

**THE TECHNICAL EDUCATION, VOCATIONAL AND
ENTREPRENEURSHIP TRAINING BILL, 2026**

MEMORANDUM

The objects of this Bill are to —

- (a) continue the existence of the Technical Education, Vocational and Entrepreneurship Training Authority and re-define its functions;
- (b) re-constitute the board of the Technical Education, Vocational and Entrepreneurship Training Authority and re-define its functions;
- (c) provide for the establishment and regulation of technical education, vocational and entrepreneurship training institutions;
- (d) constitute management boards for public technical education, vocational and entrepreneurship training institutions and provide for their functions;
- (e) constitute Councils for public polytechnics and provide for their functions;
- (f) provide for the administration of examinations;
- (g) provide for the accreditation of training programmes, trainers, assessors, and examiners;
- (h) continue the existence of the Technical Education, Vocational and Entrepreneurship Training Fund and re-define its administration;
- (i) constitute a Technical Education, Vocational and Entrepreneurship Training Fund Committee and provide for its functions;
- (j) repeal and replace the Technical Education, Vocational and Entrepreneurship Training Act, 1998; and
- (k) provide for matters connected with, or incidental to, the foregoing.

M. D. KABESHA,
Attorney-General

N.A.B. 73, 2026
23rd April, 2026

**THE TECHNICAL EDUCATION, VOCATIONAL AND
ENTREPRENEURSHIP TRAINING BILL, 2026**

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY PROVISIONS

Sections

1. Short title and commencement
2. Interpretation
3. Non-application

PART II

THE TECHNICAL EDUCATION, VOCATIONAL AND ENTREPRENEURSHIP
TRAINING AUTHORITY

4. Continuation of Technical Education, Vocational and
Entrepreneurship Training Authority
5. Functions of Authority
6. Board of Authority
7. Functions of Board
8. Director-General, Secretary and other staff

PART III

TECHNICAL EDUCATION, VOCATIONAL AND ENTREPRENEURSHIP
TRAINING INSTITUTION

9. Types of technical education, vocational and
entrepreneurship training institutions
10. Functions of technical education, vocational and
entrepreneurship training institutions

PART IV

ESTABLISHMENT AND REGISTRATION OF TECHNICAL EDUCATION,
VOCATIONAL AND ENTREPRENEURSHIP TRAINING INSTITUTION

11. Non-application of Part
12. Establishment or declaration of public technical education,
vocational and entrepreneurship training institution
13. Constitution of management boards for public technical
education, vocational and entrepreneurship training institution

14. Functions of management board for technical education, vocational and entrepreneurship training institution
15. Principal, Vice-Principal and other staff of technical education, vocational and entrepreneurship training institution
16. Prohibition of operation of unregistered private technical education, vocational and entrepreneurship training institution
17. Classes of registration
18. Application for registration of private technical education, vocational and entrepreneurship training institution
19. Validity of certificate of registration
20. Criteria for registration of private technical education, vocational and entrepreneurship training institution
21. Display of certificate of registration
22. De-registration of technical education, vocational and entrepreneurship training institution
23. Re-registration of de-registered private technical education, vocational and entrepreneurship training institution
24. Academic Board of Studies
25. Functions of Academic Board of Studies

PART V

ESTABLISHMENT AND REGISTRATION OF POLYTECHNICS

26. Establishment of public polytechnics
27. Prohibition of operation of unregistered private polytechnics
28. Application for registration of private polytechnic
29. Criteria for registration of private polytechnic
30. Operational plan of private polytechnic
31. Change in establishment or operational plan
32. Display of certificate of registration
33. De-registration of private polytechnic
34. Re-registration of deregistered private polytechnic

PART VI

ADMINISTRATION OF POLYTECHNICS

35. Council of polytechnic
36. Functions of Council
37. Management of property of public polytechnic
38. Chancellor and other staff

39. Statutes
40. Qualifications and other training awards
41. Examinations
42. Dissolution of Council of public polytechnic
43. Appeals from Council decision
44. Rights of Council in discoveries and consultancy
45. Board of Studies
46. Functions of Board of Studies

PART VII

CLOSURE OF TECHNICAL EDUCATION, VOCATIONAL AND ENTREPRENEURSHIP TRAINING INSTITUTION

47. Closure of public technical education, vocational and entrepreneurship training institution
48. Closure of private technical education, vocational and entrepreneurship training institution

PART VIII

ACCREDITATION OF TRAINING PROGRAMMES IN TECHNICAL EDUCATION, VOCATIONAL AND ENTREPRENEURSHIP TRAINING INSTITUTIONS

49. Accreditation of training programmes in technical education, vocational and entrepreneurship training institutions
50. Prohibition of technical education, vocational and entrepreneurship training institution from offering learning programme not accredited
51. Application for accreditation for training programme
52. Criteria for accreditation for training programmes
53. Variation of accreditation for training programme
54. Suspension and revocation of accreditation for training programme
55. Renewal of certificate of accreditation for training programme
56. Display of certificate of accreditation of training programme
57. Publication of accredited of training programmes

PART IX

ACCREDITATION OF TRAINERS AND EXAMINATION OFFICERS

58. Certificate of accreditation
59. Prohibition of offering services as trainer or examination officer without accreditation
60. Application for accreditation to offer services as trainer or examination officer
61. Validity of certificate
62. Renewal of certificate of accreditation
63. Suspension or revocation of accreditation

PART X

ADMINISTRATION OF EXAMINATIONS IN TRAINING INSTITUTIONS

64. Appointment of examination officers
65. Registration of candidate for examination
66. Disclosure of interest in examination and examination material
67. Examination malpractice
68. Loss and misuse of examination paper
69. Suspension, cancellation or nullification of examination

PART XI

TECHNICAL EDUCATION, VOCATIONAL AND ENTREPRENEURSHIP
TRAINING FUND

70. Continuation of Technical Education, Vocational and Entrepreneurship Training Fund
71. Purpose of Fund
72. Technical Education, Vocational and Entrepreneurship Training Fund Committee
73. Administration of Fund
74. Accounts and audit of Fund
75. Annual report of Fund

PART XII

INSPECTORATE

76. Inspectors
77. Power of entry, search and inspection

PART XIII
GENERAL PROVISIONS

78. Change in details
79. Duplicate certificate of registration or duplicate certificate of accreditation
80. Transfer of certificate of registration or certificate of accreditation
81. Oath of secrecy
82. Fees
83. Keeping of records
84. Appeals
85. Register
86. Public of registered technical education, vocational and entrepreneurship training institutions
87. Offences and penalties
88. General penalty
89. Administrative penalty
90. Offences by principal officers of body corporate or unincorporate body
91. Guidelines
92. Restrictions on execution against public technical education, vocational and entrepreneurship training institution
93. Regulations
94. Repeal and replacement of Cap. 138 and savings and transitional provisions

SCHEDULES

A BILL

ENTITLED

An Act to continue the existence of the Technical Education, Vocational and Entrepreneurship Training Authority and redefine its functions; re-constitute the board of the Technical Education, Vocational and Entrepreneurship Training Authority and re-define its functions; provide for the establishment and regulation of technical education, vocational and entrepreneurship training institutions; constitute management boards for public technical education, vocational and entrepreneurship training institutions and provide for their functions; constitute Councils for public polytechnics and provide for their functions; provide for the administration of examinations; provide for the accreditation of training programmes, trainers, assessors, and examiners; continue the existence of the Technical Education, Vocational and Entrepreneurship Training Fund and re-define its administration; constitute a Technical Education, Vocational and Entrepreneurship Training Fund Committee and provide for its functions; repeal and replace the Technical Education, Vocational and Entrepreneurship Training Act, 1998; and provide for matters connected with, or incidental to, the foregoing.

ENACTED by the Parliament of Zambia.

Enactment

PART I

PRELIMINARY PROVISIONS

5 **1.** This Act may be cited as the Technical Education, Vocational and Entrepreneurship Training Act, 2026, and shall come into operation on the date appointed by the Minister by statutory instrument.

Short title
and
commence-
ment

N. A. B. 73, 2026

-
- Interpretation 2. In this Act unless the context otherwise requires —
- “aided technical education, vocational and entrepreneurship training institution” means a technical education, vocational and entrepreneurship training institution financially aided by the Government other than a public technical education, vocational and entrepreneurship training institution; 5
- “Academic Board of Studies” means an Academic Board of Studies of a public technical education, vocational and entrepreneurship training institution established under section 24; 10
- “affiliated institution” means a technical education, vocational and entrepreneurship training institution affiliated to a public technical education, vocational and entrepreneurship training institution in accordance with this Act;
- Cap. 91 “associate” has the meaning assigned to the word in the Anti-Corruption Act; 15
- “Authority” means the Technical Education, Vocational and Entrepreneurship Training Authority continued in existence under section 4;
- “Board” means the Board of Authority constituted under section 6; Board of Studies means a board of studies constituted in accordance with section 45; 20
- “Chairperson” means a person appointed as Chairperson of the Board under section 6;
- “Committee” means the Technical Education, Vocational and Entrepreneurship Training Fund Committee constituted under section 73; 25
- “Council” means a Council of polytechnic established under section 35;
- Cap. 134 “education institution” has the meaning assigned to the words in the Education Act; 30
- Cap. 1 “Emoluments Commission” means the Emoluments Commission established under the Constitution;
- “examination” means an assessment administered by the Authority for the award of a qualification; 35
- “examination material” has the meaning assigned to the words in the Examinations Council of Zambia Act, 2023;

- “examination officer” means a person appointed as an examination officer by the Authority under section 64;
- 5 “Fund” means the Technical Education, Vocational and Entrepreneurship Fund continued into existence under section 70;
- “inspector” means a person appointed as an inspector under section 76;
- 10 “learner” means a person who is enrolled and receiving knowledge, skill or competence at a technical education, vocational and entrepreneurship institution;
- “legally disqualified” means the absence of legal capacity as provided under section 4 of the Mental Health Act; Cap. 305
- 15 “management board” means a management board for a public technical education, vocational and entrepreneurship training institution constituted under section 13;
- “National Qualification Framework” has the meaning assigned to the words in the Zambia Qualifications Authority Act, 2024; Act No. 8 of 2024
- 20 “polytechnic” means a technical education, vocational and entrepreneurship training institution that offers training programmes up to postgraduate level and conducts research and promotes development in technical courses and applied sciences;
- 25 “private technical education, vocational and entrepreneurship training institution” means a technical education, vocational and entrepreneurship training institution other than a public technical education, vocational and entrepreneurship training institution;
- 30 “public technical education, vocational and entrepreneurship training institution” means a technical education, vocational and entrepreneurship training institution which is owned by the Government or a local authority and is financed by public funds;
- 35 “recognition of prior learning” has the meaning assigned to the words in the Zambia Qualifications Authority Act, 2024; Act No. 8 of 2024
- “relative” has the meaning assigned to the word in the Anti-Corruption Act; Cap. 91

Cap. 138	<p>“repealed Act” means the Technical Education, Vocational and Entrepreneurship Training Act repealed under section 94;</p> <p>“Secretary” means the person appointed as Secretary of the Authority under section 8;</p>	5
Cap. 134	<p>“School” has the meaning assigned to the word in the Education Act;</p> <p>“statutes” means the rules governing a polytechnic made under section 39;</p> <p>“technical college” means a registered technical education vocational and entrepreneurship training institution providing technical education vocational and entrepreneurship training leading to a qualification up to level five and level six of the National Qualifications, Framework;</p> <p>“technical education vocational and entrepreneurship training institution” means an institution that provides technical education, vocational and entrepreneurship training on a full time, part-time or distance learning basis;</p>	10 15
Cap. 136	<p>“technical university” has the meaning assigned to the words in the Higher Education Act;</p> <p>“trade training institute” means a registered technical education vocational and entrepreneurship training institution providing technical education vocational and entrepreneurship training leading to a qualification up to level four of the National Qualifications Framework;</p> <p>“trainer” means a person accredited by the Authority for a period as the Authority may determine to provide instructions and counsel relating to a trade or profession to trainees enrolled in a technical education vocational and entrepreneurship training institution registered under this Act;</p> <p>“training institution” means a technical education, vocational and entrepreneurship training institution and does not include a polytechnic;</p> <p>“Tribunal” means a Staff Tribunal of a polytechnic established under the Third Schedule;</p> <p>“two-tier” means a school providing secondary education and technical education, vocational and entrepreneurship training;</p>	20 25 30 35

“Vice-Chairperson” means the person elected as Vice-Chairperson of the Board under section 6; and

5 “vocational training centre” means a registered technical education vocational and entrepreneurship training institution providing technical education vocational and entrepreneurship training leading to a qualification up to level three of the National Qualifications Framework.

