

**THE ZAMBIA INSTITUTE OF HUMAN RESOURCE
MANAGEMENT BILL, 2022**

MEMORANDUM

The objects of this Bill are to—

- (a) continue the existence of the Zambia Institute of Human Resources Management, rename it as the Zambia Institute of Human Resource Management and re-define its functions;
- (b) promote and enhance the human resource management profession;
- (c) provide for the registration of human resource management practitioners and regulate their practice and professional conduct;
- (d) repeal and replace the Zambia Institute of Human Resources Management Act, 1997; and
- (e) provide for matters connected with, or incidental to, the foregoing.

M. D. KABESHA,
Attorney-General

N.A.B. 3, 2022
16th February, 2022

THE ZAMBIA INSTITUTE OF HUMAN RESOURCE
MANAGEMENT BILL, 2022

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SCHEDULE

A BILL

ENTITLED

An Act to continue the existence of the Zambia Institute of Human Resources Management and rename it as the Zambia Institute of Human Resource Management and re-define its functions; promote and enhance the human resource management profession; provide for the registration of human resource management practitioners and regulate their practice and professional conduct; repeal and replace the Zambia Institute of Human Resources Management Act, 1997; 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 Human
5 Resource Management Act, 2022.

Short title

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 “Chairperson” means the person appointed Chairperson of
the Disciplinary Committee under section 41;

“certificate of registration” means the certificate of
registration issued under section 14;

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	“chairperson” means a person appointed as chairperson of a Professional Conduct Committee under section 36;	
	“code of ethics” means the code of professional conduct and ethics adopted and published by the Institute for the purposes of this Act;	5
	“constitution” means the constitution of the Institute adopted in accordance with section 5;	
	“Council” means the Council of the Institute constituted under section 8;	
	“council member” means a person elected or nominated as a council member under section 8;	10
	“Disciplinary Committee “ means the Disciplinary Committee of the Institute constituted under section 41;	
Act No. 16 of 2011	“firm” has the meaning assigned to the word in the Registration of Business Names Act, 2011;	15
Act No. 4 of 2013	“Higher Education Authority” means the Higher Education Authority established under the Higher Education Act, 2013;	
Act No. 4 of 2013	“higher education institution” has the meaning assigned to the words in the Higher Education Act, 2013;	
	“human resource management” means an application of a range of principles, practices, systems, processes, policies and procedures, tools and activities of managing human resource recognised by the Institute, including strategy and business management relating to people and organisation management, organisation design and development, workforce planning, talent resourcing, performance management, learning and development, compensation and benefits, employee and labour relations, human resource digital and analytics, human resource operations and administration, human resource audit, labour law compliance and risk management;	20 25 30
	“Institute” means the Zambia Institute of Human Resource Management continued under section 3;	
Act No. 3 of 2019	“Labour Commissioner” has the meaning assigned to the words in the Employment Code Act, 2019	35

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- “Law Association of Zambia” means the Law Association of Zambia established under the Law Association of Zambia Act; Cap. 31
- 5 “legal practitioner” has the meaning assigned to the word “practitioner” in the Legal Practitioners Act; Cap. 30
- “legally disqualified” means the absence of legal capacity as provided under section 4 of the Mental Health Act, 2019; Act No. 6 of 2019
- 10 “member” means a person registered as a member of the Institute in accordance with the provisions of the constitution and “membership” shall be construed accordingly;
- “practicing certificate” means a practising certificate issued under section 21;
- “practitioner” means a human resource management professional registered in accordance with this Act;
- 15 “President” means the person elected as President of the Institute under section 6;
- “professional misconduct” means the conduct referred to under section 34;
- 20 “Professional Conduct Committee” means a Professional Conduct Committee constituted under section 36;
- “register” means a register of the Institute referred to under section 30;
- “Registrar” means the person appointed as Registrar under section 10;
- 25 “relative” has the meaning assigned to the word in the Anti-Corruption Act, 2012; Act No. 3 of 2012
- “repealed Act” means the Zambia Institute of Human Resources Management Act, 1997; Act No. 11 of 1997
- 30 “Vice-Chairperson” means the person appointed as Vice Chairperson of the Disciplinary Committee under section 41;
- “vice-chairperson” means a person appointment as Vice-chairperson of a Professional Conduct Committee under section 36;
- 35 “Vice-President” means the person elected as Vice-President of the Institute under section 6; and
- “Zambia Qualifications Authority” means the Zambia Qualifications Authority established under the Zambia Qualifications Authority Act, 2011. Act No. 13 of 2011

