

**THE ZAMBIA QUALIFICATIONS AUTHORITY
BILL, 2022**

MEMORANDUM

The objects of this Bill are to —

- (a) continue the existence of the Zambia Qualifications Authority and re-define its functions;
- (b) provide for the development and implementation of a National Qualifications Framework;
- (c) provide for registration of qualifications on the National Qualifications Framework;
- (d) provide for verification and evaluation of qualifications;
- (e) constitute the Board and re-define its functions;
- (f) repeal and replace the Zambia Qualifications Authority Act, 2011; and
- (g) provide for matters connected with, or incidental to, the foregoing.

M. D. KABESHA,
Attorney-General

THE ZAMBIA QUALIFICATIONS AUTHORITY BILL, 2022

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N.A.B. 17, 2022

A BILL

ENTITLED

An Act to continue the existence of the Zambia Qualifications Authority and re-define its functions; provide for the development and implementation of a National Qualifications Framework; provide for registration of qualifications on the National Qualifications Framework; provide for verification and evaluation of qualifications; constitute the Board and re-define its functions; 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 Qualifications Authority Act, 2022. Short title
2. In this Act, unless the context otherwise requires— Interpretation
- “accreditation” means a process of assessment and review that enables a qualification to be recognised by the Authority as meeting appropriate standards;
- “associate” has the meaning assigned to the word in the Anti-Corruption Act, 2012; Act No. 3 of 2012
- “appropriate authority” means an authority having regulatory responsibility of a sub-framework of the National Qualifications Framework;

N.A.B. 17, 2022

	“articulation” means a linkage between qualifications that allows for vertical, lateral and diagonal movement of learners through formal education and training system and employment;	
	“Authority” means the Zambia Qualifications Authority continued under section 3;	5
	“awarding body” means an institution issuing qualifications formally recognising the achievement of an individual following a standard assessment procedure;	
	“certificate of registration” means a certificate of registration issued under section 23;	10
	“Chairperson” means the person appointed as Chairperson under section 6;	
	“committee” means a committee established under section 11;	15
	“Director-General” means the person appointed as Director-General under section 16;	
Act No. 23 of 2011	“education” has the meaning assigned to the word in the Education Act, 2011;	
Cap. 1	“Emoluments Commission” means the Emoluments Commission established by the Constitution;	20
	“evaluation” means the process of assessing a foreign qualification in order to establish an appropriate level on the National Qualifications Framework for purposes of recognising that qualification;	25
	“learner achievement record” means a record of details of individuals who have successfully been awarded qualifications;	
Act No. 4 of 2013	“learning programme” has the meaning assigned to the words in the Higher Education Act, 2013;	30
Act No. 6 of 2019	“legally disqualified” means the absence of legal capacity as provided in section 4 of the Mental Health Act, 2019;	
	“level descriptor” means specification of generic standards or intended learning outcomes with regard to a certain level on the National Qualifications Framework;	35
	“member” means a person appointed as a member of the Board;	

- “National Qualifications Framework” means a system for classification, registration, application and articulation of quality assured qualifications;
- 5 “recognition of prior learning” means a comparison of the previous learning and experience, whether formal, informal or non-formal, obtained by a learner against the learning outcomes required for a specified and existing qualification;
- 10 “qualification” means a certificate, diploma or degree awarded by an awarding body on successful completion of a learning programme;
- “registration” means the process of granting official cognition to a qualification;
- “relative” has the meaning assigned to the word in the Anti-Corruption Act, 2012; Act No. 3 of 2012
- 15 “repealed Act” means the Zambia Qualifications Authority Act, 2011; Act No. 13 of 2011
- “Secretary” means a person appointed as Secretary under section 16;
- 20 “standard” means a specification or code of practice for an education and training outcome, and includes a—
- (a) test method to describe a definitive procedure which produces a test result;
 - (b) procedure that gives a set of instructions for performing operations or functions; and
 - 25 (c) registered statement of desired education and training outcomes and its associated assessment criteria;
- “sub-framework” means one of the components of the National Qualifications Framework specified in section 20;
- 30 “training” means the process and methods which aim to equip a person with knowledge, skills, attitudes and values;
- “verification” means the process of validating the authenticity of qualifications and “verify” shall be construed accordingly; and
- 35 “Vice Chairperson” means a person elected as Vice-Chairperson under section 6.

