

## THE TEACHING PROFESSION BILL, 2013

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### MEMORANDUM

The objects of this Bill are to—

- (a) establish the Teaching Council of Zambia and define its functions and powers;
- (b) provide for the regulation of teachers, their practice and professional conduct;
- (c) provide for the accreditation and regulation of colleges of education; and
- (d) provide for matters connected with, or incidental to, the foregoing.

M. MALILA,  
*Attorney-General*

THE TEACHING PROFESSION BILL, 2013

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# ABILL

## ENTITLED

**An Act to establish the Teaching Council of Zambia and define its functions and powers; provide for the regulation of teachers, their practice and professional conduct; provide for the accreditation and regulation of colleges of education; and provide for matters connected with, or incidental to, the foregoing.**

ENACTED by the Parliament of Zambia.

Enactment

## PART I

### PRELIMINARY

1. This Act may be cited as the Teaching Profession Act, 2013. Short title
- 5 2. In this Act, unless the context otherwise requires— Interpretation
  - “ aided educational institution ” has the meaning assigned to it in the Education Act, 2011; Act No. 23 of 2011
  - “ certificate of registration ” means the certificate of registration issued under section eleven;
  - 10 “ Chairperson ” means the person appointed as Chairperson under section five;
  - “ Code of Ethics ” means the code of professional conduct and ethics adopted and published by the Council;
  - 15 “ college of education ” has the meaning assigned to it in the Education Act, 2011; Act No. 23 of 2011
  - “ Council ” means the Teaching Council of Zambia established under section *three*;
  - “ Disciplinary Committee ” means the Committee constituted under section *forty-eight*;

Act No. 23 of 2011	“ educational institution ” has the meaning assigned to it in the Education Act, 2011;	
	“ inspector ” means a person appointed as an inspector under section <i>eight</i> ;	
Act No. 13 of 2011	“ learner ” has the meaning assigned to it in the Education Act, 2011;	5
	“ practising certificate ” means a certificate issued under section <i>fifteen</i> ;	
Act No. 13 of 2011	“ private educational institution ” has the meaning assigned to it in the Education Act, 2011;	10
	“ professional misconduct ” has the meaning assigned to it under section <i>forty-six</i> ;	
	“ public service ” means the service in an office in the Republic in respect of which the emoluments are a charge on, or paid out of the Consolidated Fund, public funds or out of moneys appropriated by Parliament;	20
	“ Register ” means the register of registered teachers kept by the Registrar under section <i>twenty-three</i> ;	
	“ Registrar ” means the person appointed as Registrar under section seven;	25
	“ relative ” in relation to a person means— (a) a parent, son, daughter, brother, sister, niece, uncle, aunt, grandparent or cousin of that person or that persons’ spouse; and (b) a spouse of that person;	30
	“ teacher ” means a person who is qualified, registered and teaches or instructs, a head of school, a principal or lecturer of a college of education, a technical education instructor, a head of department of education or an education unit at any other educational institution, other than a university;	35
	“ ViceChairperson ” means the person appointed as ViceChairperson under section <i>five</i> ; and	
	“ Zambia Qualifications Authority ” means the Zambia Qualification Authority established under the Zambia Qualifications Authority Act, 2011.	40

PART II

THE TEACHING COUNCIL OF ZAMBIA

3. (1) There is hereby established the Teaching Council of Zambia which shall be a body corporate with perpetual succession and a common seal, capable of suing and being sued in its corporate name and shall, subject to the provisions of this Act, have power to do all such acts and things as a body corporate may, by law, do or perform.

Establishment  
of Teaching  
Council of  
Zambia

(2) The provisions of the Schedule apply to the Council.

4. (1) The seal of the Council shall be such device as may be determined by the Council and shall be kept by the Registrar.

Seal of  
Council.

(2) The affixing of the seal shall be authenticated by the Chairperson or the Vice-Chairperson and the Registrar or any other 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 Council 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 Council or issued on behalf of the Council shall be received in evidence and shall be executed or issued, as the case may be, without further proof, unless the contrary is proved.

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

Composition  
of Council

(a) one representative recommended by the Ministry responsible for education vocational and entrepreneurship training;

(b) one representative each recommended by—

- (i) a public higher education institution;
- (ii) a private higher education institution;
- (iii) a public educational institution;
- (iv) a private educational institution;
- (v) a community educational institution; and
- (vi) an aided educational institution;

- (c) three representatives of the recognised teacher unions;
- (d) a registered teacher who is a member of an association dealing with persons with disabilities;
- (e) a representative of the Examination Council of Zambia;
- (f) a representative of the Teaching Service Commission; 5  
and
- (g) two other persons with expertise in matters relating to teaching.
- (2) A person shall not be appointed as a member of the Council if the person 10
- (a) has been adjudged bankrupt under any written law;
- (b) in the case of a teacher has committed any professional misconduct within a period of five years preceding the appointment; 20
- (c) is in lawful custody or the person's freedom of movement is restricted under any law in force in or outside Zambia on the date of the appointment;
- (d) in the case of a teacher, has been de-registered in accordance with section *fourteen*; 25
- (e) is declared to be of unsound mind under the Mental Disorders Act; or
- (f) has been convicted of an offence under any other written law and sentenced to a term of imprisonment exceeding six months without the option of a fine. 30
- (3) The Minister shall appoint the Chairperson of the Council.
- (4) The members of the Council shall elect the Vice-Chairperson of the Council from among themselves.
- (5) The Minister shall publish the names and designation of the members of the Council in a daily newspaper of general 35 circulation in Zambia.
- Cap. 305
- Functions of Council
6. (1) The functions of the Council are to—
- (a) register teachers;
- (b) regulate the professional conduct of teachers;
- (c) accredit colleges of education, monitor quality control and assurance of education facilities and services; 40
- (d) develop, maintain and improve appropriate standards of qualification in the teaching profession and promote continuing professional development amongst teachers;



