

GOVERNMENT OF ZAMBIA

ACT

No. 11 of 1999

Date of Assent: 4th October, 1999

An Act to provide for the establishment, regulation, control and functions of public and private universities; to repeal and replace the University Act, 1992; and to provide for matters connected with or incidental to the foregoing.

[10th December, 1999

ENACTED by the Parliament of Zambia.

Enactment

PART I

PRELIMINARY

1. This Act may be cited as the University Act, 1999, and shall come into operation on such date as the Minister may, by statutory instrument, appoint.

Short title and commencement

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

Interpretation

" affiliated institution " means any college or educational institution affiliated to a public university under section *five*;

" appointed date " means such date as the Minister may appoint under section *one*;

" Bursar " means the person appointed Bursar of a public university under section *twelve*;

" Chancellor " means the person appointed Chancellor of a public university under section *seven*;

- " constituent college " means any college or institution established or declared by statutory order, as a constituent college or institution of a public university under section *four*;
- " Council " means the Council of a public university established under section *sixteen*;
- " Dean " means the person appointed Dean of a school of a public university under paragraph *twenty-three* of the First Schedule;
- " Dean of Students " means the person appointed Dean of Students of a public university under section *thirteen*;
- " department " means a teaching or research unit of a public university recognised as a component of a school;
- " Deputy Vice-Chancellor " means the person appointed Deputy Vice-Chancellor of a public university under section *nine*;
- " Director " means the person appointed Director of an institute, bureau or similar body under paragraph *twenty-three* of the First Schedule;
- " Librarian " means the person appointed Librarian of a public university under section *eleven*;
- " principal officer " means the Vice-Chancellor, Deputy Vice-Chancellor, Registrar, Bursar, Librarian, and Dean of Students;
- " private university " means any university which is not established or maintained by the Government or a local government authority out of public funds;
- " proprietor " means the person or body responsible for the management of a private university;
- " public university " means any university which is owned by the Government or a local government authority and is financed out of public funds;
- " Registrar " means the person appointed Registrar of a public university under section *ten*;
- " repealed Act " means the University Act, 1992;
- " school " means an academic unit of a public university in which teaching, learning, study and research are pursued;
- " search committee " means a search committee constituted under section *fifteen*;

- " Senate " means the Senate of a public university constituted under section *twenty-two*;
- " statutes " means the rules governing a private university made under section *forty-two*;
- " students affairs unit " means the students' affairs unit established under section *thirty-five*;
- " student's union " means an association of students established under section *thirty-six*;
- " university " means a public university or a private university, established under this Act;
- " University Staff Tribunal " means the University Staff Tribunal established under section *twenty-nine*; and
- " Vice-Chancellor " means the person appointed Vice-Chancellor of a public university under section *eight*.

PART II

PUBLIC UNIVERSITIES

Division 2.1—Establishment and Functions

3. (1) The Minister may, by statutory instrument, establish public universities in accordance with the structure and requirements specified under this Part.

Establishment of public universities

(2) Notwithstanding section *fifty-one*, the University of Zambia and the Copperbelt University shall continue to exist as separate institutions as if established under this Act as public universities.

4. (1) On the recommendation of the Senate, the Minister may, by statutory order—

Constituent college of public university

- (a) establish any college or institution of learning as a constituent college or institution of a public university; or
- (b) declare any existing college or institution of learning as a constituent college or institution of a public university.

(2) Where the Minister establishes or declares any college or institution of learning as a constituent college or institution of a public university—

- (a) the Council shall appoint a principal for the constituent college or institution; and
- (b) the Council shall appoint the members of the academic and administrative staff and other employees of the constituent college or institution.

(3) Where the Minister makes an order under subsection (1), the Minister shall, by the same or a subsequent order—

(a) in consultation with the Council, appoint not more than eleven members of the board and set out the functions of the board; and

(b) make provision for—

(i) the vesting of the property of the college or institution in the public university;

(ii) the transfer of the academic or administrative staff or other employees of the college or institution to the service of the public university; and

(iii) the payment of retirement benefits of the academic or administrative staff or employees of the college or institution whose services are not transferred to the public university.

(4) Where provision is made in an order under this section for the vesting of any property of the college or institution in a public university, the property to which that order relates shall, by virtue of that order, and without further assurances, vest in the public university.

Affiliation to
university

5. (1) The Minister may, on the recommendation of the Senate, approve the affiliation with the public university of any college or other educational institution of teaching or research within or outside Zambia which has concluded an agreement to become affiliated with the public university.

(2) Where an educational institution is affiliated with the public university—

(a) its name shall be added to the list of institutions so designated;

(b) the Council shall appoint two representatives of the public university on the decision-making body of the affiliated institution;

(c) the affiliated institution shall appoint a representative on the board of studies of the most closely related school of the public university;

(d) the Senate shall, after receiving a report from the relevant school, approve the entrance requirements, the syllabuses and the academic regulations of the affiliated institution in those areas of study for which the public university is providing certification;

- (e) the Council of the public university shall be consulted on the qualifications of those members of staff appointed at the affiliated institution, who are to teach in the areas of study for which the public university provides certification;
- (f) the Senate of the public university shall moderate examination papers and examination scripts of the affiliated institution in the areas of study for which the public university provides certification;
- (g) the diplomas or certificates of the affiliated institution for which certification is granted by the public university shall be joint diplomas or certificates of the public university and the affiliated institution and be awarded at a special awarding ceremony to be held at the affiliated institution with the participation of the public university's representatives;
- (h) all diplomas or certificates certified by the public university shall be signed by the relevant authorities of both the public university and the affiliated institution; and
- (i) the public university may determine whether and at what entry level diploma or certificate students shall be admissible to further studies at the public university.

(3) An educational institution may establish special relationships with the public university, particularly in the fields of staff and student exchange, priority admission for post graduate work, joint financing or research projects.

6. (1) The general functions of a public university are to—

Functions of
public
university

- (a) provide university education, promote research and advancement of learning; and
- (b) disseminate knowledge and, without discrimination, to hold out to all persons, who meet all the stipulated academic or professional qualifications, the opportunity of acquiring university education.

