

**THE SOCIAL WORKERS' ASSOCIATION
OF ZAMBIA BILL, 2022**

MEMORANDUM

The objects of this Bill are to—

- (a) continue the existence of the Social Workers' Association of Zambia;
- (b) provide for the registration of social workers and regulate their professional conduct;
- (c) provide for disciplinary procedures for social workers in the social work profession; and
- (d) provide for matters connected with, or incidental to, the foregoing.

M. D. KABESHA,
Attorney-General

**THE SOCIAL WORKERS' ASSOCIATION
OF ZAMBIA BILL, 2022**

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A BILL

ENTITLED

An Act to continue the existence of the Social Workers' Association of Zambia; provide for the registration of social workers and regulate their professional conduct; provide for disciplinary procedures for social workers in the social work profession; and provide for matters connected with, or incidental to, the foregoing.

ENACTED by the Parliament of Zambia.

Enactment

PART I

PRELIMINARY AND PROVISIONS

1. This Act may be cited as the Social Workers' Association of Zambia Act, 2022, and shall come into operation on the date appointed by the Minister by statutory instrument.

Short title and commencement

2. In this Act, unless the context otherwise requires—

Interpretation

“associate” has the meaning assigned to the word in the Anti-Corruption Act, 2012;

Act No. 3 of 2012

“Association” means the Social Workers' Association of Zambia continued under section 3;

“Association member” means a person registered as a member of the Association in accordance with this Act and the constitution, and “membership” shall be construed accordingly;

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

“Chairperson” means the person appointed as Chairperson of the Disciplinary Committee under section 36;

“code of ethics” means the code of professional conduct adopted and published by the Association for the purposes of this Act;

“constitution” means the constitution of the Association;

“Council” means the Council of the Association constituted under section 8;

N.A.B 4, 2022

	“council member” means a person elected as a council member in accordance with section 8;	
	“Deputy Registrar” means the person appointed as Deputy Registrar under section 10;	
	“Disciplinary Committee” means the Disciplinary Committee constituted under section 36;	5
	“field of speciality” includes clinical social work, medical and prison social work, mental health and disability social work, therapy and counseling social work, group and family social work, community development social work, social work research and social work administration;	10
Act No. 24 of 2009	“health practitioner” has the meaning assigned to the words in the Health Professions Act, 2009;	
Act No. 4 of 2013	“higher education institution” has the meaning assigned to the words in the Higher Education Act, 2013;	15
Cap. 31	“Law Association of Zambia” means the Law Association of Zambia established by the Law Association of Zambia Act;	
Cap. 30	“legal practitioner” has the meaning assigned to the word “practitioner” in the Legal Practitioners Act;	
Act No. 6 of 2019	“legally disqualified” means the absence of legal capacity as provided in section 4 of the Mental Health Act, 2019;	20
	“practising certificate” means a certificate issued under section 22;	
	“President” means the person elected as President of the Association under section 6;	25
	“professional misconduct” has the meaning assigned to the words in section 34;	
	“register” means the register prepared and maintained in accordance with section 30;	
	“Registrar” means a person appointed as Registrar under section 10;	30 35
Act No. 3 of 2012	“relative” has the meaning assigned to the word in the Anti-Corruption Act, 2012;	40 45

- “social work” means the practice that seeks to enhance Act
No. 13 of 2011 or restore human well being through social
case work, social group work, community development,
social administration and social research;
- 5 “social worker” means a person who holds a minimum
qualification of a diploma in social work from a registered
higher education institution;
- “Vice-Chairperson” means the person appointed as Vice-
Chairperson of the Disciplinary Committee under section
10 36;
- “Vice President” means the person elected as Vice President
of the Association under section 6; and
- “Zambia Qualifications Authority” means the Zambia
Qualifications Authority established under the Zambia
15 Qualifications Authority Act, 2011. Act No. 13 of
2011

