

**THE ZAMBIA INSTITUTE OF PROCUREMENT AND
SUPPLY BILL, 2025**

MEMORANDUM

The objects of this Bill are to—

- (a) continue the existence of the Zambia Institute of Purchasing and Supply and re name it as the Zambia Institute of Procurement and Supply and re-define its functions;
- (b) promote and enhance the procurement and supply profession;
- (c) provide for the registration of procurement and supply professionals and procurement and supply firms, and regulate their practice and professional conduct;
- (d) repeal and replace the Zambia Institute of Purchasing and Supply Act, 2003; and
- (e) provide for matters connected with, or incidental to, the foregoing.

M. D. KABESHA,
Attorney-General

**THE ZAMBIA INSTITUTE OF PROCUREMENT AND
SUPPLY BILL, 2025**

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SCHEDULE

A BILL

ENTITLED

An Act to continue the existence of the Zambia Institute of Purchasing and Supply and re name it as the Zambia Institute of Procurement and Supply and re-define its functions; promote and enhance the procurement and supply profession; provide for the registration of procurement and supply professionals and procurement and supply firms, and regulate their practice and professional conduct; repeal and replace the Zambia Institute of Purchasing and Supply Act, 2003; and provide for matters connected with, or incidental to, the foregoing.

ENACTED by the Parliament of Zambia.

Enactment

PART I

PRELIMINARY PROVISIONS

1. This Act may be cited as the Zambia Institute of Procurement and Supply Act, 2025, and shall come into operation on the date that the Minister may appoint by statutory instrument. Short title and commencement
2. In this Act, unless the context otherwise requires— Interpretation
 - “associate” has the meaning assigned to the word in the Anti Corruption Act, 2012; Act No. 3 of 2012
 - 10 “certificate of status” means the certificate of status issued under section 31;
 - “certified procurement practitioner” means a procurement and supply professional who meets the requirements as prescribed;

	“certificate of registration” means the certificate of registration issued under section 15;	
	“code of ethics” means the code of professional conduct and ethics adopted and published by the Institute in accordance with section 35;	5
Act No. 4 of 2013	“college” has the meaning assigned to the word in the Higher Education Act, 2013;	
	“constitution” means the constitution of the Institute adopted in accordance with section 5;	
	“Council” means the Council of the Institute constituted under section 8;	10
	“council member” means a person elected as a council member under section 8;	
	“Disciplinary Committee” means the Disciplinary Committee of the Institute constituted under section 43;	15
	“Education Committee” means the Education Committee constituted under paragraph 5 of the First Schedule;	
	“fellow” means a procurement and supply professional registered as a fellow under the class of membership in accordance with the constitution;	20
	“full member” means a procurement and supply professional registered as a full member under the class of membership in accordance with the constitution;	
Act No. 4 of 2013	“Higher Education Authority” means the Higher Education Authority established under the Higher Education Act, 2013;	25
Act No. 4 of 2013	“higher education institution” has the meaning assigned to the words in the Higher Education Act, 2013;	
	“inspector” means the person appointed as an inspector under section 50;	
	“Institute” means the Zambia Institute of Procurement and Supply continued under section 3;	30
Cap. 31	“Law Association of Zambia means the Law Association of Zambia established under the Law Association of Zambia Act;	
Act No. 6 of 2019	“legally disqualified” means the absence of legal capacity as provided under section 4 of the Mental Health Act, 2019;	35
Cap. 30	“legal practitioner” has the meaning assigned to the word “practitioner” in the Legal Practitioners Act;	

- “practising licence” means a practising licence issued under section 22;
- “President” means a person elected as President of the Institute under section 6;
- 5 “procurement” has the meaning assigned to the word in the Public Procurement Act, 2020; Act No. 8 of 2020
- “procurement and supply firm” means an entity that specialises in providing procurement and supply training and consultancy;
- 10 “procurement and supply professional” means a person who is trained and possesses experience in procurement and supply and is registered in accordance with this Act and “Procurement and supply profession” shall be construed accordingly;
- 15 “Procurement Unit” has the meaning assigned to the words in the Public Procurement Act, 2020; Act No. 8 of 2020
- “Professional Conduct Committee” means an *ad hoc* Professional Conduct Committee constituted under section 38;
- 20 “professional misconduct” means the conduct referred to under section 36;
- “register” means the register referred to under section 32;
- “Registrar” means a person appointed as Registrar under section 10;
- 25 “repealed Act” means the Zambia Institute of Purchasing and Supply Act, 2003; Act No. 15 of 2003
- “supply” means the management of storing goods and movement of goods within an organisation;
- 30 “Vice-President” means a person elected as Vice-President of the Institute under section 6;
- “Zambia Public Procurement Authority” means the Zambia Public Procurement Authority established under the Public Procurement Act, 2020; and Act No. 8 of 2020
- 35 “Zambia Qualifications Authority” means the Zambia Qualifications Authority established under the Zambia Qualifications Authority, 2024. Act No. 8 of 2024

PART II

THE ZAMBIA INSTITUTE OF PROCUREMENT AND SUPPLY

Continuation
and renaming
of Zambia
Institute of
Purchasing
and Supply

3. (1) The Zambia Institute of Purchasing and Supply established under the repealed Act is continued as if established under this Act and is renamed as the Zambia Institute of Procurement and Supply. 5

(2) The Institute is 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. 10

(3) The First Schedule applies to the Institute.

Functions of
Institute

4. (1) The functions of the Institute are to—

(a) advance the procurement and supply profession and promote its interests; 15

(b) register procurement and supply professionals;

(c) register local and foreign procurement and supply firms;

(d) regulate the professional practice and conduct of procurement and supply professionals;

(e) issue practising licences to eligible members; 20

(f) set and enforce professional standards of procurement and supply practice;

(g) promote public awareness in matters relating to procurement and supply professionals;

(h) undertake research in procurement and supply related issues; 25

(i) collaborate with higher education institutions, Government departments and other institutions to improve the quality of the procurement and supply profession;

(j) recommend to the Higher Education Authority, development and maintenance of appropriate standards for the procurement and supply profession training and education; 30

(k) provide continuous professional development to procurement and supply professionals; 35

(l) provide advisory and consultancy services in procurement and supply;

(m) investigate cases of professional misconduct under this Act;

- (n) approve curriculum for procurement and supply learning programmes as prescribed, for purposes of accreditation by the Higher Education Authority; and
- (o) advise the Government and the private sector on matters relating to the procurement and supply profession.
- 5 (2) The Institute may determine the—
- (a) fees payable by the members;
- (b) fees payable for an inspection conducted or other services rendered by the Institute for the purposes of this Act; and
- 10 (c) 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.