(2) For the purpose of carrying out its functions under subsection (1) a public university shall, so far as its resources permit—

- (a) provide facilities, appropriate to a university of the highest standing, for the pursuit of learning and research and for the acquisition of both liberal and professional education which is responsive to the needs of Zambia; and

(b) make those facilities available to persons equipped to benefit from the use of the facilities on such terms and conditions as the Council may determine.

Division 2.2—Chancellor and Principal Officers

Chancellor

7. (1) There shall be a Chancellor for a public university who shall be the titular head of the university.

(2) The Chancellor shall be appointed by the President, on the recommendation of the Minister, from among eminent Zambian citizens.

(3) A person appointed to the office of Chancellor shall hold office for a period of three years and may be re-appointed for a further like period.

(4) The Chancellor shall preside at all ceremonial assemblies of the university and shall, in the name of the university, confer all degrees and other academic titles and distinctions of the university.

(5) The Chancellor may resign upon giving one month's notice in writing to the President.

(6) The Chairperson of the Council and the Vice-Chancellor shall keep the Chancellor fully informed concerning the general conduct of the affairs of the university and shall furnish the Chancellor with such information as the Chancellor may request on any particular matter relating to the affairs of the university.

(7) The Chancellor may, at any time, direct that a visitation of the university be conducted by such persons and for such purposes as may be specified in that directive.

(8) A report of a visitation shall be submitted to the Chancellor who shall decide what action, if any, may be taken on the report.

(9) A person holding the office of Chancellor may be removed by the President for inability to perform the functions of the office whether arising from infirmity of body or mind or for behaviour which is incompatible with the office of Chancellor.

Vice-Chancellor

8. (1) There shall be a Vice-Chancellor for a public university appointed by the Minister on the recommendation of the Council who shall be the academic, financial and administrative head of the university and who shall, where the Chancellor is unable to do so, preside at the ceremonial assemblies of the university, and confer all degrees and the other academic titles and distinctions of the university.

(2) A person appointed to the office of Vice-Chancellor shall hold office, on such terms and conditions as shall be specified in that person's letter of appointment, for a period of four years but shall be eligible for re-appointment for a further term of four years.

9. (1) There shall be a Deputy Vice-Chancellor for a public university appointed by the Minister, on the recommendation of the Council who shall assist the Vice-Chancellor in the Vice-Chancellor's duties and shall act in the place of the Vice-Chancellor when the office of Vice-Chancellor is vacant or the Vice-Chancellor is for any reason absent or otherwise unable to perform the Vice-Chancellor's functions.

Deputy
Vice-
Chancellor

(2) A person appointed to hold the office of Deputy Vice-Chancellor shall hold office, on such terms and conditions as shall be specified in that person's letter of appointment, for a period of three years but shall be eligible for re-appointment for a further term of three years.

10. There shall be a Registrar for a public university appointed by the Council, on such terms and conditions as the Council may determine, and who shall, under the direction of the Vice-Chancellor, be responsible for the general administration of the university including the custody of its property and the administration of its assets.

Registrar

11. There shall be a Librarian for a public university appointed by the Council, on such terms and conditions as the Council may determine, and who shall, under the direction of the Vice-Chancellor, be responsible for the development, control, management and co-ordination of library services in a university.

Librarian

12. There shall be a Bursar for a public university appointed by the Council, on such terms and conditions as the Council may determine, and who shall, under the general direction of the Registrar, be responsible for the financial planning and general administration of the finances of the university and shall maintain the accounts in such form and manner as may be determined by the Council.

Bursar

13. There shall be a Dean of Students for a public university appointed by the Council, on such terms and conditions as the Council may determine, and who shall, under the general direction of the Vice-Chancellor, be responsible for the management of students' affairs and shall exercise superintendence over the students' affairs unit.

Dean of
students

14. (1) Where the Vice-Chancellor and the Deputy Vice-Chancellor are absent from office at the same time or are unable for any reason to perform the functions of the Vice-Chancellor or Deputy Vice-Chancellor, the Minister may, after consultation with

Performance
of functions
in absence
of office
bearer

the Council, appoint, on such terms and conditions as the Minister may determine, a senior member of the academic staff of the university who shall be a Dean of a school, Director of an institute or a professor, to perform the functions of Vice-Chancellor.

(2) Where the Registrar, Librarian, Bursar or Dean of Students is absent from office or is unable for any reason to perform the functions of the office, the Vice-Chancellor may, after consultation with the Council, appoint, on such terms and conditions as the Vice-Chancellor may determine, a suitable person to perform the functions of the office.

(3) Where the Dean of a school or Director of an institute is absent from office or is unable for any reason to perform the functions of the office, the Vice-Chancellor may, after consultation with the Senate, appoint, on such terms and conditions as the Vice-Chancellor may determine, a suitable person to perform the functions of the office.

Search
committee

15. (1) The Minister shall, for the purposes of sections *eight* and *nine*, constitute an ad hoc search committee of a public university consisting of seven members who have experience in the administration, management and academic life of universities.

(2) The chairman of a search committee shall be appointed by the Council.

(3) The members of a search committee shall be appointed on such terms and conditions as the Council may determine.

(4) The Secretary to the Council shall be the Secretary to a search committee.

(5) The functions and powers of a search committee shall be—

(a) to advertise locally and internationally the posts of Vice-Chancellor and Deputy Vice-Chancellor whenever the posts fall vacant; and

(b) to select, from among the applicants, the candidate for the post of Vice-Chancellor or Deputy Vice-Chancellor and to submit a recommendation to the Council.

(6) A search committee shall determine its own procedure.

(7) There shall be paid to the members of a search committee such allowances as the Minister may determine.

(8) The Council shall pay the expenses incurred by a search committee in the performance of its functions.

Division 2.3—The Council

16. (1) There shall be established a Council for a public university which shall be a body corporate with perpetual succession and a common seal, capable of suing and of being sued in its corporate name, and with powers, subject to the other provisions of this Act, to do all such acts and things as a body corporate may, by law, do or perform and as are necessary for, or incidental to, the carrying out of its functions under this Act.