3. This Act does not apply to —

10 (a) an education institution regulated under the Education Act; or

Non-application
Cap. 134

(b) a higher education institution regulated under the Higher Education Act.

Cap. 136

PART II

15 THE TECHNICAL EDUCATION, VOCATIONAL AND ENTREPRENEURSHIP TRAINING AUTHORITY

4. (1) The Technical Education, Vocational and Entrepreneurship Training Authority established under the repealed Act is continued as if established under this Act as a body corporate with perpetual succession and a common seal, capable of suing and being sued in its corporate name and with power, subject to the provisions of this Act, to do all acts and things that a body corporate may, by law, do or perform.

Continuation
of Technical
Education,
Vocational
and
Entrepreneur-
ship Training
Authority

(2) The First Schedule applies to the Authority.

Functions of
Authority

5. (1) The functions of the Authority are to —

25 (a) regulate technical education, vocational and entrepreneurship training institutions;

(b) regulate apprenticeship training and other forms of work based learning;

30 (c) regulate and coordinate the recognition of prior learning and trade testing systems;

(d) regulate the development of curricula by polytechnics;

(e) develop curricula for training institutions;

(f) regulate and conduct examinations undertaken by a person attending courses at a training institution;

35 (g) approve examinations to be undertaken by a person attending courses at a polytechnic established or registered under this Act;

-
- (h) award certificates to candidates who pass examinations undertaken at a training institution;
- (i) accredit training programmes developed by a technical education, vocational and entrepreneurship training institution; 5
- (j) accredit trainers and examination officers;
- (k) establish and maintain a register of accredited trainers, assessors and examiners;
- (l) collect, manage and disseminate labour market information relating to technical education, vocational and entrepreneurship training; 10
- (m) create and maintain a data base of all learners registered in technical education vocational and entrepreneurship training institutions;
- (n) initiate, monitor and evaluate development programmes for the continued advancement of technical education, vocational and entrepreneurship training programmes; 15
- (o) promote quality assurance in technical education, vocational and entrepreneurship training;
- (p) conduct audits of training institutions and training programmes for compliance; 20
- (q) accredit examination assessment centres;
- (r) promote cooperation among technical education, vocational and entrepreneurship training institutions at national, regional and international level and facilitate their linkage with industry; and 25
- (s) advise the Minister on policies related to technical education, vocational and entrepreneurship training.
- (2) The Authority may determine —
- (a) the fees payable for an inspection conducted or other services rendered for the purposes of this Act; and 30
- (b) what portion of any fee is payable in respect of any part of a year and the date on which the fee or portion of the fee is payable.

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

Board of
Authority

- 5 (a) a representative of the ministry responsible for —
- (i) labour;
 - (ii) small and medium enterprise; and
 - (iii) technical education, vocational and entrepreneurship training;
- (b) a representative of the Attorney-General;
- 10 (c) a representative of the Zambia Chamber of Commerce and Industry;
- (d) a representative of the Zambia Chamber of Mines;
- (e) a representative of the Zambia Federation of Employers;
- 15 (f) a representative of a religious organisation involved in providing technical education, vocational and entrepreneurship training; and
- (g) a person with knowledge and experience in matters relating to the Act.
- 20 (2) The ministries, institutions and organisations referred to under subsection (1) shall nominate their representatives for appointment by the Minister.
- (3) The Minister shall appoint a Chairperson from among the members of the Board.
- 25 (4) The members shall elect the Vice-Chairperson from among themselves.
- (5) A person shall not be nominated or appointed as a member of the Board if that person —
- (a) is an undischarged bankrupt;
 - 30 (b) is legally disqualified from performing the functions of a member;
 - (c) has been convicted of an offence under this Act or any written law and is sentenced to imprisonment for a term exceeding six months without the option of a fine; or
 - 35 (d) has been convicted of an offence involving fraud or dishonesty.

-
- (6) The First Schedule applies to the Board.
- Functions of Board 7. (1) Subject to the other provisions of this Act, the Board shall perform the functions of the Authority and provide strategic policy direction to the Authority.
- (2) Despite subsection (1), the functions of the Board are to — 5
- (a) promote the effective corporate governance of the Authority;
- (b) approve the policies, programmes and strategies of the Authority;
- (c) approve the annual work plans, action plans and activity reports of the Authority; 10
- (d) approve the annual budget estimates and financial statement of the Authority; and
- e) monitor and evaluate the performance of the Authority against the budget and plans. 15
- (3) The Board may, by direction in writing and on conditions that the Board considers necessary, delegate to the Director-General any of the Board's functions under this Act.
- (4) A delegation made under subsection (3) shall not prevent the Board from performing the function so delegated. 20
- (5) The Minister may give such general or specific directions to the Authority in the performance of the Authority's functions for the purpose of enhancing technical education, vocational and entrepreneurship training as the Minister considers necessary and the Authority shall implement these directions. 25
- Director-General, Secretary and other staff 8. (1) The Board shall appoint a Director-General who shall be —
- (a) the chief executive officer of the Authority; and
- (b) responsible for the day-to-day administration of the Authority under the direction of the Board. 30
- (2) The Director-General shall be an *ex-officio* member of the Board.
- (3) The Board shall appoint a Secretary who shall perform corporate secretarial duties for the Board and other functions as the Board may determine under the direction of the Board and the Director-General. 35

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

5 (5) The Emoluments Commission shall, on the recommendation of the Board, determine the emoluments and terms and conditions of service of the Director-General, Secretary and other staff of the Authority.

PART III

10 TECHNICAL EDUCATION, VOCATIONAL AND ENTREPRENEURSHIP
TRAINING INSTITUTIONS

9. (1) Technical education, vocational and entrepreneurship training institutions shall consist of the following:

Types of technical education, vocational and entrepreneurship training institutions

- 15 (a) polytechnic;
(b) technical college;
(c) trades training institute;
(d) vocational training centre; and
(e) any other institution offering technical education, vocational and entrepreneurship training programme as determined by the Authority.

20 (2) A technical education, vocational and entrepreneurship training institution referred to under subsection (1), may be a public or private technical education, vocational and entrepreneurship training institution.

25 (3) A technical education, vocational and entrepreneurship training institution shall comply with the standards set by the Authority for technical education, vocational and entrepreneurship training institution and be subject to periodic audits.

30 (4) A technical education, vocational and entrepreneurship training institution shall submit data on the enrolment and records of achievements to the Authority at such intervals and in the manner that the Authority may determine.

10. The functions of a technical education, vocational and entrepreneurship training institution are to —

Functions of technical education, vocational and entrepreneurship training institutions

- 35 (a) provide technical education, vocational and entrepreneurship training;
(b) create conditions for learners to acquire skills and competencies;

- (c) create conditions for lifelong learning;
- (d) prepare learners on hands on skills and entrepreneurship;
- (e) conduct research necessary to respond to national needs;
- (f) provide facilities appropriate for the pursuit of learning and research and for the acquisition of technical education, vocational and entrepreneurship training that is responsive to the needs of the public; 5
- (g) prepare specialist, expert, research and managerial trained professionals to carry out technical and creative work to meet national needs; 10
- (h) provide opportunities for learning and the creation of knowledge; and
- (i) contribute to the advancement of knowledge and maintain international standards of technical education, vocational and entrepreneurship training. 15

PART IV

ESTABLISHMENT AND REGISTRATION OF TECHNICAL EDUCATION,
VOCATIONAL AND ENTREPRENEURSHIP TRAINING INSTITUTIONSNon-
application
of Part

11. This part shall not apply to polytechnics.

Division 1 - Establishment and declaration of public technical education, vocational and entrepreneurship training institution 20Establishment
or
declaration
of public
technical
education,
vocational
and
entrepreneurs-
hip training
institution

12. (1) The Minister may, in consultation with the Authority, by statutory instrument, establish or declare an institution as a public technical education, vocational and entrepreneurship training institution. 25

(2) An institution established under subsection (1) shall be a body corporate with perpetual succession and a common seal, capable of suing and of being sued in its corporate name, and with power, subject to the provisions of this Act, to do all acts or things that a body corporate may, by law, do or perform. 30

Constitution
of
management
boards for
public
technical
education,
vocational
and
entrepreneurs-
hip training
institution

13. The Minister shall, in consultation with the Authority, by statutory instrument, constitute a management board which shall consist of seven part-time members appointed by the Minister.

14. (1) Subject to the other provisions of this Act, a management board shall provide strategic policy direction to a technical education, vocational and entrepreneurship training institution.

Functions of
management
board for
technical
education,
vocational
and
entrepreneur-
ship training
institution

5 (2) Despite subsection (1), the functions of a management board are to —

(a) promote the effective corporate governance of the technical education, vocational and entrepreneurship training institution;

10 (b) approve the policies, programmes and strategies of the technical education, vocational and entrepreneurship training institution;

(c) approve the annual work plans, action plans and activity reports of the technical education, vocational and entrepreneurship training institution; and

15 (d) approve the annual budget estimates and financial statement of the technical education, vocational and entrepreneurship training institution.

(3) Subject to the provisions of this Act, a management board
20 may regulate its own procedure.

(4) The members of a management board shall elect a chairperson and vice-chairperson from among themselves.

(5) The Minister may, by statutory instrument, make Regulations to provide for the composition, tenure and qualifications of members
25 of a management board.

(6) A member of a management board shall be paid allowances that the Emoluments Commission may, on the recommendation of the Minister, determine.

30 15. (1) A management board shall appoint a Principal who shall be —

Principal,
Vice-
Principal and
other staff
of technical
education,
vocational
and
entrepreneur-
ship training
institution

(a) the Chief Executive officer of a public technical education, vocational and entrepreneurship training institution; and

(b) responsible for the administration of the public technical education, vocational and entrepreneurship training
35 institution under the direction of a management board.

(2) The Principal shall be the secretary to the management board.

(3) The Principal, shall attend meetings of a management board and may address those meetings, but but shall not vote on any matter.

