

Zambia

## Education Act, 1966

### Chapter 134

Legislation as at 16 September 2003

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# Education Act, 1966

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# Zambia

## Education Act, 1966

### Chapter 134

Commenced on 2 September 1966

*[This is the version of this document from 16 September 2003.]*

*[Amended by [Education \(Amendment\) Act, 2003 \(Act 11 of 2003\)](#) on 16 September 2003]*

*[Repealed by [Education Act, 2011 \(Act 23 of 2011\)](#) on 18 April 2011]*

*[28 of 1966; 48 of 1970; 56 of 1970; 40 of 1972; 31 of 1973; 13 of 1994]*

An Act to provide for the establishment and operation of a National Council of Education for the Republic and of Regional and Local Councils of Education; to provide for the promotion, development and control of schools, educational institutions and services; to provide for the transfer to the Board of Governors of the Northern Technical College of certain properties, moneys and assets presently vested in the trustee of the charitable foundation known as the Copperbelt Technical Foundation; and to provide for matters incidental to or connected with the foregoing.

## Part I – Preliminary

### 1. Short title

This Act may be cited as the Education Act.

### 2. Interpretation

In this Act, unless the context otherwise requires—

"**aided school**" means a school (not being a Government school or private school or an educational institution for which a board of governors is established) which is established or maintained with the assistance of a grant or loan made by the Minister;

"**board of governors**" means a board of governors established by or under this Act for an educational institution;

"**Government school**" means a school directly administered and controlled by the Ministry and includes a school, educational institution or class established and maintained by the Minister under this Act;

"**Local Council**" means a Local Council of Education established under this Act for an area within a region;

"**Ministry**" means the Ministry of Education;

"**National Council**" means the National Council of Education for the Republic established by this Act;

"**parent**", in relation to a pupil, includes the guardian of such pupil;

"**private school**" means a school in respect of which no financial assistance is provided by the Minister or in respect of which the only financial assistance provided by the Minister is a grant calculated at an annual rate not exceeding—

- (a) forty kwacha for each pupil for whom secondary education is provided at the school; and
- (b) twenty kwacha for each pupil for whom primary education is provided at the school;

"**Regional Council**" means a Regional Council of Education established by this Act for a region;

"**region**" means one of the regions into which the Republic is divided by this Act for the purposes of educational administration;

"**registered**", in relation to a private school, means registered under this Act;

"**school**" includes any institution or class of not less than ten persons at which regular instruction is provided or from which regular instruction emanates, whether by correspondence or otherwise.

*[As amended by No. 40 of 1972]*

### 3. Application

- (1) This Act shall not apply to—
  - (a) the University of Zambia, the Copperbelt University; or
  - (b) any school which is established, administered, controlled, licensed or supervised—
    - (i) under the provisions of any other written law; or
    - (ii) by any department of the Government other than the Ministry; or
  - (c) any school at which no instruction is provided and from which no instruction emanates, other than instruction of a religious, social or recreational nature.
- (2) The Minister may, by statutory order, exempt from this Act any school to which any of the provisions of this Act would otherwise apply; and any such exemption may be made subject to such conditions and restrictions, if any, as may be specified in the order.

### 4. Functions of Minister

- (1) It shall be the duty of the Minister, subject to the provisions of this Act, to promote the education of the people of Zambia and the progressive development of institutions devoted to that purpose and to secure the provision of a varied and comprehensive educational service throughout the Republic.
- (2) In the exercise and performance of all powers and duties conferred and imposed on him by this Act, the Minister shall have regard to the general principle that, so far as is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure, pupils are to be educated in accordance with the wishes of their parents.

### 5. Educational regions

For purposes of educational administration, the Republic shall be divided into the following regions:

- (a) the Western Region, which shall comprise the Western Province;
- (b) the Northern Region, which shall comprise the Northern Province;
- (c) the Eastern Region, which shall comprise the Eastern Province;
- (d) the Copperbelt Region, which shall comprise the Copperbelt Province;
- (e) the Kabwe Region, which shall comprise the following Districts, that is to say, the Chibombo District, the Kabwe District, the Mkushi District, the Mumbwa District, the Serenje District and the Kapirimposhi District;
- (f) the Lusaka Region, which shall comprise the following Districts, that is to say, the Lusaka District, the Feira District, the Kafue Districts and the Chongwe District;
- (g) the Southern Region, which shall comprise the Southern Province;
- (h) the North-Western Region, which shall comprise the North-Western Province;
- (i) the Luapula Region, which shall comprise the Luapula Province.