PART II

THE ZAMBIA QUALIFICATIONS AUTHORITY

- Continuation of Zambia Qualifications Authority 3. The Zambia Qualifications Authority established under the repealed Act is continued in existence 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 shall, subject to the provisions of this Act, have power to do all acts and things that body corporate may, by law, do or perform. 5
- Seal of Authority 4. (1) The seal of the Authority shall be a device as may be determined by the Authority and shall be kept by the Director-General. 10
- (2) The affixing of the seal shall be authenticated by the Chairperson, the Vice Chairperson, the Director-General or any other person authorised in that behalf by a resolution of the Board.
- (3) A contract or instrument which, if entered into or executed by a person not being a body corporate, would not be 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 generally or specifically authorised by the Board in that behalf. 15
- (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 executed or issued without further proof, unless the contrary is proved. 20
- Functions of Authority 5. (1) The functions of the Authority are to— 25
- (a) develop, oversee and maintain a National Qualifications Framework;
- (b) develop and implement policy and criteria, in consultation with the appropriate authorities, for the development, registration and publication of qualifications which shall include the following requirements: 30
- (i) the relevant sub framework shall be identified on any document relating to the registration and publication of a qualification; and
- (ii) each sub framework shall have a distinct nomenclature for its qualification type which is appropriate to the relevant sub framework and consistent with international practice; 35

- (c) register a qualification recommended by an appropriate authority if that qualification meets the relevant criteria;
- 5 (d) develop policy and criteria in consultation with the appropriate authorities for the recognition of prior learning and credit accumulation and transfer system;
- (e) develop the content of level descriptors for each level of the National Qualifications Framework and agree with the appropriate authorities on the content of the level descriptions;
- 10 (f) publish the agreed level descriptors in the *Gazette* and ensure that the levels remain current and appropriate;
- (g) ensure that standards and registered qualifications are internationally comparable;
- 15 (h) develop, publish and maintain national occupational standards for occupations in the Republic in consultation with the relevant stakeholders;
- (i) verify local qualifications;
- (j) verify and evaluate foreign qualifications;
- 20 (k) collaborate with other international institutions or organisations on all matters of mutual interest concerning qualification frameworks;
- (l) establish and maintain a database of learning achievements in the Republic;
- 25 (m) ensure that the appropriate authorities comply with the National Qualifications Framework standards;
- (n) inform the appropriate authorities and stakeholders on international practice in the development and management of the National Qualifications Framework; and
- 30 (o) advise the Minister on matters relating to the National Qualifications Framework.

(2) The Authority shall publish an annual list of prescribed standards and all registered qualifications of the sub frameworks.

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

Board of
Authority

- (a) one representative each from the Ministries responsible for—
- (i) education; and
 - (ii) vocational and entrepreneurship training;
- (b) a representative of the Attorney-General; 5
- (c) a person nominated from the most representative federation of employers' organisations;
- (d) a representative from a civil society organisation working in the education sector;
- (e) one person with knowledge and experience in matters relating to qualifications; and 10
- (f) a representative of the Zambia Institute of Human Resource Management; and
- (g) the Director-General as an *ex officio*.
- (2) The members referred to under subsection (1)(a), (b), (c), (d), (e) and (f) shall be nominated by their respective ministries, organisations or institutions for appointment by the Minister. 15
- (3) The Minister shall appoint the Chairperson from among the members.
- (4) The members shall elect the Vice-Chairperson from among themselves. 20
7. (1) Subject to the provisions of this Act, the Board shall provide strategic policy direction to the Authority.
- Functions of Board
- (2) Despite the generality of subsection (1), the functions of the Board are to— 25
- (a) approve the annual budget estimates and financial statements of the Authority; (b) approve the annual work plan of the Authority;
 - (c) promote effective corporate governance of the Authority;
 - (d) formulate the policies, programmes and strategies of the Authority; 30
 - (e) approve qualifications and standards for purposes of this Act or any other written law; and
 - (f) conduct assessments on the development and implementation of the National Qualifications Framework, including periodic studies of the impact of the National Qualifications Framework on education, training and employment. 35

8. The Board may, in writing, and subject to guidelines issued by the Board, delegate any of its functions to the Director-General.