(4) A management board shall appoint a Vice-Principal and other staff of the public technical education, vocational and entrepreneurship training institution as it considers necessary for the performance of its functions under this Act. 5

(5) The Emoluments Commission shall, on the recommendation of a management board, determine the emoluments of a Principal, Vice-Principal and other staff of a public technical education, vocational and entrepreneurship training institution. 10

(6) The management board shall determine the conditions of service, other than emoluments, of the Principal, Vice-Principal and other staff of a public technical education, vocational and entrepreneurship training institution. 15

Division 2 - Registration of private technical education, vocational and entrepreneurship training institutions

Prohibition of operation of unregistered private technical education, vocational and entrepreneurship training institution

16. (1) A person shall not operate a private technical education, vocational and entrepreneurship training institution unless the private technical education, vocational and entrepreneurship training institution is registered under this Act. 20

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding one million penalty units or to imprisonment for a term not exceeding ten years, or to both. 25

Classes of registration

17. There shall be classes of a certificate of registration for private technical education, vocational and entrepreneurship training institutions as prescribed.

Application for registration of private technical education, vocational and entrepreneurship training institution

18. (1) A person who intends to operate a private technical education, vocational and entrepreneurship training institution shall apply to the Authority for registration of that private technical education, vocational and entrepreneurship training institution in the prescribed manner and form on payment of a prescribed fee. 30

(2) The Authority shall , within sixty days of receipt of an application under subsection (1), grant or reject the application. 35

(3) The Authority shall, where the applicant meets the requirements under section 20, issue the applicant with a certificate of registration for a private technical education, vocational and entrepreneurship training institution in a prescribed manner and form. 40

(4) The Authority shall, where the Authority rejects an application under subsection (2), inform the applicant in a prescribed form stating the reasons for rejection.

5 (5) A proprietor of a private technical education, vocational and entrepreneurship training institution shall not operate a private technical education, vocational and entrepreneurship training institution on any premises within the Republic, other than the premises specified in its certificate of registration or other premises approved by the Authority for such purposes.

10 (6) A person who contravenes subsection (5), commits an offence and is liable, on conviction, to a fine not exceeding six hundred thousand penalty units or to imprisonment for a term not exceeding six years, or to both.

15 **19.** A certificate of registration for a private technical education, vocational and entrepreneurship training institution issued under this Part shall be valid for a period of three years and may be renewed on terms and conditions as prescribed.

Validity of certificate of registration

20 **20.** (1) The Authority shall approve an application for registration of a private technical education, vocational and entrepreneurship training institution, if —

Criteria for registration of private technical education, vocational and entrepreneurship training institution

25 (a) the name of the private technical education, vocational and entrepreneurship training institution in respect of which the application is made does not resemble the name of another private technical education, vocational entrepreneurship training institution as to mislead the public to believe that the private technical education, vocational and entrepreneurship training institution, is that other private technical education, vocational and entrepreneurship training institution;

30 (b) the name of the private technical education, vocational and entrepreneurship training institution in respect of which the application is made does not mislead the public to believe that the private technical education, vocational and entrepreneurship training institution is funded by the Government;

35 (c) the premises of the private technical education, vocational and entrepreneurship training institution and any hostel or other facilities provided or to be provided at the private technical education, vocational and entrepreneurship training institution are suitable, adequate and meet the prescribed standards relating to number, age, gender and accessibility;

40

-
- (d) the establishment of the private technical education, vocational and entrepreneurship training institution is consistent with the needs of learners and the subsisting technical education, vocational and entrepreneurship training policy; 5
- (e) the private technical education, vocational and entrepreneurship training institution has an operational plan approved by a board of that private technical education, vocational and entrepreneurship training institution; 10
- (f) the private technical education, vocational and entrepreneurship training institution fulfils the prescribed minimum requirements of health and safety and complies with the Urban and Regional Planning Act or any other relevant written law; 15
- (g) adequate financial provision is made or guaranteed for the proper maintenance of the private technical education, vocational and entrepreneurship training institution for a reasonable period; 20
- (h) the training staff to be employed at the private technical education, vocational and entrepreneurship training institution are qualified for the purpose of efficient provision of quality education; 25
- (i) the learning programmes to be provided at the private technical education, vocational and entrepreneurship training institution are accredited by the Authority; and 30
- (j) the facilities to be used at the private technical education, vocational and entrepreneurship training institution meet the set training standard for the delivery of learning programmes to be offered at the private technical education, vocational and entrepreneurship training institution. 35
- Cap. 283
- Display of certificate of registration
- 21.** A private technical education, vocational and entrepreneurship training institution shall display the certificate of registration, in a conspicuous place at the private technical education, vocational and entrepreneurship training institution. 35

22. (1) The Authority shall de register a private technical education, vocational and entrepreneurship training institution if —

De-
registration
of technical
education,
vocational
and
entrepreneur-
ship training
institution

5 (a) the private technical education, vocational and entrepreneurship training institution contravenes any term or condition of the certificate of registration or any provision of this Act;

10 (b) the private technical education, vocational and entrepreneurship training institution is operated in a manner that is detrimental to the physical, mental or moral welfare of the learners at the private technical education, vocational and entrepreneurship training institution or the institution is being managed in a manner that is detrimental to the interest of peace, order or good management;

15 (c) the private technical education, vocational and entrepreneurship training institution, at any time after registration, is not operational for a period exceeding six months;

20 (d) the private technical education, vocational and entrepreneurship training institution has ceased to operate or exist; or

25 (e) the private technical education, vocational and entrepreneurship training institution changes its premises in a manner which the Authority determines to be detrimental to the prescribed quality assurance standards.

(2) The Authority shall, before de registering a private technical education, vocational and entrepreneurship training institution under subsection (1) —

30 (a) by notice, in writing —

35 (i) inform the private technical education, vocational and entrepreneurship training institution of the intention to de-register the private technical education, vocational and entrepreneurship training institution;

40 (ii) state the ground for the proposed de-registration and request the private technical education, vocational and entrepreneurship training institution to take remedial measures that the Authority may determine; and

-
- (iii) state the date on which the de-registration is proposed to be done;
- (b) invite the private technical education, vocational and entrepreneurship training institution to make written representations to the Authority on the matter, within 5 thirty days from the date of the notice; and
- (c) take into account the representations made by the private technical education, vocational and entrepreneurship training institution under paragraph (b).
- (3) The Authority shall, order the closure of a private technical 10 education, vocational and entrepreneurship training institution where the private technical education, vocational and entrepreneurship training institution fails to take the remedial measures determined by the Authority under subsection (2)(a)(ii) and that order shall be published in the *Gazette*. 15
- (4) A private technical education, vocational and entrepreneurship training institution which is de registered under this section shall surrender the certificate of registration to the Authority within seven days of the de-registration.
- (5) A person who contravenes subsection (4) or operates a de- 20 registered private technical education, vocational and entrepreneurship training institution commits an offence and is liable, on conviction, to a fine not exceeding one million penalty units or to imprisonment for a term not exceeding ten years, or to both.
- (6) Despite any other provisions of this Act, where a private 25 technical education, vocational and entrepreneurship training institution is de-registered, the Authority may direct that the private technical education, vocational and entrepreneurship training institution be operated under the management and control of a competent person, in this section referred to as a “statutory 30 manager”.
- (7) A statutory manager shall be appointed by the Authority for a period not exceeding twelve months and on terms and conditions that the Authority may determine.

(8) A statutory manager shall, during the period of appointment, keep the Authority informed on matters relating to the private technical education, vocational and entrepreneurship training institution.

5 (9) Any expenses connected with the appointment of a statutory manager and the management of a private technical education, vocational and entrepreneurship training institution by the statutory manager shall be a charge on the revenues of a private technical education, vocational and entrepreneurship training institution for
10 which the statutory manager is appointed.

23. The Authority may, on conditions that the Authority determines, re-register a private technical education, vocational and entrepreneurship training institution which is de registered under section 22 in a prescribed manner and form on payment of a
15 prescribed fee.

Re-
registration
of de-
registered
private
technical
education,
vocational
and
entrepreneur-
ship training
institution

24. There shall be established in a private technical education,
20 vocational and entrepreneurship training institution, an Academic Board of Studies consisting of the following members:

Academic
Board of
Studies

(a) the Principal who shall be the Chairperson;

25 (b) the Vice-Principal;

(c) all heads of departments; and

(d) internal examinations officer.

25. The functions of an Academic Board of Studies referred
to under section 24 are to —

Functions of
Academic
Board of
Studies

30 (a) develop an internal quality assurance system in the manner which continuance assessments shall be conducted in the institution in compliance with the Authority's guidelines;

35 (b) ensure the trainers prepare continuance assessment instruments in line with the syllabus.

PART V

ESTABLISHMENT AND REGISTRATION OF POLYTECHNICS

Establishment
of public
polytechnics

26. (1) The Minister may, by statutory instrument, establish or declare a Technical Education, Vocational and Entrepreneurship Training institution as a public polytechnic. 5

(2) A public polytechnic established or declared under subsection (1) shall be a body corporate with perpetual succession capable of suing and being sued in its corporate name and, subject to its statutes and this Act, of performing all acts and things that a body corporate may, by law, do or perform. 10

(3) The Second Schedule applies to a public polytechnic.

Prohibition
of operation
of
unregistered
private
polytechnic

27. (1) A person shall not operate a private polytechnic unless the private polytechnic is registered under this Act.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding one million penalty units or to imprisonment for a term not exceeding ten years, or to both. 15

Application
for
registration
of private
polytechnic

28. (1) A person who intends to operate a private polytechnic shall apply to the Authority for registration of the private polytechnic in the prescribed manner and form on payment of a prescribed fee. 20

(2) The Authority shall, within thirty days of receipt of an application under subsection (1), grant or reject the application.

(3) The Authority shall, where the applicant meets the requirements under section 29 issue the applicant with a certificate of registration in a prescribed form. 25

(4) The Authority shall, where the Authority rejects an application under subsection (2), inform the applicant in a prescribed form, stating the reasons for the rejection.

(5) A proprietor of a private polytechnic shall not operate a private polytechnic on any premises within the Republic, other than the premises specified in its certificate of registration or other premises approved by the Authority for that purpose.

(6) A person who contravenes subsection (5), 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 two years, or to both. 30

29. The Authority shall approve an application for registration of a private polytechnic if —

Criteria for
registration
of private
polytechnic

- 5 (a) the name of the polytechnic in respect of which the application is made does not so resemble the name of another private polytechnic as to mislead the public to believe that the polytechnic is that other private polytechnic;
- 10 (b) the name of the private polytechnic in respect of which an application is made does not mislead the public to believe that the private polytechnic is funded by the Government;
- 15 (c) the premises of the private polytechnic and any hostel or other facilities provided or to be provided at the private polytechnic are accessible, suitable and adequate having regard to the number, age and gender of the learners who are to attend the institution;
- 20 (d) the establishment of the private polytechnic is consistent with the needs of learners and the subsisting technical education, vocational entrepreneurship training policy;
- (e) the private polytechnic has an approved operational plan developed in accordance with section 30;
- 25 (f) the private polytechnic fulfills the prescribed minimum requirements of health and safety and complies with the Urban and Regional Planning Act or any other relevant written law;
- (g) adequate financial provision has been made or is guaranteed for the proper maintenance of the private polytechnic for a reasonable period;
- 30 (h) the teaching staff to be employed at the private polytechnic are qualified for the purpose of efficient provision of qualitative polytechnic education;
- 35 (i) the learning programmes to be provided at the private polytechnic are of a quality that will enable the private polytechnic to provide a standard of polytechnic education in accordance with this Act; and
- (j) the facilities to be used at the private polytechnic meet the set training standard for the delivery of learning programmes to be offered at the private polytechnic.