PART II

THE SOCIAL WORKERS' ASSOCIATION OF ZAMBIA

3. (1) The Social Workers' Association of Zambia registered
20 under the Societies Act is continued as if established under this
Act. Establishment
of Social
Workers'
Association
of Zambia
- (2) The Association 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 this Act, to do acts
25 and things that a body corporate may, by law, do or perform. Cap. 119
- (3) The First Schedule applies to the Association.
4. The functions of the Association are to— Functions of
Association
- (a) register social workers and regulate their professional
conduct;
- 30 (b) represent, coordinate and develop the social work
profession and promote its interests;
- (c) recommend to the Zambia Qualifications Authority and
other relevant institutions the development and
maintenance of appropriate standards of qualification in
the social work profession;
- 35 (d) promote the integrity and enhance the status of the social
work profession;
- (e) promote the implementation of international standards
relating to the social work profession;

	(f) collaborate and participate in the activities of bodies whose main purpose is the development and setting of practice standards for the social work profession;	
	(g) undertake research in social work related issues;	
	(h) investigate allegations of professional misconduct by a social worker;	5
	(i) advise Government on matters relating to the social work profession; and	
	(j) collaborate with higher education institutions, Government departments and other institutions in improving the quality of the social work profession.	10
Constitution of Association	5. (1) The Association shall, by a vote of at least two-thirds of the Association members voting at a general meeting of the Association, adopt a constitution and may, in a like manner, amend it.	15
	(2) Subject to this Act, the constitution shall regulate the conduct of the affairs of the Association.	
	(3) Subject to subsection(1), the constitution may provide for—	
	(a) the classes of membership and their rights, privileges and obligations;	20
	(b) the meetings of the Association, including the delivery and sufficiency of notices of the meetings, quorum, voting, adjournment and other matters of procedure or conduct of the meetings;	
	(c) the election, qualifications and tenure of office of the President, Vice-President and other office bearers of the Association;	25
	(d) composition, functions, powers and procedures of the committees of the Association;	
	(e) establishment, powers and functions of the branches of the Association; and	30
	(f) any other matter as the membership may determine.	
President and Vice-President of Association	6. The Association shall elect the President and the Vice-President of the Association in accordance with the provisions of the constitution.	35
Meetings of Association	7. (1) Subject to this Act, the Association may regulate its own procedure.	

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

5 (3) The validity of any proceeding, act or decision of the Association shall not be affected by any person's absence from a meeting of the Association or by reason that a person not entitled to do so took part in a proceeding of the Association.

PART III

THE COUNCIL OF THE ASSOCIATION

10 **8.** (1) There is constituted the Council of the Association which shall be responsible for the management and control of the affairs of the Association. Council of Association

(2) The Council shall be elected in accordance with the provisions of the constitution.

15 (3) The Council consists of the following council members:—
(a) the President of the Association;
(b) the Vice President of the Association;
(c) the Information and Publicity Secretary;
(d) the Treasurer; and
(e) five other professional members.

20 (4) A person does not qualify to be elected as a member of the Council if that person—

(a) is legally disqualified from performing the functions of a member;
25 (b) has committed any professional misconduct within a period of five years preceding the person's election as a member;
(c) is adjudged bankrupt under any written law; or
(d) is convicted of an offence under this Act or a n y other written law and sentenced to imprisonment for a
30 term exceeding six months without the option of a fine.

(5) The President and Vice-President of the Association shall be the chairperson and vice-chairperson, respectively, of the Council.

(6) The First Schedule applies to the Council.

35 **9.** The functions of the Council are to—

(a) perform the functions of the Association;

Functions of Council

	(b) approve the policy and strategic plan of the Association;	
	(c) oversee the implementation and successful operation of the policy and functions of the Association;	
	(d) approve the annual budget and plans of the Association;	
	(e) monitor and evaluate the performance of the Association against budgets and plans;	5
	(f) represent, coordinate and develop the social work profession and promote its interest;	
	(g) protect and assist the public in matters relating to the practice of the social work profession;	10
	(h) promote continuing professional development among social workers;	
	(i) make recommendations relating to the social work profession to the general meeting of the Association;	
	(j) collaborate with regional and international bodies on matters related to social work;	15
	(k) establish and issue guidelines and standards for purposes of this Act; and	
	(l) establish and approve rules and procedures for the appointment, discipline, termination and terms and conditions of service of the staff of the Association.	20
Registrar, Deputy Registrar and other staff	10. (1) The Council shall appoint a suitably qualified registered social worker as Registrar who shall be—	
	(a) the chief executive officer of the Association;	
	(b) Secretary to the Council; and	25
	(c) responsible for the day-to-day administration of the affairs of the Association.	
	(2) The Council shall appoint a suitably qualified registered social worker as Deputy Registrar, who shall assist the Registrar in performing the Registrar's duties under this Act.	30
	(3) The Council may appoint other staff that the Council considers necessary for the performance of its functions under this Act.	
	(4) The Council shall determine the terms and conditions of service of the Registrar, Deputy Registrar and other staff.	35

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

(2) The Council shall provide an inspector with a certificate of appointment which shall be evidence of the inspector's appointment.