- 5
- (e) develop, promote and enforce internationally comparable teaching profession practice standards so as to improve the quality of education in Zambia and promote an understanding of professional ethics amongst the teachers;
- 10
- (f) create awareness of the importance of protecting the public against unsound teaching practices and ensure that the rules and guidelines for professional ethics are responsive to the expectations of the public and those who rely on the teaching profession;
- (g) investigate allegations of professional misconduct and impose such sanctions as may be necessary;
- (h) advise the Government on matters relating to the teaching profession;
- 20
- (i) facilitate the acquisition of knowledge by teachers through the establishment of technical libraries, and the provision of monetary grants, books, apparatus and any other facilities necessary to achieve that end;
- 25
- (j) raise the character and status of the teaching profession to promote honourable and good practice and where necessary, declare any particular teaching practice to be undesirable for all, so as to increase the confidence of the public in teachers;
- 30
- (k) promote, protect and advance the general interests of teachers;
- (l) collaborate with the relevant unions on conditions of service and remuneration of teachers;
- 35
- (m) provide a forum for the communication and interchange of views on matters relating to the teaching profession and disseminate these views to the public; and
- (n) do all such other things as are necessary or incidental to the performance of its functions under this Act.
- (2) The Council may—
- 40
- (a) determine and levy fees that the Council considers necessary to finance its activities under this Act;
- (b) determine the fees payable for an inspection conducted for the purposes of this Act; and
- 45
- (c) determine what portion of any fee is payable in respect of any part of a year and the date on which the fee or portion thereof is payable.

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

Registrar,  
Deputy  
Registrar  
and other  
staff

7. (1) The Council shall appoint a Registrar, who shall be the chief executive officer of the Council, on such terms and conditions as the Council may determine. 5

(2) The Registrar shall be the Secretary to the Council and shall be responsible for the daytoday administration of the affairs of the Council, under the supervision of the Council. 10

(3) The Council shall appoint a Deputy Registrar who shall assist the Registrar in performing the Registrar's duties under this Act.

(4) The Registrar and Deputy Registrar shall be registered teachers. 20

(5) The Council shall appoint, on such terms and conditions as the Council may determine, such other staff as may be necessary for the purposes of this Act.

Inspectors

8. (1) The Council shall appoint inspectors to ensure compliance with this Act. 25

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

(3) An inspector shall, in performing any function under this Act 30

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

(b) show the certificate of appointment to any person who requests to see the certificate or is subject to an investigation or inspection for purposes of this Act. 35

(4) 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, and 40

(a) search the premises;

(b) search any person on the premises if the inspector has reasonable grounds to believe that the person has possession of an article, document or record that has a bearing on an inspection or investigation, except that a person shall only be searched by a person of the same sex; 40

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

(5) A person who—

- (a) delays or obstructs an inspector in the performance of the inspectors functions under this Act;
- (b) refuses to give an inspector such reasonable assistance as the inspector may require for the purpose of exercising the inspector's functions;
- (c) gives an inspector false or misleading information in answer to an inquiry made by the inspector; or
- (d) impersonates an inspector or presents oneself to be an inspector; commits an offence and is liable, upon conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

(6) An inspector shall furnish the Council with a written report and any other information relating to an inspection.

### PART III

#### REGISTRATION OF TEACHERS

9. (1) There shall be such classes of membership as shall be prescribed.

Classes of membership

(2) Each class of membership shall have such rights, privileges and obligations as may be prescribed.

(3) The Council may categorise the type of teaching work to be performed by each class of membership.

10. (1) A person shall apply to the Council for registration as a teacher in the prescribed manner and form upon payment of the prescribed fee.

Application for registration

- (2) The Council may, within thirty days of receipt of an application under subsection (1), grant or reject the application.
- (3) The Council shall, where it rejects an application under subsection (2), inform the applicant, in writing, and give the reasons for the rejection. 5
- Certificate of registration**      **11.** (1) The Council shall, where an applicant meets the requirements of this Act, issue the applicant with a certificate of registration if the applicant—
- (a) possesses such knowledge, training and experience as may be prescribed; 10
  - (b) holds a qualification from a training institution recognised by the Council;
  - (c) is resident in Zambia, or has an established office or appointment in Zambia in the teaching profession;
  - (d) is of good character and good professional standing; 20  
and
  - (e) meets such other requirements as the Council may determine.
- (2) The Minister may, by statutory instrument, on the recommendation of the Council, prescribe the qualifications for registration of a person as a teacher. 25
- Disqualification from registration**      **12.** (1) A person shall not qualify for registration as a teacher under this Act if the person—
- (a) does not possess the prescribed qualifications;
  - (b) has, for any reason, ceased to practise as a teacher or been de-registered; 30
  - (c) has been convicted of an offence involving fraud or dishonesty under this Act or any other written law;
  - (d) has been declared to be of unsound mind under the Mental Disorders Act; 35
  - (e) is an undischarged bankrupt; or
  - (f) has been found, by the Disciplinary Committee, to be guilty of professional misconduct.
- Cap. 305**
- Changes in detail**      **13.** 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. 40
- Cancellation of registration**      **14.** (1) The Council shall cancel the registration of a teacher if—