Cap. 283

Operational
plan of
private
polytechnic

30. (1) A private polytechnic shall develop an operational plan which shall include the following:

(a) the proposed level of training or course of study which the private polytechnic intends to offer;

(b) the governance structure of the private polytechnic; 5

(c) the premises where the private polytechnic is to operate in the Republic, including the facilities and resources;

(d) the requirements of the course or level of training to achieve the learning outcomes; and

(e) the level and name of the award that may be attained on 10 successful completion of the course or level of education.

(2) A proprietor of a private polytechnic shall submit the operational plan, prepared in accordance with subsection (1), to the Authority for approval.

(3) A private polytechnic shall not commence any operations 15 until its operational plan is approved by the Authority.

(4) An operational plan of a private polytechnic shall be open for inspection by members of the public, during normal office hours at the premises of the Authority, on payment of a prescribed fee.

Change in
establishment
or
operational
plan

31. (1) A proprietor of a private polytechnic shall, where any 20 change or alteration occurs at a private polytechnic, inform the Authority of the change or alteration within thirty days of the change or alteration.

(2) A change shall only be effected in the establishment or operational plan of a private polytechnic if the Authority approves 25 the change and the particulars of the change are recorded in the Register.

(3) For the purposes of this section, a change in the establishment or operational plan of a private polytechnic means —

(a) the provision of any additional course or programme in 30 the private polytechnic not included in any previous registration;

(b) the re-opening of the closed private polytechnic;

(c) the change of ownership or management of the private polytechnic, whether the change takes effect by way of 35 partnership or otherwise;

- (d) the transfer of the private polytechnic to a new site or change of its principal office;
- (e) the alteration of any qualification for admission to the private polytechnic; or
- 5 (f) the provision of any type of training not falling within the classification in which the institution was previously registered.

32. A private polytechnic shall —

- 10 (a) display in a conspicuous place on the premises of the private polytechnic, the private polytechnic's certificate of registration; and
- (b) indicate on all the private polytechnic's official documents, registration number and state that it is registered in accordance with this Act.

Display of
certificate of
registration

15 **33.** (1) The Authority shall de register a private polytechnic if —

- (a) a private polytechnic contravenes any term or condition of the certificate of registration or any provision of this Act;
- 20 (b) the private polytechnic is operated in a manner that is detrimental to the physical, mental or moral welfare of the learners at the private polytechnic or the institution is being managed in a manner that is detrimental to the interest of peace, order or good management.
- 25 (c) the private polytechnic, at any time after registration, is not operational for a period exceeding six months;
- (d) the private polytechnic has ceased to operate or exist; or
- (e) the private polytechnic changes its premises in a manner which the Authority determines to be detrimental to the prescribed quality assurance standards.

De-
registration
of private
polytechnic

30 (2) The Authority shall, before de registering a private polytechnic institution under subsection (1) —

- (a) by notice, in writing —
- (i) inform the private polytechnic of the intention to de-register the private polytechnic;
- 35 (ii) state the ground for the proposed de-registration and request the private polytechnic to take remedial measures that the Authority may determine; and

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

(b) invite the private polytechnic to make written representations to the Authority on the matter, within thirty days from the date of the notice; and 5

(c) take into account the representations made by the private polytechnic under paragraph (b).

(3) The Authority shall, order the closure of a private polytechnic where the private polytechnic fails to take the remedial measures determined by the Authority under subsection (2)(a)(ii) and that order shall be published in the *Gazette*. 10

(4) A private polytechnic which is de-registered under this section shall surrender the certificate of registration to the Authority within seven days of the de-registration.

(5) A person who contravenes subsection (4) or operates a de-registered a private polytechnic commits an offence and is liable, on conviction, to a fine not exceeding one million penalty units or to imprisonment for a term not exceeding ten years, or to both. 15

Re-
registration
of
deregistered
private
polytechnic

34. The Authority may, on conditions that the Authority determines, re register a private polytechnic which is de-registered under section 33 in a prescribed manner and form on payment of a prescribed fee. 20

PART VI

ADMINISTRATION OF POLYTECHNICS

Council of
Polytechnic

35. (1) There shall be established a Council for a polytechnic. 25

(2) The Minister shall appoint a Council for a public polytechnic.

(3) A proprietor of a private polytechnic shall appoint a Council for a private polytechnic.

(4) The Second Schedule applies to a Council of a public polytechnic. 30

Functions of
Council

36. (1) Subject to the other provisions of this Act, a Council appointed in accordance with section 35 shall be responsible for the governance, control and administration of a polytechnic, and shall, at all times, act in the interest of the polytechnic.

-
- (2) Despite subsection (1), a Council may —
- 5 (a) receive, on behalf of the polytechnic or affiliated institution of the polytechnic, gifts, donations, bequests, grants or other money and pay such gifts, donations, bequest, grants or other money to the polytechnic, or affiliated institution;
- (b) provide for the welfare of the staff and students of the polytechnic;
- 10 (c) determine the emoluments and other conditions of service of the staff of a private polytechnic, except for a public polytechnic whose emoluments shall be determined by the Emoluments Commission;
- (d) appoint and suspend, dismiss or otherwise discipline staff of the polytechnic in accordance with the provisions of this Act and its statutes;
- 15 (e) regulate and determine matters concerning the polytechnic in accordance with the rules adopted by the Council;
- (f) administer funds placed at the disposal of the polytechnic for specific purposes;
- 20 (g) take into account and if the Council considers it proper to do so, give effect to or approve reports or recommendations from the Board of Studies which the Board of Studies is authorised or required by this Act to make;
- 25 (h) implement the decisions of the Board of Studies on those matters on which the Board of Studies has authority to decide on under this Act;
- (i) determine the terms and conditions on which examiners shall be appointed by the Board of Studies and the remuneration to be paid to the examiners, except for a public polytechnic whose emoluments shall be determined by the Emoluments Commission;
- 30 (j) determine, after consultation with the Board of Studies, the academic dress and insignia of the Chancellor, officers and graduates of the polytechnics;
- 35 (k) call for, receive and consider reports from the Rector on the operation of the polytechnic;

- (l) enter into, vary, carry out or rescind contracts on behalf of the polytechnic;
- (m) determine all fees for the polytechnic;
- (n) establish administrative or service sections or units of the polytechnic as it considers necessary; and 5
- (o) do any other things which are necessary for the performance of its functions under this Act.
- Management of property of public polytechnic 37. (1) The funds, assets and property, movable and immovable, of a public polytechnic shall be managed and utilised by the public polytechnic in accordance with this Act or any other written law and in a manner and for a purpose that promotes the best interests of the public polytechnic. 10
- Cap. 347 (2) The Council may charge or dispose of the immovable property of a public polytechnic in accordance with the Public Finance Management Act. 15
- Chancellor and other staff 38. A polytechnic shall have a Chancellor and other staff as specified in the Third Schedule.
- Statutes 39. (1) A polytechnic shall develop and adopt statutes to govern the administration of the polytechnic which shall include —
- (a) the governance structure; 20
- (b) the functions of the Council;
- (c) the functions of the Board of Studies;
- (d) the functions of the Chancellor and other staff;
- (e) student entrance requirements and policies;
- (f) qualifications; 25
- (g) research, publication and consultancy policies;
- (h) financial management;
- (i) human resource management; and
- (j) resolution of disputes or disciplinary procedures.
- (2) A polytechnic shall submit the statutes, adopted in accordance with subsection (1), to the Authority for approval. 30
- (3) A polytechnic may, with the approval of the Authority, amend or vary its statutes.

(4) A polytechnic shall, within seven days of the amendment or variation of a statute under this section, lodge a copy of the amended or varied statute with the Authority.

40. A polytechnic may —

- 5 (a) confer qualifications as may be specified in its statutes;
(b) provide such trainings and instructions for persons who are not students of the polytechnic as the polytechnic may determine and grant certificates to such persons; and
10 (c) grant a recognition award in accordance with its statutes.

Qualifications
and other
training
awards

41. A polytechnic shall conduct examinations in a manner that the polytechnic's statutes may prescribe.

Examinations

42. (1) The Minister may, where a Council of a public polytechnic fails, refuses or neglects to perform its functions under 15 this Act, in writing, dissolve the Council.

Dissolution
of Council of
public
polytechnic

(2) The Minister shall, during the period when the Council is dissolved, appoint an interim committee to exercise the functions of the Council for a period of six months or a further period not exceeding six months that the Minister may, in consultation with 20 the Authority determine.

43. (1) A member of the training staff or administrative staff of a polytechnic may, where a member of the training staff or administrative staff is aggrieved with the decision of the Council made under section 36(2)(d), appeal to the Minister within fourteen 25 days of the date of service of the decision.

Appeals
from Council
decision

(2) A member of the training staff or administrative staff of a polytechnic that is dismissed from employment by the Council shall remain suspended from the date of service of the decision until the period prescribed for lodging an appeal under this section lapses.

30 (3) The effective date of dismissal from employment for a member of the training staff or administrative staff of a polytechnic referred to under subsection (2), shall be the date on which the period for lodging an appeal under subsection (1), lapses.

44. Where a person who is employed by a polytechnic on full 35 time basis or who is training or carrying out research at the polytechnic makes any discovery, invention or improvement in the course of that person's duties, the rights in the discovery, invention or improvement shall be dealt with in accordance with the Patents Act.

Rights of
Council in
discoveries
and
consultancy

Cap. 400

Board of Studies	<p>45. (1) There shall be a Board of Studies for a polytechnic which shall be the supreme training authority of the polytechnic.</p> <p>(2) The Third Schedule applies to a Board of Studies.</p>
Functions of Board of Studies	<p>46. (1) Subject to the other provisions of this Act, the Board of Studies shall organise, control and direct the training work of a polytechnic.</p> <p>(2) Despite subsection (1), the Board of Studies shall —</p> <p>(a) determine the training policy of the polytechnic and advise the Council on the provision of facilities to carry out the policy; 10</p> <p>(b) direct and determine the programme of instruction and the structure of training programmes within a polytechnic;</p> <p>(c) develop and submit to the Authority for approval curricula for programmes offered at a polytechnic in a prescribed manner and form on payment of a prescribed fee; 15</p> <p>(d) determine the requirements for the admission of persons to a polytechnic and to a training programme in a polytechnic and their continued training in that training programme;</p> <p>(e) administer polytechnic examinations for degrees and post graduate qualifications and the standard of proficiency to be attained in those examinations; 20</p> <p>(f) appoint examiners and local examiners;</p> <p>(g) award degrees and make other awards and distinctions of the polytechnic, except that recognition awards shall be awarded on the recommendation of a recognition committee established by the Board of Studies; 25</p> <p>(h) award scholarships and prizes administered by the polytechnic;</p> <p>(i) constitute professorial chairs, readerships and other academic offices and abolish or suspend any such office; 30</p> <p>(j) recommend to the Council the —</p> <p style="padding-left: 40px;">(i) establishment of new schools, bureaux or similar bodies within a polytechnic;</p> <p style="padding-left: 40px;">(ii) amalgamation of any of the existing schools, bureaux or similar bodies within the polytechnic; 35</p>

- (iii) division of any school, bureau or similar body within the polytechnic into two or more schools, bureaux or similar bodies; and
- 5 (iv) abolishing or alteration of any school, bureau or similar body;
- (k) approve, review, amend, control or disallow any act relating to the training affairs of any school, bureau or similar body within a polytechnic or giving direction to any school, bureau or similar body; and
- 10 (l) regulate its own procedure and the conduct of its meetings.
- (3) The Board of Studies may deprive any person of any qualifications of the polytechnic which has been conferred on that person if, after due inquiry, that person is shown to have engaged in fraudulent or dishonourable conduct in obtaining that award.
- 15 (4) A person aggrieved with the decision of the Board of Studies under subsection (3) may, within thirty days of receipt of the decision of the Board of Studies, appeal to the Council.
- (5) A person aggrieved with the decision of the Council under subsection (4) may appeal to the High Court.
- 20 (6) The Board of Studies shall prepare a training budget which shall be approved by the Council.
- (7) The Board of Studies shall submit regular reports to the Council regarding the performance of the Board of Studies functions.