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

(a) be in possession of the certificate of appointment under subsection (2); and

(b) show the certificate of appointment to a person who requests to see it or is subject to an investigation under
10 this Act.

(4) An inspector may, for the purpose of enforcing a provision 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 by a social worker for the
15 commission of an offence or contrary to this Act and—

(a) search the premises;

(b) search a person on the premises if there are reasonable grounds to believe that the person has possession of an article, document or record that has a bearing on an investigation, except that a person shall only be searched
20 by a person of the same sex;

(c) take extracts from, or make copies of, a book, document or record that is on the premises and that has a bearing on an investigation;

(d) demand the production of, and inspect, relevant certificates of registration and practising certificates; and
25

(e) make enquires that may be necessary to ascertain whether this Act or any other written law on which an investigation is based have been complied with.
30

(5) A person shall not—

(a) delay or obstruct an inspector in the performance of the inspector's functions under this Act;

(b) refuse to give an inspector reasonable assistance that the inspector may require for the purpose of exercising the inspector's functions; or
35

(c) give an inspector false or misleading information in answer to an inquiry made by the inspector.

- (6) A person who contravenes subsection (5), 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
- (7) An inspector shall furnish the Council with a written report and any other information relating to an inspection.

PART IV

MEMBERSHIP, REGISTRATION AND PRACTISING CERTIFICATE

- Classes of membership 12. (1) There shall be classes of membership with rights and privileges that the Minister may, by statutory instrument, prescribe. 10
- (2) A person may apply to the Association for registration as an Association member in accordance with the provisions of the constitution.
- Prohibition of persons practising without registration 13. (1) A person shall not practice as a social worker without registering under this Act. 15
- (2) A person who contravenes subsection (1), commits an offence and is liable, on conviction, to a fine not exceeding seven hundred thousand penalty units or to imprisonment for a term not exceeding seven years, or to both. 20
- Application for registration as social worker 14. (1) A person shall apply to the Council for registration as a social worker in the prescribed manner and form on payment of a prescribed fee.
- (2) The Council may determine different fees for different classes of social workers. 25
- (3) The Council may, within sixty days of receipt of an application under subsection (1), grant or reject the application.
- (4) The Council shall, where the Council grants an application under subsection (3), issue an applicant with a certificate of registration if that person— 30
- (a) is registered as an Association member in accordance with the provisions of the constitution;
- (b) possesses knowledge, training and experience as may be prescribed;
- (c) holds a qualification in social work recognised and validated by the Zambia Qualifications Authority; 35
- (d) is resident in the Republic and has an established office or is appointed as a social worker in the Republic;

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

(f) meets other requirements that the Council may determine.

5 (5) The Council shall, where the Council rejects an application for registration under subsection (3), inform the applicant, giving reasons for the decision.

10 (6) Where a person applies for registration under subsection (1) and a response is not given within sixty days of receipt of the application, that person shall be deemed to be registered as a social worker and the Council shall issue the person with a certificate of registration.

15 **15.** (1) The Council shall register a social worker in accordance with the prescribed categories and classes of membership.

Registration of social worker

(2) A certificate of registration shall have an unlimited period of validity unless suspended or cancelled under this Act.

20 **16.** A person shall not qualify for registration as a social worker under this Act if that person is—

Disqualification from registration

(a) 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

(b) adjudged bankrupt under any written law.

25 **17.** A person registered under this Act shall notify the Registrar of any change in the particulars relating to the registration within seven days of the change.