5. (1) The Institute shall, by a vote of at least two thirds of the members voting at a general meeting of the Institute, adopt a constitution and may, in a like manner, amend it.

Constitution
of Institute

(2) Subject to this Act, the constitution shall regulate the conduct of the affairs of the Institute.

(3) The constitution may provide for—

- 20 (a) the meetings of the Institute, including the delivery of notices of the meetings, the quorum, voting, adjournments, and other matters of procedure or conduct of the meetings;
- 25 (b) the election, qualifications and tenure of office of the President, Vice President and other office bearers of the Institute;
- (c) the composition, functions, powers, and procedures of the committees of the Institute;
- 30 (d) classes of membership and their rights, privileges and obligations; and
- (e) any other matter that the membership may determine.

6. The members shall elect the President, Vice-President and other office bearers of the Institute in accordance with the provisions of the constitution.

President,
Vice-
President
and other
office
bearers

35 7. (1) Subject to this Act, the Institute may regulate its own procedure.

Meetings of
Institute

(2) The meetings of the Institute shall be conducted in accordance with the provisions of the constitution.

(3) The validity of the proceedings, acts or decisions of the Institute shall not be affected by a person's absence from a meeting of the Institute or by reason that a person not entitled to do so took part in the proceedings of a meeting of the Institute.

Council of
Institute

8. (1) There is constituted the Council of the Institute which is responsible for the management and control of the affairs of the Institute. 5

(2) The Council consists of the following part time council members elected in accordance with the provisions of the constitution: 10

- (a) the President;
- (b) the Vice President;
- (c) five members; and
- (d) the Registrar as an *ex-officio*.

(3) A person shall not be elected as a council member if that person is— 15

- (a) found guilty of professional misconduct under this Act or any other written law;
- (b) 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; 20
- (c) an undischarged bankrupt;
- (d) legally disqualified;
- (e) convicted of an offence involving fraud or dishonesty under this Act or any other written law; 25
- (f) an employee of the Institute; or
- (g) an employee of the Zambia Public Procurement Authority.

(4) The First Schedule applies to the Council.

Functions of
Council

9. (1) The functions of the Council are to perform the executive functions of the Institute. 30

(2) Despite the generality of subsection (1), the functions of the Council are to—

- (a) develop rules and guidelines for members of the Institute;
- (b) refer a matter for investigation to a Professional Conduct Committee or Disciplinary Committee in accordance with Part IV; 35
- (c) make recommendations relating to the procurement and supply profession to the general meeting of the Institute;

- (d) set, establish and monitor standards for members employed in procurement and supply;
- (e) approve the policies, programmes and strategic plans of the Institute;
- 5 (f) approve the annual work plan, action plans, activities and reports of the Institute;
- (g) approve the annual budget estimates and financial statements of the Institute;
- (h) monitor and evaluate the performance of the Institute against budgets and plans; and
- 10 (i) advise the Minister on matters relating to the procurement and supply profession.

(3) The Council may, by direction, in writing, and on conditions that the Council considers necessary, delegate to the Registrar any
15 of the Council's functions under this Act.

10. (1) The Council shall appoint a Registrar on terms and conditions that the Council may determine, who shall be—

Registrar and other staff

- (a) the chief executive officer of the Institute and secretary to the Council; and
- 20 (b) responsible for the day to day administration of the Institute.

(2) The Registrar shall attend meetings of the Council or a committee of the Council and may address those meetings, but shall have no vote.

25 (3) The Council shall appoint other staff of the Institute that the Council considers necessary for the performance of the functions of the Institute.

(4) The Council shall determine the conditions of service and emoluments of the Registrar and other staff of the Institute.

30 **PART III**

**REGISTRATION OF PROCUREMENT AND SUPPLY PROFESSIONALS AND
ISSUANCE OF PRACTISING LICENCES**

11. (1) There shall be classes of membership with rights, privileges and obligations as provided for in the constitution.

Classes of membership

35 (2) A person may apply to the Institute for registration as a member in accordance with the provisions of the constitution.

12. (1) A person shall not be employed or practice as a procurement and supply professional unless that person is registered as a procurement and supply professional in accordance with this
40 Act.

Prohibition of practising without registration

(2) A person who contravenes subsection (1) 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.

Application for registration

13. (1) A person who intends to be employed or practice as a procurement and supply professional shall apply to the Institute for registration in the prescribed manner and form on payment of a prescribed fee. 5

(2) The Institute may determine different fees for different classes of procurement and supply professionals. 10

(3) The Institute may, within thirty days of receipt of an application under subsection (1), grant or reject the application.

(4) The Institute shall, where the Institute rejects an application under subsection (3), inform the applicant of the decision, in writing, and give reasons for the decision. 15

Determination of application for registration as procurement and supply professional

14. (1) The Institute shall, in considering an application made under section 13, register an applicant as a procurement and supply professional if the Institute is satisfied that the applicant—

(a) has met the requirements for membership as provided in the constitution and is of good professional standing; 20

(b) possess knowledge, training and experience as prescribed;

(c) holds a qualification recognised and validated by the Zambia Qualifications Authority;

(d) is a citizen or is resident in the Republic and has an established office or appointment in the Republic in the procurement and supply profession; and 25

(e) meets other requirements that the Minister may, on the recommendation of the Institute, prescribe by statutory instrument.

