

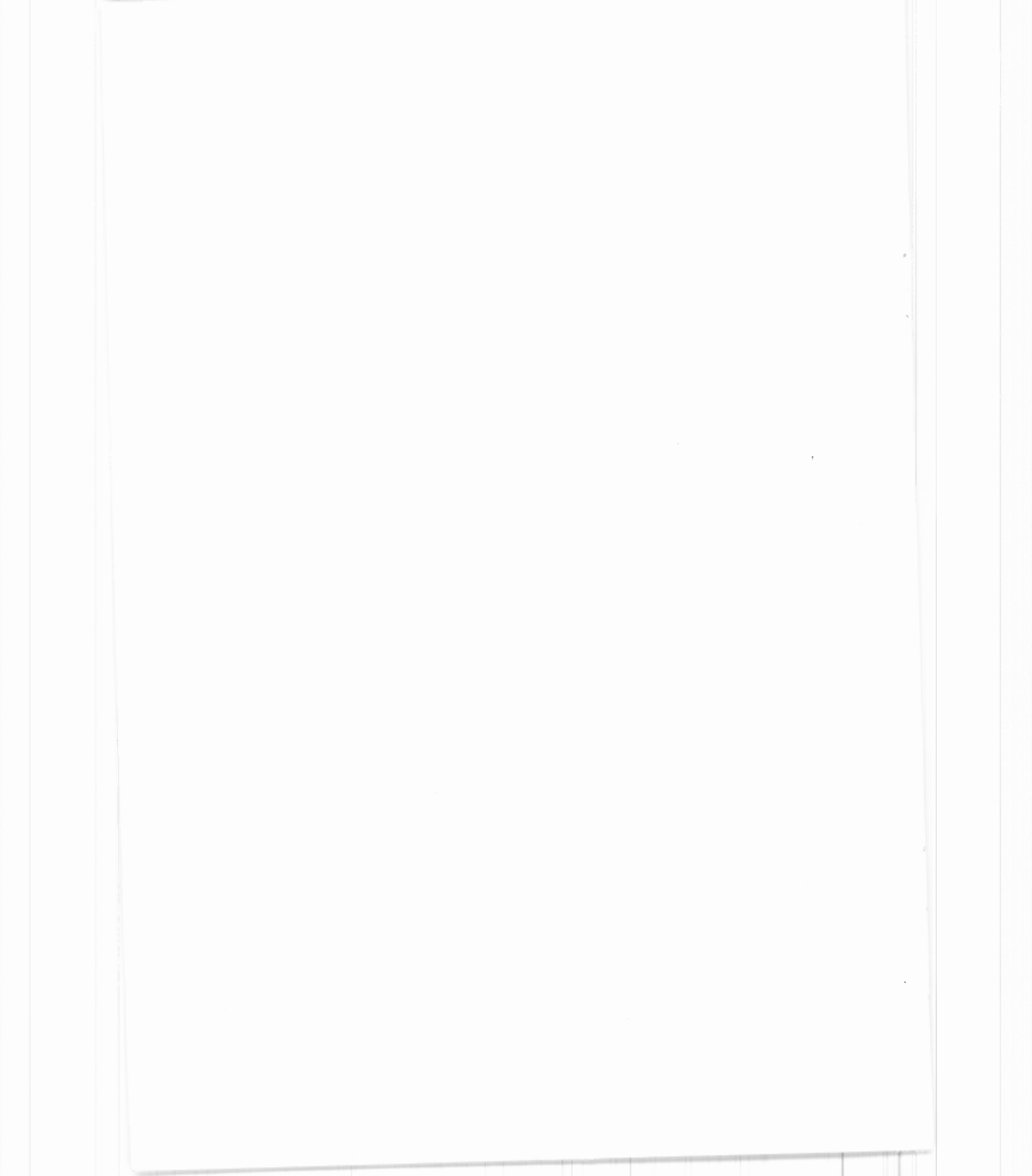
**THE ZAMBIA INSTITUTE OF ADVANCED LEGAL
EDUCATION (AMENDMENT) BILL, 2009**

MEMORANDUM

The object of this Bill is to amend the Zambia Institute of Advanced Legal Education Act so as to —

- (a) revise the composition and the functions of the Council of the Zambia Institute of Advanced Legal Education;
- (b) establish an Accreditation Committee to approve schools of law acceptable for the purposes of admission to the Institute; and
- (c) provide for matters connected with or incidental to the foregoing.

M. MALILA,
Attorney General



A BILL

ENTITLED

An Act to amend the Zambia Institute of Advanced Legal Education Act.

ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the Zambia Institute of Advanced Legal Education (Amendment) Act, 2009, and shall be read as one with the Zambia Institute of Advanced Legal Education Act, in this Act referred to as the principal Act.

Short title

Cap. 49

2 Section *two* of the principal Act is amended by the insertion in the appropriate place of the following new definition:

Amendment
of section 2

“Accreditation Committee” means the Committee established under section *ten A*;

3. Section *four* of the principal Act is amended in subsection (2) —

Amendment
of section 4

(a) by the deletion of paragraphs (e) and (f) and the substitution therefor of the following paragraphs:

(e) accredit law schools at private and public universities and set the criteria for accreditation;

(f) approve qualifications of foreign students who wish to be enrolled at the Institute;

(b) by the deletion of the word “and” at the end of paragraph (l);

(c) by the insertion after paragraph (l) of the following new paragraph:

(m) appoint the teaching staff of the Institute;;

(d) by the insertion of the word “and” after the semi-colon at the end of paragraph (m); and

(e) by the renumbering of paragraph (m) as paragraph (n).