Changes in details

18. (1) Subject to this Act, the Council may suspend or cancel the registration of a social worker if the social worker—

Suspension and cancellation of registration

(a) obtained the registration on the basis of fraud, misrepresentation or concealment of a material fact;

30 (b) is found guilty of professional misconduct under this Act and the practising certificate of the social worker is cancelled; or

(c) 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.

35 (2) The Council shall, before cancelling the registration under subsection (1), give a social worker an opportunity to be heard.

	(3) The Council may, before cancelling the registration of a social worker, suspend the social worker for a period and on terms and conditions that the Council may determine.	
	(4) Where the Council cancels a certificate of registration of a social worker under this section, the name of the social worker shall not be restored except on conditions that may be prescribed on payment of a prescribed fee.	5
Re-registration	19. Where a certificate of registration is cancelled or suspended under section 18, the holder of the certificate of registration may apply to the Council for re registration, subject to the terms and conditions that the Council may determine.	10
Holding out as social worker	20. (1) A person shall not, unless the person is registered as a social worker under this Act, practice, offer services or hold out to be a social worker.	
	(2) A person shall not offer employment to a person who is not registered under this Act.	15
	(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.	20
	(4) A social worker shall not permit the social worker's name to be used by a person that is not a registered social worker.	25
	(5) A person who contravenes subsection (4) commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a term not exceeding five years, or to both.	30
Prohibition of practice without practising certificate	21. (1) A person shall not practice as a social worker without a practising certificate issued to that person by the Council under this Act.	
	(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding seven hundred thousand penalty units or to imprisonment for a term not exceeding seven years, or to both.	35
Practising certificate	22. (1) A registered social worker shall apply to the Council for a practising certificate in a field of speciality in the prescribed manner and form on payment of a prescribed fee.	40
	(2) The Council shall, within sixty days of receipt of an application under subsection (1) and where the applicant meets the requirements of this Act, issue the applicant with a practising certificate in the prescribed form.	45

5 (3) Where a registered social worker applies for a practising certificate under subsection (1) and a response is not given within sixty days of receipt of an application by the Council, the application shall be deemed to have been approved and the Council shall issue the applicant with a practising certificate.

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

- 10 (a) terms and conditions for the issuance of a practising certificate; and
- (b) type of continuous professional development and training and any other information required for the issuance of a practising certificate.

15 **23.** A holder of a practising certificate shall display the practising certificate in a conspicuous place at the place of practice.

Display of practising certificate

24. A holder of a practising certificate may, for professional services rendered, charge fees that the Minister may prescribe, by statutory instrument, on the recommendation of the Council.

Fees for social work services

20 **25.** (1) A practising certificate shall be renewed annually in the prescribed manner and form on payment of a prescribed fee.

Renewal of practising certificate

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

25 **26.** (1) The Council may suspend or cancel a practising certificate if the holder—

Suspension and cancellation of practising certificate

- (a) is legally disqualified from performing the duties of a social worker;
- (b) is adjudged bankrupt under a written law;
- (c) obtained the practising certificate through fraud, misrepresentation or concealment of a material fact; or
- 30 (d) is found guilty of professional misconduct under the code of ethics or this Act.

(2) Where a practising certificate is cancelled under this Act, the practising certificate shall be void and the holder of the practising certificate shall surrender to the Council the practising certificate.

35 (3) The Council shall, before cancelling a practising certificate under this section, give the holder of the practising certificate an opportunity to be heard.

- (4) The Council may, before cancelling a practising certificate, suspend the holder of the practising certificate for a period and on terms and conditions that the Council may determine.
- (5) The Council shall, where it suspends or cancels a practising certificate under subsection (1), publish the suspension or cancellation in a daily newspaper of general circulation in the Republic. 5
- 27.** A certificate of registration or practising certificate issued under this Act shall not be transferred to a third party.
- 28.** (1) A person whose certificate of registration or practising 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. 10
- (2) The Registrar may, within sixty days of receipt of an application under subsection (1), issue a duplicate certificate of registration or practising certificate to the applicant. 15
- 29.** (1) A person may apply to the Registrar for a certificate of status containing particulars relating to the registration of a social worker in the prescribed manner and form on payment of a prescribed fee. 20
- (2) The Registrar may on receipt of an application under subsection (1), issue a certificate of status to the applicant in the prescribed form.
- 30.** (1) The Registrar shall keep and maintain a register of persons registered under this Act in which the Registrar shall enter the details and particulars relating to— 25
- (a) registered social workers;
 - (b) the holders of practising certificates and persons whose practicing certificates have been cancelled;
 - (c) the applications rejected and the reasons for the rejection; and 30
 - (d) any other information that the Council may determine.
- (2) The register shall be kept in the custody of the Registrar at the offices of the Association and shall be open for inspection by members of the public during normal office hours on payment of a fee that the Council may determine. 35

