

**REPORT OF THE COMMITTEE ON LOCAL GOVERNANCE, HOUSING AND CHIEFS' AFFAIRS ON THE DAY NURSERIES (REPEAL) BILL, N.A.B. NO. 49 OF 2010 FOR THE FIFTH SESSION OF THE TENTH NATIONAL ASSEMBLY, APPOINTED ON 24 SEPTEMBER 2010**

Consisting of:

Mrs R M Musokotwane, MP (Chairperson); Mr H M Malama, MP; Mr D Mwango, MP; Mr V M Mooya, MP; Mr E M Sing'ombe, MP; Mr B Chella, MP; Mr C K Banda, SC, MP and Dr S Musonda, MP.

The Honourable Mr Speaker  
National Assembly  
Parliament Buildings  
**LUSAKA.**

Sir,

Your Committee has the honour to present its Report on the Day Nurseries (Repeal) Bill, N.A.B. No. 49 of 2010, referred to it by the House on 26 November, 2010.

**Functions of the Committee**

2. In addition to any other duties conferred upon it by the Honourable Mr Speaker, or any order of the House, your Committee may consider any Bills referred to it by the House.

**Meetings of the Committee**

3. Your Committee held six meetings to consider the Day Nurseries (Repeal) Bill, N.A.B. No. 49 of 2010.

**Procedure adopted by the Committee**

4. Your Committee, in considering the Bill, requested written submissions from various stakeholders, who also appeared before it and made oral submissions.

**Objects of the Day Nurseries (Repeal) Bill, N.A.B. No. 49 of 2010**

5. The object of the Bill is to repeal the *Day Nurseries Act* and provide for matters connected with or incidental to the foregoing.

**Background**

6. The *Day Nurseries Act* was enacted in 1957. This piece of legislation was the first innovative step towards the recognition of the importance of Early Childhood Care, Development and Education (ECCDE). The Act, among other things, provides for the registration and regulation of day nurseries.

Since then, numerous developments have taken place in the education sector, including the introduction of the policy on ECCDC. Despite this, the *Day Nurseries Act*, Chapter 313 of the Laws of Zambia, which did not adequately respond to the modern demands of the sector, was still in use. In addition, the *Day Nurseries Act*, did not incorporate or domesticate the international principles and declarations on education to which Zambia had committed herself as a State Party. The developments and principles have now been incorporated in the new Education Bill.

The Day Nurseries (Repeal) Bill, N.A.B No. 49 of 2010, therefore, repeals the *Day Nurseries Act*, Chapter 313 of the Laws of Zambia, as a consequence of the enactment of the new legislation, the *Education Act, 2010*, which will effectively regulate the provision of Early Childhood Care, Development and Education.

### **Stakeholders' views on the Bill**

7. Even though most stakeholders welcomed the repeal of the *Day Nurseries Act*, Chapter 313 of the Laws of Zambia, District Councils were concerned with the loss of revenue which hitherto they have been raising from registration of nursery schools.

### **Committee's Observations and Recommendations**

8. Your Committee observes that the repeal of the *Day Nurseries Act*, Chapter 313 of the Laws of Zambia does not affect any right, liability or obligation, which was vested in, held, enjoyed, incurred or suffered by a local authority. This, among others, implies that any legal proceedings against the Government existing prior to the repeal of the *Day Nurseries Act of 1957* shall continue after the repeal of the said Act. The primary purpose of the repeal of the Act is as a consequence of the enactment of the new legislation, the *Education Act, 2010*, which will effectively regulate the provision of Early Childhood Care, Development and Education.

Your Committee, therefore, urges the House to favourably consider the Bill and pass it.

### **Conclusion**

9. In conclusion, your Committee wishes to express its gratitude to you, Mr Speaker, for not only appointing it, but also granting it the opportunity to scrutinise the Day Nurseries (Repeal) Bill, N.A.B. No. 49 of 2010. Your Committee also wishes to pay tribute to all the stakeholders who appeared before it and tendered both oral and written submissions. The Committee would, further, like to thank the Office of the Clerk of the National Assembly for the unfailing assistance throughout its deliberations.

We have the honour to be, Sir, your Committee on Local Governance, Housing and Chiefs' Affairs mandated to scrutinise the Day Nurseries (Repeal) Bill, N.A.B. No. 49 of 2010.

Mrs R M Musokotwane, MP;  
(Chairperson)

Mr H M Malama, MP;  
(Member)

Mr D Mwango, MP;  
(Member)

Mr E M Sing'ombe, MP;  
(Member)

Mr V M Mooya, MP;  
(Member)

Mr B Chella, MP;  
(Member)

Dr S Musonda, MP  
(Member); and

Mr C K Banda, SC, MP  
(Member)

January, 2011  
**LUSAKA**

R M Musokotwane, MP  
**CHAIRPERSON**

## **APPENDIX I**

### **LIST OF OFFICIALS**

#### **National Assembly**

Mr S M Kateule, Principal Clerk of Committees.

Mr G Lungu, Deputy Principal Clerk of Committees.

Ms M K Sampa, Committee Clerk (FC).

Mr F Nabulyato, Assistant Committee Clerk.

Mr K Mubanga, Research Officer.

Ms C Mtonga, Typist.

Mr C Bulaya, Committee Assistant.

Mr S M Likunyendo, Parliamentary Messenger.

## **APPENDIX II**

### **WITNESSES**

#### **PERMANENT WITNESS**

##### **Ministry of Local Government and Housing**

Mr J Chulu, Acting Assistant Director.

#### **WITNESSES**

##### **Ministry of Justice**

Mrs M Muyaba, Principal Parliamentary Counsel.

Mrs K G Kaulungombe, Parliamentary Counsel.

Mrs D S Sichone, Parliamentary Counsel.

##### **Lusaka City Council**

Mr A M Musonda, Director of Public Health.

Mr J M Zulu, Acting Director of Planning.

##### **Ministry of Education**

Mr A Phiri, Permanent Secretary.

Ms F C Mfula, Director.

Ms H Chishala, Senior Education Standards Officer.

Mr K V Mvula, Chief Education Officer.

Ms N C Mwale, Acting Director- Administrator.

Ms C Soko, Intern.

##### **Ministry of Local Government and Housing**

Mr T Hakuyu, Permanent Secretary.

Mr M M Munansungu, Acting Director.