25

PART VII

CLOSURE OF TECHNICAL EDUCATION, VOCATIONAL AND ENTREPRENEURSHIP TRAINING INSTITUTION

- 30 **47.** (1) The Minister may, in consultation with the Authority, by notice in the *Gazette*, close a public technical education, vocational and entrepreneurship training institution, where that public technical education, vocational and entrepreneurship training institution—
- (a) is not operated in accordance with the provisions or requirements of this Act;
- 35 (b) is operated in a manner that is detrimental to the interests of the learners, public peace and security, good governance or the health and security of the learners; or
- (c) has ceased to provide the facility or service for which it
- 40 was established.

Closure of public technical education, vocational and entrepreneurship training institution

(2) The Minister may close a public technical education, vocational and entrepreneurship training institution, for a specified period, on grounds of health or public disorder.

(3) Where a public technical education, vocational and entrepreneurship training institution is closed under subsection (1), all the assets and liabilities of the public technical education, vocational and entrepreneurship training institution shall, after the closure, be dealt with in accordance with this Act or any other written law and any assets remaining after the payment of all liabilities shall vest in the Government. 10

Closure of private technical education, vocational and entrepreneurship training institution

48. (1) The Authority may close a private technical education, vocational and entrepreneurship training institution for a specified period on the grounds of health or public disorder.

(2) A private technical education, vocational and entrepreneurship training institution that intends to permanently close shall apply to the Authority, in writing, for approval to close at least ninety days before the proposed date of closure of that public technical education, vocational and entrepreneurship training institution. 15

(3) The Authority shall approve the permanent closure of a private technical education, vocational and entrepreneurship training institution on being satisfied with the arrangements of the institution relating to the closure of the private technical education, vocational and entrepreneurship training institution. 20

PART VIII

25

ACCREDITATION OF TRAINING PROGRAMMES IN TECHNICAL EDUCATION, VOCATIONAL AND ENTREPRENEURSHIP TRAINING INSTITUTIONS

Accreditation of training programmes in technical education, vocational and entrepreneurship training institutions

49. Despite any other written law, the Authority shall, in consultation with relevant professional institutions, accredit training programmes offered in a technical education, vocational and entrepreneurship training institution for the purpose of — 30

(a) setting and safeguarding the quality of training programmes; and

(b) ensuring the delivery and continuous improvement of the quality of training programmes. 35

50. (1) A technical education, vocational and entrepreneurship training institution shall not offer a training programme which is not accredited.

Prohibition of technical education, vocational and entrepreneurship training institution from offering training programme not accredited

5 (2) A technical education, vocational and entrepreneurship training institution which contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

10 51. (1) A technical education, vocational and entrepreneurship training institution that intends to offer a training programme shall apply to the Authority for accreditation of that training programme in the prescribed manner and form on payment of a prescribed fee.

Application for accreditation for training programme

15 (2) The Authority shall , within sixty days of receipt of an application under subsection (1), grant or reject the application.

(3) The Authority shall, where the applicant meets the requirements under section 52 issue the applicant with a certificate of accreditation for a training programme in a prescribed form.

20 (4) The Authority shall, where the Authority rejects an application under subsection (2), inform the applicant in a prescribed form stating the reasons for the rejection.

(5) The certificate of accreditation for a training programme shall be valid for a period as may be determined by the Authority.

25 52. The Authority shall accredit a training programme of a technical education, vocational and entrepreneurship training institution if—

Criteria for accreditation of training programmes

30 (a) the staff to be employed are adequate for the efficient delivery of the training programmes and they possess the necessary qualifications and experience in the relevant field;

35 (b) there are sufficient facilities at the technical education, vocational and entrepreneurship training institution to enable the technical education, vocational and entrepreneurship training institution deliver the training programme;

(c) there are academic support services for the efficient delivery of the training programme;

(d) institutional management arrangements exist for the purpose of internal quality assurance;

(e) adequate financial provision is made or guaranteed for the efficient delivery of the training programme; and

(f) the technical education, vocational and entrepreneurship training institution meets any other requirements that the Authority may determine. 5

Variation of accreditation for training programme

53. (1) A technical education, vocational and certificate of accreditation for a training programme shall apply to the Authority in the prescribed manner and form on payment of a prescribed fee.

(2) The Authority shall, where the proposed variation meets the standards determined by the Authority for variation of an accredited programme, approve the application within ninety days of receipt of the application under subsection (1). 10

Suspension and revocation of accreditation for training programme

54. (1) The Authority may suspend or revoke a certificate of accreditation for a training programme if the holder of that certificate of accreditation — 15

(a) obtained the certificate of accreditation on the basis of fraud, negligence or misrepresentation;

(b) breaches any term or condition of the certificate of accreditation; or 20

(c) contravenes the provisions of this Act or any other written law.

(2) The Authority shall, before suspending or revoking a certificate of accreditation in accordance with subsection (1), notify the holder of the certificate of accreditation of the Authority's intention to suspend or revoke the certificate of accreditation in the prescribed manner and form, and shall — 25

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

(b) require the holder of the certificate of accreditation to — 30

(i) show cause, within a reasonable time that the Authority may specify in the notice, why the accreditation should not be suspended or revoked; or

(ii) remedy the default. 35

(3) The Authority shall, in making the final determination on the suspension or revocation of the certificate of accreditation consider the remedial measures undertaken by the holder of the certificate of accreditation in accordance with subsection (2)(b)(ii).

5 (4) The Authority shall suspend or revoke the certificate of accreditation if the holder of the certificate of accreditation does not show cause or take remedial measures to the satisfaction of the Authority in accordance with subsection (2)(b), and notify the holder of the certificate of accreditation of the suspension or
10 revocation in the prescribed manner and form.

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

(6) A technical education, vocational and entrepreneurship
15 training institution whose certificate of accreditation is cancelled under this section shall surrender the original certificate of accreditation to the Authority within seven days of the cancellation.

20 **55.** (1) A technical education, vocational and entrepreneurship training institution that intends to renew a certificate of accreditation for a training programme shall, not less three months before the expiry of the certificate of accreditation, apply for renewal of the certificate of accreditation to the Authority in a prescribed manner and form, on payment of the prescribed fee.

Renewal of certificate of accreditation for training programme

25 (2) The Authority shall, where a technical education, vocational and entrepreneurship training institution complies with the terms and conditions of accreditation for a training programme, renew the certificate of accreditation.

30 **56.** A technical education, vocational and entrepreneurship training institution shall display the certificate of accreditation for a training programme or a certified copy, in a conspicuous place of the relevant department of the training programme.

Display of certificate of accreditation for training programme

35 **57.** The Authority shall, within the first and third quarter of each financial year, publish in the *Gazette* and a daily newspaper of general circulation in the Republic, a learning programme accredited in each technical education, vocational and entrepreneurship training institution.

Publication of accredited training programmes

PART IX

ACCREDITATION OF TRAINERS AND EXAMINATION OFFICERS

- Certificate of accreditation **58.** For the purposes of this Part unless the context otherwise requires “certificate” means a certificate of accreditation for —
- (a) a trainer; or 5
- (b) an examination officer.
- Prohibition of offering services as trainer or examination officer without accreditation **59.** (1) A person shall not offer services as a trainer or examination officer without accreditation by the Authority.
- (2) A technical education, vocational and entrepreneurship training institution shall not offer employment to a trainer or examination officer without accreditation issued to that person by the Authority. 10
- (3) A person or a technical education, vocational and entrepreneurship training institution that contravenes subsection (1) or (2) commits an offence and is liable, on conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a term not exceeding one year, or to both. 15
- Application for accreditation to offer services as trainer or examination officer **60.** (1) A person who intends to offer services as a trainer or examination officer shall apply to the Authority for accreditation in the prescribed manner and form on payment of a prescribed fee. 20
- (2) The Authority shall, within thirty days of receipt of an application under subsection (1), grant or reject the application.
- (3) The Authority shall, where the applicant meets the prescribed requirements for accreditation as a trainer or examination officer, issue the applicant with a certificate in a prescribed form. 25
- (4) The Authority shall, where the Authority rejects an application under subsection (2), inform the applicant in a prescribed form, stating the reasons for the rejection.
- Validity of certificate **61.** The certificate issued under this Part shall be valid for a period of three years. 30

62. (1) A trainer or examination officer who intends to renew a certificate shall not less than three months before the expiry of the certificate, apply for renewal of the certificate in a prescribed manner and form on payment of a prescribed fee.

Renewal of
certificate of
accreditation

5 (2) The Authority may, on receipt of an application under subsection (1), renew a certificate on terms and conditions that the Authority may determine.

63. (1) The Authority may suspend or revoke a certificate if the holder of that certificate —

Suspension
or revocation
of
accreditation

10 (a) obtained the certificate on the basis of fraud, negligence or misrepresentation;
(b) breaches any term or condition of the certificate; or
(c) contravenes the provisions of this Act or any other written law.

15 (2) The Authority shall, before suspending or revoking a certificate in accordance with subsection (1), notify the holder of the certificate of the Authority's intention to suspend or revoke the certificate of accreditation in the prescribed manner and form, and shall —

20 (a) give reasons for the intended suspension or revocation; and

(b) require the holder of the certificate to —

25 (i) show cause, within a reasonable time that the Authority may specify in the notice, why the accreditation should not be suspended or revoked; or

(ii) remedy the default.

30 (3) The Authority shall, where the holder of a certificate fails to show cause within the period specified under subsection (2), suspend or revoke the certificate on terms and conditions that the Authority may determine.

(4) A holder of a certificate shall, where the certificate is revoked under this section, surrender the certificate to the Authority and the Authority shall cancel the certificate.

PART X

ADMINISTRATION OF EXAMINATIONS IN TRAINING INSTITUTIONS

Appointment of examination officers	64. (1) The Authority shall appoint the following examination officers at a training institution:	
	(a) chief invigilator; and	5
	(b) assessor.	
	(2) The Authority shall appoint the following examination officers for the purposes of marking an examination:	
	(a) chief marker;	
	(b) lead marker; and	10
	(c) marker.	
	(3) The Authority shall appoint the following examination officers for the purposes of setting an examination:	
	(a) chief examiner;	
	(b) examination setter;	15
(c) item writer;		
(d) moderator; and		
(e) proof reader.		
	(4) The Authority shall issue guidelines relating to —	
	(a) the qualifications and functions of examination officers;	20
	(b) setting of examinations;	
	(c) administration of examinations;	
	(d) handling of examinations; and	
	(e) marking of examinations.	
	(5) The Authority shall develop and publish a code of ethics and conduct for examination officers.	25
	(6) The head of a training institution shall be responsible for the administration and management of examinations at the training institution.	
Registration of candidate for examination	65. (1) A person who intends to be registered as a candidate for an examination shall apply to the Authority for registration in the prescribed manner and form on payment of a prescribed fee.	30
	(2) The Authority shall, within thirty days of receipt of an application referred to under subsection (1), approve or reject an application.	35

(3) The Authority shall, where the Authority rejects an application under subsection (1), notify the applicant in the prescribed manner and form, stating the reasons for the rejection.