(2) The Institute shall register a procurement and supply professional in accordance with the categories of registration provided for in the constitution. 30

Certificate of registration

15. (1) The Institute shall, where the Institute grants an application under section 13, issue a procurement and supply professional with a certificate of registration in the prescribed form showing the procurement and supply professional's class of membership. 35

(2) A certificate of registration shall remain the property of the Institute and shall have an unlimited period of validity, unless suspended or cancelled under this Act. 40

16. A person shall not qualify for registration as a procurement and supply professional if that person is—
- 5 (a) convicted of an offence involving fraud or dishonesty under this Act or any other written law in the preceding five years prior to the registration;
- (b) legally disqualified;
- (c) an undischarged bankrupt; or
- 10 (d) found guilty of professional misconduct by the Disciplinary Committee and the Disciplinary Committee orders the cancellation of the licence of registration of that procurement and supply professional.
17. A registered procurement and supply professional shall use the title or designation as provided in the constitution.
18. A procurement and supply professional registered under 15 this Act shall notify the Registrar, in writing, of any change in the particulars relating to the registration, within seven days of the change.
19. (1) Subject to this Act, the Institute may suspend or cancel the registration of a procurement and supply professional if—
- 20 (a) the Institute has reasonable grounds to believe that the registration was obtained through fraud, misrepresentation or concealment of a material fact;
- 25 (b) the procurement and supply professional is found guilty of professional misconduct under this Act or the code of ethics and the Disciplinary Committee orders the suspension or cancellation of the procurement and supply professional's certificate of registration;
- 30 (c) the procurement and supply professional 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; or
- (d) since the registration, circumstances have arisen disqualifying the procurement and supply professional from registration.
- 35 (2) The Institute shall, before suspending or cancelling the registration of a procurement and supply professional under subsection (1), give the procurement and supply professional an opportunity to be heard.

Disqualifi-
cation from
registration

Title for
registered
procurement
and supply
professional

Change in
details

Suspension
and
cancellation
of
registration

(3) The Institute may, before cancelling the registration of a procurement and supply professional, suspend the procurement and supply professional for a specified period and on the terms and conditions that the Institute may determine.

(4) Where the Institute cancels the registration of a procurement and supply professional under this section, the name of the procurement and supply professional shall be removed from the register and shall not be restored, except on conditions that may be prescribed.

Re-
registration

20. A holder of a certificate of registration may, where a certificate of registration is cancelled under section 19, apply to the Institute for re-registration in the prescribed manner and form on payment of a prescribed fee, subject to the terms and conditions that the Institute may determine.

Prohibition
of practising
without
practising
licence

21. (1) A person shall not practice as a procurement and supply professional without a valid practising licence issued to that person by the Institute under this Act.

(2) A person shall not offer employment to a person as a procurement and supply professional who does not hold a valid practising licence issued under this Act. 20

(3) A person who contravenes subsection (1) or (2) 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.

Practising
licence

22. (1) A registered procurement and supply professional may apply to the Institute for a practising licence in the prescribed manner and form on payment of a prescribed fee. 25

(2) The Institute shall, within thirty days of receipt of an application under subsection (1), issue the applicant with a practising licence in the prescribed form where the applicant meets the requirements of this Act. 30

(3) A practising licence issued under subsection (2) shall be valid for a period of one year.

(4) The Minister may, by statutory instrument, and on the recommendation of the Institute, make Regulations to provide for— 35

(a) terms and conditions for the issuance of a practising licence;

(b) the type of continuous development and training and any other information required for the issuance of a practising licence; and

5 (c) any other matter that is necessary for the purpose of this section.

23. A holder of a certificate of registration or practising licence shall display the certificate of registration or practising licence in a conspicuous place at the place of practice. Display of certificate of registration or practising licence

24. (1) A practising licence shall be renewed annually in the prescribed manner and form on payment of a prescribed fee. Renewal of practising licence

(2) A practising licence that is not renewed in accordance with subsection (1) is void.

25. (1) Subject to this Act, the Institute may suspend or cancel a practising licence if the holder— Suspension and cancellation of practising licence

15 (a) is found guilty of professional misconduct under this Act and the Disciplinary Committee orders the suspension or cancellation of the practising licence;

(b) 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;

20 (c) becomes legally disqualified;

(d) is an undischarged bankrupt;

(e) obtained the practising licence through fraud, misrepresentation or concealment of a material fact; or

25 (f) is de-registered under this Act.

(2) The Institute shall, before suspending or cancelling the practising licence of a procurement and supply professional under this section, give the procurement and supply professional an opportunity to be heard.

30 (3) The Institute may, before cancelling the practising licence of a procurement and supply professional, suspend the procurement and supply professional for a specified period and on terms and conditions that the Institute may determine.

26. (1) A procurement and supply professional who does not intend to practice as a procurement and supply professional for a specified period of time shall notify the Institute in writing of that procurement and supply professional's intention. Maintenance of non-practising procurement and supply professional on register

(2) The Institute may, where a procurement and supply professional notifies the Institute in accordance with subsection (1), maintain the name of the procurement and supply professional on the register, in a non-practising category, for that period of time.

Prohibition of transfer of certificate of registration or practising licence

27. A certificate of registration or practising licence issued under this Part shall not be transferred to a third party.

Duplicate certificate of registration or practising licence

28. (1) A procurement and supply professional whose certificate of registration or practising licence is destroyed or lost may apply to the Registrar for a duplicate certificate of registration or practising licence in the prescribed manner and form on payment of a prescribed fee.

(2) The Registrar may, within fourteen days of receipt of an application under subsection (1), issue a duplicate certificate of registration or practising licence to the procurement and supply professional.

Surrender of cancelled certificate of registration or practising licence

29. A procurement and supply professional whose certificate of registration or practising licence is cancelled shall, within seven days of being notified of the cancellation, surrender the certificate of registration or practising licence to the Institute.

Procurement and supply firm
Act No. 16 of 2011
Act No. 10 of 2017

30. (1) A person who registers a procurement and supply firm under the Registration of Business Names Act, 2011, Companies Act, 2017, or any other written law, shall register the procurement and supply firm with the Institute in a prescribed manner and form on payment of a prescribed fee.

(2) The Minister may, by statutory instrument, on the recommendation of the Institute, make regulations to provide for—

(a) the terms and conditions for the issuance of a certificate of registration to a procurement and supply firm;

(b) the circumstances on which the registration under this section may be suspended or cancelled; and

(c) any other matter necessary for the purposes of this section.

Certificate of status

31. (1) A person may apply to the Registrar for a certificate of status relating to the particulars of the registration of a procurement and supply professional or a procurement and supply firm in the prescribed manner and form on payment of a prescribed fee.

(2) The Registrar may on receipt of an application under subsection (1), issue a certificate of status to the applicant in the prescribed form.

32. (1) The Institute shall keep and maintain a register of— Registers

- 5 (a) members;
(b) registered procurement and supply professionals;
(c) the holders of practising licences and persons whose practising licences are cancelled;
10 (d) procurement and supply firms;
(e) the applications rejected and reasons for the rejection; and
(f) any other information that the Institute may determine.

(2) The registers referred to under subsection (1) shall contain particulars that may be prescribed.