- 5
- (a) the Council has reasonable grounds to believe that the registration was obtained through fraud, misrepresentation or concealment of any material fact;
- (b) the teacher is found guilty of professional misconduct under this Act or the Code of Ethics;
- (c) the teacher is convicted of an offence under any written law and sentenced to imprisonment for a period exceeding six months without the option of a fine; or
- 10 (d) since the registration, circumstances have arisen disqualifying the teacher from registration.

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

(3) The Council may, before cancelling the registration of a teacher, suspend the teacher for such period and on such terms and conditions as the Council may determine.

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(4) Where the Council cancels a certificate of registration under this section, the name of the teacher shall not be restored except on such conditions as may be prescribed by the Council and upon payment of the prescribed fee.

25 15.(1) A teacher shall apply to the Council for a practising certificate in the prescribed manner and form upon payment of the prescribed fee.

Application for practising certificate

(2) The Council shall, within thirty days of receipt of an application under subsection (1) and where the application meets such requirements as may be prescribed, issue the applicant with a practising certificate.

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(3) The Council shall reject an application which does not meet the requirements of this Act, and shall inform the applicant, in writing, and give the reasons for the rejection.

35 16. (1) A practising certificate shall be renewed every three years in the prescribed manner and form upon payment of the prescribed fee.

Renewal of practising certificate

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

40 (3) A teacher who practises or provides any teaching service during any period in which a practising certificate is void commits an offence and is liable, upon conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a period not exceeding five years, or to both.

45 17. (1) The Council shall cancel a practising certificate if the holder—

Cancellation of practising certificate

Cap. 305	<p>(a) is found guilty of any professional misconduct;</p> <p>(b) is declared to be of unsound mind under the Mental Disorders Act;</p> <p>(c) is an undischarged bankrupt;</p> <p>(d) obtained the practising certificate through fraud, misrepresentation or concealment of a material fact;</p> <p>(e) commits an offence under this Act or contravenes the Code of Ethics; or</p> <p>(f) has been convicted of an offence under any written law and sentenced to a term of imprisonment exceeding six months without the option of a fine.</p>	5 10
	<p>(2) The Council shall, before cancelling a practising certificate under this section, give the holder of the practising certificate an opportunity to be heard.</p>	
	<p>(3) The Council may, before cancelling the practising certificate of a teacher, suspend the teacher for such period and on such terms and conditions as the Council may determine.</p>	20
	<p>(4) Where a certificate of registration is cancelled under this Act, the practising certificate held by the holder of the certificate of registration shall be void and shall be surrendered to the Council.</p>	25
Regulations relating to practising certificates	<p><b>18.</b> The Minister may, by statutory instrument, on the recommendation of the Council, make regulations to provide for</p> <p>(a) the terms and conditions for the issuance of practising certificates;</p> <p>(b) the type of continuing 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 purposes of this Act.</p>	30
Conditions of certificate	<p><b>19.</b> A certificate issued under this Part shall contain such terms and conditions of the certificate as the Council may determine.</p>	35
Prohibition of transfer of certificate	<p><b>20.</b> A certificate issued under this Part shall not be transferred to a third party.</p>	
Reregistration	<p><b>21.</b> Where a certificate of registration or practising certificate has been cancelled or suspended, the holder of the certificate of registration or practising certificate may, subject to such terms and conditions as the Council may determine, apply for reregistration.</p>	40

22. (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 upon payment of a prescribed fee. Duplicate certificate

5 (2) The Registrar may, upon receipt of an application under subsection (1), issue a duplicate certificate of registration or practising certificate, as the case may be, to the applicant.

23. (1) The Registrar shall keep and maintain a register of all persons registered under this Act in which the Registrar shall enter the details and particulars relating to— Register

- (a) registered teachers;
- (b) the applications rejected and the reasons for the rejection; and
- (c) any other information as the Council may determine.

20 (2) The Register shall be kept in the custody of the Registrar at the offices of the Council, and shall be open for inspection by members of the public during normal office hours upon payment of such fees as the Council may determine.

25 (3) The Registrar may, upon application by any person, issue to the person a certified extract from the Register or a copy of a certificate of registration or practising certificate, upon payment of such fee as the Council may determine.

24. (1) The Minister may, on the recommendation of the Council, make regulations prescribing the circumstances and manner in which a teacher Removal and restoration of name on register

- (a) may be removed from the register; and
- (b) who is removed from the register, may be restored on the register and the fee to be paid for the restoration.

35 (2) Subject to subsection (1), a teacher who is removed from the register ceases to be registered as a teacher.