5 (4) The Authority shall, where the Authority approves an application under subsection (1), register the applicant as a candidate as prescribed.

(5) The Minister shall prescribe, by statutory instrument, the circumstances under which the registration of an applicant as a candidate may be rejected.

10 **66.** (1) A person engaged in the conduct of an examination or performing work connected with an examination shall, where that person or that person's relative or associate is directly or indirectly interested in a private capacity in an examination or any examination material or information, as soon as is practicable but before the
15 recommencement of that person's duties in respect of the examination, disclose the interest to the Authority or Authority's representative.

Disclosure of interest in examination and examination material

(2) A person referred to under subsection (1) shall, where a disclosure is made, continue to perform that person's duties in respect
20 of the examinations unless the Authority otherwise directs.

(3) A person who contravenes subsection (1), commits an offence.

67. (1) A person shall not —
25 (a) before, or during, an examination, have in that person's possession, receive or take into an examination room any unauthorised examination material;
(b) give examination material to a candidate or another person without lawful authority;
30 (c) have access or disclose the contents of examination material to a candidate or another person without lawful authority;
(d) make a change in the original answer script of a candidate without lawful authority;
35 (e) fraudulently replace the original answer script of a candidate;
(f) fraudulently alter the examination results, work or marks of a candidate;
(g) fraudulently alter the examination number or other identification of a candidate;

Examination malpractice

(h) without lawful authority, alter the records of the Authority with regard to an examination or examination results in relation to a candidate; or

(i) impersonate a student for the purposes of sitting for an examination under this Act. 5

(2) A candidate shall not during an examination —

(a) communicate with another candidate; and

(b) receive external assistance without lawful authority.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable, on conviction, to a fine not exceeding three hundred thousand penalty units or to imprisonment for a term not exceeding three years, or to both. 10

(4) A candidate shall not, during an examination —

(a) copy from the script of another candidate;

(b) copy from notes, an electronic device or material without lawful authority; or 15

(c) be in possession of a textbook, electronic device or material in the examination room without lawful authority.

(5) A candidate who contravenes subsection (4) shall be disqualified from taking the examination for three years. 20

Loss and
misuse of
examination
paper

68. (1) A person who, having in that person's possession or under the control of that person any examination paper or any information relating to an examination paper, recklessly or negligently loses that examination paper or that information, or uses that examination paper or that information in a manner prejudicial to the proper and fair conduct of any examination, commits an offence. 25

(2) A person convicted of an offence under subsection (1), is liable to a fine not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

Suspension,
cancellation
or
nullification
of
examination

69. (1) The Authority may suspend, cancel or nullify an examination where there has been examination malpractice in accordance with section 67 or on the basis of other compelling circumstances as the Authority may determine. 30

(2) The procedure for the suspension, cancellation or nullification of examinations under this section shall be as determined by the Authority. 35

PART XI

TECHNICAL EDUCATION, VOCATIONAL AND ENTREPRENEURSHIP
TRAINING FUND

- 5 **70.** (1) The Technical, Education, Vocational and Entrepreneurship Training Fund established under the repealed Act is continued as if established under this Act. Continuation of Technical Education, Vocational and Entrepreneurship Training Fund
- (2) The Fund consists of — Cap. 347
- (a) monies that may be appropriated by Parliament for the purposes of the Fund;
- 10 (b) subject to the Public Finance Management Act, monies that may be received by way of grants or donations from any source within the Republic and subject to the approval of the Minister, from any source outside the Republic;
- 15 (c) monies that may vest, or accrue to the Fund; and
- (d) monies payable to the Fund by or under any written law.
- (3) Subject to the Public Finance Management Act, the Committee may invest, in a manner that the Committee considers appropriate, monies of the Fund that the Fund does not immediately Cap. 347
- 20 require for the purpose of the Fund.
- 71.** The Fund may be applied for purposes of — Purpose of Fund
- (a) approved technical education, vocational and entrepreneurship training programmes;
- 25 (b) scholarships, bursaries, grants or loans that the Technical Education, Vocational and Entrepreneurship Training Fund Committee may, in consultation with the Minister, consider appropriate for students enrolled in technical education, vocational and entrepreneurship training institutions; and
- 30 (c) the development and maintenance of technical education, vocational and entrepreneurship training infrastructure and equipment.
- 72.** (1) There is constituted the Technical Education, Vocational and Entrepreneurship Training Fund Committee which shall be Technical, Education, Vocational and Entrepreneurship Training Fund Committee
- 35 responsible for the management and administration of the Fund.

(2) The Committee shall consist of the following part-time members appointed by the Minister:

- (a) a representative of ministries responsible for —
 - (i) finance;
 - (ii) labour; 5
 - (iii) technical education, vocational and entrepreneurship training;
- (b) a representative of Zambia Federation of Employers;
- (c) a representative of the Zambia Chamber of Commerce and Industry; 10
- (d) a representative of the Zambia Chamber of Mines;
- (e) a representative of the National Farmer's Union;
- (f) a representative of the Authority; and
- (g) a representative of a technical education, vocational and entrepreneurship institution. 15

(3) The ministries, institutions and organisations referred to under subsection (2) shall nominate their representative for appointment by the Minister.

(4) The Minister shall appoint a Chairperson from among the members of the Committee and the members shall elect the Vice-Chairperson from among their members. 20

(5) The Authority shall provide secretarial services to the Committee.

(6) The First Schedule applies to the Committee.

Administration
of Fund

73. The Minister may, by statutory instrument, on the recommendation of the Technical Education, Vocational and Entrepreneurship Training Fund Committee, make Regulations to provide for — 25

- (a) the manner of financing programmes and activities to which the Fund shall be applied; 30
- (b) prudent and fiscal controls and accounting procedures governing the Fund;
- (c) reporting procedures for matters relating to the Fund;
- (d) investment of the monies of the Fund; and
- (e) any other matter necessary for the efficient operation, administration and management of the Fund. 35

74. (1) The Committee shall cause to be kept proper books of accounts and other records relating to the accounts of the Fund. Accounts and audit of Fund

(2) The Fund shall be audited annually by the Auditor-General or an auditor appointed by the Auditor-General.

5 (3) The fees for the audit of the Fund shall be paid from the Fund.

75. (1) The Committee shall, as soon as is practicable, but not later than ninety days after the end of a financial year, submit to the Minister, a report concerning the activities relating to the Fund during that financial year. Annual report of Fund

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

(a) an audited statement of financial position;

15 (b) an audited statement of comprehensive income; and

(c) information that the Minister may require.

(3) The Minister shall, not later than seven days after the sitting of the National Assembly next after receipt of the report referred to in subsection (1), lay the report before the National Assembly.

20 PART XII

INSPECTORATE

76. (1) The Authority shall appoint suitably qualified persons as inspectors to ensure compliance with this Act. Inspectors

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

(3) An inspector shall, in performing any function under this Act —

30 (a) be in possession of the certificate of appointment referred to in subsection (2); and

(b) show the certificate of appointment to any person who requests to see the certificate or is subject to an investigation for purposes of this Act.

Power of
entry, search
and
inspection

77. (1) An inspector may, for the purpose of enforcing the provisions of this Act, at any reasonable time, without prior notice, and on the authority of a warrant, enter any premises of a technical education, vocational and entrepreneurship training institution that the inspector has reasonable grounds to believe is used by any 5 person for the commission of an offence or contrary to the provisions of this Act, and —

- (a) search the premises;
- (b) search any person on the premises if the inspector has reasonable grounds to believe that the person has 10 possession of an article, document or record that has a bearing on an inspector or investigation except that a person shall only be searched by a person of the same sex;
- (c) take extracts from, or make copies of any book, document 15 or record that is on the premises and that has a bearing on an inspection or investigation;
- (d) demand the production of, and inspect, relevant certificates; and
- (e) make inquiries as may be necessary to ascertain whether 20 the provisions of this Act or any other law on which an inspection or investigation is based have been complied with.

(2) A court may issue a warrant on application by an inspector if it appears from written information given by that inspector, on 25 oath or affirmation, that there are reasonable grounds to believe that this Act has been or is likely to be contravened.

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

- (a) issue a receipt for anything removed to the owner or the 30 person in control of the premises; and
- (b) return anything removed as soon as practicable after the thing removed has served the purpose for which it was removed.

(4) A person commits an offence if that person —

- (a) delays or obstructs an inspector in the performance of 35 the inspector's functions under this Act;
- (b) refuses to give an inspector reasonable assistance that the inspector may require for the purpose of exercising the inspector's functions;

- (c) impersonates an inspector or presents oneself to be an inspector; or
- (d) wilfully gives an inspector false or misleading information in answer to an inquiry made by the inspector.
- 5 (5) A person convicted of an offence under subsection (4) is liable to a fine not exceeding three hundred thousand penalty units or to imprisonment for a term not exceeding three years, or to both.
- (6) An inspector shall furnish the Authority with a written report
10 and any other information relating to an inspection.

PART XIII

GENERAL PROVISIONS

78. A holder of a certificate of registration or a certificate of accreditation issued under this Act shall notify the Authority of any
15 change in the particulars relating to the certificate of registration or certificate of accreditation within seven days of the change.
79. (1) A person whose certificate of registration or certificate of accreditation issued under this Act is destroyed or lost may
20 apply to the Authority for a duplicate certificate of registration or certificate of accreditation in the prescribed manner and form on payment of a prescribed fee.
- (2) The Authority shall, within thirty days of receipt of an application under subsection (1), approve or reject the application.
- (3) The Authority may, where the applicant meets the
25 requirements under this Act, issue to the applicant a duplicate certificate of registration or duplicate certificate of accreditation.
- (4) The Authority shall, where the Authority rejects an application under subsection (1), inform the applicant, in writing, stating the reasons for the rejection.
- 30 80. (1) A certificate of registration or certificate of accreditation issued under this Act shall not be transferred to a third party.
- (2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a term not
35 exceeding five years or, to both.

Change in details

Duplicate certificate of registration or duplicate certificate of accreditation

Transfer of certificate of registration or certificate of accreditation

Oath of secrecy	81. (1) The Authority shall require an employee or an agent of the Authority, or a person engaged in the conduct of an examination or the handling of an examination paper or examination material, to take an oath of secrecy before a Commissioner for Oaths as may be prescribed.	5
	(2) A person referred to under subsection (1) who does, or omits to do, an act in contravention of the oath of secrecy commits an offence and is liable, on conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a term not exceeding one year, or to both.	10
Fees	82. (1) A public technical education, vocational and entrepreneurship training institution may charge fees, in consultation with the Minister, as may be determined by that public technical education, vocational and entrepreneurship training institution.	
	(2) A private technical education, vocational and entrepreneurship training institution may charge fees that may be prescribed in its statutes.	15
Keeping of records	83. A technical education, vocational and entrepreneurship training institution shall keep and maintain records and provide information that the Minister may prescribe for purposes of this Act.	20
Appeals	84. A person aggrieved with a decision of the Minister under this Act may appeal to the High Court.	
Register	85. (1) The Authority shall keep and maintain a Register of —	
	(a) technical education, vocational and entrepreneurship training institutions registered or established under this Act; and	25
	(b) trainers and examination officers.	
	(2) The Registers referred to in subsection (1) shall contain information as may be prescribed.	30
	(3) The Registers referred to under subsection (1), shall be kept in the custody of the Authority and shall be open for inspection by members of the public during normal working hours on payment of a prescribed fee.	
	(4) The Authority may, on an application by any person, issue to the person a certified extract from the register, on payment of a prescribed fee.	35

(5) A document purporting to be an extract of an entry in the register and certified under the hand of the Director-General shall be received in evidence, as to the matters stated in the extract, in any legal proceedings.