15 (3) The registers shall be kept in the custody of the Registrar at the offices of the Institute and shall be open for inspection to members of the public during normal office hours on payment of a fee that the Institute may determine.

(4) The Registrar shall, on an application by any person, issue
20 to the person a certified extract from the registers or a copy of a certificate of registration or practising licence, on payment of a fee that the Institute may determine.

33. (1) The Registrar shall, on the direction of the Council, cause copies of the register, including alterations of, or additions to
25 the register to be printed and published in a manner and form that the Council may direct. Publication of copies of register

(2) Subject to this Act, a copy of the last published and printed register shall be *prima facie* evidence in legal proceedings of what is contained in that register, and the absence of the name of a
30 procurement and supply professional or member from that copy is *prima facie* evidence that the person is not registered as a procurement and supply professional or member.

34. (1) A person shall not—

- 35 (a) make or cause to be made, an unauthorised entry, alteration or erasure on a register, a certified copy of register, certificate of registration or practising licence;
(b) procure or attempt to procure registration under this Act by fraud, misrepresentation or concealment of a material fact; Offences relating to registration, etc

(c) impersonate a procurement and supply professional or use the title or designation of a procurement and supply professional while not registered as a procurement and supply professional under this Act; or

(d) forge a certificate of registration, practising licence or 5 any other document issued under this Act.

(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 exceeding five years, or to both. 10

PART IV

DISCIPLINARY MATTERS

Code of ethics 35. The Council shall adopt and publish a code of ethics for procurement and supply professionals which shall bind procurement and supply professionals registered under this Act. 15

Professional misconduct 36. A procurement and supply professional commits professional misconduct if the procurement and supply professional—

(a) contravenes a provision of this Act;

(b) unlawfully discloses or uses to the procurement and supply 20 professional's advantage any information acquired in the procurement and supply professional's practice;

(c) engages in conduct that is dishonest, fraudulent or deceitful; or

(d) breaches the code of ethics or encourages another 25 procurement and supply professional to breach or disregard the code of ethics.

Initiation of disciplinary action 37. (1) A person may lodge a complaint with the Institute against a procurement and supply professional where that person alleges that the procurement and supply professional has 30 contravened the code of ethics or any provision of this Act.

(2) The Institute may initiate disciplinary action under this section where the Institute has reasonable grounds to believe that a procurement and supply professional has contravened the code of ethics or any provision of this Act. 35

(3) A complaint referred to under subsection (1) shall be made to the Registrar in a prescribed manner and form.

38. (1) The Council shall constitute an *ad-hoc* Professional Conduct Committee for each province and progressively in each district consisting of the following part-time members: Professional Conduct Committee

5 (a) not more than four registered procurement and supply professionals who are of the same qualifications as the procurement and supply professional against whom the complaint was made; and

(b) a legal practitioner.

10 (2) The members shall elect the chairperson and vice-chairperson among the persons referred to in subsection (1)(a).

(3) A person shall not be appointed as a member of the Professional Conduct Committee if that person is—

(a) found guilty of professional misconduct;

(b) an undischarged bankrupt;

15 (c) legally disqualified from performing the functions of a member; or

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

20 (4) The office of a member becomes vacant if the member—

(a) dies;

(b) is adjudged bankrupt under any written law;

25 (c) is absent from three consecutive meetings of the Professional Conduct Committee of which the member had notice, without the prior approval of the Professional Conduct Committee;

(d) resigns, by notice in writing, to the Council;

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

30 (f) is found guilty of professional misconduct;

(g) is de registered under this Act or any written law; or

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

35 (5) The Council shall, when there is a vacancy in the membership of a Professional Conduct Committee before the expiry of the term of office, appoint another person to replace the member who vacates office, but that person shall only hold office for the remainder of the term.

Reference of
matters to
Professional
Conduct
Committee

39. Except as otherwise expressly stated, before any matters are referred to the Disciplinary Committee, the Council shall refer the matter for determination by a Professional Conduct Committee.

Functions of
Professional
Conduct
Committee

40. (1) Where a case is referred to a Professional Conduct Committee, the Professional Conduct Committee shall, consider the case and subject to the provisions of this section determine that —

(a) no inquiry shall be held in the case by the Disciplinary Committee; or

(b) the matter in question shall, in whole or in part, be referred to the Disciplinary Committee for inquiry.

(2) Where a Professional Conduct Committee determines that no inquiry shall be held in a case by the Disciplinary Committee, the Registrar shall inform the complainant, if any, and the procurement and supply professional of the decision of a Professional Conduct Committee on such terms as a Professional Conduct Committee may direct.

(3) A Professional Conduct Committee shall, if a Professional Conduct Committee considers just, cause further investigations to be done, or obtain advice or assistance from any person that the Professional Conduct Committee considers necessary.

(4) Where a Professional Conduct Committee determines that further investigations are necessary, or where at the time when a Professional Conduct Committee is considering the case and no explanation has been furnished by the procurement and supply professional against whom a complaint is lodged, a Professional Conduct Committee may make a provisional determination that the matter, in whole or part, be referred to the Disciplinary Committee.

(5) The person presiding over a Professional Conduct Committee may, where a Professional Conduct Committee makes a provisional determination in accordance with subsection (4) and further investigations are concluded or an explanation is subsequently furnished by the procurement and supply professional, in consultation with the members of a Professional Conduct Committee and on the opinion of the majority of the members of a Professional Conduct Committee, direct that—

(a) an inquiry shall not be held in the case by the Disciplinary Committee; or

(b) the matter be referred to the Disciplinary Committee for inquiry.

(6) The Registrar shall, where a direction is given in accordance with subsection (5)(a), inform the complainant, if any, and the procurement and supply professional of the decision of the Professional Conduct Committee on terms that the Professional Conduct Committee may direct.

41. (1) Subject to this Act, a Professional Conduct Committee may regulate its own procedure.

10 (2) Three members of a Professional Conduct Committee shall form a quorum at a meeting or sitting of a Professional Conduct Committee provided that one of the three members shall be a legal practitioner.

(3) There shall preside at a meeting or sitting of a Professional Conduct Committee—

(a) the chairperson;

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

20 (c) in the absence of both the chairperson and the vice chairperson, another member that the members present shall elect for the purpose of that meeting.

(4) A question at a sitting or meeting of a Professional Conduct Committee shall be decided by a majority of the members present at a sitting or meeting, and in the event of an equality of votes, the person presiding at the sitting or meeting shall have a casting vote in addition to that person's deliberative vote.