PART II

THE ZAMBIA INSTITUTE OF HUMAN RESOURCE MANAGEMENT

- Continuation and renaming of Zambia Institute of Human Resources Management
3. (1) The Zambia Institute of Human Resources Management established under the repealed Act is continued as if established under this Act and is renamed as the Zambia Institute of Human Resource Management. 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 human resource management profession and promote its interest;
 - (b) register and regulate practitioners; 15
 - (c) issue practising certificates to eligible members;
 - (d) register students of human resource management;
 - (e) set and enforce professional standards of human resource management practice;
 - (f) develop, promote and enforce internationally comparable human resource management practice standards in the Republic; 20
 - (g) conduct learning programmes accredited by the Higher Education Authority in human resource management;
 - (h) provide continuous professional development by practitioners; 25
 - (i) encourage and promote research into a matter affecting the human resource management profession;
 - (j) investigate cases of professional misconduct under this Act;
 - (k) publish a journal of the Institute, and collect, collate and publish other information of service and interest to the Institute; 30
 - (l) promote public awareness in matters relating to the human resource management profession;

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- (m) promote awareness among practitioners in matters relating to human resource management education, practice and regulation;
- 5 (n) enforce continuing professional development requirements for practitioners; and
- (o) collaborate with higher education institutions, Government departments and other institutions to improve the quality of the human resource management profession.
- (2) The Institute may—
- 10 (a) determine the fees payable for an inspection conducted or other services rendered for the purposes of this Act; and
- (b) determine what portion of any fee is payable in respect of any part of a year and the date on which the fee or
- 15 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
- 20 of the affairs of the Institute.
- (3) The constitution may provide for the—
- (a) 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) election and qualifications of the office of President, Vice President and other office bearers of the Council;
- (c) composition, functions, powers and procedures of the committees of the Institute;
- (d) classes of membership and their rights, privileges and
- 30 obligations; and
- (e) any other matter that the membership may determine.
6. The members shall elect the President and Vice President of the Institute in accordance with the provisions of the constitution. President and Vice-President of Institute

Meetings of Institute	<p>7. (1) Subject to this Act, the Institute may regulate its own procedure.</p> <p>(2) The meetings of the Institute shall be conducted in accordance with the provisions of the constitution.</p>	
Council of Institute	<p>8. (1) There is constituted the Council of the Institute which shall perform the functions of the Institute.</p> <p>(2) The Council shall consist of the following council members nominated or elected in accordance with the provisions of the constitution:</p> <p style="padding-left: 40px;">(a) the President of the Institute;</p> <p style="padding-left: 40px;">(b) the Vice-President of the Institute;</p> <p style="padding-left: 40px;">(c) the Honorary Secretary;</p> <p style="padding-left: 40px;">(e) a representative of the Law Association of Zambia;</p> <p style="padding-left: 40px;">(f) a representative of the Labour Commissioner; and</p> <p style="padding-left: 40px;">(g) three other practitioners.</p> <p>(3) The President and Vice-President of the Institute shall be the chairperson and vice-chairperson of the council, respectively.</p> <p>(4) A person shall not be elected or nominated as a council member if that person is—</p> <p style="padding-left: 40px;">(a) found guilty of professional misconduct under this Act;</p> <p style="padding-left: 40px;">(b) convicted of an offence under this Act;</p> <p style="padding-left: 40px;">(c) an undischarged bankrupt;</p> <p style="padding-left: 40px;">(d) legally disqualified;</p> <p style="padding-left: 40px;">(e) convicted of an offence involving fraud or dishonesty; or</p> <p style="padding-left: 40px;">(f) an employee of the Institute.</p> <p>(5) The First Schedule applies to the Council.</p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p>
Functions of Council	<p>9. (1) The functions of the Council are to perform the executive functions of the Institute.</p> <p>(2) Despite the generality of subsection (1), the functions of the Council are to—</p> <p style="padding-left: 40px;">(a) approve the policies, programmes and strategies of the Institute;</p> <p style="padding-left: 40px;">(b) approve the annual work plan, action plans, activities and reports of the Institute;</p>	<p>30</p>

- (c) approve the annual budget estimates and financial statements of the Institute;
- (d) monitor and evaluate the performance of the Institute against budgets and plans; and
- 5 (e) advise the Minister on matters relating to human resource management practice.

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

- 10 **10.** (1) The Council shall appoint a Registrar who shall be—
- (a) the chief executive officer of the Institute and Secretary to the Council; and

Registrar
and other
staff

(b) responsible for the day-to-day administration of the institute.