(3) The Registrar may, on an application by a person, issue to the person a certified extract from the register of a copy of a certificate of registration or practising certificate, on payment of a fee that the Council may determine.

5 **31.** The Council may, where a holder of a practising certificate does not intend to practice for a specified period of time, maintain the name of the holder of the practising certificate on the register, in a non-practising category. Maintenance of non-practising social worker on register

10 **32.** (1) The Registrar shall, on the direction of the Council, cause copies of the register and any alterations of, or additions to, the register to be printed and published in a manner and form that the Council may direct. Publication of copies of register

15 (2) Subject to this Act, a copy of the last published and printed register shall be *prima facie* evidence of what is contained in that register and the absence of the name of a social worker from that copy shall be *prima facie* evidence that the social worker is not registered.

PART V

DISCIPLINE AND ETHICS

20 **33.** The Association shall adopt and publish a code of ethics for social workers, which shall bind all social workers regulated under this Act. Code of ethics

34. A social worker commits professional misconduct if that social worker— Professional misconduct

- 25 (a) contravenes the provisions of this Act;
- (b) unlawfully discloses any information acquired in the practice of social work;
- (c) engages in conduct that is dishonest, fraudulent or deceitful; or
- 30 (d) breaches the code of ethics or encourages another social worker to breach or disregard the principles of the code of ethics.

35 **35.** (1) A person who alleges that a social worker has contravened the code of ethics or a provision of this Act may lodge a complaint with the Disciplinary Committee against the social worker. Initiation of complaint

- (2) The Association may initiate disciplinary action under this section where the Association has reasonable grounds to believe that a social worker has contravened the code of ethics or this Act.
- (3) A complaint or allegation under subsection (1) shall be made to the Registrar in the prescribed manner and form. 5
- Disciplinary Committee** 36. (1) There is established a Disciplinary Committee which consists of the following part-time members appointed by the Council:
- (a) the Chairperson;
 - (b) the Vice Chairperson;
 - (c) four registered association members who are not members of the Council elected at a general meeting of the Association; and 10
 - (d) a legal practitioner nominated by the Law Association of Zambia.
- (2) The Registrar shall be the Secretary to the Disciplinary Committee but shall not have voting rights. 15
- (3) A person qualifies to be appointed as Chairperson or Vice-Chairperson of the Disciplinary Committee if that person is registered as an association member with a minimum of ten years experience in social work. 20
- (4) A person shall not be appointed as a member of the Disciplinary Committee if that person—
- (a) is facing an allegation of, or has been disciplined for professional misconduct;
 - (b) is adjudged bankrupt under any written law; 25
 - (c) is convicted of an offence under this Act or any other written law and sentenced to imprisonment for a term exceeding six months without the option of a fine; or
 - (d) is legally disqualified from performing the functions of a member of the Disciplinary Committee. 30
- (5) A member of the Disciplinary Committee shall hold office for two years and may be re appointed for a further and final term of two years.
- (6) A member shall, on the expiration of the term for which the member is elected or nominated, continue to hold office until another member is elected or nominated, but inno case shall an extension of the period exceed three months. 35

- (7) The office of a member becomes vacant if that member—
- (a) dies;
 - (b) is adjudged bankrupt under any written law;
 - (c) is absent from three consecutive meetings of the Disciplinary Committee of which the member had notice, without the prior approval of the Disciplinary Committee;
 - (d) resigns, by notice in writing, to the Council;
 - (e) is legally disqualified from performing the functions of a member;
 - (f) is found guilty of professional misconduct;
 - (g) is de registered under this Act: or
 - (h) is convicted of an offence under this Act or any other written law and sentenced to imprisonment for a term exceeding six months without the option of a fine.

(8) 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.