## 6. Chief Education Officers

There shall be a public officer styled the Chief Education Officer for each region, who shall discharge such functions relating to education in that region as may be conferred or imposed upon him by regulations made under this Act or as may be assigned to him by the Minister.

## Part II – National, Regional and Local Councils of Education

### 7. National Council of Education

- (1) There shall be a National Council of Education for the Republic, the functions of which shall be to advise the Minister upon such matters appertaining to education in the Republic as it may think fit and upon any questions referred to it by the Minister.
- (2) The members of the National Council shall be appointed by the Minister and the Minister shall appoint a member of the National Council to be Chairman thereof and shall appoint an officer of the Ministry to be secretary thereto.
- (3) The National Council shall include persons who are officers of the Ministry and persons representing the University of Zambia, Regional Councils, Local Councils, boards of governors, proprietors of aided and private schools and recognised associations representing teachers.

### 8. Regional Councils of Education

- (1) There shall be a Regional Council of Education for each region, the functions of which shall be to advise the Minister upon such matters appertaining to education in its region as it may think fit and upon any questions referred to it by the Minister.
- (2) The members of each Regional Council shall be appointed by the Minister and the Minister shall appoint a member of each Regional Council to be the Chairman thereof and shall appoint an officer of the Ministry to be secretary thereto.
- (3) Each Regional Council shall include the Chief Education Officer for the region concerned and persons representing Local Councils within the region concerned, proprietors of aided and private schools within the region concerned and recognised associations representing teachers.

### 9. Local Councils of Education

- (1) The Minister may, by statutory order, establish a Local Council of Education for any area within a region, the functions of which shall be to advise the Minister upon such matters appertaining to education in its area as it may think fit and upon any questions referred to it by the Minister.
- (2) The members of each Local Council shall be appointed by the Minister and the Minister shall appoint a member of each Local Council to be the Chairman thereof and shall appoint an officer of the Ministry to be secretary thereto.
- (3) Each Local Council shall include persons who are councillors of any municipal, township or District council established under the Local Government Act for the area or any part of the area of the Local Council.

*[Cap. 281]*

- (4) The Minister may, by statutory order, abolish any Local Council.

### 10. Constitution and procedure of National, Regional and Local Councils of Education

- (1) The Minister may, by statutory instrument, make regulations providing for—
  - (a) the composition of the National Council and of the Regional Councils and Local Councils;

- (b) the period for which members of the National Council and of the Regional Councils and Local Councils shall hold office and the vacation of office by such members;
  - (c) the holding of meetings of the National Council and of the Regional Councils and Local Councils, the quorum and procedure at such meetings and the keeping of minutes of the proceedings at such meetings;
  - (d) the payment of allowances to members of the National Council and of the Regional Councils and Local Councils.
- (2) Regulations under this section may make different provision with respect to different councils or different members of a council.

### **Part III – Government and aided schools**

#### **11. Establishment, maintenance and closure of Government schools and hostels**

- (1) The Minister may establish and maintain such schools, educational institutions and classes as he may deem necessary or desirable for the purpose of providing—
- (a) primary and secondary education;
  - (b) *[Repealed by No. 56 of 1970]*
  - (c) training for teachers; and
  - (d) further education;
- and may establish and maintain hostels for the benefit of pupils in attendance thereat.
- (2) The Minister may, whenever he considers it necessary or expedient to do so, close or change the site of any Government school or hostel.

*[As amended by No. 56 of 1970]*

#### **12. Regulations governing Government and aided schools and hostels**

- (1) The Minister may, by statutory instrument, make regulations—
- (a) prescribing and regulating the conditions of the enrolment of persons as pupils at Government and aided schools and of the admission of pupils to hostels established for the benefit of such pupils, including the fees and charges, if any, to be paid;
  - (b) prescribing and regulating the school calendar to be observed at Government and aided schools, the subjects of instruction to be provided, the syllabus to be followed in respect of such subjects, the conduct of examinations and the fees, if any, payable in respect of examinations;
  - (c) *[paragraph (c) deleted by section 2(a) of [Act 11 of 2003](#)]*
  - (c) prescribing and regulating the conditions of the suspension, expulsion or exclusion of pupils from Government and aided schools and hostels, on grounds of age or discipline;  
*[paragraph (c), previously paragraph (d), renumbered by section 2(b) of [Act 11 of 2003](#)]*
  - (d) providing for the transfer of pupils between different Government and aided schools and hostels;  
*[paragraph (d), previously paragraph (e), renumbered by section 2(b) of [Act 11 of 2003](#)]*



- (e) regulating the establishment and maintenance of aided schools and hostels and, in particular—
    - (i) controlling the persons or bodies of persons who may be proprietors of such schools and hostels;
    - (ii) controlling the appointment of the persons or bodies of persons responsible for the management of such schools and hostels;
    - (iii) controlling the appointment of the teaching staff at such schools;
    - (iv) providing for the closure of such schools and hostels.
- [paragraph (e), previously paragraph (f), renumbered by section 2(b) of [Act 11 of 2003](#)]*
- (2) Regulations under this section may make different provision with respect to different Government schools and aided schools and different hostels.