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

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

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

PART III

REGISTRATION OF PRACTITIONERS AND ISSUANCE OF PRACTISING CERTIFICATES

- 25 **11.** (1) A person shall not be employed or practice as a practitioner unless that person is registered as a practitioner in accordance with this 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 five
30 hundred thousand penalty units or to imprisonment for a term not exceeding five years, or to both.

- 12.** (1) A person who intends to be employed or to practice as a practitioner in the Republic shall apply to the Institute for registration in the prescribed manner and form on payment of a
35 prescribed fee.

Application
for
registration
as
practitioner

(2) The Institute may determine different fees for different classes of practitioners.

(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 it rejects an application under subsection (3), inform the applicant and give reasons for the decision. 5

Determination of application for registration as practitioner

13. The Institute shall, in considering an application made under section 12, be satisfied that the applicant —

(a) is registered as a member in accordance with the provisions of the constitution; 10

(b) possesses knowledge, training and experience that may be prescribed;

(c) holds a qualification recognised and validated by the Zambia Qualifications Authority; 15

(d) is a citizen or is resident in the Republic and has an established office or appointment in the Republic in the human resource management profession;

(e) is of good character and good professional standing; and

(f) meets other requirements that the Minister may, on the recommendation of the Institute, prescribe by statutory instrument. 20

Certificate of registration as practitioner

14. (1) The Institute shall issue a practitioner with a certificate of registration in the prescribed form showing the practitioner's class of membership. 25

(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.

Disqualification from registration

15. A person shall not qualify for registration as a practitioner if that person is— 30

(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 35

- (d) found guilty of professional misconduct by the Disciplinary Committee and the Disciplinary Committee orders the cancellation of the certificate of registration of that practitioner.
- 5 **16.** A registered practitioner shall use the title or designation as prescribed in the constitution. Title for registered practitioner
- 17.** A practitioner registered under this Act shall notify the Registrar of any change in the particulars relating to the registration within seven days of the change. Change in details
- 10 **18.** (1) Subject to this Act, the Institute may suspend or cancel the registration of a practitioner where— Suspension and cancellation of registration
- (a) the Institute has reasonable grounds to believe that the registration was obtained through fraud, misrepresentation or concealment of a material fact;
- 15 (b) the practitioner 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 practitioner’s certificate of registration;
- (c) the practitioner 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
- 20 (d) since the registration, circumstances have arisen disqualifying the practitioner from registration.
- 25 (2) The Institute shall, before suspending or cancelling the registration under subsection (1), give the practitioner an opportunity to be heard.
- (3) The Institute may, before cancelling the registration of a practitioner suspend the practitioner for a specified period and on
- 30 terms and conditions that the Institute may determine.
- (4) Where the Institute cancels the registration of a practitioner under this section, the name of the practitioner shall be removed from the register and shall not be restored except on conditions that may be prescribed, and on payment of a prescribed fee.
- 35 **19.** Where a certificate of registration is cancelled under section 18, the holder of the certificate of registration may, subject to the terms and conditions that the Institute may determine, apply for re-registration. Re-registration

Prohibition of practising without valid practising certificate	<p>20. (1) A person shall not practice as a practitioner without a valid practising certificate issued to that person by the Institute under this Act.</p> <p>(2) A person shall not offer employment to a person who does not hold a valid practising certificate issued under this Act. 5</p> <p>(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.</p>
Practising certificate	<p>21. (1) A registered practitioner shall apply to the Institute for a practising certificate in the prescribed manner and form on payment of a prescribed fee. 10</p> <p>(2) The Institute shall, where the applicant meets the requirements of this Act, within thirty days of the receipt of an application under subsection (1), issue the applicant with a practising certificate in the prescribed form. 15</p> <p>(3) The Minister may, by statutory instrument, on the recommendation of the Institute, make Regulations to provide for -</p> <p>(a) the terms and conditions for the issuance of a practising certificate; 20</p> <p>(b) the type of continuous professional development and training and any other information required for the issuance of a practising certificate; and</p> <p>(c) any other matter necessary for the purposes of this Act.</p>
Display of practising certificate	<p>22. A holder of a practising certificate shall display the practising certificate in a conspicuous place at the place of practice. 25</p>
Renewal of practising certificate	<p>23. (1) A practising certificate shall be renewed annually in the prescribed manner and form on payment of a prescribed fee.</p> <p>(2) A practising certificate that is not renewed in accordance with subsection (1) is void. 30</p>
Suspension and cancellation of practising certificate	<p>24. (1) Subject to this Act, the Institute may suspend or cancel a practising certificate if the holder—</p> <p>(a) is found guilty of professional misconduct and the Disciplinary Committee orders the suspension or cancellation of the practising certificate; 35</p>

