

**THE EDUCATION (AMENDMENT) BILL, 2026**

MEMORANDUM

The object of this Bill is to amend the Education Act so as to—

- (a) provide for the right to free education for a child enrolled in a public educational institution from early childhood care, development and education to secondary school education;
- (b) revise the system of school education; and
- (c) provide for matters connected with, or incidental to, the foregoing.

M.D. KABESHA,  
Attorney-General



# A BILL

ENTITLED

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

ENACTED by the Parliament of Zambia

Enactment

1. This Act may be cited as the Education (Amendment) Act, 2026, and shall be read as one with the Education Act, in this Act referred to as the principal Act.

Short title  
Cap. 134

5 2. Section 2 of the principal Act is amended by the deletion of the definitions of—

Amendment  
of section 2

(a) “adult literacy education”, “basic education”, “basic school”, “high school”, and “high school education”; and

10 (b) “attainment target”, “child”, “head teacher”, “primary education”, “secondary education” and “tertiary education” and the substitution therefor of the following in the appropriate places in alphabetical order:

15 “attainment target” means, in relation to a primary or secondary school stage, the knowledge, skills and understanding that a learner of different abilities and maturities, who is not in the formal education system, is expected to have attained at the end of that stage;

20 “child” has the meaning assigned to the word in the Constitution;

“head teacher” means a teacher appointed as the head of a primary school, secondary school or school for continuing education;

“primary education” means education from grade one to grade six; 5

“secondary education” means education from form one to form six;

“school education” means early childhood care, development and education, primary school and secondary school education comprising of a programme of full time instructions and learning activities; and 10

“tertiary education” means education provided after secondary school; and

(c) insertion of the following new definitions in alphabetical order in the appropriate places: 15

“accommodation” means the provision of bed space, a bed and mattress to a learner residing at an educational institution;

Cap.1

“adult” has the meaning assigned to the word in the Constitution; 20

Cap.1

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

“day care” means education from the age of zero to three years; 25

“free education” means education provided by the Government at early childhood care, development and education, primary school and secondary school level in a public educational institution, where a child who is a citizen is not required to pay admission, tuition and accommodation fees; 30

Act No.12 of 2022

“guardian” has the meaning assigned to the word in the Children’s Code Act, 2022;

“lower primary education” means education from grade one to grade three; 35

“nursery” means education from the age of three years to four years;

“parental responsibility” has the meaning assigned to the words in the Children’s Act, 2022;

Act No.12 of 2022

“reception” means education from the age of four years to five years;

5 “secondary education advanced level” means education from form five to form six;

“secondary education ordinary level” means education from form one to form four;

10 “upper primary education” means education from grade four to grade six;

“youth” has the meaning assigned to the word in the Constitution; and

Cap. 1

15 “youth and adult literacy education” means education provided to enable a youth and an adult to acquire reading, writing, numeracy and other skills for sustainable livelihood.

3. Section 12 of the principal Act is amended by the deletion of —

Amendment of section 12

(a) subsection (1) and the substitution therefor of the following:

20 (1) The system of school education shall be organised into the following progressive stages:

(a) early childhood care, development and education;

(b) primary education;

(c) secondary education; and

25 (d) tertiary education.;

(b) subsection (2) and the substitution therefor of the following:

30 (2) Subject to the other provisions of this Act, an educational institution may establish and maintain open and distance learning, youth and adult literacy education and skills training.; and

(c) subsection (4) and the substitution therefor of the following:

(4) Despite subsection (3), an educational institution offering—

35 (a) primary education may offer early childhood care, development and education; and

- (b)* secondary education ordinary level may offer secondary education advanced level.
- Amendment of section 13      **4.** Section 13 of the principal Act is amended by the deletion of subsection (2) and the substitution therefor of the following:      5
- (2) The fundamental school system shall be organised into the following units:
- (a)* early childhood care, development and education;
- (b)* primary school;      10
- (c)* school for continuing education;
- (d)* secondary school; and
- (e)* tertiary institution.
- Amendment of section 14      **5.** Section 14 of the principal Act is amended by the deletion of subsection (1) and the substitution therefor of the following:      15
- Cap. 1      (1) Subject to the Constitution and the other provisions of this Act, a person has the right to—
- (a)* early childhood care, development and education;
- (b)* primary education;      20
- (c)* secondary education; and
- (d)* youth and adult literacy education.
- Repeal and replacement of section 15      **6.** The principal Act is amended by the repeal of section 15 and the substitution therefor of the following:
- Right to free education      15. (1) A child who is a citizen shall have the right to free education.      25
- (2) Despite subsection (1), the right to free education shall apply to a citizen who was enrolled as a child in a public educational institution but becomes an adult while still enrolled in a public educational institution.      30
- (3) Subject to subsection (1), a child's parent, guardian or person having parental responsibility for a child who intends to seek free education referred to under subsection (1) shall, at the time of enrolment, provide proof of citizenship of that child, as prescribed.      35

5 (4) A person who aids, abets, counsels, procures or solicits the access to free education referred to under subsection (1), for a child who is not a citizen, 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.