5 (6) Subject to this Act, a copy of the last printed register shall be *prima facie* evidence in legal proceedings of what is contained in that Register.

10 **86.** The Authority shall, within the first and third quarter of every calendar year, publish in the *Gazette* and a daily newspaper of general circulation in the Republic, a list of all technical education, vocational and entrepreneurship training institutions registered or established under this Act.

Publication
of registered
technical,
education,
vocational
and
entrepreneurs-
hip training
institutions

87. (1) A person shall not —

15 (a) in any manner, hold out to another person that, that person can offer a training programme or part of that training programme as shall entitle a person on successful completion of the training programme to obtain a qualification that shall be recognised by persons in the industry or field to which the qualification relates;

20 (b) confer any academic award purporting to be a qualification awarded by a technical education, vocational and entrepreneurship training institution established or registered under this Act;

25 (c) without a certificate of registration, establish or operate any institution or organisation as a technical education, vocational and entrepreneurship training institution or use the title “polytechnic”, “technical college”, “trades training institute” or “vocational training centre”; or

30 (d) where a technical education, vocational and entrepreneurship training institution is not registered, do anything likely to lead people to infer that the technical education, vocational and entrepreneurship training institution is registered under this Act.

Offences and
penalties

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

(3) A person shall not —

(a) provide false or misleading information in order to secure an approval, registration, enrolment or any other purpose under this Act;

(b) breach any condition or requirement under this Act; 5

(c) publish, use as part of the curriculum or distribute, in any manner whatsoever, any document, matter or material that is immoral, repugnant or contrary to the interests of learners or public policy; or

(e) make or cause to be made any unauthorised entry, 10 alteration or erasure in the Register or in any other certified copy of the Register.

(4) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a term not exceeding five years, or to both. 15

General
penalty

88. A person who contravenes any provision of this Act for which no penalty is provided 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. 20

Administrative
penalty

89. (1) The Authority may impose an administrative penalty on a person for a failure to comply with a provision of this Act which is not an offence.

(2) An administrative penalty shall not exceed the amount prescribed by the Minister, by statutory instrument, for each day 25 during which the failure continues.

(3) An administrative penalty shall be paid to the Authority within the period prescribed.

(4) Where a person on whom an administrative penalty is imposed in accordance with this section fails to pay the penalty 30 within the time specified under subsection (3), the Authority may, by way of civil action in a competent court, recover the amount of the administrative penalty from that person as an amount due and owing to the Authority.

90. Where an offence under this Act is committed by a body corporate or unincorporate body, with the knowledge, consent or connivance of the director, manager, shareholder or partner of the body corporate or unincorporate body, that director, manager, shareholder or partner commits the same offence as the body corporate or unincorporate body and is liable, on conviction, to the penalty specified for that offence under this Act.
- 5
91. (1) The Authority may, in the exercise of the Authority's functions under this Act, issue guidelines that are necessary for the better carrying out of the provisions of this Act.
- 10
- (2) The Authority shall publish guidelines issued under this Act in the *Gazette*, in a daily newspaper of general circulation in the Republic and any other electronic means that the Authority may determine.
- 15
- (3) The guidelines issued by the Authority shall take effect on the date of publication and shall bind all person on matters relating to this Act.
- 20
92. Despite anything to the contrary contained in any written law, where any judgment or order has been obtained against a public technical education, vocational and entrepreneurship training institution, no execution or attachment, or process of any nature, shall be issued against that public technical education, vocational and entrepreneurship training institution or against its property, but the Principal or Rector, shall cause to be paid out of the revenues of the public technical education, vocational and entrepreneurship training institution, amounts that may, by the judgment or order, be awarded against the public technical education, vocational and entrepreneurship training institution to the person entitled to the monies.
- 25
- 30
93. (1) The Minister may, on the recommendation of the Authority, make Regulations for the better carrying out of the provisions of this Act.
- 35
- (2) Despite subregulation (1), Regulations made under subsection (1), may provide for —
- (a) the manner of applications and fees payable under this Act;

Offence by principal officers of body corporate or unincorporate body

Guidelines

Restrictions on execution against public technical education, vocational and entrepreneurship training institution

Regulations

-
- (b) the standard requirements for a technical education, vocational and entrepreneurship training institutions regarding —
- (i) the quality of a technical education, vocational and entrepreneurship training to be provided; 5
 - (ii) the social and cultural development of learners;
 - (iii) the welfare, health and safety of learners; and
 - (iv) the procedure and manner of dealing with any complaint from any learner, parent or other stakeholder; 10
- (c) classes of certificate of registration;
- (d) the requirements for the accreditation of trainers and examination officers;
- (e) the manner of operating a technical education, vocational and entrepreneurship training institution; 15
- (f) the terms and conditions for the grant of aided status to a technical education, vocational and entrepreneurship training institution;
- (g) the conditions and procedure for the closure or de-registration of technical education, vocational and 20 entrepreneurship training institutions;
- (h) the conditions and procedure for the cancellation of accreditation of a trainer, or examination officer; or
- (i) examination standards.

Repeal and replacement of Cap. 138 and savings and transitional provisions

94. (1) The Technical Education, Vocational and 25 Entrepreneurship Training Act, is repealed.

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

FIRST SCHEDULE

(Section 4 (2), 6(6) and 72 (6))

PART I

5 ADMINISTRATION OF THE AUTHORITY AND THE TECHNICAL EDUCATION,
VOCATIONAL AND ENTREPRENEURSHIP TRAINING FUND COMMITTEE

1. (1) The seal of the Authority shall be a device that may be determined by the Authority and shall be kept by the Director-General.

Seal of
Authority

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

15 (3) A contract or instrument which, if entered into or executed by a person not being a body corporate, is not required to be under seal, may be entered into or executed without seal on behalf of the Authority by the Director-General or any other person authorised in that behalf by a resolution of the Board.

20 (4) A document purporting to be a document under the seal of the Authority or issued on behalf of the Authority shall be received in evidence and shall be considered to be so executed or issued, without further proof, unless the contrary is proved.

25 2. (1) A member of the Board and Committee shall, subject to other provisions of this Act, hold office for a term of three years from the date of appointment and may be re appointed for a further and final term of three years.

Tenure of
office and
vacancy

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

30 (3) The office of a member of the Board or Committee becomes vacant if the member —

(a) dies;

(b) is adjudged bankrupt under any written law;

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

(d) resigns, by giving one month's notice in writing, to the Authority;

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

(f) ceases to be an employee or a member of the ministry, institution or organisation that nominated the member; and 5

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

(4) The Minister shall, where the office of a member of the Board or Committee becomes vacant before the expiry of the term of office, appoint another member in place of that member, but that member shall hold office as a member only for the unexpired part of the term of the Board or Committee. 10

Proceedings
of Board and
Technical
Education,
Vocational
and
Entrepreneur-
ship Fund
Committee

3. (1) Subject to the other provisions of this Act, the Board or Committee may regulate its own procedure. 15

(2) The Board or Committee shall meet for the transaction of business at least once every three months at a place and time that the Board or Committee may determine.

(3) The Chairperson of the Board or Committee shall, on giving notice of not less than fourteen days, call for a meeting of the Board or Committee, or where one third or more of the members so request, in writing, except that if the urgency of a particular matter does not permit the giving of a notice, a special meeting may be called on giving a shorter notice. 20

(5) Five members shall form a quorum at a meeting of the Board or Committee. 25

(6) There shall preside at any meeting of the Board —

(a) the Chairperson;

(b) in the absence of the Chairperson, the Vice-Chairperson; or 30

(c) in the absence of the Chairperson and the Vice-Chairperson, a member as the members present may elect for the purpose of that meeting.

(7) There shall preside at a meeting of the Committee —

(a) the chairperson; 35

(b) in the absence of the chairperson, the vice-chairperson; or

(c) in the absence of the chairperson and the vice-chairperson, a member of the Committee as the members of the Committee present may elect for the purpose of that meeting.

5 (8) A decision of the Board or Committee on any question shall be by a majority of the members present and voting at the meeting and, in the event of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to the deliberative vote.

10 (9) A member may, where the member is for any reason unable to attend a meeting of the Board or Committee, nominate another person, in writing, from the same ministry, institution or organisation to attend a meeting of the Board or Committee in that member's stead and that person shall be deemed to be a member for the
15 purpose of that meeting.

(10) The Board or the Committee may invite a person whose presence is in the Board's or Committee's opinion desirable to attend and to participate in the deliberations of the meeting of the Board or Committee but that person shall have no vote.

20 (11) The Board or Committee shall cause minutes to be kept of the proceedings of every meeting of the Board or Committee and any committee of the Board or Committee.

4. (1) The Board may, for the purpose of performing its functions under this Act, constitute a committee and delegate any
25 of its functions to the committee as the Board considers necessary.

Committees
of Board

(2) The Board may appoint as members of a committee, persons who are, or are not, members of the Board, except that at least one member of the Board shall be a member of a committee.

(3) A member of a committee shall hold office for a period that
30 the Board may determine.

(4) Subject to any specific or general directions of the Board, a committee may regulate its own procedure.

5. A member of the Board, Committee or any committee of the Board shall be paid allowances that the Emoluments Commission
35 may, on the recommendation of the Minister, determine.

Allowances

Disclosure of
interest

6. (1) A person who is present at a meeting of the Board, Committee or a committee of the Board at which any matter is the subject of consideration and in which matter that person or that person's relative or associate is directly or indirectly interested in a private capacity, shall, as soon as is practicable after the commencement of the meeting, declare that interest and shall not, unless the Board, Committee or committee of the Board otherwise directs, take part in any consideration or discussion of, or vote on, any question relating to that matter. 5

(2) A disclosure of interest made under subparagraph (1) shall be recorded in the minutes of the meeting at which it is made. 10

Immunity

7. An action or other proceedings shall not lie or be instituted against a member of the Board, Committee, a committee of the Board or a member of staff of the Authority for, or in respect of, an act or thing done or omitted to be done in good faith in the exercise or performance of any of the powers, functions or duties conferred under this Act. 15

PART II

FINANCIAL PROVISIONS

Funds of
Authority

8. (1) The funds of the Authority consist of monies that may — 20

(a) be appropriated by Parliament;

(b) be paid to the Authority by way of fees, grants or donations;
or

(c) vest in, or accrue to, the Authority.

(2) The Authority may — 25

(a) subject to the approval of the Minister, accept monies by way of grants or donations from any source in the Republic and outside the Republic; or

(b) in accordance with regulations made under this Act, charge and collect fees for services provided by the Authority. 30

Act No.15 of
2022

(3) The Authority may raise loans in accordance with the Public Debt Management Act, 2022.

(4) There shall be paid from the funds of the Authority —

(a) the salaries, allowances, loans, gratuities and pension of the staff of the Authority and other payments for the recruitment and retention of staff; 35

5 (b) reasonable traveling and other allowances for members of the Board or members of a committee of the Board when engaged in the business of the Authority at rates that the Emoluments Commission may, on the recommendation of the Minister, determine; and

(c) any other expenses incurred by the Authority in the performance of the Authority's functions.