- (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;
- (c) becomes legally disqualified;
- 5 (d) is an undischarged bankrupt;
- (e) obtained the practising certificate through fraud, misrepresentation or concealment of a material fact; or
- (f) is de-registered under this Act.
- (2) The Institute shall, before suspending or cancelling the
10 practising certificate of a practitioner under this section, give the practitioner an opportunity to be heard.
- (3) The Institute may, before cancelling the practising certificate of a practitioner, suspend the practitioner for a specified period and on terms and conditions that the Institute may determine.
- 15 (4) Where a certificate of registration is cancelled under this Part, the practising certificate of the holder of the certificate of registration shall be void.
- 25.** The Institute may, where a holder of a practising certificate does not intend to practice for a specified period of time, maintain
20 the name of the holder of the practising certificate on the register, in a non practising category, for that period of time. Maintenance of non-practising practitioner on register
- 26.** A certificate of registration or practising certificate issued under this Part shall not be transferred to a third party. Prohibition of transfer of certificate of registration or practising certificate
- 27.** (1) A person whose certificate of registration or practising
25 certificate is destroyed or lost may apply to the Registrar for a duplicate certificate in the prescribed manner and form on payment of a prescribed fee. Duplicate certificate of registration or practising certificate
- (2) The Registrar may, within fourteen days of receipt of an
30 application under subsection (1), issue a duplicate certificate of registration or practising certificate to the applicant.
- 28.** A practitioner whose certificate of registration or practising certificate is cancelled shall, within seven days of being notified of the cancellation, surrender the certificate of registration or practising certificate to the Institute. Surrender of cancelled certificate of registration or practising certificate

Human
resource
management
firm
Act No. 16
of 2011
Act No. 10
of 2017

29. (1) A person who registers a human resource management firm under the Registration of Business Names Act, 2011, the Companies Act, 2017, or any other written law, shall register the human resource management firm with the Institute in the prescribed manner and form on payment of a prescribed fee. 5

(2) The Council shall register a human resource management firm by entering in the register, the name of the human resource management firm as registered under subsection (1) together with the name of each partner or director of the human resource management firm and any other information that may be prescribed. 10

(3) 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 as a human resource management firm;

(b) the circumstances on which the registration under this 15 section may be suspended or cancelled; and

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

Registers

30. (1) The Institute shall keep and maintain registers of —

(a) members;

(b) registered practitioners; 20

(c) the holders of practising certificates and persons whose practising certificates have been cancelled;

(d) human resource management firms;

(e) the applications rejected and reasons for the rejection;

(f) students of human resource management; and 25

(g) any other information that the Institute may determine.

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

(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 30 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 to the person a certified extract from the registers or a copy of a certificate of registration or practising certificate, on payment of a 35 fee as the Institute may determine.

5 31. (1) The Registrar shall, on the direction of the Council,
cause copies of any of the registers, including alterations of, or
additions to those registers, to be printed and published in a manner
and form that the Council may direct.

Publication
of copies of
registers

10 (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
practitioner, member or student from that copy, is *prima facie*
evidence that the person is not registered as a practitioner, member
or student.

15 32. (1) A person shall not—

(a) make or cause to be made, an unauthorised entry, alteration
or erasure on a register, certificate of registration or
practising certificate, or on a certified copy of a register,
certificate of registration or practising certificate;

Offences
relating to
registration,
etc.

(b) procure or attempt to procure registration under this Act
by fraud, misrepresentation or the concealment of a
material fact;

20 (c) impersonate a registered practitioner or use the title or
designation of a registered practitioner while not
registered as a practitioner under this Act; or

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

25 (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.

PART IV
DISCIPLINARY MATTERS

30 33. The Council shall adopt and publish a code of ethics for
practitioners which shall bind practitioners regulated under this Act.

Code of ethics

35 34. A practitioner commits professional misconduct if the
practitioner

Professional
misconduct

(a) contravenes a provision of this Act;

(b) unlawfully discloses or uses to the practitioner's advantage
any information acquired in the practice of the
practitioner;

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

(d) breaches the code of ethics or encourages another
practitioner to breach or disregard the code of ethics.

Initiation of
disciplinary
action

35. (1) A person may lodge a complaint with the Institute 5
against a practitioner where that person alleges that the practitioner
has 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 practitioner has contravened the code of ethics or any provision 10
of this Act.