(3) The Council may, where a holder of a practising certificate does not intend to practise for a specified period of time, maintain the name of the holder of the practising certificate on the register, in a nonpractising category, for that period of time. 40

25. (1) The Registrar shall, on the direction of the Council, cause copies of the Register and any alterations thereof, or additions thereto, to be printed and published in such manner and form as the Council may direct. Publication of copies of Register

- (2) Subject to this Act, a copy of the last published and printed Register shall be evidence admissible in all legal proceedings of what is contained in that Register and the absence of the name of a teacher or student from that copy, shall be prima facie evidence that the teacher or student is not registered. 5
- Holding out as teacher**
- 30.** (1) A person shall not, unless the person is registered as a teacher and holds a practising certificate under this Act
- (a) practise as, be employed as, offer teaching services as, or hold out to be, a teacher;
- (b) adopt, use or exhibit the titles “registered teacher” or any other title or abbreviation of like description; or 10
- (c) do anything likely to lead persons to infer that the person is a registered teacher.
- (2) A person or body corporate shall not employ or offer employment to a person requiring registration under this Act. 20
- (3) A teacher shall not permit the teacher’s name to be used by a person who is not a registered teacher.
- (4) A person who contravenes subsection (1), (2) or (3) commits an offence and is liable, upon conviction, to a fine not exceeding three hundred thousand penalty units or to imprisonment 25 for a period not exceeding three years, or to both.
- Offences regarding registered teachers**
- 27.** (1) A person shall not—
- (a) make or cause to be made an unauthorised entry, an alteration or erasure in the Register or a certified copy of an entry in the Register or a certificate of registration or other certificate issued under this Act; 30
- (b) impersonate or use the title of a registered teacher while not registered as such under this Act;
- (c) procure, or attempt to procure, registration under this Act, by fraud, misrepresentation or the concealment of a material fact; or 35
- (d) forge a certificate of registration or other certificate issued under this Act.
- (2) A person who contravenes subsection (1) commits an offence and is liable, upon conviction, to a fine not exceeding seven hundred thousand penalty units or to imprisonment for a period not exceeding seven years, or to both. 40
- Recognition of foreign qualifications**
- 28.** (1) The Minister may, on the recommendation of the Council, by statutory instrument, recognise any foreign qualifications for purposes of registration under this Act. 45



(2) The Council may register a person as a teacher under this Act, who is not a citizen of Zambia or is not practising or working as a teacher in Zambia prior to the application, if that person

- 5 (a) is engaged to work as a teacher in Zambia under an international agreement entered into by the Government of the Republic of Zambia; or
- (b) undertakes such number of courses as the Council may determine and passes the final examination for the courses.

10 (3) Notwithstanding anything to the contrary in the Immigration and Deportation Act, 2010, an immigration officer shall not, without the recommendation of the Council, issue an employment or entry permit to a person who intends to practise, or be employed, as a teacher in Zambia.

Act. No 18  
of 2010

20 (4) A person who contravenes this section commits an offence and is liable, upon conviction, to a fine not exceeding three hundred thousand penalty units or to imprisonment for a period not exceeding three years, or to both.

29. (1) A person commits an offence if that person

- 25 (a) makes or causes to be made an unauthorised entry, an alteration or erasure in a register or in any other certified copy of any entry on a register or a certificate;
- (b) procures, or attempts to procure, for that person or any other person, registration by fraud, false representation or the concealment of a material fact;
- 30 (c) forges or alters any document purporting to be a certificate of registration, a certified copy of any entry on a register or a certificate;
- (d) impersonates a registered teacher; or
- 35 (e) takes, uses or publishes in any way whatsoever any name, title, description or symbol in relation to a person who is not registered under this Act; and is liable, upon conviction, to a fine not exceeding seven hundred thousand penalty units or to imprisonment for a period not exceeding seven years, or to both.
- 40

Offences and  
penalties  
relating to  
registration

30. (1) A person aggrieved with a decision of the Council may, within thirty days of service of the decision, appeal to the Minister.

Appeals

(2) A person aggrieved with a decision of the Minister may, within thirty days of service of the decision, appeal to the High Court.

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## PART IV

## TRAINING OF TEACHERS

- Prohibition of provision of unauthorised training programme 31. (1) A college of education shall not provide, or hold out as providing, training to prepare students for the teaching profession, unless the training programme is approved by the Council. 5
- (2) A college of education that contravenes subsection (1) commits an offence and is liable, upon conviction, to a fine not exceeding three hundred thousand penalty units, and to a fine of fifty thousand penalty units for each day during which the offence continues. 10
- Application for approval of training programme 32. (1) A college of education that intends to offer training in the teaching profession shall apply to the Council for approval of the training programme in the prescribed manner and form upon payment of a prescribed fee. 20
- (2) The Council may, after review of a proposed training programme and in consultation with the Zambia Qualifications Authority, approve the training programme if the training programme meets the requirements of this Act and if the training programme shall adequately prepare students for the teaching profession. 20
- (3) The Council may accept the successful completion of a training programme approved under subsection (2), as meeting some or all of the requirements for registration in the teaching profession. 25
- (4) The Council shall not, where a college of education uses a training programme which is not approved under this section, accept the training as meeting the requirements of this Act. 30
- Review of approved training programme 33. The Council shall, at least every five years from the date of the approval of a training programme under section *thirty-two*, review the approved training programme, including the performance of the graduates of the programme. 35
- Withdrawal of approval of training programme 34. The Council shall withdraw the approval of a training programme, where it considers that— 40
- (a) the training programme no longer meets the requirements of this Act; or
- (b) the graduates of the training programme consistently fail to meet the standards required by the teaching profession.
- Inservice education 35. (1) The Council shall, in consultation with the Minister and the appropriate examining authorities introduce an inservice education and training programme for teachers. 45

(2) The Council shall determine the nature and duration of inservice training that shall be mandatory for all registered teachers.