(5) A party to a hearing of a Professional Conduct Committee may appear in person or be represented by a legal practitioner or, if the party so elects, by any other person.

30 (6) A person who is present at a meeting or sitting of a Professional Conduct Committee at which a 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
35 of the meeting or sitting, disclose that interest and shall not, unless the Professional Conduct Committee otherwise directs, take part in any consideration or discussion of, or vote on, any question relating to that matter.

(7) A disclosure of interest made under this section shall be
40 recorded in the minutes of the meeting or sitting at which it is made.

Proceedings
of
Professional
Conduct
Committee

(8) A Professional Conduct Committee shall cause to be kept a record of its proceedings.

Sanctions for professional misconduct by Professional Conduct Committee

42. A Professional Conduct Committee may, where a Professional Conduct Committee determines that no inquiry shall be held in the case by the Disciplinary Committee but finds a procurement and supply professional guilty of professional misconduct, impose any of the following sanctions:

- (a) counselling, mentorship or censure of the procurement and supply professional;
- (b) cautioning the procurement and supply professional; or
- (c) retraining or rehabilitation of the procurement and supply professional.

Disciplinary committee

43. (1) The Council shall constitute a Disciplinary Committee consisting of the following part-time members:

- (a) the chairperson, who is a legal practitioner nominated by the Law Association of Zambia;
- (b) the vice-chairperson, who is a legal practitioner nominated by the Law Association of Zambia; and
- (c) three procurement and supply professionals of the Institute, who are either full members or fellows.

(2) The chairperson and vice-chairperson of the Disciplinary Committee shall be legal practitioners eligible to be appointed as Judges of the High Court.

(3) A person shall not be appointed as a member of the Disciplinary Committee if that person—

- (a) is found guilty of professional misconduct under this Act or any other written law;
- (b) is an undischarged bankrupt;
- (c) is legally disqualified;
- (d) in the case of a member under subsection 1(c), has not been on the register of procurement and supply professionals for at least five years preceding the appointment; or
- (e) 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) A member of the Disciplinary Committee shall hold office for a term of three years and may be re appointed for a further and final term of three years.

(5) A member shall, on 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.

5 (6) The office of a member of the Disciplinary Committee becomes vacant if the member—

(a) dies;

(b) is adjudged bankrupt under any written law;

10 (c) is absent from three consecutive meetings of the Disciplinary Committee of which the member had notice, without the prior approval of the Disciplinary Committee;

(d) resigns by notice, in writing, to the Council;

15 (e) is legally disqualified from performing the duties of a member of the Disciplinary Committee;

(f) is found guilty of professional misconduct;

(g) is de-registered under this Act or any other written law; or

20 (h) 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.

(7) The Council shall, where there is a vacancy in the membership of the Disciplinary Committee before the expiry of the term of office, appoint another person to replace the member who vacates office but that person shall only hold office for the remainder of the term.

(8) The Registrar shall be the Secretary to the Disciplinary Committee but shall not vote on any matter before the Disciplinary Committee.

30 **44.** (1) The functions of the Disciplinary Committee are to hear and determine—

(a) any complaint referred to the Disciplinary Committee by a Professional Conduct Committee against a procurement and supply professional; and

35 (b) a disciplinary action initiated against a procurement and supply professional under section 37 (2).

(2) The Disciplinary Committee may publicise as the Disciplinary Committee considers appropriate, the facts relating to a procurement and supply professional who is found guilty of, and punished for, professional misconduct.

Functions of
Disciplinary
Committee

Proceedings
of
Disciplinary
Committee

45. (1) Subject to the other provisions of this Act, the Disciplinary Committee may regulate its own procedure.

(2) Three members of the Disciplinary Committee shall form a quorum at a meeting or sitting of the Disciplinary Committee.

(3) The chairperson of the Disciplinary Committee or in the absence of the chairperson, the vice-chairperson shall preside at a meeting or sitting of the Disciplinary Committee.

(4) A question at a meeting or sitting of the Disciplinary Committee shall be decided by a majority of the members present at the meeting or sitting of the Disciplinary Committee and in the event of an equality of votes, the person presiding at the meeting or sitting shall have a casting vote in addition to that person's deliberative vote.

(5) The proceedings of the Disciplinary Committee shall be in camera. 15

(6) A party to a hearing of the Disciplinary Committee may appear in person or be represented by a legal practitioner or, if the party so elects, by any other person.

(7) A decision of the Disciplinary Committee shall be in the form of a reasoned judgment and a copy of the judgment shall be supplied to each party to the proceedings and to every person affected by the decision. 20

(8) If a person is present at a meeting or sitting of the Disciplinary Committee 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, that person shall, as soon as is practicable after the commencement of the meeting or sitting, disclose the interest and shall not, unless the Disciplinary Committee otherwise directs, take part in any consideration or discussion of, or vote on, any question relating to that matter. 25 30

(9) A disclosure of interest made under this section shall be recorded in the minutes of the meeting or sitting at which it is made.

(10) The Disciplinary Committee shall cause to be kept a record of its proceedings. 35

Powers of
Disciplinary
Committee

46. (1) The Disciplinary Committee may, for the purposes of a hearing, hear and receive evidence and may—

- (a) under the hand of the chairperson or the Registrar, summon witnesses and require the production of a book, record, document, electronic record or anything required for the purposes of the proceeding; and 40

(b) through the chairperson or vice-chairperson, administer an oath to a witness.

(2) A person summoned to attend before the Disciplinary Committee shall not—

5 (a) refuse or fail to attend at the time and place specified in the summons or, having attended, leave without the permission of the Disciplinary Committee;

(b) having attended, refuse to be sworn or to affirm;

10 (c) refuse, without lawful excuse, to answer fully and satisfactorily to the best of that person's knowledge and belief, a question lawfully put to that person; or

(d) refuse to produce a book, record, document or thing which that person has been required by summons to produce.

15 (3) A person who contravenes subsection (2) commits an offence and is liable, on conviction, for that refusal or failure, to a fine not exceeding two hundred thousand penalty units.

20 (4) Despite subsection (2), a person shall not be compelled to answer a question or produce a book, record or document which that person would not be compelled to answer or produce on the trial of an action in the High Court.

(5) A hearing before the Disciplinary Committee shall, for the purposes of Chapter XI of Penal Code, be deemed to be a judicial proceeding.