(3) A complaint or allegation shall be made to the Registrar in
the prescribed manner and form.

Professional
Conduct
Committee

36. (1) The Council shall constitute an *ad hoc* Professional
Conduct Committee for each province, and progressively each 15
district consisting of the following part-time members:

(a) not more than three members who are registered as
practitioners; and

(b) a legal practitioner nominated by the Law Association of
Zambia. 20

(2) The members shall elect the chairperson and vice-
chairperson among the persons referred to under 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 under this Act; 25

(b) an undischarged bankrupt;

(c) legally disqualified;

(d) convicted of an offence under this Act; or

(e) convicted of an offence under any other written law and
sentenced to imprisonment for a term exceeding six 30
months without the option of a fine.

(4) A member of the Professional Conduct Committee shall
hold office for a term of two years and may be appointed for a
further and final term of two 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 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 Professional Conduct Committee of which the member has 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;

15 (f) is found guilty of professional misconduct;

(g) is de-registered under this Act;

(h) is convicted of an offence under this Act; or

20 (i) 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.

(7) The Council shall, where there is a vacancy in the membership of the 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 25 for the remainder of the term.

37. Except as otherwise expressly stated, before a matter is referred to the Disciplinary Committee, the Institute shall in the prescribed manner refer that matter for investigation by a Professional Conduct Committee.

Referring of
matters to
Professional
Conduct
Committee

30 **38.** (1) A Professional Conduct Committee shall investigate a matter referred to it by the Institute.

Functions of
Professional
Conduct
Committee

(2) Where a case has been referred to a Professional Conduct Committee, that Committee shall consider the case and subject to the provisions of this section, determine either 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.

(3) Where the Professional Conduct Committee determines 5 that no inquiry shall be held in a case by the Disciplinary Committee, the Registrar shall inform the complainant, if any, and the practitioner of the decision of the Professional Conduct Committee on terms that the Professional Conduct Committee may direct.

(4) The Professional Conduct Committee shall, if it considers 10 it just, cause further investigations to be done, or obtain advise or assistance from any person that the Professional Conduct Committee considers necessary.

(5) Where a Professional Conduct Committee determines that further investigations are necessary, or where at the time when a 15 Professional Conduct Committee is considering the case no explanation has been furnished by the practitioner against whom a complaint has been lodged, the Professional Conduct Committee may make a provisional determination that the matter, in whole or in part, be referred to the Disciplinary Committee. 20

(6) The chairperson may, where a Professional Conduct Committee makes a provisional determination in accordance with subsection (5) and further investigations are concluded or an explanation is subsequently furnished by the practitioner, in consultation with the members of the Professional Conduct 25 Committee and on the opinion of the majority of the members of the 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 30 inquiry.

(7) The Registrar shall, where a direction is given in accordance with subsection (6)(a), inform the complainant, if any, and the practitioner of the decision of the Professional Conduct Committee on terms that the Professional Conduct Committee may direct. 35

39. (1) Subject to this Act, a Professional Conduct Committee may regulate its own procedure. Proceedings of Professional Conduct Committee
- (2) Three members of a Professional Conduct Committee shall form a quorum at a meeting or sitting of a Professional Conduct Committee. 5
- (3) The chairperson, or in the absence of the chairperson, the vice-chairperson, shall preside at a meeting or sitting of a Professional Conduct Committee.
- (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. 10
- (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. 15
- (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 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. 20 25
- (7) A disclosure of interest made under this section shall be recorded in the minutes of the meeting or sitting at which it is made.
- (8) A Professional Conduct Committee shall cause to be kept a record of its proceedings. 30
40. The Professional Conduct Committee may, where the Professional Conduct Committee determines that no inquiry shall be held in the case by the Disciplinary Committee but finds a practitioner guilty of professional misconduct, impose any of the following sanctions: 35
- (a) counseling, mentorship or censure of the practitioner;
 - (b) cautioning the practitioner;

