of the Clerk of the National Assembly;

(i) a dean and one senior lecturer from the Law School of a public university, nominated by the Minister responsible for education;

(j) a dean and one senior lecturer from the Law School of a private university, nominated by the Minister responsible for education;

(k) a magistrate who is admitted as a legal practitioner under the Legal Practitioners Act, nominated by the Magistrates and Judges Association of Zambia; and

(l) two legal practitioners appointed by the Minister.

Cap. 30

Insertion of
new section
10A
Accreditation
Committee

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

10A. (1) There is hereby established the Accreditation Committee of the Council which shall consist of the following members:

- (a) a judge nominated by the Chief Justice;
- (b) a representative of the Law Association of Zambia;
- (c) a representative of the Examinations Council of Zambia;
- (d) a representative of the Ministry responsible for education;
- (e) a dean and one senior lecturer from the Law School of a public university, nominated by the Minister responsible for education;
- (f) a dean and one senior lecturer from the Law School of a private university, nominated by the Minister responsible for education;
- (g) a representative of the National Institute for Public Administration;
- (h) a representative of the Zambian Centre for Accountancy Studies; and
- (i) the Director, as of the *ex-officio* member.

(2) The Chairperson and the Vice-Chairperson shall be elected by the members from among their number.

(3) The functions of the Accreditation Committee are to—

- (a) approve schools of law or such other institutions within or outside Zambia as schools whose training in law will be acceptable training for purposes of admission to the Institute; and
- (b) perform any other function conferred on it by the Council.

(4) Five members shall form a quorum at a meeting of the Accreditation Committee.

(5) Subject to any specific or general direction of the Council, the Accreditation Committee may regulate its own procedure.

Insertion of
new Part
IVA

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

Part IV A

OFFENCES RELATING TO EXAMINATIONS

Oath of
secrecy

20A. (1) The Council shall require a person performing the work of the Council or engaged in the conduct of an examination or the handling of an examination paper, to take and subscribe before a Commissioner for Oaths, an oath of secrecy as prescribed under the Official Oaths Act.

Cap. 5

(2) Where a person required to take an oath under this Part expresses an objection to taking the oath or expresses a desire to make an affirmation, the person shall, without being questioned as to the grounds of the person's objection or desire, make a solemn affirmation in accordance with the Official Oaths Act.

Cap. 5

(3) A person to whom this section applies who does or omits to do an act in contravention of an affirmation or oath of secrecy commits an offence and is liable, upon conviction, to a fine not exceeding three hundred thousand penalty units or to imprisonment for a period not exceeding three years, or to both.

Disclosure
of
examination
question
etc.

20B. A person who, without lawful excuse, discloses to a person an examination question or information relating to the contents of an examination paper, commits an offence and is liable, upon conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a term not exceeding five years, or to both.

Unauthorised
possession
of
examination
paper or
information

20C. (1) A person who, without lawful excuse, has in the person's possession or control, an examination paper or a part of the examination paper, or information relating to the contents of an examination paper commits an offence and is liable, upon conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a term not exceeding five years, or to both.

(2) A person who assists, or causes to be assisted, an examination candidate to obtain or gain unauthorised possession of an examination paper commits an offence and is liable, upon conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a term not exceeding five years, or to both.

20D. A person who, having in the person's possession or control an examination paper or information relating to the contents of an examination paper, recklessly or negligently loses the examination paper or information, or uses the examination paper or information in a manner prejudicial to the proper and fair conduct of an examination, commits an offence and is liable, upon conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a term not exceeding five years, or to both.

Loss and
misuse of
examination
paper

20E. (1) If a person engaged in the conduct of examinations or performing work connected with examinations is directly or indirectly interested in a private capacity in an examination or in an examination paper or information relating to the examination or examination paper, or if the spouse, child, friend or relative of the person is a candidate in the examination, that person's duties in respect of the examination disclose the interest to the Council and shall, unless the Council otherwise directs, cease to perform that person's duties.

Disclosure
of interest in
examination
or
examination
paper

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

20F. (1) Where the Council is satisfied that there has been an irregularity in the course of an examination, the Council may suspend or nullify the examination or a part of the examination.

Nullification
of
examination
or
examination
results

(2) Where the Council is satisfied that there is reasonable cause to believe that the examination results of a candidate have been obtained by irregular means, the Council shall nullify the examination results of the candidate.