Delegation of functions

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

Tenure of office and vacancy

(2) The office of a member becomes vacant if that member—

(a) dies;

(b) is absent from three consecutive meetings of the Board, of which that member has had notice, without the prior approval of the Authority;

(c) ceases to be a representative of the ministry, institution or organisation that nominated or appointed that member to the Board;

(d) is declared bankrupt;

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

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

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

(4) The Minister shall, where the office of a member becomes vacant before the expiry of the term of office of the member, appoint another member in place of the member who vacates office, and that member shall hold office for the remainder of the term.

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

10. (1) Subject to the provisions of this Act, the Board may regulate its own procedure.

Proceedings of Board

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

(3) The Chairperson may call a meeting of the Board on giving notice of not less than fourteen days, or where one third of the members so request, in writing, except that if the urgency of a particular matter does not permit the giving of that notice, a special meeting may be called on giving a shorter notice. 5

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

(5) There shall preside at a meeting of the Board

(a) the Chairperson;

(b) in the absence of the Chairperson, the Vice-Chairperson; 10
or

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

(6) A decision of the Board on any question shall be by a 15 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 that person's deliberative vote.

(7) The Board may invite a person, whose presence is in its 20 opinion, desirable to attend and to participate in the deliberation of a meeting of the Board but that person shall have no vote.

(8) Where a member is for any reason unable to attend a meeting of the Board, the member may, in writing, nominate another person from the same organisation to attend the meeting in that 25 member's stead and that person shall be deemed to be a member for the purpose of that meeting.

(9) The validity of any proceeding, acts or decision of the Board shall not be affected by a vacancy in the membership of the Board or any defect in the appointment of a Board member or by reason 30 that a person not entitled to do so took part in the proceedings.

(10) The Board shall cause to be kept minutes of the proceedings of every meeting of the Board and every meeting of the committee established by the Board.

11. (1) The Board shall, for the purpose of performing its functions under this Act, constitute committees and delegate any of its functions to the committee as it considers necessary.

Committees of Board

5 (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 the Board may determine.

10 (4) Subject to any specific or general direction of the Board, a committee established under subsection (1), may regulate its own procedure.

12. A member of the Board and committee of the Board shall be paid allowances that the Emoluments Commission may, on the recommendation of the Minister, determine.

Allowances of members

15 13. (1) A person who is present at a meeting of the Board or a committee of the Board, at which any matter, is 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 practicable after the commencement of
20 the meeting, disclose that interest and shall not, unless the Board or committee otherwise directs take part in any consideration or discussion of or vote on any question relating to that matter.

Disclosure of interest

25 (2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which the disclosure is made.

30 14. (1) A person shall not, without the consent in writing given by, or on behalf of, the Board publish or disclose to a person, otherwise than in the course of that person's duties, the contents of any document, communication or information whatsoever which relates to, or 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 person

35 (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.

40 (3) A person who, having any information which to that person's knowledge has been published or disclosed in contravention of subsection (1), unlawfully publishes or communicates the information to any other 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 exceeding two years, or to both.

Immunity of members of Board, committees and staff of Authority

15. An action or other proceeding shall not lie or be instituted against a member of the Board or a committee of the Board or a member of staff of the Authority, for or in respect of any act or thing done or omitted to be done in good faith in the exercise or performance, or purported exercise or performance of any of the powers, functions or duties conferred under this Act. 5

Director-General, Secretary and other staff

16. (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. 10

(2) 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. 15

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

(4) The Emoluments Commission shall, on the recommendation of the Board, determine the emoluments of the Director-General, Secretary and other staff of the Authority. 20

(5) The Board shall determine the conditions of service, other than emoluments, of the Director-General, Secretary and other staff of the Authority.

PART III

THE NATIONAL QUALIFICATIONS FRAMEWORK 25

National Qualifications Framework

17. The Authority shall, with the approval of the Minister, develop and implement a National Qualifications Framework.

Objectives of National Qualifications Framework

18. (1) The objectives of the National Qualifications Framework are to—

- (a) create a single integrated framework for learning achievements; 30
- (b) facilitate access to, and mobility and progression within, education and training;
- (c) enhance the quality and relevance of education and training; and 35
- (d) promote education, training and employment opportunities.

(2) The National Qualifications Framework shall contribute to the full personal development of a learner and the social and economic development of the nation.

(3) The Authority shall, in consultation with appropriate
5 authorities—

(a) develop, foster and maintain an integrated and transparent national framework for the recognition of learning achievements; and

(b) ensure that qualifications meet appropriate criteria, and
10 are internationally comparable.