Establishment
of Councils
of public
universities

(2) The provisions of Parts I and II of the First Schedule shall apply to the Council.

17. (1) Subject to the other provisions of this Act, a Council shall be responsible for the governance, control and administration of a university and in all other cases, not otherwise provided for by this Act, shall act in the best interest of the university.

Functions of
Council

(2) Without prejudice to the generality of the foregoing, a Council may—

- (a) receive, on behalf of the university or constituent college or institution, gifts, donations, bequests, grants or other monies and make disbursement therefrom to the university, constituent college or institution;
- (b) provide for the welfare of the staff and students of the university;
- (c) determine the salaries and other conditions of service of the staff of the university;
- (d) appoint and suspend, dismiss or otherwise discipline persons in the employment of the university in accordance with the provisions of this Act;
- (e) regulate and determine all matters concerning the university in accordance with the rules enacted in that behalf by the Council;
- (f) administer funds placed at the disposal of the university for specific purposes;
- (g) select and determine the form of coat of arms for the university;
- (h) take into account and if the Council considers it proper to do so, give effect to or approve reports or recommendations from Senate on those matters upon which the Senate is authorised or required by this Act to make reports or recommendations;

- (i) implement the decisions of the Senate on those matters upon which Senate has authority under this Act;
- (j) determine the terms and conditions on which examiners shall be appointed by the Senate and the remuneration to be paid to the examiners;
- (k) determine, after consultation with the Senate, the academic dress and insignia of the Chancellor, officers and graduates of the university;
- (l) call for, receive and consider reports from the Vice-Chancellor on the working of the university;
- (m) enter into, vary, carry out or rescind contracts on behalf of the university;
- (n) determine all fees:

Provided that when determining tuition fees the Senate shall be consulted;
- (o) establish administrative or service sections or units of the university as it considers necessary and abolish or vary the constitution of any such administrative or service section or unit; and
- (p) do any other things which are necessary or conducive to the performance of its functions under this Act.

Dissolution
of Council

18. (1) Where in the opinion of the Minister a Council has failed to exercise any of its functions under this Act, the Minister may in writing dissolve and thereafter reconstitute the Council within ninety days of such dissolution.

(2) During the period when the Council is dissolved, the Minister shall appoint a caretaker committee which shall exercise the powers, functions and duties of the Council.

Management
of property

19. (1) All funds, assets and property, movable and immovable, of a public university shall be managed and utilised by the Council in accordance with this Act and in such manner and for such purposes as shall promote the best interest of the university.

(2) A Council may, after approval of the Minister and subject to such conditions, if any, as the Minister may impose, charge or dispose of the immovable property of a university.

Transfer of
property

20. (1) For the purpose of this section and the Second Schedule, 'the old Council' means the Council of the University of Zambia and the Council of the Copperbelt University, as the case may be, under the repealed Act.

(2) All property held by the old Council with respect to the University of Zambia shall vest in the Council established under this Act for that University and shall be held by it for the discharge of its functions.

(3) All property held by the old Council with respect to the Copperbelt University shall vest in the Council established under this Act for that University and shall be held by it for the discharge of its functions.

21. Notwithstanding anything to the contrary contained in any written law, where any judgement or order has been obtained against the Council no execution or attachment, or process of any nature, shall be issued against the Council or against any property of the Council, but the Vice-Chancellor shall cause to be paid out of the revenues of the Council such amounts as may, by the judgement or order, be awarded against the Council to the person entitled to such monies.

Restriction on execution against property of Council of public university

Division 2.4—Senate

22. (1) There shall be a Senate for a public university which shall be the supreme academic authority of the university.

Constitution of Senate

(2) The provisions of Part III of the First Schedule shall apply to the Senate.

23. (1) Subject to the other provisions of this Act, the Senate shall organise, control and direct the academic work of the university, both in teaching and research, and shall have control and general direction of the standards of education, assessment and research within the university.

Powers and functions of Senate

(2) Without prejudice to the generality of subsection (1) the Senate shall have and may exercise all or any of the following powers and functions:

- (a) determining the academic policy of the university and advising the Council on the provision of facilities to carry out the policy;
- (b) directing and determining the programme of instruction and the structure of degree, diploma and certificate courses within the university;
- (c) regulating and determining the requirements for the admission of persons to the university and to courses of study in the university and their continuance in such courses;

(d) regulating all university examinations and the standard of proficiency to be attained in such examinations;

(e) appointing examiners:

Provided that for degree examinations and any other qualifying examinations, at least one external examiner shall be appointed for each subject forming part of a course of studies required;

(f) awarding degrees, diplomas, certificates and making other awards and distinctions of the university:

Provided that honorary degrees shall be awarded on the recommendation of an Honorary Degree Committee established by the Senate;

(g) awarding scholarships and prizes administered by the university;

(h) constituting professorial chairs, readerships and other academic offices and abolishing or suspending any such office;

(i) making recommendations to the Council with respect to—

(i) the establishment of new schools, institutes, bureaux or similar bodies within the university;

(ii) the amalgamation of any of the existing schools, institutes, bureaux or similar bodies within the university;

(iii) the division of any school, institute, bureau or similar body within the university into two or more schools, institutes, bureaux or similar bodies; and

(iv) the abolishing or alteration of any school, institute, bureau or similar body;

(j) approving, reviewing, amending, referring back, controlling or disallowing any act relating to the academic affairs of any school, institute, bureau or similar body within the university or giving direction to any school, institute, bureau or similar body; and

(k) regulating its own procedure and the conduct of its meetings.

(3) The Senate may deprive any person of any degree, diploma, certificate or other award of the university which has been conferred upon such person if, after due enquiry, the person is shown to have been guilty of fraudulent or dishonourable conduct in obtaining that award.

(4) Any person deprived of any degree, diploma, certificate or other award or distinction of a university under subsection (3) may appeal from the decision of the Senate to the Council.

(5) The Senate shall make an academic budget which shall be approved by the Council.

(6) The Senate shall make regular reports to the Council regarding the performance of its functions.

Division 2.5—Staff

24. (1) There shall be three categories of staff of a public university designated "academic staff", "administrative staff" and "other staff".