- (c) that the practitioner pays an administrative penalty not exceeding fifty thousand penalty units to the Institute;
- (d) that the practitioner pays to the Institute or any other party to the hearing any costs of, or incidental to, the proceedings; 5
- (e) retraining or rehabilitation of the practitioner; or
- (f) suspend the practicing certificate or certificate of registration of the practitioner for a period not exceeding twelve months.
- Disciplinary Committee **41. (1)** The Council shall constitute a Disciplinary Committee 10 consisting of the following part-time members:
- (a) the Chairperson;
- (b) the Vice-Chairperson;
- (c) four practitioners, at least one of whom shall be from the public sector, who have been in practice for at least ten 15 years and are not members of the Council; and
- (d) a legal practitioner nominated by the Law Association of Zambia.
- (2) The Chairperson and Vice-Chairperson shall be legal practitioners qualified to hold high judicial office. 20
- (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;
- (b) is an undischarged bankrupt;
- (c) is legally disqualified; 25
- (d) in the case of a member under subsection (1)(c), has not been on the register of practitioners for at least ten years preceding the appointment;
- (e) is convicted of an offence under this Act; or
- (f) is convicted of an offence under any other written law 30 and sentenced to imprisonment for a period exceeding six months without the option of a fine.
- (4) A member of the Disciplinary Committee shall hold office for a term of two years and may be re appointed for a further and final term of two years. 35

(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 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 has notice, without the prior approval of the Disciplinary Committee;

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

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

(f) is found guilty of professional misconduct;

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

(h) is convicted of an offence under this Act; or

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

20 (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.

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

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

Functions of
Disciplinary
Committee

30 (a) any complaint referred to the Disciplinary Committee by a Professional Conduct Committee against a practitioner; or

(b) a disciplinary action initiated against a practitioner under section 35(2).

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

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

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

(3) The Chairperson, 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.

(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.

(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.

(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.

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

Powers of
Disciplinary
Committee

- 5 (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
- 10 (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—

- 15 (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;
- (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
- 20 (d) refuse to produce a book, record, document or thing which that person has been required by summons to produce.

(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.

25 (4) Despite subsection (2), a person shall not be compelled to answer any question or produce any 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 the Penal Code, be deemed to be a judicial proceeding.

Cap 87

(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.

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

Act No. 6 of
2019

N.A.B. 3, 2022

- Act No. 6 of 2019
- (8) The Disciplinary Committee shall, where a determination is made in accordance with the Mental Health Act, 2019, that a practitioner is legally disqualified, suspend the practising certificate of the practitioner.
- (9) The Disciplinary Committee shall, where the Disciplinary Committee finds, after due inquiry, that a practitioner is not guilty of professional misconduct, record a finding that the practitioner 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
- 45** The Disciplinary Committee shall, where the Disciplinary Committee finds a practitioner guilty of professional misconduct, after due inquiry, impose one or more of the following penalties:
- (a) order the cancellation of the practitioner's practising certificate or certificate of registration;
 - (b) order the suspension of the certificate of registration or practising certificate for a specified period and on conditions as determined by the Disciplinary Committee;
 - (c) censure the practitioner;
 - (d) caution the practitioner;
 - (e) impose an administrative penalty, not exceeding one hundred thousand penalty units, to be paid to the Institute;
 - (f) order that the practitioner be re-trained or rehabilitated;
 - (g) order the practitioner to pay to the Institute or to a party to the hearing the costs of, or incidental to, the proceedings; or
 - (h) order the practitioner to pay any party to the hearing or any other person, as restitution, the amount of loss caused by that person's negligence.
- Reports by Disciplinary Committee
- 46.** 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.

47. (1) The Chief Justice may, by statutory instrument, and on the recommendation of the Council, make Rules relating to the—
- Rules relating to disciplinary proceedings
- (a) manner and form for lodging of complaints under this Part;
- 5 (b) mode of summoning persons before the Disciplinary Committee;
- (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;
- 10 (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.
- 15 (2) Rules made under subsection (1) may provide—
- (a) that before a matter is referred to the Disciplinary Committee it shall in a manner that may be provided by the rules, have been brought before a Professional Conduct Committee, and investigated by the Institute;
- 20 (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.

25 PART V
INSPECTORATE

48. (1) The Council shall appoint suitably qualified persons as inspectors to ensure compliance with this Act. Inspectors
- (2) The Council shall provide an inspector with an identification card which shall be *prima facie* evidence of the inspector's appointment as inspector.
- 30 (3) An inspector shall, in performing a function under this Act—
- (a) be in possession of the identification card referred to under subsection (2); and
- 35 (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.

Act No. 6 of
2019

N.A.B. 3, 2022

Power of
entry, search
and
inspection

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

- (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 10 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;
- (c) take extracts from, or make copies of, any book, document or record that is on the premises and that has a bearing 15 on an inspection or investigation;
- (d) demand the production of, and inspect, relevant certificates; and
- (e) make inquiries that may be necessary to ascertain whether the provisions of this Act or any other law on which an 20 inspection or investigation is based, have been complied with.