5 36. (1) The Minister may, by statutory instrument, on the recommendation of the Council, make regulations to provide for continuing professional development and training to be undertaken by teachers. Continuing professional development and training

(2) Notwithstanding the generality of subsection (1), the regulations may provide for

10 (a) the nature and extent of continuing professional development and training to be undertaken by teachers;

(b) the criteria for recognition by the Council of continuing professional development, the training programme and college of education for purposes of this Act;

20 (c) the minimum professional and technical training to be provided by a training institution to a person who is to be registered in the teaching profession; and

(d) the requisite infrastructure of colleges of education, the educational and training curricula, the training equipment and staffing levels.

25 37. The Minister may, on the recommendation of the Council, make regulations prescribing Regulations relating to education and training of teachers

(a) the conditions for entry to teacher training and the duration of the training;

(b) the courses and course structure of the training; and

30 (c) the system of teacher preparation.

## PART V

### ACCREDITATION OF COLLEGES OF EDUCATION

35 38. (1) A college of education shall apply to the Council for accreditation in the prescribed manner and form upon payment of the prescribed fee. Application for accreditation

(2) The Council shall, upon receipt of an application under subsection (1), direct an inspector to inspect the college of education in respect of which an application is made in order to determine whether it meets the requirements for accreditation.

40 39. (1) The Council shall, within thirty days of receipt of an application, grant a college of education accreditation if Grant of accreditation

- (a) its premises, including any hostel or other buildings used by the learners are suitable and adequate for the purpose;
- (b) it has sufficient and suitable learning resources;
- (c) it shall ensure the provision of, and access to, adequate resources and services required to support the courses, programmes and other educational activities; 5
- (d) it has a clearly defined and published mission statement;
- (e) it offers approved education and training courses;
- (f) efficient and suitable instruction is provided at the college of education, having regard to the standards of professional competence, effectiveness and commitment required of a teacher; 10
- (g) the teaching staff employed at the college of education are sufficiently qualified, experienced, registered and are adequate for the purpose; 20
- (h) it is managed by experienced and qualified staff;
- (i) it has suitable permanent physical structures; and
- (j) it complies with the provisions of this Act.

(2) The Council may grant provisional accreditation to a college of education, for a period not exceeding one year, where it determines that the college of education demonstrates reasonable progress towards full accreditation, but is not in conformity with accreditation requirements, and it is able to provide the accredited service in its current condition. 25 30

(3) The Minister may, on the recommendation of the Council, by statutory instrument, make regulations for the accreditation of colleges of education, including the requirements for staffing, facilities, equipment, procedures, record keeping, data collection, staff training and compliance with the prescribed standards of education and quality assurance. 35

Refusal to grant accreditation

**40.** (1) The Council shall not grant accreditation to a college of education if the college does not meet the requirements of this Act.

(2) The Council shall, where it rejects an application for accreditation, inform the applicant, in writing, within fourteen days of such rejection and give the reasons for the rejection. 40

41. (1) An accreditation granted under section thirty-nine may be renewed in the prescribed manner and form. Renewal of accreditation

(2) The Council may require reporting of data, including quality assurance information, as a condition for the renewal of accreditation. 5

(3) The Council may cause inspections to be carried out to confirm continuing compliance with accreditation requirements.

42. (1) The Council shall, where a college of education is in violation of the accreditation requirements, inform it, in writing, of the Council's intention to revoke the accreditation and give it an opportunity to be heard. Revocation of accreditation

(2) The Council shall not revoke the accreditation of a college of education if it takes remedial measures to the satisfaction of the Council within such period as the Council may specify.

(3) The Council shall revoke the accreditation of a college of education if it fails to show cause to the satisfaction of the Council or to take any remedial measures within the specified period. 20

(4) A college of education whose accreditation is revoked under this section shall cease to provide the training in respect of which the accreditation was granted. 25

43. A college of education that provides training or holds out as an accredited college of education without accreditation from the Council commits an offence and is liable, upon conviction, to a fine not exceeding one million penalty units. Prohibition of training without accreditation

44. The Registrar shall keep or cause to be kept a register of accredited colleges of education. Register of Accredited College of Education

#### PART VI

#### DISCIPLINARY MATTERS

45.(1) The Teaching Service Commission, shall, in consultation with the Council, prescribe and publish a Code of Ethics for teachers. Code of Ethics

(2) The Code of Ethics referred to in subsection (1) shall be published in the Gazette and a daily newspaper of general circulation in Zambia upon which it shall bind all persons regulated under this Act. 40

46. A teacher commits professional misconduct if the teacher Professional misconduct  
(a) contravenes the provisions of this Act;  
(b) engages in conduct that is dishonest, fraudulent or deceitful;

(c) commits an offence under this Act or any other law and is sentenced to imprisonment for a period exceeding six months without the option of a fine;

(d) engages in any conduct that is prejudicial to the teaching profession or is likely to bring it into disrepute; or 5

(e) breaches the Code of Ethics or encourages another teacher to breach or disregard the principles of the Code of Ethics.