Staff

(2) The academic staff shall consist of—

(a) the Vice-Chancellor;

(b) the Deputy Vice-Chancellor;

(c) the Deans of Schools;

(d) the Directors of Institutes, Bureaux and other similar bodies;

(e) all the members of staff engaged in teaching and research;

(f) the Librarian; and

(g) such other persons as the Council may designate.

(3) The administrative staff shall consist of persons employed by a university, other than the academic staff, who hold administrative, professional or technical posts designated by the Council as senior posts.

(4) The other staff shall consist of persons employed by a university who are neither members of the academic staff nor of the administrative staff.

25. Where the Minister or a Council has reasonable grounds to believe that the Vice-Chancellor or Deputy Vice-Chancellor should be removed from office on grounds of misconduct or inability to perform the functions of the office, the Council shall, on the advice of the joint committee constituted under section *twenty-six*, recommend to the Minister the removal of the Vice-Chancellor or Deputy Vice-Chancellor, as the case may be.

Discipline and removal of Vice-Chancellor and Deputy Vice-Chancellor

26. (1) Whenever, for purposes of section *twenty-five*, it becomes necessary to do so, the Minister shall constitute an ad hoc committee which shall conduct an inquiry into the removal of the Vice-Chancellor or the Deputy Vice-Chancellor.

Joint committee

(2) The Chairperson of the University Staff Tribunal shall preside over the meetings of the ad hoc committee constituted under subsection (1).

Discipline
and removal
of Registrar,
Bursar,
Chief
Internal
Auditor,
Librarian,
Dean of
Students,
Dean or
Director

27. If the Vice-Chancellor has reasonable grounds to believe that the Registrar, the Bursar, the Dean of Students, the Chief Internal Auditor, the Librarian, a Dean or a Director, should be removed from office on the grounds of incompetence or misconduct the Vice-Chancellor shall—

- (a) give notice in writing of those grounds to the officer in question;
- (b) in writing, suspend the officer in question from office pending investigations;
- (c) refer the matter to the University Staff Tribunal; and
- (d) make arrangements for the member in question to be afforded an opportunity to appear before, and be heard by the University Staff Tribunal with respect to the matter.

Discipline
and removal
of member
of academic
or adminis-
trative staff

28. If a Dean, Director or a principal officer, has reasonable grounds to believe that a member of the academic or administrative staff for whom the Dean, Director or principal officer has direct responsibility should be removed from office or employment on grounds of misconduct or failure to perform the functions of the office or employment, the Dean, Director or principal officer shall—

- (a) give notice in writing of those grounds to the member in question;
- (b) in writing, suspend the member in question from office or employment pending investigations;
- (c) refer the matter to the University Staff Tribunal; and
- (d) make arrangements for the member in question to be afforded an opportunity to appear before and be heard by the University Staff Tribunal with respect to the matter.

University
Staff
Tribunal

29. (1) There shall be established in each public university a University Staff Tribunal to investigate and consider disciplinary cases referred to it and make recommendations to the Council.

(2) The University Staff Tribunal shall consist of the following members—

- (a) a person who is qualified to be a High Court Judge, as Chairperson, appointed by the Council;
- (b) two persons from the non-academic members of the Council appointed by the Chairperson of the Council; and
- (c) two persons nominated by the academic staff of the university and appointed by the Chairperson of the Council.

(3) The University Staff Tribunal may request any senior member of staff of a department to assist it in the assessment of any particular case.

(4) The Council shall appoint the Secretary to the University Staff Tribunal.

(5) The members of the University Staff Tribunal shall hold office for a period of three years but shall be eligible for re-appointment for a further like period.

(6) A University Staff Tribunal shall complete its work within a period of four months from the date from which the suspension of a member of staff takes effect.

(7) The Council shall implement the decisions of the University Staff Tribunal.

30. The Chief Justice shall, by statutory instrument, and in consultation with the Council, prescribe the procedure to be followed by the University Staff Tribunal in the determination of disciplinary cases.

Rules by
Chief Justice

31. The application of disciplinary measures to other staff members of the university shall be in accordance with their conditions and terms of service.

Discipline of
other staff

32. (1) A member of the academic or administrative staff may appeal within fourteen days against any decision of the Council to the Industrial Relations Court with further appeal to the Supreme Court.

Appeals

(2) The Court under subsection (1) may confirm, vary, amend or set aside the decision of the Council.

(3) A member of the academic or administrative staff removed from office or employment by the Council shall remain suspended until the period within which the appeal is allowed expires.

(4) The date of removal from office for the member referred to in subsection (3) shall be the date on which the period allowed under that subsection expires.

33. The Council shall, subject to the approval of the Minister, conclude an agreement on salaries and conditions of service with the appropriate trade union, if any.

Salaries and
conditions of
service

34. Where any person who is employed by a Council on full time basis or who is teaching or carrying out research at the university, makes any discovery, invention or improvement in the course of that person's duties, the Council shall be deemed to be the owner for all purposes of the rights therein:

Rights of
Council in
discoveries
or
consultancies

Provided that the Council may pay to such a person any bonus, fee, or royalty therefor, or make such arrangement for such person to share in the profits derived therefrom, as the Council may determine.

Division 2.6—Students

Students' affairs unit

35. There shall be a students' affairs unit under the supervision of the Dean of Students in every public university which shall organise, co-ordinate and administer students' affairs.

Students' union and branches

36. (1) There shall be a students' union in a public university.

(2) Where any university has more than one campus, there shall be a branch of the students' union on each campus.

(3) All registered students of the university shall be eligible to be members of the students' union.

(4) A students' union shall have a constitution which shall provide for such matters as may be prescribed under this Act.

Discipline

37. (1) The Deans, Directors, the Librarian and the Dean of Students shall exercise disciplinary control over students in public universities in schools, institutions, bureaux, departments, the library and similar bodies and halls of residence respectively:

Provided that in the case of exclusion from study or use of any facility of the university, rustication or expulsion of a student, a student may appeal to the Vice-Chancellor.