19. (1) The National Qualifications Framework shall be organised as a series of levels of learning achievements, arranged in a prescribed manner.

National
Qualification
Framework
levels

(2) Each level of the National Qualifications Framework shall
15 be described by a level descriptor.

(3) A level descriptor referred to under subsection (2) shall provide a broad indication of learning achievements or outcomes that are appropriate to a qualification at that level.

(4) A level descriptor shall be developed as prescribed.

20. (1) The National Qualifications Framework comprises the following three co-ordinated qualifications sub-frameworks, for—

Sub
frameworks

(a) general education;

(b) trades and occupations; and

(c) higher education.

(2) An appropriate authority shall, in order to achieve the objectives of the National Qualifications Framework

(a) manage its sub-framework;

(b) advise the relevant minister on matters relating to its sub-framework;

(c) ensure that the level descriptors are adhered to;

(d) with regard to qualifications for the appropriate authority's sub-framework

(i) implement National Qualifications Framework policy and criteria for registration of
35 qualifications;

- (ii) implement policy and criteria for recognition of prior learning and credit accumulation and transfer;
 - (iii) ensure the development of learning programmes as are necessary for the sector; 5
 - (iv) recommend qualifications to the Authority for registration; and
 - (v) ensure that learner achievement records with respect to registered qualifications are submitted to the Authority within thirty days of award of 10 qualification, as prescribed;
- (e) with regard to quality assurance within the appropriate authority's sub framework—
- (i) develop and implement policy for quality assurance;
 - (ii) ensure the integrity and credibility of quality 15 assurance; and
 - (iii) ensure that quality assurance necessary for the sub framework is undertaken.

PART IV

REGISTRATION OF QUALIFICATIONS

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Prohibition from awarding an unregistered qualification

21. (1) An awarding body shall not award a qualification that is not registered with the Authority.

(2) An awarding body that 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. 25

Application for registration of qualification

22. (1) An awarding body that intends to award a qualification shall submit that qualification to an appropriate authority.

(2) An appropriate authority shall, on receipt of a qualification under subsection (1), apply to the Authority for registration of that qualification on the National Qualifications Framework in a prescribed manner and form on payment of a prescribed fee. 30

Registration of qualification

23. (1) The Authority shall, within sixty days of receipt of an application under section 22, grant or reject the application.

- (2) The Authority shall, where the applicant meets the requirements of this Act, issue a certificate of registration in a prescribed manner and form.
- (3) The Authority shall, where the Authority rejects an application under subsection (1), notify the applicant stating the reasons for the rejection.
24. A certificate of registration shall be valid for a period that the Minister may, in consultation with the Authority, prescribe. Validity of certificate of registration
25. An appropriate authority may, three months before the expiry of a certificate of registration, apply to the Authority for renewal of that certificate of registration in the prescribed manner and form on payment of a prescribed fee. Renewal of certificate of registration
- (2) The Authority shall, where the appropriate authority complies with the terms and conditions of the certificate of registration, renew that certificate of registration. De-registration
26. The Authority may de-register a qualification where an appropriate authority contravenes the terms and conditions of the certificate of registration.
27. (1) An awarding body that seeks to vary a qualification shall submit that qualification to an appropriate authority. Variation of qualification
- (2) An appropriate authority shall, on receipt of an application to vary a qualification referred to under subsection (1), apply to the Authority for variation of that qualification in a prescribed manner and form on payment of a prescribed fee.
28. (1) The Authority may suspend or revoke a certificate of registration if an appropriate authority— Suspension and revocation of certificate of registration
- (a) obtained the certificate of registration on the basis of fraud, negligence or misrepresentation;
- (b) assigns, cedes or otherwise transfers the certificate of registration without the prior approval of the Authority; or
- (c) fails to comply with any term or condition of the certificate of registration.
- (2) The Authority shall, before suspending or revoking a certificate of registration under subsection (1), notify an appropriate authority of its intention to suspend or revoke the certificate of registration and shall —

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

(b) require the appropriate authority to show cause within a reasonable period that may be specified in the notice, why the certificate of registration should not be 5
suspended or revoked.

(3) The Authority shall not suspend or revoke a certificate of registration under this section if an appropriate authority takes remedial measures to the satisfaction of the Authority within the period referred to in subsection (2). 10

(4) The Authority shall, in making its final determination on the suspension or revocation of a certificate of registration, consider the submissions made by the appropriate authority under subsection (2).