25 (6) A finding of fact which is shown to have been made by a court in the Republic shall, in any hearing before the Disciplinary Committee, be conclusive evidence of the fact so found.

30 (7) The Disciplinary Committee shall, where the Disciplinary Committee has reasonable cause to believe that a procurement and supply professional is legally disqualified, refer the matter for determination in accordance with the Mental Health Act, 2019.

(8) The Disciplinary Committee shall, where a determination is made in accordance with the Mental Health Act, 2019, that a procurement and supply professional is legally disqualified, suspend the practising licence of the procurement and supply professional.

35 (9) The Disciplinary Committee shall, where the Disciplinary Committee finds, after due inquiry, that a procurement and supply professional is not guilty of professional misconduct, record a finding that the procurement and supply professional is not guilty of the conduct to which the charge relates and dismiss the charge.

(10) The Disciplinary Committee may, for the purpose of any proceedings, use assessors or experts as the Disciplinary Committee considers necessary.

Sanctions for
professional
misconduct
by
Disciplinary
Committee

47. (1) The Disciplinary Committee shall, where the Disciplinary Committee finds a procurement and supply professional guilty of professional misconduct, after due inquiry, impose one or more of the following sanctions: 5

(a) order the cancellation of the procurement and supply professional's certificate of registration or practising licence; 10

(b) order the suspension of the licence of registration or practising licence for a specified period and on conditions as determined by the Disciplinary Committee;

(c) censure the procurement and supply professional;

(d) caution the procurement and supply professional; 15

(e) impose an administrative penalty, not exceeding one hundred thousand penalty units, to be paid to the Institute;

(f) order that the procurement and supply professional be retrained or rehabilitated; 20

(g) order a procurement and supply professional to pay to the Institute or a party to the hearing the costs of, or incidental to, the proceedings; or

(h) order the procurement and supply professional to pay a party to the hearing or any other person, as restitution, the amount of loss caused by that person's negligence. 25

Report by
Disciplinary
Committee

48. The Disciplinary Committee shall, within fourteen days from the completion of a hearing, submit to the Council a report of the proceedings together with a copy of the record.

Rules
relating to
disciplinary
proceedings

49. (1) The Chief Justice may, by statutory instrument, and on the recommendation of the Council, make rules relating to the— 30

(a) manner and form for lodging of complaints under this Part;

(b) mode of summoning persons before the Disciplinary Committee; 35

(c) manner and form of service of a summons requiring the attendance of a witness before the Disciplinary Committee and the production of a book, record, document or thing;

- (d) procedure to be followed and rules of evidence to be observed in proceedings before the Disciplinary Committee; and
- (e) functions of assessors and experts to the Disciplinary Committee.
- 5
- (2) Rules made under subsection (1) may provide—
- (a) that before a matter is referred to the Disciplinary Committee, the matter shall, in a manner that may be provided by the Rules, have been brought before a Professional Conduct Committee or investigated by the Institute;
- 10
- (b) for securing notices for the proceedings and specifying the time and manner of the proceedings; and
- (c) for securing that a party to the proceedings shall, if that person requires, be entitled to be heard by the Disciplinary Committee.
- 15

PART V

INSPECTORATE

- 50.** (1) The Council shall appoint suitably qualified persons as inspectors to ensure compliance with this Act. Inspectors
- 20
- (2) The Council shall provide an inspector with an identification card which shall be *prima facie* evidence of the inspectors appointment as inspector.
- (3) An inspector shall, in performing a function under this Act—
- 25
- (a) be in possession of the identification card referred to under subsection (2); and
- (b) show the identification card to a person who requests to see the identification card or is the subject of an investigation under this Act.
- 30
- 51.** (1) An inspector may, for the purposes of enforcing the provisions of this Act, at any reasonable time, without prior notice, and on the authority of a warrant, enter any premises that the inspector has reasonable grounds to believe is used for the commission of an offence or contrary to the provisions of this Act, and— Powers of inspectors
- 35
- (a) search the premises;
- (b) search any person on the premises if the inspector has reasonable grounds to believe that the person has possession of an article, document or record that has a bearing on an inspection or investigation, except that a person shall only be searched by a person of the same sex;
- 40

- (c) take extracts from, or make copies of, any book, document 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 licences; and 5
- (e) make inquiries that may be necessary to ascertain whether the provisions of this Act or any other written 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 10 where it appears from the written information given by that inspector, on 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— 15
- (a) issue a receipt for anything removed to the owner or the 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. 20
- (4) A person commits an offence if that person—
- (a) delays or obstructs an inspector in the performance of the inspector's functions under this Act;
- (b) refuses to give an inspector reasonable assistance as the inspector may require for the purpose of performing 25 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. 30
- (5) A person who contravenes subsection (4) 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 both.
- (6) An inspector shall furnish the Council with a written report 35 and any other information relating to an inspection.

PART VI

GENERAL PROVISIONS

52. (1) A person shall not head a procurement Unit unless that person is a certified procurement practitioner. Prohibition of heading Procurement Unit without certification as certified procurement practitioner
- 5 (2) A person shall not offer employment to a person as head of a Procurement Unit who is not a certified procurement practitioner.
- (3) A person who contravenes subsection (1) or (2) is liable to an administrative penalty.
- 10 53. (1) The Institute may, where a procurement and supply professional is practising or a procurement and supply firm is operating in contravention of this Act, by notice served on the procurement and supply professional or the procurement and supply firm, direct a procurement and supply professional or procurement and supply firm to take, within a period that may be specified in the notice, measures or steps that the Institute may direct. Enforcement notice
- (2) The Institute shall, within seven days after serving the notice referred to under subsection (1), publish the notice in a daily newspaper of general circulation in the Republic.
- 20 (3) The Institute may, where a procurement and supply professional or procurement and supply firm fails, without reasonable cause, to comply with an enforcement notice under this section-
- (a) suspend or cancel the certificate of registration of the procurement and supply professional or the procurement and supply firm; or
- 25 (b) suspend or cancel the practising licence of a procurement and supply professional.
54. A procurement and supply professional shall, for professional services rendered, charge professional fees that the Council may, with the approval of the Minister, by statutory instrument, prescribe. Fees for professional services
- 30
55. (1) A person shall not knowingly or recklessly make a false or misleading statement, orally or in writing, to the Institute, Professional Conduct Committee or Disciplinary Committee with the intention that it be acted on by the Institute, Professional Conduct Committee or Disciplinary Committee. False or misleading statement
- 35
- (2) A person who contravenes subsection (1) 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.
- 40