(2) Subject to any disciplinary procedures prescribed in any regulations made under this Act, any appeal against any penalty imposed under subsection (1) shall be lodged, in writing with the Vice-Chancellor within fourteen days of the imposition of the penalty, but the penalty shall remain effective while the appeal is pending.

(3) Where a student is aggrieved with any decision of the Vice-Chancellor the student may appeal to the Council.

PART III

PRIVATE UNIVERSITIES

Registration of private university

38. (1) Any person or body of persons desirous of establishing a private university shall apply to the Minister in accordance with this Part.

(2) An application for the registration of a private university shall be accompanied by the prescribed fee and shall state the schools and

courses to be provided by the university and such other particulars as may be prescribed, by statutory instrument, by the Minister.

(3) The Minister shall register a private university in the register of private universities and shall issue the proprietor with a certificate of registration where the Minister is satisfied that—

- (a) the name of the university does not so resemble the name of another university as to mislead the public to believe that the institution is that other university, or that the university is funded by the Government;
- (b) the premises of the university, including any hostel or other buildings used or to be used in connection with instruction or accommodation of persons attending the university, are or will be suitable for the purpose;
- (c) adequate financial provision has been or will be made for the maintenance of the university;
- (d) the proprietor of the university is a fit and proper person or body of persons;
- (e) suitable instruction will be provided at the university in accordance with a course of study approved by the Minister;
- (f) the teaching staff employed or to be employed at the university will be sufficiently qualified for the purpose; and
- (g) proper compliance will be made with the provisions of this Act applicable to a private university.

(4) Where the Minister is not satisfied with any matter referred to in subsection (3), the Minister shall notify the proprietor of the university in writing that:

- (a) the application is rejected, and give reasons for such rejection; or
- (b) the application may be granted after the proprietor has, within such period as may be specified, complied, to the satisfaction of the Minister, with any matter referred to in subsection (3).

(5) Where the proprietor of a private university, who is notified under paragraph (b) of subsection (4) fails to comply with such notice, the Minister shall reject the application and shall notify the proprietor, in writing, accordingly.

Register of
private
universities

39. (1) The Minister shall cause to be kept and maintained a register of all private universities which shall contain such particulars as may be prescribed.

(2) The Register shall be open to public inspection at all reasonable times upon payment of the prescribed fee.

Cancellation
of registra-
tion of
private
university

40. (1) Subject to subsection (2), the Minister shall cancel the registration of any private university where that university—

(a) ceases to comply with any of the provisions specified under section *thirty-eight*;

(b) is being managed in a manner detrimental to the interest of peace, order or good management or to the physical, mental or moral welfare of the persons receiving instruction at the university; or

(c) has remained closed for a period of six consecutive months or more, without reasonable cause.

(2) The Minister shall notify the proprietor in writing before the cancellation—

(a) that the registration of the university shall be cancelled from such date as the Minister may specify; or

(b) that the Minister proposes to cancel the registration of the university unless, within a period fixed by the Minister, the proprietor complies, to the satisfaction of the Minister, with any matter referred to in section *thirty-eight* or rectifies the problem which is the cause of the proposed cancellation.

(3) Where a proprietor of a registered university on whom a notice has been served under subsection (1) fails to comply with the notice, the Minister shall cancel the registration of the private university and notify the proprietor, in writing, accordingly.

(4) Notwithstanding any other provision of this Act, where the registration of a university has been cancelled, the Minister may in the national interest, after giving the proprietor an opportunity of being heard, direct that the university be operated under the management and control of a competent person (in this section referred to as the "statutory manager").

(5) A statutory manager shall be appointed by the Minister for such period and upon such terms and conditions as the Minister thinks fit.

(6) A statutory manager shall, during the term of appointment, keep the Minister informed on all matters relating to the private university under the statutory manager's management and control.

(7) Any expenses connected with the appointment of a statutory manager and the management of a private university by the statutory manager shall be a charge on the revenues of the university to which the statutory manager is appointed.

41. (1) The general functions of a private university shall be to—
 (a) provide university education, promote research and advancement of learning; and
 (b) disseminate knowledge and to hold out to all persons, without discrimination, the opportunity of acquiring university education.

Functions of private university

(2) For the purpose of carrying out the functions referred to under this section, a private university shall—

- (a) provide facilities appropriate to a university of the highest standing for the pursuit of learning and research; and
- (b) make those facilities available on proper terms to such persons as are equipped to benefit from the use of the facilities.

42. (1) A private university shall issue statutes to govern its administration.

Statutes

(2) A private university may amend or vary its statutes.

(3) Copies of statutes issued or varied under this section shall be lodged with the Minister within sixty days of issue or variation.

43. A private university shall have power to—

- (a) confer such degrees as may be specified in its statutes;
- (b) award diplomas and certificates and such other academic distinctions as may be specified in its statutes; and
- (c) provide such lectures and instructions for persons who are not students of the university as the university may determine and to grant certificates to such persons.

Power to confer degrees, etc.

44. A private university may grant honorary degrees in accordance with its statutes.

Power to confer honorary degrees

45. All examinations held by a private university shall be conducted in such manner as the statutes and any rules made thereunder may prescribe:

Examinations

Provided that for degree examinations, and other qualifying examinations, at least one external examiner shall be appointed for each subject or group of subjects forming part of a course of studies required.

Fees **46.** The proprietor of a private university may charge such fees as may be prescribed in its statutes.

PART IV

GENERAL PROVISIONS

Powers of Minister **47.** (1) The Minister shall convey to a Council of a public university or a proprietor of a private university general or particular Government policies relating to education in Zambia.

(2) The Council or proprietor shall keep the Minister fully informed on matters of public interest concerning the university and shall furnish the Minister with such information as the Minister may request on any particular matter concerning the university.

(3) Where in the opinion of the Minister, it is necessary to do so, the Minister may take such steps as the Minister considers to be in the best interests of the university.