(5) Where a certificate of registration is revoked under this 15
section, an appropriate authority shall surrender that certificate of registration to the Authority and the Authority shall cancel the qualification, subject to conditions that the Authority may impose.

(6) The Authority shall, where it revokes the certificate of registration, publish a notice of the revocation in the *Gazette* and a 20
daily newspaper of general circulation in the Republic.

(7) The Authority may, in addition to a suspension or revocation of a certificate of registration, charge an appropriate authority the cost of carrying out the enforcement action.

PART V

25

VERIFICATION AND EVALUATION OF QUALIFICATIONS

Verification
of
qualifications

29. (1) A person who intends to verify a local qualification may apply to the Authority in a prescribed manner and form on payment of a prescribed fee.

(2) The Authority shall, within fourteen days of receipt of an 30
application under subsection (1), issue the applicant with a certificate of verification in a prescribed manner and form.

(3) The Authority shall, where a qualification is not valid, notify the applicant within fourteen days of its decision.

30. (1) A person who intends to have a foreign qualification verified and evaluated shall apply to the Authority in a prescribed manner and form on payment of a prescribed fee.

Verification and evaluation of foreign qualification

5 (2) The Authority shall, within sixty days of receipt of an application under subsection (1), issue the applicant with a certificate of verification and evaluation in a prescribed manner and form.

(3) The Authority shall, where a qualification is not valid, notify the applicant within sixty days of its decision.

10 31. (1) The Authority shall, where the Authority establishes that a certificate of verification or certification of verification and evaluation was erroneously issued, revoke that certificate.

Revocation of certificate of verification or verification and evaluation

(2) The Authority shall, where a certificate is revoked under subsection (1), notify the holder of that certificate, in writing, within seven days of the revocation, stating the reasons for the revocation.

15

PART VI
FINANCIAL PROVISIONS

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

Funds of Authority

(a) be appropriated by Parliament;

20 (b) be derived from interest on investment made under subsection (4); and

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

(2) The Authority may, with the approval of the Minister responsible for finance—

25 (a) accept monies by way of grants or donations from any source within and outside the Republic;

(b) subject to the Public Finance Management Act, 2018, raise by way of loans or otherwise, monies that the Authority may require for the discharge of the Authority's functions; or

Act No. 1 of 2018

30 (c) charge and collect fees for services provided by the Authority.

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

35 (a) the salaries, allowances and loans of members of staff of the Authority;

- (b) reasonable travelling, transport and subsistence allowances for members of the Board or members of any committee of the Board when engaged in the business of Authority, at rates that the Emoluments Commission may, on the recommendation of the Minister, determine; and 5
- (c) any other expenses incurred by the Authority in the performance of the Authority's functions.
- Act No. 1 of 2018 (4) Subject to the Public Finance Management Act, 2018, the Authority may invest funds in a manner that the Authority does not immediately require for the performance of the Authority's functions. 10
- Financial year 33. The financial year of the Authority shall be the period of twelve months ending on 31st December of each year.
- Accounts and audit 34. (1) The Authority shall cause to be kept proper books of account and other records relating to its accounts.
- (2) The accounts of the Authority shall be audited annually by the Auditor-General or an independent auditor appointed by the Auditor-General. 15
- (3) The auditor's fees shall be paid by the Authority.
- Annual report 35. (1) The Authority shall, as soon as practicable, but not later than ninety days after the end of the financial year, submit to the Minister a report concerning its activities during the financial year. 20
- (2) The report referred to under subsection (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; 25
- (b) an audited statement of comprehensive income; 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 under subsection (1), lay the report before the National Assembly. 30

PART VII

GENERAL PROVISIONS

- Registers 36. (1) The Authority shall cause to be kept a register of certificates. 35
- (2) The register shall be kept by the Secretary at the office of the Authority, and shall be open for inspection by members of the public during office hours on payment of a fee that the Authority may determine.