Initiation of disciplinary action

47. (1) A person who alleges that a teacher has contravened the Code of Ethics or any provision of this Act, may lodge a complaint in the case of a teacher employed— 10

(a) in the public service, with the Teaching Service Commission; or

(b) in the private sector, with the Disciplinary Committee.

(2) The Council or the Teaching Service Commission, as the case may be, may initiate disciplinary action under this section where it has reasonable grounds to believe that a teacher has contravened the Code of Ethics or any provision of this Act. 20

(3) The Council shall, where the Teaching Service Commission recommends the suspension or removal of a teacher's name from the Register, remove that teacher's name from the Register accordingly. 25

Disciplinary Committee

48. (1) The Council shall establish a Disciplinary Committee which shall comprise the following members: 30

(a) a Chairperson;

(b) a ViceChairperson;

(c) two registered teachers employed in the Public Service;

(d) one registered teacher employed in the private sector;

(e) a representative of the Teaching Service Commission serving in the capacity of commissioner; and 35

(f) three representatives of the Teachers' Unions.

(2) The Chairperson and Vice-Chairperson of the Disciplinary Committee shall be legal practitioners qualified to hold, or who have held, high judicial office.

(3) A person shall not be appointed as a member of the Disciplinary Committee if the person— 40

- (a) has committed or been convicted of any professional misconduct;
- (b) is in lawful custody or the person's freedom of movement is restricted under any law in force within or outside Zambia;
- (c) has been convicted of an offence under any law and sentenced to imprisonment for a period exceeding six months without the option of a fine; or
- (d) is declared to be of unsound mind under the Mental Disorders Act.

Cap. 305

(4) A member of the Disciplinary Committee shall hold office for three years and may be reappointed for a further term of three years.

(5) A member of the Disciplinary Committee shall not serve for more than two terms.

(6) The Chairperson, or in the absence of the Chairperson, the Vice Chairperson, shall preside at every meeting and sitting of the Disciplinary Committee.

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

Functions of Disciplinary Committee

- (a) any disciplinary action initiated by the Council against a teacher employed in the private sector or in private practice that has contravened any provision of the Code of Ethics or any provision of this Act; or
- (b) any complaint or allegation that a teacher has committed professional misconduct or contravened a provision of this Act.

(2) The Disciplinary Committee may publicise, as it may consider appropriate, the facts relating to any teacher that is found guilty of, and punished for, professional misconduct.

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

Proceedings of Disciplinary Committee

(2) Any 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.

(3) All proceedings of the Disciplinary Committee shall be in camera.

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

(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.

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

(7) If a person is present at a sitting or meeting of the Disciplinary Committee at which any matter is the subject of consideration, and in which matter the person or that person's relative is directly or indirectly interested in a private capacity, that person shall, as soon as is practicable after the commencement of the sitting or meeting, disclose the interest and shall not take part in any consideration or discussion of, or vote on, any question relating to that matter.

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

Powers of  
Disciplinary  
Committee

**51.** (1) The Disciplinary Committee may, for the purposes of any proceedings, hear and receive evidence and may, under the hand of the Chairperson of the Disciplinary Committee or the Registrar, summon witnesses and require the production of any book, record, document, electronic record or anything required for the purposes of the proceeding, and may through the Chairperson or ViceChairperson of the Disciplinary Committee, administer an oath to any witness.

(2) A person summoned to attend before the Disciplinary Committee who, without any reasonable excuse—

(a) refuses or fails to attend at the time and place specified in the summons or, having attended, leaves without the permission of the Disciplinary Committee;

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

(c) refuses to answer fully and satisfactorily to the best of that person's knowledge and belief, any question lawfully put to that person; or

(d) refuses to produce any book, record, document or thing which that person has been required by summons to produce;



commits an offence and is liable, upon conviction, for every such refusal or failure, to a fine not exceeding twenty thousand penalty units.

5 (3) 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.

(4) A hearing before the Disciplinary Committee shall, for all purposes, and in particular for the purposes of an offence relating to the administration of justice under the Penal Code, be deemed to be a judicial proceeding. Cap. 87

(5) Where the Disciplinary Committee, after due inquiry, finds a teacher guilty of professional misconduct, it may impose one or more of the following penalties:

- 20 (a) order the cancellation of the teacher's practising certificate or certificate of registration;
- (b) censure the teacher;
- (c) caution the teacher;
- 25 (d) recommend the dismissal of the teacher from employment;
- (e) impose a fine, not exceeding three hundred thousand penalty units to be paid to the Council;
- (f) order the teacher to pay to the Council or to any other party to the hearing, any costs of, or incidental to, the proceedings;
- 30 (g) order the teacher to pay any party to the hearing or other person, as restitution, the amount of loss caused by that person's negligence; or
- 35 (h) impose any reasonable conditions for the suspension, for a period not exceeding one year, of the teacher's certificate of registration or practising certificate.