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

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

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

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

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

- (c) impersonates an inspector or presents oneself to be an inspector; or
- (d) wilfully gives an inspector false or misleading information in answer to an inquiry made by the inspector.
- 5 (5) A person who contravenes subsection (4) 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.
- (6) An inspector shall furnish the Council with a written report
10 and any other information relating to an inspection.

PART VI
GENERAL PROVISIONS

- 50.** (1) The Institute may, where a practice or human resource management firm is operated in contravention of this Act, by notice
15 served on a practitioner or human resource management firm, direct the practitioner or human resource management firm to take, within a specified period, measure or steps as the Institute may direct.
- (2) The Institute shall, within seven days after serving the notice referred to in subsection (1), publish the notice in a daily newspaper
20 of general circulation in the Republic.
- (3) The Institute may, where the practitioner or human resource management firm fails, without reasonable cause, to comply with an enforcement notice under this section—
- 25 (a) suspend or cancel the certificate of registration of the practitioner or human resource management firm; or
- (b) suspend or cancel the practising certificate of the practitioner.
- 51.** (1) A person shall not knowingly or recklessly make a false or misleading statement, orally or in writing, to the Institute,
30 Disciplinary Committee or a Professional Conduct Committee with the intention that it be acted on by the Institute, Disciplinary Committee or a Professional Conduct Committee.
- (2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding five
35 hundred thousand penalty units or to imprisonment for a term not exceeding five years, or to both.

Enforcement
notice

False or
misleading
statement

- Appeals **52.** (1) A person aggrieved with a decision of the Institute may, within thirty days of receipt of the decision, appeal to the Minister.
- (2) A person aggrieved with a decision of the Minister may appeal to the High Court.
- (3) A person aggrieved with a decision of a Professional Conduct Committee may appeal to the Disciplinary Committee within thirty days of receipt of the decision. 5
- (4) A person aggrieved with a decision of the Disciplinary Committee may appeal to the High Court within thirty days of receipt of the decision. 10
- (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 struck out for want of prosecution. 15
- (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.
- Jurisdiction over acts committed outside Republic **53.** (1) A court shall have jurisdiction over a practitioner 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. 20
- (2) Any proceedings against a practitioner under this section which would be a bar to subsequent proceedings against that practitioner, for the same offence, if the offence had been committed in the Republic, shall be a bar to further proceedings against the practitioner under any written law relating to the extradition of persons, in respect of the same offence outside the Republic. 25 30
- Cap. 98 (3) The Mutual Legal Assistance in Criminal Matters Act applies to proceedings under this Act.
- Prohibition of publication or disclosure of information to unauthorised persons **54.** (1) A person shall not, without the consent in writing given 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. 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.

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 units or to
10 imprisonment for a term not exceeding two years, or to both.

55. 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 the body corporate or an unincorporate body, that director, manager,
15 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

56. (1) The Institute may impose an administrative penalty on a person for a failure to comply with a provision of this Act which
20 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 within
25 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
30 and owing to the Institute.

57. 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 or the Disciplinary Committee and a member of staff of the Institute for, or in respect
35 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 **58.** (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*, and the guidelines shall take effect on the date of publication. 5
- (3) The guidelines issued by the Institute under this Act shall bind the persons regulated under this Act.
- Regulations **59.** (1) The Minister may, by statutory instrument and on the recommendation of the Council, make Regulations for the better carrying out of the provisions of this Act. 10
- (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 qualifications for registration of a practitioner; 20
 - (e) the form of the practising certificate and the conditions under which the practising certificate is issued;
 - (f) the code of ethics to which practitioners shall subscribe;
 - (g) the continuous professional development for practitioners;
 - (h) the fees payable for professional services and any other fees which are required to be prescribed; and 25
 - (i) the requirement for an organisation to recruit a practitioner and the circumstances on which the practitioner shall be recruited.
- Repeal of Act No. 11 of 1997 and savings transitional provisions **60.** (1) The Zambia Institute of Human Resources Management Act, 1997, is repealed. 30
- (2) Despite subsection (1), the Second Schedule applies to the matters specified in that Second Schedule.

FIRST SCHEDULE

(Sections 3(3) and 8(5))

THE ZAMBIA INSTITUTE OF HUMAN RESOURCE MANAGEMENT

PART I

5 ADMINISTRATION OF THE INSTITUTE

1. (1) The seal of the Institute shall be a device that may be determined by the Council and shall be kept by the Registrar.

Seal of
Institute

(2) The affixing of the seal shall be authenticated by the President or the Vice-President and the Registrar or any other
10 person the Council may authorise for that purpose.