37. The functions of the Disciplinary Committee are to hear and determine a—

Functions of
Disciplinary
Committee

- (a) disciplinary action initiated by the Association against a social worker that has contravened the code of ethics or this Act; or
- (b) complaint or allegation of professional misconduct made by a person against a social worker.

38. (1) Five members of the Disciplinary Committee shall form a quorum.

Proceedings
of
Disciplinary
Committee

(2) The Chairperson, or in the absence of the Chairperson, the Vice Chairperson, shall preside at a meeting or sitting of the Disciplinary Committee.

(3) A question at a sitting or meeting of the Disciplinary Committee shall be decided by a majority of the votes of the members of the Disciplinary Committee at the 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.

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

(5) 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. 5

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

(7) A member who is present at a meeting of the Disciplinary 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, disclose the interest and shall not, unless the Disciplinary Committee otherwise directs, take part in a consideration or discussion of, or vote on, a question relating to that matter. 10 15

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

(9) The Disciplinary Committee shall cause to be kept a record of its proceedings. 20

Powers of
Disciplinary
Committee

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

- (a) under the hand of the Chairperson or the Registrar, summon witnesses and require the production of a book, record, document, electronic record or anything required for the purposes of the proceeding; and 25
- (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 30

- (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; 35
- (c) refuse, without lawful excuse, to answer fully and satisfactorily to that person's best knowledge and belief, any question lawfully put to that person;

(d) refuse to produce a book, record, document or anything which that person is required by summons to produce; or

5 (e) make a false or misleading statement with the intention that it be acted on by the Disciplinary Committee.

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

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

15 (5) A hearing before the Disciplinary Committee shall, for all purposes, and in particular 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 a hearing before the Disciplinary Committee, be conclusive evidence of the fact so found.

20 (7) Where the Disciplinary Committee, after due inquiry, finds a social worker guilty of professional misconduct, the Disciplinary Committee may impose one or more of the following penalties:

25 (a) order the cancellation of a practising certificate or certificate of registration of the social worker or modify the field of speciality in which the social worker may practice;

(b) order the suspension of the certificate of registration or practicing certificate for a period not exceeding one year and impose any condition for the suspension;

(c) censure the social worker;

30 (d) impose an administrative fine, not exceeding three hundred thousand penalty units;

(e) order the social worker to pay to the Association or a party to the hearing any costs of, or incidental to, the proceedings; or

35 (f) order the social worker to pay a party to the hearing or other person, as restitution, the amount of loss caused by that social worker's negligence.

(8) The Disciplinary Committee shall, where the Disciplinary Committee finds, after due inquiry, that a social worker is not guilty of professional misconduct, record a finding that the social worker is not guilty of the conduct to which the charge relates.

(9) The Disciplinary Committee may, for the purpose of any proceedings, use assessors or experts that the Disciplinary Committee may determine. 5

Inquiry into
legal capacity
of social
worker

40. (1) The Disciplinary Committee shall, where the Disciplinary Committee has reasonable cause to believe that a social worker is legally disqualified and it is likely to affect the social worker in the practice of social work, refer the matter for determination to a health practitioner. 10

(2) The Disciplinary Committee shall, where a health practitioner determines that a social worker is legally disqualified, suspend the practising certificate of the social worker for a period that it may determine. 15

Reports by
Disciplinary
Committee

41. (1) The Disciplinary Committee shall, as soon as is practicable after the completion of a hearing, submit to the Council a report of the proceedings with a copy of the record.

(2) The Disciplinary Committee may publicise, as the Disciplinary Committee may consider appropriate, the facts relating to a social worker who is found guilty of, and punished for, professional misconduct. 20

Rules
relating to
disciplinary
proceedings

42. (1) The Chief Justice may, by statutory instrument, on the recommendation of the Council, make rules relating to— 25

- (a) the manner and form for lodging of complaints under this Part;
- (b) the mode of summoning persons before the Disciplinary Committee;
- (c) the form and manner of service of summons requiring the attendance of a witness before the Disciplinary Committee and the production of a book, record, document or thing; 30
- (d) the procedure to be followed and rules of evidence to be observed in proceedings before the Disciplinary Committee; and 35
- (e) the functions of the assessors to the Disciplinary Committee.