(6) In any proceeding before the Disciplinary Committee, any finding of fact which is shown to have been made by any court in Zambia shall be conclusive evidence of the fact so found.

40 (7) The Disciplinary Committee shall, in the course of proceedings where it has reasonable cause to believe that a teacher is, or has a mental disability to the extent that the continued practising by the teacher is prejudicial to public interest, refer the matter for determination by a medical doctor.

	(8) The Disciplinary Committee shall, where after due inquiry, it finds a teacher not guilty of professional misconduct, record a finding that the teacher is not guilty of such conduct in respect of matters of which the charge relates.	
	(9) The Disciplinary Committee may, for the purpose of any proceedings, use such assessors or experts as it may determine.	5
Reports by Disciplinary Committee	52. The Disciplinary Committee shall, as soon as practicable after the completion of each hearing, submit to the Council a report of the proceedings together with a copy of the record.	10
Appeals to High Court	53. (1) A person aggrieved with a decision of the Disciplinary Committee may, within thirty days of service of the decision, appeal to the High Court.	
	(2) The Council shall be the respondent on any appeal under this section.	20
	(3) A decision of the Disciplinary Committee under this Part 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, as the case may be.	25
Rules relating to disciplinary proceedings	54. (1) The Chief Justice may, by statutory instrument, on the recommendation of the Council, make rules relating to—	
	(a) the manner and form for the lodging of complaints and appeals under this Part;	
	(b) the mode of summoning persons before the Disciplinary Committee;	30
	(c) the form and manner of service of a summons requiring the attendance of a witness before the Disciplinary Committee and the production of any book, record, document or thing;	35
	(d) the procedure to be followed and rules of evidence to be observed in proceedings before the Disciplinary Committee; and	
	(e) the functions of the assessors to the Disciplinary Committee.	40
	(2) Rules made under this section may, in particular, provide	
	(a) that before any matters are referred to the Disciplinary Committee they shall, in such manner as may be provided by the rules, have been brought before, and investigated by, the Council;	45
	(b) for securing notices for the proceedings and specifying the time and manner of the proceedings; and	
	(c) for securing that any party to the proceedings shall, if that person requires, be entitled to be heard by Disciplinary Committee.	50

PART VII

GENERAL PROVISIONS

55. (1) The Council or a court of competent jurisdiction shall have jurisdiction over teachers for any act committed outside Zambia which, if it had been committed in Zambia, would have been an offence or professional misconduct under this Act.

Jurisdiction over acts committed outside Zambia

(2) Any proceedings against a teacher under this section which would be a bar to subsequent proceedings against the teacher for the same offence, if the offence had been committed in Zambia, shall be a bar to further proceedings against the teacher under any written law relating to the extradition of persons, in respect of the same offence outside Zambia.

Cap. 98

(3) The Mutual Legal Assistance in Criminal Matters Act shall apply to proceedings under this Act.

56. A person who contravenes a provision of this Act for which a specific penalty is not provided, is liable, upon conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a period not exceeding five year, or to both.

General penalty

57. Where an offence under this Act is committed by a body corporate or an unincorporate body, every director or manager of the body corporate or an unincorporate body shall be liable, upon conviction, as if the director or manager had personally committed the offence, unless the director or manager proves to the satisfaction of the court that the act constituting the offence was done without the knowledge, consent or connivance of the director or manager or that the director or manager took reasonable steps to prevent the commission of the offence.

Offences by body corporate or unincorporate body

58. (1) The Council may, in the exercise of its functions under this Act, issue such guidelines as are necessary for the better carrying out of the provisions of this Act.

Guidelines

(2) The Council shall publish the guidelines, referred to in subsection (1), in the Gazette and a daily newspaper of general circulation in Zambia, and the guidelines shall not take effect until they are so published.

(3) The guidelines issued by the Council shall bind all persons regulated under this Act.

59. (1) The Minister may, by statutory instrument, make regulations for the better carrying out of the provisions of this Act.

Regulations

(2) Notwithstanding the generality of subsection (1), regulations under that subsection may provide for—

- (a) the forms, fees payable and the procedure for applications to be made under this Act;
- (b) the information and documents to be submitted in support of applications to be made under this Act;
- (c) the form and the particulars to be entered on the register; 5
- (d) the form of the certificate of registration and the conditions under which the certificate of registration is issued;
- (e) the form of the practising certificate and the conditions under which the practising certificate is issued; 10
- (f) the qualifications for registration of teachers;
- (g) the requirements and conditions for the recognition of local and foreign qualifications accredited by the Council for purposes of registration under this Act;
- (h) the Code of Ethics and the continuing professional development for teachers; 20
- (i) the fixing of fees for professional services and any other fees which are required to be prescribed; and
- (j) generally, the carrying into effect of the purposes of this Act. 25

SCHEDULE  
(Sections 3 (2))

ADMINISTRATION OF THE COUNCIL

PART I

5

THE COUNCIL

1. (1) A member of the Council shall, subject to the other provisions of this Schedule, hold office for a term of three years and may be reappointed for a further term of three years.