- (3) The Authority shall, every first quarter of every calendar year, publish in the *Gazette* and in a newspaper of general circulation in the Republic, the list of all registered qualifications for purposes of notifying the general public.
- 5 **37.** (1) The Authority shall make guidelines for the better carrying out of the provisions of this Act. Standards setting
- (2) The guidelines referred to under subsection (1) shall, on publication in the *Gazette* and a daily newspaper of general circulation in the Republic, be binding on persons regulated under
10 this Act and procedures for the implementation of this Act.
- (3) The Authority shall, in consultation with relevant stakeholders develop, publish and maintain national occupational standards for any occupation in the Republic.
- (4) An appropriate authority shall ensure that national
15 occupational standards are applied in the design and development of learning programmes.
- 38.** (1) A person aggrieved with a decision of the Authority shall, within thirty days of receipt of the decision, appeal to the Minister. Appeals
- 20 (2) A person aggrieved with the decision of the Minister shall, within thirty days of receipt of the decision, appeal to the High Court.
- 39.** Where an offence under this Act is committed by a body corporate or unincorporate body, with the knowledge, consent or
25 connivance of the director, manager, shareholder or partner of the body corporate or unincorporate body, that director, manager, shareholder or partner is liable, on conviction, to a penalty specified for that offence under this Act. Offences by principal officers of body corporate or unincorporate body
- 40.** (1) A person commits an offence if that person— Offences and penalties
- 30 (a) misrepresents a qualification;
- (b) refuses or fails, without reasonable cause, to comply with the provisions of this Act;
- (c) knowingly misleads the Authority or a member of staff of the Authority by giving false information or statement;
- 35 (d) obstructs, assaults, or impersonates a member of staff of the Authority in the exercise of the powers conferred under this Act; and
- (e) attempts to exert unlawful influence to the Authority to make a decision in that person’s favour.

(2) A person who commits an offence under subsection (1) 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.

Regulations

41. (1) The Minister may, on the recommendation of the Authority, by statutory instrument make Regulations for the better carrying out of the provisions of this Act. 5

(2) Despite the generality of subsection (1), the Regulations made under that subsection may make provisions for—

(a) fees and charges under this Act; 10

(b) the procedures and conditions for registration of a qualification;

(c) the withdrawal of registration, or approval, of a qualification registered under this Act; and

(d) validity period of certificate of registration. 15

Repeal of Act No. 13 of 2011 and savings and transitional provisions

42. (1) The Zambia Qualifications Authority Act, 2011, is repealed.

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

SCHEDULE
(Section 42)

SAVINGS AND TRANSITIONAL PROVISIONS

5 1. In this Schedule “former Authority” means the Authority established under the repealed Act. Interpretation Act No. 13 of 2011

2. On or after the commencement of this Act, a member of the Board holding office immediately before the commencement of this Act, shall hold office as a member for a remainder of a term after which the Minister shall appoint the members of the Board in accordance with this Act. Board members

3. (1) For the avoidance of doubt, a person who, before the commencement of this Act, was an officer or employee of the former Authority, shall continue to be an officer or employee of the Authority, as the case may be, as if appointed or employed under this Act. Staff of Authority

(2) The service of the persons referred to in subparagraph (1) shall be treated as continuous service.

(3) Nothing in this Act affects the rights and liabilities of any person employed or appointed by the former Authority before this Act comes into force. 20

4. (1) On or after this Act comes into force, there shall be transferred to, vest in and subsist against the Authority by virtue of this Act and without further assurance, all assets, rights and obligations which immediately before the commencement of this Act were the assets, rights, liabilities and obligations of the former Authority. Transfer of assets and liabilities

(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 such a nature, that right, 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;
- 35 (b) for any reference to the former Authority there was substituted, with respect to anything falling to be done on or after this Act comes into force, 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, there were substituted, as respects anything falling to be done on or after the commencement of this Act, a reference to such officer of the Authority as the Authority shall designate. 5

(3) Where under this Act, any assets, rights, liabilities and obligations of the former Authority are deemed 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. 10

(4) The registration authority, referred to in subparagraph (3), shall make such entries in the appropriate register as 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 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. 15

(5) A certificate of accreditation of qualifications, certificate of validation of qualifications and certificate of validation and evaluation of qualifications granted under the repealed Act, whether to an institution or an individual, shall be considered to be granted under this Act, until expiry, revocation or cancellation of that certificate of registration of qualifications, certificate of validation of qualifications and certificate of validation and evaluation of qualifications, as provided in the repealed Act, but subject to any rights or benefits accruing to, or any liabilities suffered, under the repealed Act, but without the right of renewal. 20 25

Legal proceedings

5. (1) Any legal proceedings or applications of the former Authority pending in court immediately before this Act comes into force by or against the former Authority may be continued by or against the Authority. 30

(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. 35