- (2) Rules made under this section 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, and investigated by, the Association;
 - (b) for securing notices for the proceedings and specifying the time and manner of 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.

PART VI
GENERAL PROVISIONS

- 43.** (1) A person aggrieved with a decision of the Council may, within thirty days of receiving the decision, appeal to the Minister. Appeals
- 15 (2) A person aggrieved with a decision of the Minister under subsection (1) may, appeal to the High Court.
- (3) A person aggrieved with a decision of the Disciplinary Committee may, on receipt of the decision, appeal to the High Court.
- 20 (4) A decision of 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.
- (5) The proceedings of the Disciplinary Committee shall not be set aside by reason only of some irregularity in those proceedings if the irregularity did not occasion a substantial miscarriage of justice. 25
- 44.** (1) A person commits an offence if that person— Offences regarding registered social worker
- (a) makes or causes to be made an unauthorised entry, alteration or erasure in the register or a certified copy of an entry in the register, a certificate of registration or practising certificate issued under this Act;
 - (b) impersonates a registered social worker;
 - (c) procures or attempts to procure registration under this Act by fraud, false representation or the concealment of a material fact;
 - 35 (d) forges a certificate of registration, practising certificate or other document issued under this Act; or

	(e) undertakes to provide professional services in excess of the field of speciality permitted for the social work profession.	
	(2) A person who commits an offence under subsection (1) 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.	5
Cap. 88	(3) Subject to the other provisions of this Act, an offence under this section shall be inquired into, tried and otherwise dealt with in accordance with the Criminal Procedure Code and the Penal Code.	10
Cap. 87		
Guidelines	45. (1) The Association may, in the exercise of its functions under this Act, issue guidelines that are necessary for the better carrying out of the provisions of this Act.	
	(2) The Association shall publish the guidelines issued under this Act in a daily newspaper of general circulation in the Republic and in the <i>Gazette</i> , and the guidelines shall take effect on the date of publication.	15
	(3) The guidelines issued by the Association under this Act shall bind the persons regulated under this Act.	
Regulations	46. (1) The Minister may, by statutory instrument, on the recommendation of the Council, make Regulations for the better carrying out of the provisions of this Act.	20
	(2) Despite the generality of subsection (1), Regulations made under subsection (1) may make provision for—	
	(a) the manner and form for applications and the fees payable	25
	(b) the particulars to be entered on the register;	
	(c) the form of the certificate of registration and the conditions of the certificate of registration;	
	(d) the qualifications for registration of a social worker;	30
	(e) the form of the practising certificate and the conditions of the practicing certificate;	
	(f) the code of ethics to which a social worker shall subscribe;	
	(g) the continuous professional development of social workers; and	35
	(h) the fixing of fees for professional services and other fees which are required to be prescribed.	
Savings and transitional provisions	47. The Second Schedule applies to savings and transitional arrangements relating to the Association.	40

FIRST SCHEDULE
(Sections 3 (3) and 8 (6))

THE SOCIAL WORKERS' ASSOCIATION OF ZAMBIA

PART I

ADMINISTRATION OF COUNCIL

5

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

Seal of
Association

(2) The affixing of the seal shall be authenticated by the President or Vice President and the Registrar or another person authorised in that behalf by a resolution of the Council.

(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 Association by the Registrar or any other person generally or specifically authorised by the Council in that behalf.

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

2. (1) A Council member or member of a committee who is present at a meeting of the Council or a committee of the Council 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, disclose the interest and shall not, unless the Council or the committee otherwise directs, take part in any consideration or discussion of, or vote on, any question relating to that matter.

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.

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

Prohibition
of
publication
of, or
disclosure
of
information
to
unauthorised
persons

(2) A person who contravene sub-paragraph (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.