Offences and penalties **48.** (1) A person, other than a public university or a proprietor of a private university registered under this Act, shall not—

(a) in any manner hold out to another person that that person can offer a course of study or part of such course of study which will entitle a person upon successful completion of the course of study to obtain a degree, diploma or certificate that will be recognised by persons in the industry or field to which the degree, diploma or certificate relates;

(b) confer any degree or award any diploma or certificate purporting to be a degree, diploma or certificate conferred by a public or private university registered under this Act;

(c) without a certificate of registration, establish or operate any institution or organisation as a private university or use the title " university "; or

(d) do anything likely to lead people to infer that the institution or organisation that the person represents is a public or private university registered under this Act.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding one hundred and twelve thousand penalty units or to imprisonment for period not exceeding three years, or to both.

(3) A person who contravenes any provision of this Act for which no penalty is provided shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding thirty thousand penalty units or to imprisonment for a period not exceeding three years, or to both.

49. The Minister may, by statutory instrument, prescribe anything which may be prescribed under this Act and in respect of which no other prescribing authority is specified, and may in like manner make regulations for the better carrying out of the provisions of this Act.

Regulations

50. (1) Nothing in this Act shall affect any right, privilege, obligation or liability acquired or incurred by the Councils of the University of Zambia and the Copperbelt University established under the repealed Act, with respect to the University of Zambia and the Copperbelt University, respectively, prior to the commencement of this Act or render defective any legal proceedings then instituted by or against the Council, with respect to the University of Zambia or the Copperbelt University, and any such legal proceedings may be continued by or against the appropriate Council established under this Act after the commencement of this Act.

Savings and transitional provisions

Cap. 136

(2) Nothing in this Act shall affect any resolution, instrument, notice, appointment, act or deed effected or approved by the Senate of the University of Zambia with respect to the University of Zambia or by the Senate of the Copperbelt University with respect to the Copperbelt University established under the repealed Act.

Cap. 136

(3) Nothing in this Act shall affect any decision of, or instrument, notice, appointment, act or deed effected by the Vice-Chancellor or approved by the Vice-Chancellor whether or not on behalf of the Council or Senate with respect to the University of Zambia or the Copperbelt University established under the repealed Act prior to the commencement of this Act.

(4) The members of the Council appointed under the repealed Act shall cease to hold office on the appointed date.

(5) The Senate appointed under the repealed Act will continue in office until the expiration of its term.

(6) Notwithstanding section *fifty-one*, the employees of the University of Zambia and the Copperbelt University shall on the appointed date continue to be employees of the University of Zambia and the Copperbelt University respectively in accordance with this Act.

(7) The service of the employees referred to in subsection (6) shall for the purpose of pension, gratuity or other benefits be treated as continuous service.

51. The University Act, 1992, is hereby repealed.

Repeal of Act No. 26 of 1992

FIRST SCHEDULE

PART I

(Sections 16 and 22)

ADMINISTRATION OF COUNCIL

Seal of
Council

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

(2) The affixing of the seal shall be authenticated by the Chairperson or the Vice-Chairperson and the Secretary or one other person authorised in that behalf by a resolution of the Council.

(3) Any document 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 Secretary or any other person generally or specifically authorised by the Council in that behalf.

(4) Any 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 without further proof, unless the contrary is proved.

Composition
of Council

2. (1) A Council shall consist of members appointed by the Minister as follows:

(a) the Vice-Chancellor who shall be an ex-officio member;

(b) the Deputy Vice-Chancellor who shall be an ex-officio member;

(c) one member from the local government authority in whose area the public university is located and who shall be nominated by the local government authority;

(d) two members of the academic staff of the university who shall be members of Senate and who shall be nominated by Senate;

(e) one member who shall be associated with universities outside the Republic;

(f) one member who shall be associated with other universities within the Republic;

(g) one member who shall be a student of the university and who shall be nominated by the students of the university, in accordance with such election procedure as the students' union may determine;

- (h) one person who shall be a member of the non-academic staff of the university and who shall be nominated by the non-academic staff of the university, in accordance with such election procedure as the non-academic staff may determine;
- (i) one member of the academic staff of the university, elected by the academic staff of the university, in accordance with such election procedure as the academic staff may determine;
- (j) one member who shall be a graduate of the university and who shall be nominated by the graduates of the university in accordance with such election procedure as the graduates may determine;
- (k) three members representing trade, commerce and the professions not being employees or students of the university, public servants or members of Parliament and who shall be nominated by a recognised business or professional association or organisation in accordance with such procedure as the business or professional association may determine;
- (l) one member of the National Assembly nominated by the Speaker; and
- (m) one Permanent Secretary each from the ministries responsible for education and finance.
- (2) A Council may exercise its powers notwithstanding any vacancy in its membership.
- (3) The Chairperson and Vice-Chairperson shall be elected by the Council from among its members, who are not civil servants, ex-officio, staff or student members of the Council.
- (4) The Chairperson and the Vice-Chairperson shall hold office for a period of three years and shall be eligible for re-election for a further term of three years.
- (5) The Registrar of the University shall be the Secretary of the Council.

3. Subject to the other provisions of this Act, a member of the Council shall hold office for a period of three years but shall be eligible for re-appointment.

Tenure of office of Council member

4. Notwithstanding paragraph *three*, the office of member of a Council shall become vacant—

Removal of member, Chairperson or Vice-Chairperson

(a) upon a member's death;

(b) on ceasing to be a representative of the particular office or body by virtue of which the person became a member;

- (c) if the member is absent without reasonable cause from three consecutive meetings of the Council of which the member has had notice;
- (d) if the member is adjudged or otherwise declared to be of unsound mind;
- (e) if the member is adjudged or otherwise declared bankrupt;
- (f) if the member is lawfully detained or the member's freedom of movement is restricted under any law in force in Zambia;
- (g) if the member is sentenced to imprisonment for a term exceeding six months; or
- (h) at the expiry of the period for which the member was appointed or re-appointed.

(2) Notwithstanding paragraph *three*, the Minister may at any time, remove a person from office if the Minister is satisfied that the continuance of that person in office shall be prejudicial to the interest of the university.

(3) A member of a Council may at any time resign from office by giving notice in writing to the Minister.

Filling of
casual
vacancy

5. (1) Whenever the office of a member of the Council becomes vacant before the expiry of the term of office the Minister may appoint another person to be a member and such a person shall hold office only for the unexpired term of office of the member vacating the office.