7. Section 35(1) of the principal Act is amended by the deletion of paragraph (a) and the substitution therefor of the following: Amendment of section 35

- 10 (a) establish and maintain an educational institution for the purpose of providing to learners—
- (i) early childhood care, development and education;
  - (ii) primary education;
  - (iii) secondary education;
  - 15 (iv) youth and adult literacy education;
  - (v) teacher education and training;
  - (vi) open and distance learning education; and
  - (vii) skills training.

8. Section 84 of the principal Act is amended by the deletion of paragraph (e) and the substitution therefor of the following: Amendment of section 84

- 20 (e) regulate the conditions of enrolment of a learner at an aided educational institution and determine, in consultation with the Minister, the fees and charges, if any, payable by a learner to the board of management;
- 25

9. Section 95 of the principal Act is amended by the deletion of subsection (4) and the substitution therefor of the following: Amendment of section 95

- (4) For the purposes of this Part, the key stages of a learner are as follows:
- 30 (a) day care, which is the first key stage;
  - (b) nursery, which is the second key stage;
  - (c) reception, which is the third key stage;
  - (d) lower primary, which is the fourth key stage;
  - 35 (e) upper primary, which is the fifth key stage;

(f) secondary education ordinary level, which is the sixth key stage;

(g) secondary education advanced level, which is the seventh key stage; and

(h) tertiary, which is the eighth key stage. 5

Amendment  
of section 98

**10.** Section 98(2) of the principal Act is amended—

(a) in paragraph (b), by the deletion of the words “any lower basic” and the substitution therefor of the words “a lower primary”; and

(b) in paragraph (c), by the deletion of the words “basic to high” and the substitution therefor of the words “primary to secondary”. 10

Amendment  
of section  
108

**11.** Section 108(1) of the principal Act is amended—

(a) in paragraph (d), by the deletion of the word “basic”; and

(b) in paragraph (e), by the deletion of the word “basic”. 15

Amendment  
of section  
119

**12.** Section 119 of the principal Act is amended—

(a) by the deletion of subsections (1) and (2) and the substitution therefor of the following:

(1) A public educational institution and a community educational institution offering education from early childhood care, development and education, primary school and secondary school shall not charge admission, tuition and accommodation fees. 20

(2) Despite subsection (1) the Minister may, by statutory instrument, prescribe the fees payable in a public educational institution and a community educational institution in respect of services or programmes not covered under free education.; 25

(b) by the insertion of the following new subsections immediately after subsection (2): 30

(3) An aided educational institution shall, in consultation with the Minister, charge admission, accommodation and tuition fees as may be determined by a board of management.

(4) A private educational institution shall charge admission, accommodation and tuition fees as may be determined by a board of management.;

5 (c) by the deletion of subsection (5) and the substitution therefor of the following:

(5) A person who contravenes this section, 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.; and

10 (d) by the renumbering of subsections (3), (4) and (5) as subsections (5), (6) and (7), respectively.

13. The principal Act is amended by the insertion of the following new section immediately after section 131:

Insertion of section 131A

15 131A. (1) The Minister may, in the exercise of the functions under this Act, issue guidelines that are necessary for the better carrying out of the provisions of this Act.

Guidelines

20 (2) The Minister shall publish the guidelines issued under this Act in a daily newspaper of general circulation in the Republic or in the *Gazette* and any other electronic means that the Minister may determine.

25 (3) The guidelines issued by the Minister shall take effect on the date of publication and shall bind all persons on matters relating to this Act.

14. Section 132 of the principal Act is amended—

Amendment of section 132

(a) in subsection (2)—

30 (i) by the deletion of paragraph (c) and the substitution therefor of the following:

(c) the transformation of an educational institution from a basic school and high school into a primary school and secondary school;

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

(g) fees payable in respect of a child who is not a citizen; and

(iii) by the renumbering of paragraphs (g), (h), (i), (j), (k), (l), (m), (n) and (o) as paragraphs (h), (i), (j), (k), (l), (m), (n), (o) and (p), respectively.; 5 and

(b) by the insertion of the following new subsection immediately after subsection (3):

(4) In this section, unless the context requires—

“basic education “ means education from 10 early childhood care, development and education to grade nine;

“public basic school” means a school that provides basic education;

“high school” means a school that provides 15 high school education; and

“high school education” means education from grade ten to grade twelve.

Amendment of Schedule

**15.** Paragraph 2 of the Schedule to the principal Act is amended by the deletion subparagraph 2 and the substitution therefor of the following: 20

(2) The transformation of an educational institution from a basic school and a high school to a primary school and secondary school referred to under section 132(2)(c) shall commence on 30th May, 2026 25 until 30th May, 2031, after which the basic school and high school shall be phased out or transformed into a primary school or secondary school, as the case may be, in accordance with this Act.