Appeals	<p>56. (1) A person aggrieved with a decision of the Institute may, within thirty days of receipt of the decision, appeal to the Minister.</p> <p>(2) A person aggrieved with a decision of the Minister may, within thirty days of the decision, appeal to the High Court. 5</p> <p>(3) A person aggrieved with a decision of a Professional Conduct Committee may, within thirty days of receipt of the decision, appeal to the Disciplinary Committee.</p> <p>(4) A person aggrieved with a decision of the Disciplinary Committee may, within thirty days of receipt of the decision, appeal 10 to the High Court.</p> <p>(5) A decision of a Professional Conduct Committee or the Disciplinary Committee shall not take effect until the expiration of the time for lodging an appeal against the decision or, if an appeal is lodged, until the time the appeal is disposed of, withdrawn or 15 struck out for want of prosecution.</p> <p>(6) The proceedings of a Professional Conduct Committee or the Disciplinary Committee shall not be set aside by reason only of some irregularity in those proceedings if that irregularity did not occasion a substantial miscarriage of justice. 20</p>
Jurisdiction over acts committed outside Republic	<p>57. (1) A court shall have jurisdiction over a procurement and supply professional for any act committed outside the Republic which, if it had been committed in the Republic, would have been an offence of professional misconduct under this Act.</p>
Cap. 98	<p>(2) Any proceedings against a procurement and supply 25 professional under this section which would be a bar to subsequent proceedings against the procurement and supply professional, for the same offence, if the offence had been committed in the Republic, shall be a bar to further proceedings against the procurement and supply professional under any written 30 law relating to the extradition of persons, in respect of the same offence outside the Republic.</p> <p>(3) The Mutual Legal Assistance in Criminal Matters Act applies to proceedings under this Act.</p>
Prohibition of publication or disclosure of information to unauthorised persons	<p>58. (1) A person shall not, without the consent in writing given 35 by, or on behalf of, the Institute, publish or disclose to a person, other than in the course of duties of that person, the contents of a document, communication or information which relates to, or which has come to the knowledge of that person in the course of that person's duties under this Act. 40</p>

(2) A person who 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.

5 (3) A person who, having information which to that person's knowledge has been published or disclosed in contravention of subsection (1), unlawfully publishes or communicates the information to another person, commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand penalty
10 units or to imprisonment for a term not exceeding two years, or to both.

59. Where an offence under this Act is committed by a body corporate or an unincorporate body, with the knowledge, consent or connivance of the director, manager, shareholder or partner of
15 the body corporate or an 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.

Offences by principal officers of body corporate or unincorporate body

60. A person who commits an offence under this Act for which
20 a specific penalty is not 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.

General penalty

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

Administrative penalty

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

(3) An administrative penalty shall be paid to the Institute
30 within the period prescribed by the Minister.

(4) The Institute may, where a person fails to pay an administrative penalty within the stipulated time under subsection (3), by way of civil action in a competent court, recover the amount of the administrative penalty from that person as an amount due
35 and owing to the Institute.

62. An action or other proceeding shall not lie or be instituted against a council member, a member of a committee of the Council, a member of a Professional Conduct Committee, the Disciplinary Committee and a member of staff of the Institute for, or in respect
40 of, an act or thing done or omitted to be done in good faith in the exercise or performance of a power or function conferred under this Act.

Immunity

- Guidelines **63.** (1) The Institute may, in the exercise of its functions under this Act, issue guidelines as are necessary for the better carrying out of the provisions of this Act.
- (2) The Institute shall publish the guidelines issued under this Act in a daily newspaper of general circulation in the Republic and in the *Gazette* or on other electronic media that the Institute may determine.
- (3) The guidelines shall take effect on the date of publication and shall bind the persons regulated under this Act.
- Regulations **64.** (1) The Minister may, on the recommendation of the Council, by statutory instrument, make regulations for the better carrying out of the provisions of this Act.
- (2) Despite the generality of subsection (1), regulations may make provision for—
- (a) the manner and form for applications under this Act and the fees payable; 15
 - (b) the form of and particulars to be entered on the registers;
 - (c) the form of the certificate of registration and the conditions under which the certificate of registration is issued;
 - (d) the form of the practising licence and the conditions or requirements for the issuance of a practising licence; 20
 - (e) the qualifications for registration of a procurement and supply professional;
 - (f) the continuous professional development for procurement and supply professionals; 25
 - (g) manner and form of reports submitted to the Institute under this Act;
 - (h) the fees payable for professional services and any other fees which are required to be prescribed; and
 - (i) operations of procurement and supply firms. 30
- Repeal of Act No. 15 of 2003 and savings and transitional provisions **65.** (1) The Zambia Institute of Purchasing and Supply Act, 2003, is repealed.
- (2) Despite subsection (1), the Second Schedule applies to the matters specified in that Second Schedule.

Proceedings
of Council

(4) The Council shall, where there is a vacancy in membership of the Council before the expiry of the term of office, cause the election of another person to take place to replace the member who vacates office, in accordance with the constitution.

3. (1) Subject to the other provisions of this Act, the Council 5 may regulate its own procedure.

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

(3) The President may call a meeting of the Council on giving 10 notice of not less than fourteen days or where one third of the council members so request, in writing, except that if the urgency of a particular matter does not permit the giving of notice, a special meeting may be called on giving a shorter notice.

(4) Five council members shall form a quorum at a meeting 15 of the Council.

(5) There shall preside at a meeting of the Council—

(a) the President;

(b) in the absence of the President, the Vice-President;
or 20

(c) in the absence of both the President and Vice-President, any council member that the council members present shall elect for the purpose of that meeting.

(6) A decision of the Council on any question shall be by a majority of the council members present and voting at the meeting, 25 and in the event of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to that person's deliberative vote.

(7) The Council may invite any person whose presence is in the Council's opinion desirable to attend and participate in the 30 deliberations of the meeting, but that person shall have no vote.

(8) The validity of any proceedings, acts or decisions of the Council shall not be affected by a vacancy in the membership of the Council or any defect in the appointment of a council member or by reason that a person not entitled to do so took part in the 40 proceedings.