(5) Subject to the Public Finance Management Act, the Board may, with the approval of the Minister, invest in a manner that the Board considers necessary any of the Authority's funds that the Authority does not immediately require for the performance of the Authority's functions. Cap. 347

9. The financial year of the Authority shall be a period of twelve months ending on 31st December in each year. Financial year

15 10. (1) The Board shall cause to be kept proper books of accounts and other records relating to the Authority's accounts. Accounts

(2) The accounts of the Authority shall be audited annually by the Auditor-General or an auditor appointed by the Auditor-General.

20 (3) The fees for the Auditor-General or an auditor appointed by the Auditor-General shall be paid by the Authority.

11. (1) The Board shall, as soon as practicable, but not later than ninety days after the end of a financial year, submit to the Minister a report concerning the functions and activities of the Authority during the financial year. Annual report

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

(a) an audited statement of financial position;

30 (b) an audited statement of comprehensive income and expenditure; and

(c) other information that the Minister may require.

(3) The Minister shall, not later than seven days after the first sitting of the National Assembly next after receipt of the report referred to in subparagraph (1), lay the report before the National Assembly. 35

SECOND SCHEDULE

(Section 26 (3) and 35(4))LYTECHNICS

PART I

THE COUNCIL OF PUBLIC POLYTECHNIC

Composition
of Council
of public
polytechnic

1. (1) A Council shall consist of the following part time members 5
appointed by the Minister:

(a) a member of the training staff of a polytechnic who is a
member of the Board of Studies and nominated by the
Board of Studies;

(b) a representative of the Law Association of Zambia; 10

(c) a representative of the Zambia Chamber of Commerce
and Industry;

(d) a representative of the Zambia Chamber of Mines;

(e) a representative from the Ministry responsible for labour;

(f) a representative from the Ministry responsible for 15
technical education, vocational and entrepreneurship
training; and

(g) a person with relevant knowledge and skills in technical
education, vocational and entrepreneurship training.

(2) A Council may carry out its functions despite any vacancy 20
in its membership.

(3) The members of the Council shall elect the chairperson and
vice-chairperson of the Council from among themselves, except
that the chairperson shall not be elected from among the members
who are officers in another polytechnic or is a public officer. 25

(4) The Registrar of the polytechnic shall be the secretary of
the Council.

(5) The Rector shall be an *ex-officio* member of the Council.

Tenure of
office and
vacancy

2. (1) Subject to other provisions of this Act, a member of the
Council shall hold office for a term of three years from the date of 30
appointment and may be re appointed for a further and final term
of three years.

(2) A member of the Council shall, on the expiration of the term
for which the member is appointed, continue to hold office until 35
another member is appointed, but in no case shall an extension of
the period exceed three months.

(3) The office of a member of the Council becomes vacant if that member —

- (a) dies;
- (b) is adjudged bankrupt under any written law;
- 5 (c) is absent, without reasonable excuse, from three consecutive meetings of the Council of which the member has had notice, without the prior approval of the Council;
- 10 (d) resigns, by giving one month's notice in writing, to the Authority;
- (e) is legally disqualified from performing the functions of a member;
- 15 (f) ceases to be an employee or a member of the ministry, institution or organisation that nominated the member; and
- (g) is convicted of an offence under this Act or any other written law and sentenced to imprisonment for a term exceeding six months without the option of a fine.

(4) The Minister shall, where the office of a member becomes
20 vacant before the expiry of the term of office, appoint another member in place of that member, but that member shall hold office as a member only for the unexpired part of the term of the Council.

(5) The members of a Council shall, where a chairperson or vice-chairperson resigns from office elect a chairperson or vice-
25 chairperson.

3. (1) Subject to the other provisions of this Act, the Council may regulate its own procedure.

Proceedings
of Council

(2) The Council shall meet for the transaction of business at least once every three months at a place and time that the Council
30 may determine.

(3) The chairperson shall, on giving notice of not less than fourteen days, call for a meeting of the Council, or where one third or more of the members so request, in writing, except that if the urgency of a particular matter does not permit the giving of a notice,
35 a special meeting may be called on giving a shorter notice.

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

- (5) There shall preside at any meeting of the Council —
- (a) the chairperson;
 - (b) in the absence of the chairperson, the vice-chairperson;
or
 - (c) in the absence of the chairperson and the vice- chairperson, 5
a member as the members present may elect for the
purpose of that meeting.

(6) A decision of the Council on any question shall be by a majority of the members present and voting at the meeting and, in the event of an equality of votes, the person presiding at the meeting 10 shall have a casting vote in addition to the deliberative vote.

(7) A member may, where the member is for any reason unable to attend a meeting of the Council, nominate another person, in writing, from the same ministry, institution or organisation to attend a meeting of the Council in that member's stead and that person 15 shall be deemed to be a member for the purpose of that meeting.

(8) The Council may invite a person whose presence is in the Council's opinion desirable to attend and to participate in the deliberations of the meeting of the Council but that person shall have no vote. 20

(9) The Council shall cause minutes to be kept of the proceedings of every meeting of the Council and any committee of the Council.

Committees
of Council

4. (1) The Council may, for the purpose of performing its functions under this Act, constitute a committee and delegate any of its functions to the committee as the Council considers necessary. 25

(2) The Council may appoint as members of a committee, persons who are, or are not, members of the Council, except that at least one member of the Council shall be a member of a committee.

(3) A member of a committee shall hold office for a period that 30 the Council may determine.

Disclosure of
interest

5. (1) A person who is present at a meeting of the Council or a committee of the Council at which any matter is the subject of consideration and in which matter that person or that person's relative or associate is directly or indirectly interested in a private capacity, 35 shall, as soon as is practicable after the commencement of the meeting, declare that interest and shall not, unless the Council or the committee otherwise directs, take part in any consideration or discussion of, or vote on, any question relating to that matter.

(2) A disclosure of interest made under subparagraph (1) shall be recorded in the minutes of the meeting at which it is made.

5 6. (1) A person shall not, without the consent in writing given by, or on behalf of, a Council, publish or disclose to any unauthorised person, otherwise than in the course of duties of that person, the contents of any document, communication or information whatsoever, which relates to, and which has come to that person's knowledge in the course of that person's duties under this Act.

Prohibition
of
publication
or disclosure
of
information
to
unauthorised
persons

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

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

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

Immunity of
Council

THIRD SCHEDULE

(Section 38 and 45(2))

STAFF OF POLYTECHNIC AND BOARD OF STUDIES

PART I

Staff of
polytechnic1. (1) There shall be the following categories of staff of a 5
polytechnic:

(a) the training staff of a polytechnic consisting of —

- (i) the Rector;
- (ii) the Deputy Rector in charge of training 10
programmes;
- (iii) the Deputy Rector in charge of research,
technology development, innovation and
entrepreneurship;
- (iv) the Deans of Schools or head of departments;
- (v) members of staff engaged in skills development, 15
research, and entrepreneurship;
- (vi) the chief librarian; and
- (vii) other persons that the Council may designate.

(b) the administrative staff consisting of persons employed 20
by a polytechnic, other than the training staff, who hold
administrative, professional or technical posts designated
by the Council as senior posts; and(c) the other staff consisting of persons employed by a 25
polytechnic who are not members of the training staff
or administrative staff.(2) The functions of a Deputy Rector shall be as determined in
the statutes of a polytechnic.(3) A Deputy Rector shall act in the place of the Rector when 30
the office of Rector is vacant or the Rector is for any reason absent
or otherwise unable to perform the functions of the Rector.(4) A person appointed to hold the office of Deputy Rector of a
public polytechnic shall hold office, on the terms and conditions as
determined by the Council.

5 (5) There shall be a Registrar for a polytechnic appointed by the Council, on terms and conditions that the Council may determine, and who, under the direction of the Rector, shall be responsible for legal services, public relations, employee relations, corporate governance and corporate secretarial services relating to the meetings of the Council and committees of the Council.

2. A polytechnic shall develop a code of conduct grievance procedure which shall bind its members of staff.

Code of
conduct and
grievance
procedure

PART II

10

BOARD OF STUDIES

3. (1) A Board of studies shall consist of —

Board of
studies

(a) the Rector who shall be the Chairperson;

(b) the Deputy Rector in charge of training programmes who shall be the Secretary;

15 (c) the Deputy Rector in charge of research, technology development, innovation and entrepreneurship;

(d) the Deans of schools within the polytechnic;

20 (e) two trainers from each school or department and at least one professor or associate professor from each school elected by the academic staff in accordance with such election procedures as the Board of Studies may decide;

(f) two industry expert per trade;

(g) the Chief Librarian;

(h) the Dean of Students;

25 (i) five members of the professional staff;

(j) two students of the polytechnic who shall be elected by the students of a polytechnic in accordance with such election procedure as the polytechnic students' union may determine; and

30 (k) not more than four persons appointed by the Rector who are resident in the Republic, are not employed as training, administrative or other staff of a polytechnic and are capable of contributing to the training development and life of a polytechnic.

(2) There shall preside at any meeting of the Board of studies —

(a) the Rector;

(b) in the absence of the Rector, the Deputy Rector; or

(c) in the absence of both the Rector and Deputy Rector, 5
such member as the members present may elect from
amongst themselves for the purposes of the meeting.

Tenure of
office and
vacancy

4. (1) Subject to other provisions of this Act, a member of the Board of Studies shall, hold office for a term of three years from the date of appointment and may be re-appointed for a further and 10
final term of three years.

(2) A member of the Board of Studies shall, on the expiration of the term for which the member is appointed, continue to hold office until another member is appointed, but in no case shall an extension of the period exceed three months. 15

(3) The office of a member of the Board of Studies becomes vacant if that member —

(a) dies;

(b) is adjudged bankrupt under any written law;

(c) is absent, without reasonable excuse, from three 20
consecutive meetings of the Board of Studies of which
the member has had notice, without the prior approval
of the Board of Studies;

(d) resigns, by giving one month's notice in writing, to the Authority; 25

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

(f) ceases to be an employee or a member of the ministry, institution or organisation that nominated the member; and 30

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

(4) The Minister shall, where the office of a member of a Board of Studies becomes vacant before the expiry of the term of office, 35
appoint another member in place of that member, but that member shall hold office as a member only for the unexpired part of the term of the Board of Studies.

5. (1) The Board of studies shall meet for the transaction of business at least once every three months at a place and time that the Board of studies may determine or as the Rector may require.

Meetings of
Board of
studies

(2) One half of the members shall form a quorum at a meeting
5 of the Board of studies.

(3) One half of the members shall form a quorum at a meeting of a committee of the Board of Studies.

6. (1) There shall be established in each polytechnic, a Staff Tribunal to investigate and consider disciplinary cases referred to it
10 and make recommendations to the Board of Studies.

Staff
Tribunal

(2) A Tribunal shall consist of the following part time members appointed by the Council:

(a) a legal practitioner with not less than ten years' experience, who shall be the chairperson;

15 (b) two members of the Council who are not training staff of a polytechnic; and

(c) two persons nominated by the training staff of the polytechnic.

(3) A Tribunal may request a senior member of a department
20 under a polytechnic to assist the Tribunal in the assessment of any particular case.

(4) The Council shall appoint the secretary to the Tribunal.

(5) The members of a Tribunal shall hold office for a period of three years and may be re-appointment for a further and final term
25 of three years.

(6) A Tribunal shall complete its work within a period of three months from the date from which the suspension of a member of staff takes effect.

(7) The Council shall implement the decisions of the Tribunal.

30 7. The Chief Justice shall, by statutory instrument, and in consultation with the Council, prescribe the procedures to be followed by the Tribunal in the determination of disciplinary cases.

Rules by
Chief Justice

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

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

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

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

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

Legal
proceedings

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