4. Section *five* of the principal Act is amended by the deletion of

subsection (1) and the substitution therefor of the following subsection:

(1) The Council shall consist of the following part-time members:

- (a) the Attorney-General, with the Solicitor-General 5
as an alternate member;
- (b) a judge nominated by the Chief Justice;
- (c) the Director of Public Prosecutions;
- (d) the Permanent Secretary responsible for
administration in the Ministry responsible for 10
justice;
- (e) a representative of the Attorney-General with
expertise in legislative drafting;
- (f) a representative of the Law Association of
Zambia; 15
- (g) a representative of the Zambia Institute of
Chartered Accountants;
- (h) a representative of the department of the Clerk
of the National Assembly;
- (i) a dean and one senior lecturer from the Law 20
School of a private university, nominated by the
Minister responsible for education;
- (j) a dean and one senior lecturer from the Law
School of a public university, nominated by the
Minister responsible for education; 25
- (k) a magistrate who is admitted as a legal practitioner
under the Legal Practitioners Act, nominated
by the Magistrates and Judges Association of
Zambia; and
- (l) two legal practitioners appointed by the Minister. 30

Cap.30

Insertion of
new section
10A

Accreditation
Committee

5. The principal Act is amended by the insertion immediately after section *ten* of the following new section:

10A. (1) There is hereby established the Accreditation Committee of the Council which shall consist of the following members: 35

- 5 (a) a judge nominated by the Chief Justice;
 (b) a representative of the Law Association of
 Zambia;
 (c) a representative of the Examinations Council of
 Zambia;
 (d) a representative of the Ministry responsible for
 education;
 (e) a dean and one senior lecturer from the Law
10 School of a public university, nominated by the
 Minister responsible for education;
 (f) a dean and one senior lecturer from the Law
 School of a private university, nominated by the
 Minister responsible for education;
15 (g) a representative of the National Institute of Public
 Administration;
 (h) a representative of the Zambia Centre for
 Accountancy Studies; and
 (i) the Director, as an *ex-officio* member.
- 20 (2) The Chairperson and the Vice-Chairperson shall be
 elected by the members from among their number.
- (3) The functions of the Accreditation Committee are
 to—
- 25 (a) approve schools of law or such other institutions
 within or outside Zambia as schools whose training
 in law will be acceptable training for purposes of
 admission to the Institute; and
 (b) perform any other function conferred on it by the
 Council.
- 30 (4) Five members shall form a quorum at a meeting of the
 Accreditation Committee.
- (5) Subject to any specific or general direction of the
 Council, the Accreditation Committee may regulate its own
 procedure.

Insertion of new Part IVA **6.** The principal Act is amended by the insertion after Part IV of the following new Part:

PART IV A

OFFENCES RELATING TO EXAMINATIONS

- Oath of secrecy **20A.** (1) The Council shall require a person performing the work 5
Cap. 5 of the Council or engaged in the conduct of an examination or the
handling of an examination paper, to take and subscribe before a
Commissioner for Oaths, an oath of secrecy as prescribed under
the Official Oaths Act.
- Cap. 5 (2) Where a person required to take an oath under this Part 10
expresses an objection to taking the oath or expresses a desire to
make an affirmation, the person shall, without being questioned as
to the grounds of the person's objection or desire, make a solemn
affirmation in accordance with the Official Oaths Act.
- Cap. 5 (3) A person to whom this section applies who does or omits to 15
do an act in contravention of an affirmation or oath of secrecy
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.
- Disclosure of examination question, etc. **20B.** A person who, without lawful excuse, discloses to a person 20
an examination question or information relating to the contents of
an examination paper, commits an offence and is liable, upon
conviction, to a fine not exceeding five hundred thousand penalty
units or to imprisonment for a term not exceeding five years, or to
both. 25
- Unauthorised possession of examination paper or information **20C.** (1) A person who, without lawful excuse, has in the person's
possession or control, an examination paper or a part of the
examination paper, or information relating to the contents of an
examination paper commits an offence and is liable, upon conviction,
to a fine not exceeding five hundred thousand penalty units or to 30
imprisonment for a term not exceeding five years, or to both.
- (2) A person who assists, or causes to be assisted, an examination
candidate to obtain or gain unauthorised possession of an
examination paper commits an offence and is liable, upon conviction,
to a fine not exceeding five hundred thousand penalty units or to 35
imprisonment for a term not exceeding five years, or to both.

- 20D. A person who, having in the person's possession or control an examination paper or information relating to the contents of an examination paper, recklessly or negligently loses the examination paper or information, or uses the examination paper or information in a manner prejudicial to the proper and fair conduct of an examination, commits an offence and is liable, upon conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a term not exceeding five years, or to both.
- 20E. (1) If a person engaged in the conduct of examinations or performing work connected with examinations is directly or indirectly interested in a private capacity in an examination or in an examination paper or information relating to the examination or examination paper, or if the spouse, child, friend or relative of the person is a candidate in the examination, that person shall as soon as practicable before the commencement of that person's duties in respect of the examination disclose the interest to the Council and shall, unless the Council otherwise directs, cease to perform that person's duties.
- (2) A person who contravenes subsection (1) commits an offence and is liable, upon conviction, to fine not exceeding one hundred thousand penalty units or to imprisonment for a term not exceeding one year, or to both.
- 20F. (1) Where the Council is satisfied that there has been an irregularity in the course of an examination, the Council may suspend or nullify the examination or a part of the examination.
- (2) Where the Council is satisfied that there is reasonable cause to believe that the examination results of a candidate have been obtained by irregular means, the Council shall nullify the examination results of the candidate.
- Loss and misuse of examination paper
- Disclosure of interest in examination or examination paper
- Nullification of examination or examination results