(2) Where a Chairperson or Vice-Chairperson resigns from office under sub-paragraph (3) of paragraph *four* the members of the Council shall elect a Chairperson or Vice-Chairperson under sub-paragraph (6) of paragraph *two*.

Proceedings
of Council

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

(2) A Council shall meet for the transaction of business, at least once in every three months at such places and times as the Chairperson may decide.

(3) Upon giving notice of not less than twenty-one 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:

Provided that if the urgency of any particular matter does not permit the giving of such notice, a special meeting may be called upon giving a shorter notice.

(4) The quorum at any meeting of the Council shall be eleven members, six members of whom shall be members appointed from outside the university community:

Provided that no Council business shall be transacted where the number of members present is below nine members.

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

(a) the Chairperson;

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

(c) in the absence of the Chairperson and the Vice-Chairperson, such member as the members present may, subject to sub-paragraph (3) of paragraph 2, elect from amongst themselves for the purpose of that meeting.

(6) A decision of the Council on any question shall be by a 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 a casting vote in addition to the deliberative vote.

(7) Except for the Council members who are Permanent Secretaries, no member shall nominate another person to attend a Council meeting in that member's stead.

(8) A Council may invite any person whose presence is in its opinion desirable to attend and to participate in the deliberations of a meeting of the Council but such person shall have no vote.

(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 by any defect in the appointment of any member or by reason that any person not entitled so to do, took part in the proceedings.

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

7. (1) The Council may, for the purpose of performing its functions under this Act, constitute any committee and may delegate to any such committee such of its functions as it thinks fit.

Committees
of Council

(2) The Council may appoint as members of a committee constituted under sub-paragraph (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:

Provided that at least half of the members of a committee shall be members of the Council.

(3) The Chairperson of a committee shall be a member of the Council.

(4) The quorum at any meeting of a committee shall be half the members.

Remuneration and allowances of members

8. There shall be paid to members of the Council or any committee of the Council such remuneration and allowances as the Council may, with the approval of the Minister, determine.

Disclosure of interest

9. (1) If a member is present at a meeting of the Council or any committee of the Council at which any matter in which the member or the member's spouse is directly or indirectly interested in a private capacity, is the subject of consideration, the member shall, as soon as practicable after the commencement of the meeting, disclose such 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.

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

Immunity of members

10. No action or other proceedings shall lie or be instituted against any member or any member of the committee for, or in respect of, any act or thing done or omitted to be done in good faith in the exercise or purported exercise of the member's functions under this Act.

Prohibition of publication or disclosure of information to unauthorised persons

11. (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 duties of that person, the contents of any document, communication or information whatsoever, which relates to, and which has come to the knowledge of that person in the course of the person's duties under this Act.

(2) Any person who contravenes the provisions of sub-paragraph (1) shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding thirty thousand penalty units or to imprisonment for a term not exceeding three years, or to both.

(3) If any person, having any information which to the knowledge of that person has been published or disclosed in contravention of sub-paragraph (1), unlawfully publishes or communicates any such information to any other person, the person shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding thirty thousand penalty units or to imprisonment for a term not exceeding three years, or to both.

PART II

FINANCIAL PROVISIONS

12. (1) The funds of the Council shall consist of such monies as may— Funds of Council

- (a) be appropriated by Parliament for the purposes of the Council;
- (b) be paid to the Council by way of fees, subscriptions, contributions, grants or donations; and
- (c) otherwise vest in or accrue to the Council.

(2) The Council may accept monies by way of grant or donations from any source in Zambia and, with the approval of the Minister, from any source outside Zambia:

Provided that the Council shall not be obliged to accept a grant or donation for a particular purpose unless it approves of the purpose and the conditions, if any, attaching to it.

(3) A Council may borrow by way of loan or otherwise such sums as it may require for meeting its obligations and discharging its functions under this Act:

Provided that when such borrowing is to be made from sources outside the Republic the consent of the minister responsible for finance in consultation with the Minister, shall be obtained.

(4) There shall be paid from the funds of the Council—

- (a) monies necessary for the performance of its functions under this Act;
- (b) the salaries and allowances and loans of the staff of the Council;
- (c) such reasonable travelling and subsistence allowances for members or members of any committee of the Council when engaged in the business of the Council, at such rates as the Council may, with the approval of the Minister, determine; and
- (d) any other expenses incurred by the Council in the performance of its functions.

(5) Any person who misuses the funds of the Council shall be liable to surcharge.

13. The Council may, with the approval of the Minister, invest in such manner as it may determine any of its funds which it does not immediately require for the performance of its functions. Investment of funds

14. (1) A Council shall, in respect of every financial year, prepare or cause to be prepared estimates of the income and expenditure of the Council and shall submit such estimates to the Minister at least four months before the commencement of the financial year for scrutiny and consolidation into the Ministry's estimates, before submission to the Ministry responsible for finance for approval. Estimates

(2) A Council may furnish, to such bodies as the Council may determine, copies of the estimates.

Financial
year

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

Accounts
and audit

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

(2) The accounts of the Council shall be audited, annually or whenever necessary, by the Auditor-General or such independent auditors as may be appointed by the Auditor-General.

Annual
report

17. (1) As soon as practicable but not later than six months after the expiry of each financial year the Council shall submit to the Minister a report concerning its activities during such financial year.

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

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

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

PART III

SENATE

Composi-
tion of
Senate

18. (1) A Senate shall consist of—

- (a) the Vice-Chancellor;
- (b) the Deputy Vice-Chancellor;
- (c) The Deans of schools within the university;
- (d) not more than fourteen professors and associate professors who are not members of the Senate by virtue of other provisions of this paragraph and which number shall include at least one professor or associate professor from each school elected by the academic staff in accordance with such election procedures as the Senate may decide:

- (e) the Librarian;
- (f) the Directors of the centres, institutes, bureaux or other similar bodies of the university;
- (g) the Dean of Students;
- (h) not more than fourteen members of the non-professional academic staff of the university and which number shall include one person from each academic unit, elected by the academic staff in accordance with such election procedure as they may determine;
- (i) two students of the university who shall be elected by the students of the university in accordance with such election procedure as the students' union may determine;
- (j) four persons appointed by the Vice-Chancellor who shall be persons resident in the Republic and not employed on the academic, administrative or other staff of the university and who are capable of contributing to the academic development and life of the university.