(9) The Council shall cause minutes to be kept of the proceedings of every meeting of the Council and of any committee established by the 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. Committees
- 5 (2) The Council may appoint as members of a committee persons who are or are not council members except that at least one council member shall be a member of a committee.
- (3) A member of a committee shall hold office for a term that the Council may determine.
- 10 (4) Subject to any specific or general direction of the Council, a committee may regulate its own procedure.
5. (1) The Council shall constitute an Education Committee consisting of the following part-time members: Education Committee
- (a) a representative each of a —
- 15 (i) public higher education institution;
- (ii) private higher education institution;
- (iii) public college; and
- (iv) private college;
- (b) two examiners accredited by the Institute;
- 20 (c) a representative of the Institute from the department responsible for education and training;
- (d) a representative of the Higher Education Authority; and
- (e) a representative of Zambia Qualifications Authority.
- (2) The functions of the Education Committee are to—
- 25 (a) review a curriculum in procurement and supply developed by the Institute or a higher education institution for a learning programme; and
- (b) provide advice to a higher education institution relating to the education and examination of the procurement and supply profession.
- 30 (3) The curriculum referred to under subparagraph (2) (a) shall be submitted to a higher education institution.
- (4) The provisions of paragraph 4 (3) and (4) shall apply to the Education Committee.
- 35 6. The Institute shall pay to a council member, a member of a committee of the Council, a member of a Professional Conduct Committee and a member of the Disciplinary Committee, an allowance that the Council may determine. Allowances

Disclosure
of interest

7. (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, shall as soon as is practicable after the commencement 5 of the meeting, disclose the interest and shall not, unless the Council or committee of the Council 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 this paragraph shall 10 be recorded in the minutes of the meeting at which it is made.

Prohibition
of
publication
or disclosure
of
information
to
unauthorised
persons

8. (1) A person shall not, without the consent, in writing, given by or on behalf of the Institute, otherwise than in the course of duties of that person, publish or disclose to any other person, the contents of any document, communication or information, which 15 relates to, or which has come to the knowledge of that person in the course of that person's duties under this Act.

(2) A person who contravenes subparagraph (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 20 exceeding two years, or to both.

(3) A person who, having information which to that person's knowledge is published or disclosed in contravention of subparagraph (1), unlawfully publishes or communicates the information to another 25 person, 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.

Immunity

9. An action or proceeding shall not lie or be instituted against a council member, a member of a committee of the Council and a member of staff of the Institute for, or in respect of, an act or thing 30 done or omitted to be done in good faith in the exercise or performance of a function conferred under this Act.

PART II

FINANCIAL PROVISIONS

Funds of
Institute

10. (1) The funds of the Institute consist of monies that may— 40

(a) be paid to the Institute by way of fees, levies, grants or donations; and

(b) vest in, or accrue to, the Institute.

- (2) The Institute may—
- (a) accept monies by way of grants or donations from any source in the Republic and subject to the approval of the Minister, from any source outside the Republic;
 - 5 (b) raise by way of loans or otherwise, monies as it may require for the performance of its functions; and
 - (c) charge and collect fees in respect of programmes and seminars conducted by the Institute.
- (3) There shall be paid from the funds of the Institute—
- 10 (a) the salaries, allowances and loans of the staff of the Institute;
 - (b) reasonable travelling, transport and subsistence allowances for Council members, members of a committee of the Council, members of the Professional Conduct
 - 15 Committee, members of the Disciplinary Committee or staff of the Institute when engaged in the business of the Institute at the rates approved by the Council; and
 - (c) any other expenses incurred by the Institute in the performance of the Institute's functions under this Act.
- 20 (4) The Institute may, invest in a manner that the Council considers appropriate, funds of the Institute that the Institute does not immediately require for the performance of the Institute's functions.
- 11.** The financial year of the Institute shall be a period of twelve
25 months ending on 31st December of each year. Financial year
- 12.** (1) The Institute shall cause to be kept proper books of
accounts and other records relating to its accounts. Accounts and audit
- (2) The accounts of the Institute shall be audited annually by
an independent auditor appointed by the Council.
- 30 (3) The fees of the independent auditor shall be paid by the
Institute.
- 13.** The Council shall present the annual report to the members
concerning the activities of the Institute at the annual general meeting
held in accordance with the constitution. Annual report

SECOND SCHEDULE

(Section 65)

SAVINGS AND TRANSITIONAL PROVISIONS

- Interpretation **1.** In this Schedule, “former Institute” means the Zambia Institute of Purchasing and Supply, established under the repealed Act. 5
- Registration and appointment under repealed Act **2.** (1) A procurement and supply professional registered under the repealed Act shall continue to be registered as if registered under this Act.

(2) After the commencement of this Act, the former Council shall continue to perform the functions of the Council of the Institute under this Act until a new Council is elected in accordance with the constitution. 10

(3) A register maintained under the repealed Act and subsisting immediately before the commencement of this Act shall, until replaced, be considered to be a register maintained under this Act. 15
- Staff of Institute **3.** (1) For the avoidance of doubt, a person who, before the commencement of this Act, was an officer or employee of the former Institute shall continue to be an officer or employee of the Institute, as if appointed or employed under this Act. 20

(2) The service of persons under subparagraph (1) shall be treated as continuous service.

(3) Nothing in this Act affects the rights and liabilities of a person employed or appointed by the former Institute before the commencement of this Act. 25
- Transfer of assets **4.** (1) On the commencement of this Act, there shall be transferred to, vest in and subsist against the Institute by virtue of this Act and without further assurance, the assets, rights, liabilities and obligations which immediately before the commencement of this Act were the assets, rights, liabilities and obligations of the former Institute. 30

(2) Subject to subparagraph (1), every deed, bond or agreement, other than an agreement for personnel service, to which the former Institute was a party immediately before the commencement of this Act, whether or not of such 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— 35

 - (a) the Institute had been party to it;
 - (b) for any reference to the former Institute there was substituted, with respect to anything falling to be done on or after the commencement of this Act, a reference to the Institute; or 40

5 (c) for any reference to any officer of the former Institute, not being a party to it and beneficially interested, there were substituted, as respects anything falling to be done on or after the commencement of this Act, a reference to that officer of the Institute, as the Institute shall designate.

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

(4) The registration authority, referred to under 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 licence of title in respect of the property or make necessary amendments to the register and shall endorse 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.

20 **5.** (1) Any legal proceedings or application of the former Institute pending immediately before the commencement of this Act by or against the former Institute may be continued by or against the Institute.

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 Institute, may be instituted by or against the Institute.