(3) A person who, having information which to that person's knowledge is published or disclosed in contravention of sub-paragraph (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 imprisonment for a term not exceeding two years, or to both. 5 10

Immunity

4. An action or other proceeding shall not lie or be instituted against a Council member, a member of a committee of the Council or a member of staff of the Association, for, or in respect of, an act or thing done or omitted to be done in good faith in the exercise or performance of a function conferred under this Act. 15

PART II

FINANCIAL PROVISIONS

Funds of Association

5. (1) The funds of the Association consists of monies that may—
- (a) be paid to the Association by way of fees, grants or donations; or 20
 - (b) vest in, or accrue to, the Association.
- (2) The Association may—
- (a) accept money by way of grants or donations from any source in the Republic and subject to the approval of the Minister, from any source outside the Republic; 25
 - (b) raise by way of loans or otherwise, monies that the Association may require for the performance of its functions; and
 - (c) in accordance with the regulations made under this Act, charge and collect fees for services provided by the Association. 30
- (3) There shall be paid from the funds of the Association
- (a) the salaries, allowances and loans of members of staff of the Association; 35
 - (b) reasonable travelling, transport and subsistence allowances for Council members or any committee of the Council when engaged in the business of the Association at the rates approved by the Council; and

(c) other expenses incurred by the Council or a committee of the Council in the performance of the functions under this Act.

5 (4) The Council may invest, in a manner that it thinks fit, funds that the Association does not immediately require for the performance of the Association's functions.

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

10 7. (1) The Association shall cause to be kept proper books of accounts and other records relating to the Association's accounts. Accounts and audits

(2) The accounts of the Association shall be audited annually by independent auditors appointed by the Council.

(3) The auditors fees shall be paid by the Association.

15 8. (1) As soon as practicable, but not later than three months after the expiry of each financial year, the Association shall submit to the Minister a report concerning its activities during the financial year. Annual report

20 (2) The report referred to in sub-paragraph (1) shall include information on the financial affairs of the Association and there shall be appended to the report

(a) an audited statement of financial position;

(b) an audited statement of comprehensive income; and

(c) other information as the Minister may require.

25 (3) The Minister shall, not later than thirty days after the first sitting of the National Assembly next after the receipt of the report referred to in sub-paragraph (1), lay it before the National Assembly.

SECOND SCHEDULE

(Section 47)

SCHEDULES AND TRANSITIONAL PROVISIONS

Interpretation	1. In this Schedule "former Association" means the Social Workers' Association of Zambia registered under the Societies Act.	5
Cap 119	2. (1) A person who, before the commencement of this Act, was an employee of the former Association shall continue to be an employee of the Association as if employed under this Act. (2) The service of the persons referred to in sub-paragraph (1) shall be treated as continuous service.	10
Transfer of staff of former Association	(3) Nothing in this Act affects the rights and liabilities of an employee employed by the former Association before the commencement of this Act.	
Office bearers	3. (1) On or after the commencement of this Act, committees and officers of the former Association operating or holding office immediately before the commencement of this Act, shall operate and hold office as the committees and officers of the Association for a period of four months as if they had been elected or appointed under this Act. (2) The Association shall, four months after the commencement of this Act, hold elections for its Association, committees and other office bearers. (3) The rules of the former Association in force immediately before the commencement of this Act shall remain in force as if they have been made and issued by the Association until a time that new rules are made.	15 20 25
Transfer of assets and liabilities	4. (1) On or after the commencement of this Act, there shall be transferred to, vest in and subsist against the Association by virtue of this Act and without further assurance, all assets, rights and obligations which immediately before that date were the assets, rights, liabilities and obligations of the former Association. (2) Subject to sub-paragraph(1), every deed, bond and agreement, other than an agreement for personnel service, to which the former Association, was a party immediately before the commencement of this Act, whether or not of a nature that rights,	30 35

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 Association, had been party to it;
- 5 (b) for any reference to the former Association there was substituted, with respect to anything falling to be done on or after the commencement of this Act, a reference to the Association; or
- 10 (c) for any reference to any officer of the former Association 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 an officer of the Association, that the Association shall designate.

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

(4) The registration authority, referred to under sub paragraph (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
25 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.

30 4. A licence, registration, authorisation or recognition granted by the former Association, whether to a company or an individual, shall be deemed, until expiry, to be a licence, registration, authorisation or recognition granted in accordance with this Act, but subject to any rights or benefits accruing, or any liabilities suffered, under the former Association.

Licence,
registration,
authorisation
or
recognition
by former
Association

35 5. (1) Any legal proceedings pending immediately before the commencement of this Act by or against the former Association, may be continued by or against the Association.

Legal
proceedings

40 (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 Association, may be instituted by or against the Association.