(2) The Vice-Chancellor shall be the Chairperson of the Senate and shall preside at all meetings of the Senate and, in the absence of the Vice-Chancellor, the Deputy Vice-Chancellor shall preside.

(3) In the absence of both the Vice-Chancellor and the Deputy Vice-Chancellor from any meeting of the Senate, the members present may elect one of their member to preside.

(4) The Registrar of the University shall be the Secretary of the Senate.

19. Subject to the other provisions of this Act, appointed and elected members of the Senate shall hold office for a period of three years from the date of appointment or election but shall be eligible for re-appointment or re-election.

Tenure of office

20. (1) Senate shall meet for the conduct of its business at such times and places as the Senate may determine or, as the Vice-Chancellor may require, but not less than three times during an academic year.

Meetings of Senate

(2) The quorum at any meeting of the Senate shall be one half of the members.

(3) The quorum at any meeting of a committee of Senate shall be one half of the members of that committee.

Delegation
of powers
and
functions

21. The Senate may delegate to any school, Board of Studies or committee such of its powers and functions as it may consider appropriate.

Board of
Studies

22. (1) The Senate shall establish Boards of Studies for the purpose of organising the structure and content of courses of instruction and study in the respective disciplines and the co-ordination of studies within such schools, institutes or bureaux or similar body as may be established within the university.

(2) A Board of Studies established under sub-paragraph (1) shall be composed of such numbers of the academic staff and students of each school, institute, bureau or similar body and other qualified persons as the Senate may decide.

(3) The Dean of a school or the Director of an institute or bureau or similar body of a university shall be the Chairperson of the Board of Studies for that school, institute, bureau or similar body.

Deans of
Schools and
Directors

23. (1) A Dean of a School and a Director of an Institute, Bureau or similar body shall be appointed by the Council from among senior members of the academic staff of a School, Institute, Bureau or similar body concerned after an election by the academic staff in accordance with such election procedure as they may determine:

Provided that in the case of a School, Institute, Bureau or similar body in the process of being established, the Vice Chancellor shall appoint the Dean or Director to hold office for a period of one year but at the expiration of that period the academic staff shall hold elections and be appointed as provided under this section.

(2) Subject to sub-paragraphs (1) and (3), the tenure of office of a Dean of school or Director of an institute, bureau or similar body, shall be for a period of three years but the Dean of school or Director shall be eligible, for re-appointment:

Provided that a person shall not hold office for a continuous period of more than six years.

(3) The appropriate Board of Studies may, by a two-thirds majority petition the Council for the removal of the Dean of a school or the Director of an institute, bureau or a similar body.

(4) The Vice-Chancellor may recommend to the Council for the removal of a Dean of a school or Director of an institute, from office for incompetence or misconduct or on medical ground.

(5) A Dean of school or Director of an institute, bureau or similar body shall exercise general superintendence over the academic, administrative and financial affairs of a school, institute, bureau or similar body and in particular, shall be responsible for promotion and maintenance of effective teaching, research, consultancies and services.

24. (1) The Vice-Chancellor shall, in consultation with the Dean of a school or Director of an institute, bureau or similar body concerned, appoint Heads of Department from among the senior academic members within each department.

Heads of
Department

(2) A Head of department shall co-ordinate the academic and administrative affairs of the department and shall be responsible for the promotion and maintenance of efficient teaching, research and consultancy services under the direction of the Dean.

(3) A Head of department shall be appointed for a two-year period and may be eligible for re-appointment.

(4) The Dean of a school or Director of an institute, bureau or similar body concerned shall recommend to the Vice-Chancellor the removal of a Head of department.

SECOND SCHEDULE

(Section 20)

TRANSFER OF PROPERTY

1. Every agreement to which the old Council was a party immediately before the commencement of this Act, whether in writing or not and whether or not of such nature that the rights, liabilities and obligations thereunder would be assigned by the old Council, shall unless its term or subject matter make it impossible that it should have effect as modified in the manner provided by this paragraph have effect from the commencement of this Act, so far as it relates to property transferred by this Act to the appropriate Council as if—

(a) the Council has been a party to the agreement; and

(b) for any reference, however, worded and whether express or implied, to the old Council were substituted, as respects anything falling to be done on or after the commencement of this Act, a reference to the appropriate Council.

2. Other documents which refer whether generally or specifically, to the old Council shall be constructed in accordance with paragraph *one* so far as applicable.

3. Any contract entered into before the date of establishment of the appropriate Council on behalf of the old Council by any person duly authorised in that behalf shall have effect as if the Council had been in existence at the date of the contract and had at all times been a party thereto in place of such person and on any question whether such person was a duly authorised person the certificate of the Minister shall be conclusive.

4. Any deed executed before the date of establishment of the appropriate Council conferring any benefit upon the old Council shall, subject to this Act, have effect as if the Council had been entitled thereunder to receive such benefits and reference in any such deed to the old Council shall be deemed to be reference to the Council.

5. Without prejudice to the generality of the foregoing provisions of this Schedule, where, by operation of law or this Act, any right, liability or obligation vests in the Council, the Council and all other persons shall as from the commencement of this Act, have the same rights, powers and remedies and, in particular, the same rights as the taking or resisting of legal proceedings or the making or resisting of legal applications to any authority for ascertaining perfecting or enforcing that right, liability or obligation of the Council.

6. Any legal proceedings or applications to any authority pending before the commencement of this Act by or against the old Council and relating to property transferred by this Act to the Council, may be continued on or after that day by or against the appropriate Council.

7. Where property transferred hereunder is situated beyond the jurisdiction of this Act, then subject to such formalities as the *lex situ* shall require and the Council shall comply with, these provisions shall, without further assurance, be proof of such transfer to the Council by the old Council or to the owners, as the case may be.