Tenure of  
office and  
vacancy of  
member

10 (2) Upon the expiration of the term for which a member is appointed, the member shall continue to hold office until another member is appointed, but the extension of the period shall not exceed three months.

(3) The office of a member becomes vacant —

- 20 (a) upon the member's death;
- (b) if the member is adjudged bankrupt;
- (c) if the member is absent, without reasonable excuse from three consecutive meetings of the Council, of which the member has had notice, without the prior approval of the Council;
- 25 (d) upon the expiry of one month's notice of the member's intention to resign, given by the member, in writing, to the Minister;
- (e) if the member becomes mentally or physically incapable of performing duties as a member;
- 30 (f) in the case of members of the Council registered under this Act, if the member's registration is cancelled; or
- (g) if the member is convicted of an offence under this Act or any other written law and sentenced to imprisonment for a period exceeding six months without the option of
- 35 a fine.

(4) Where the office of a member becomes vacant before the expiry of the term of office, the Minister may appoint another person in place of the member who vacates office but that person shall only hold office for the remainder of the term.

Proceedings  
of Council

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

(2) The Council shall meet for the transaction of business at least once in every three months at such places and times as the Council may determine. 5

(3) Upon giving notice of not less than fourteen days, a meeting of the Council may be called by the Chairperson and shall be called if not less than one third of the 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 upon giving a shorter notice. 10

(4) Eight members of the Council shall constitute a quorum.

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

(a) the Chairperson;

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

(c) in the absence of the Chairperson and the ViceChairperson, a member of the Council as the members present may elect from amongst themselves for the purposes of that meeting. 25

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

(7) Where a member is for any reason unable to attend a meeting of the Council, the member may, in writing, nominate another person from the same organisation to attend the meeting in that member's stead and that person shall be deemed to be a member for the purpose of that meeting. 30

(8) The Council may invite any person whose presence, in its opinion, is desirable to attend and participate in the deliberations of a meeting of the Council, but that person shall not have any vote. 35

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

(10) The Council shall cause minutes to be kept of the proceedings of every meeting of the Council and committee established by the Council. 45

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

Put a correct side note

5 (2) The Council may appoint as members of a committee constituted under subparagraph (1), persons who are or are not members of the Council and such persons shall hold office for such period as the Council may determine.

10 (3) Subject to any specific or general direction of the Council, any committee constituted under this paragraph may regulate its own procedure.

4. A member of the Council or any committee shall be paid such allowances as the Minister may determine.

Allowances

20 5. (1) If any person is present at a meeting of the Council or a committee at which any matter in which that person or the person's relative is directly or indirectly interested in a private capacity, is the subject of consideration, that person shall, as soon as practicable after the commencement of the meeting, disclose that interest and shall not take part in any consideration or discussion of, or vote on any question relating to that matter.

Disclosure of interest

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

30 6. (1) A person shall not, without the consent in writing given by or on behalf of the Council, publish or disclose to any unauthorised person, otherwise than in the course of that person's duties, the contents of any document, communication or information whatsoever, which relates to, and which has come to that person's knowledge in the course of that person's duties under this Act.

Prohibition of publication or disclosure of information to unauthorised person

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

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

Immunity of  
member and  
staff

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

## PART II

### FINANCIAL PROVISIONS

Funds of  
Council

8. (1) The funds of the Council shall consist of such moneys as may 10
- (a) be appropriated by Parliament;
  - (b) be paid to the Council by way of fees, levy, grants or donations; or
  - (c) vest in or accrue to the Council.
- (2) The Council may— 20
- (a) subject to the approval of the Minister, accept moneys by way of grants or donations from any source in or outside Zambia;
  - (b) raise by way of loans or otherwise, moneys as the Council may require for the discharge of the Council's functions; or 25
  - (c) in accordance with the regulations made under this Act, charge and fees for services provided by the Council.
- (3) There shall be paid from the funds of the Council—
- (a) the salaries, allowances and loans of members of staff of the Council; 30
  - (b) reasonable travelling, transport and subsistence allowances for members of the Council, or any committee thereof, when engaged in the business of the Council, at such rates as the Minister may determine; 35  
and
  - (c) any other expenses incurred by the Council, or any committee thereof, in the performance of the Council's functions.
- (4) The Council may, with the prior approval of the Minister, 40  
invest such funds as the Council does not immediately require for the performance of the Council's functions under this Act.



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

10. (1) The Council shall cause to be kept proper books of account and other records relating to its accounts. Accounts and audit

5 (2) The Council shall, within ninety days of the financial year, submit to the Minister a report concerning its activities during the financial year.

(3) The report referred to subparagraph (2) shall include statements of income and expenditure and a statement of affairs or balance sheet. 10

(4) The accounts of the Council for each financial year shall be audited by the AuditorGeneral.

11. (1) As soon as practicable, but not later than six months after the end of the financial year, the Council shall submit to the Minister a report concerning its activities during the financial year. Annual report 20

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

- (a) an audited balance sheet;
- 25 (b) an audited statement of income and expenditure; and
- (c) such other information as the Minister may require.

(3) The Minister shall, not later than seven days after the first sitting of the National Assembly next after receipt of the report referred to in subparagraph (1), lay the report before the National Assembly. 30