(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 Institute by the Registrar or any other person generally
15 or specifically authorised by the Council for that purpose.

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

20 2. (1) A council member shall, subject to the other provisions of this Act, hold office for a term of two years and may be re-nominated or re elected for a further and final term of two years.

Tenure of
office and
vacancy of
council
members

(2) A council member shall, on the expiration of the term for which the member is elected or nominated, continue to hold office
25 until another member is elected or nominated, but in no case shall the extension of the term exceed three months.

(3) The office of council member becomes vacant if the council member

- (a) dies;
- 30 (b) is adjudged bankrupt under any written law;
- (c) resigns by notice, in writing, to the Institute;
- (d) is legally disqualified from performing the functions of a council member;
- 35 (e) is disqualified from being a council member in accordance with section 8(4);

(f) in the case of a council member under section 8(2)(a), (b), (c), (d) and (g), the certificate of registration or practising certificate is cancelled under this Act;

(g) in the case of a council member under section 8(2)(e) and (f), ceases to be a representative of the office that 5 nominated the council member;

(h) is found guilty of professional misconduct;

(i) is absent, from three consecutive meetings of the Council of which the council member had notice without the prior approval of the Council; or 10

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

Proceedings
of Council

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

(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 notice of not less than fourteen days or where one third of the 20 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 of the Council. 25

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

(a) the President;

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

(c) in the absence of both the President and Vice President, another council member that the council members 30 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, 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 35 deliberative vote.

(7) The Council may invite a person whose presence is in the Council's opinion desirable to attend and participate in the 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 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 it considers necessary.

Committees

(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 as the Council may determine.

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

5. The Council 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 as the Council may determine.

Allowances

6. (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 of the meeting, disclose the interest and shall not, unless the Council or the committee of the Council otherwise directs, take part in any consideration or discussion of, or vote on, any question relating to that matter.

Disclosure
of interest

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

PART II

Financial Provisions

Fund of
Institute

7. (1) The funds of the Institute consists of monies that may—
- (a) be proceeds of any investments by the Institute;
 - (b) be paid to the Institute by way of fees, grants or donations; 5
and
 - (c) otherwise 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 10
the Minister, from any source outside the Republic;
 - (b) raise by way of loans or otherwise, monies as it may
require for the performance of its functions; and
 - (c) in accordance with Regulations made under this Act,
charge and collect fees in respect of programmes and 15
seminars conducted by the Institute.
- (3) There shall be paid from the funds of the Institute—
- (a) the salaries, allowances and loans of the staff of the
Institute;
 - (b) reasonable travelling, transport and subsistence 20
allowances for council members or members of a
committee of the Council 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 25
performance of its functions under this Act.
- (4) The Institute may, invest in a manner the Council considers
appropriate, funds of the Council that the Council does not
immediately require for the performance of the Council's functions.

Financial
year

8. The financial year of the Institute shall be a period of 30
twelve months ending on 31st December in each year.

Accounts
and audit

9. (1) The Institute shall cause to be kept proper books of
account and other records relating to its accounts.

(2) The accounts of the Institute shall be audited annually by
an independent auditor appointed by the Council. 35

(3) The fees of the independent auditor shall be paid by the
Institute.

SECOND SCHEDULE

(Section 60 (2))

SAVINGS AND TRANSITIONAL PROVISIONS

1. In this Schedule, “former Council” means the Human
5 Resources Management Council of the Zambia Institute of Human
Resources Management, established under the repealed Act. Interpretation
2. (1) A practitioner registered under the repealed Act shall
continue to be registered as if registered under this Act. Registration
and
appointment
under
repealed
Act
- (2) The registration under subparagraph (1) shall be modified
10 in accordance with this Act where necessary.
- (3) After the commencement of this Act, the former Council
shall continue to perform the function of the Council of the Institute
under this Act until a new Council is constituted in accordance
with this Act.
- 15 (4) 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.
3. (1) For the avoidance of doubt, a person who, before the
commencement of this Act was an officer or employee of the
20 former Council shall continue to be an officer or employee of the
Institute, as if appointed or employed under this Act. Staff of
Institute
- (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
25 person employed or appointed by the former Council before the
commencement of this Act.
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
30 and obligations which immediately before the commencement of
this Act were the assets, rights, liabilities and obligations of the
former Council. Transfer of
assets and
liabilities

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

- (a) the Institute had been party to it;
- (b) for any reference to the former Council 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
- (c) for any reference to any officer of the former Council, 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 Council are deemed 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, 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 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.

Legal
proceedings

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

(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 Council may be instituted by or against the Institute.