## Part IV – Registration of private schools

*[No. 40 of 1972]*

### 13. Registration and renewal of registration

Registration and renewal of registration of a private school shall be in accordance with the provisions of this Part.

### 14. Registration

- (1) Any person desirous of establishing a private school shall first make an application for the registration thereof to the Minister in accordance with the provisions of this Part.
- (2) For the purposes of this Act, the establishment of a private school shall be deemed to include—
  - (a) the provision of any additional class, standard, form or course in any private school, whether or not such class, standard, form or course is parallel to any existing class, standard, form or course in the private school;
  - (b) the reopening of any private school which has remained closed for a consecutive period of six months or more;
  - (c) the transfer of ownership or management of any private school, whether such transfer takes effect by way of partnership or otherwise;
  - (d) the transfer of a private school to a new site; and
  - (e) the alteration of any qualification for admission to a private school.
- (3) An application for registration of a private school shall state such particulars as may be prescribed.
- (4) If, in regard to a private school for which an application has been made, the Minister is satisfied—
  - (a) that the school is necessary to meet the educational requirements of the area in which it is or is proposed to be situated; and
  - (b) that the premises of the school, including any hostel or other buildings to be used in connection with the instruction or accommodation of the pupils attending, are or will be suitable and adequate for the purpose; and
  - (c) that adequate financial provision has been or will be made for the maintenance of the school; and

- (d) that the proprietor of the school is a fit and proper person or body of persons to be the proprietor; and
- (e) that a fit and proper person or body of persons will be responsible for the management of the school; and
- (f) that efficient and suitable instruction of a nature or level approved by the Minister will be provided at the school in accordance with a syllabus approved by the Minister; and
- (g) that the teaching staff to be employed at the school will be sufficiently qualified for the purpose; and
- (h) that proper compliance will be made with the provisions of this Act applicable to the school;

he shall cause the private school to be registered for a period not exceeding one year:

Provided that no registration shall continue to be in force beyond the 31st December in the year for which the application for registration is approved.

- (5) If, with respect to an application for registration of a private school, the Minister is not satisfied as to any of the matters referred to in subsection (4), the Minister shall notify the proprietor of the private school in writing—
  - (a) that the application is rejected; or
  - (b) that the Minister proposes to grant the application after the proprietor has, within such period as the Minister may specify, complied to the satisfaction of the Minister with such requirements regarding any matter referred to in subsection (4) as the Minister may specify.
- (6) If the proprietor of a private school, who is notified under paragraph (b) of subsection (5) that the Minister proposes to grant his application subject to compliance with any matter specified in the notice, fails, in the opinion of the Minister, to comply therewith within the specified period, the Minister shall reject the application and shall notify the proprietor in writing accordingly.
- (7) Every application for the renewal of registration of a private school shall be made in a prescribed form on or before the 31st October in the year preceding the year for which renewal of registration is applied for and the provisions of this section shall apply *mutatis mutandis* to such application.
- (8) No private school shall operate before it is registered or beyond the period for which its registration or renewal of registration has been granted.

## 15. Register

- (1) The Minister shall keep a register of private schools which shall contain such particulars as may be prescribed.
- (2) On registration a certificate of registration shall be issued which shall contain such particulars as may be prescribed.
- (3) A private school shall be deemed to be registered on the day on which a certificate of registration is issued to it

## 16. Cancellation of registration of private schools

- (1) Where, in the opinion of the Minister, a private school registered under this Part—
  - (a) ceases to comply with any of the matters in respect of which the Minister is required to be satisfied under subsection (4) of section fourteen for the purpose of registration; or
  - (b) is being conducted in a manner detrimental to the interests of peace, order or good government or to the physical, mental or moral welfare of the persons receiving instruction thereat; or

- (c) has persisted in adopting a different nomenclature from that in which it is for the time being registered; or
  - (d) has remained closed for a consecutive period of six months or more;
- the Minister shall notify the proprietor in writing—
- (i) that the registration of the private school shall be cancelled from such date as the Minister may specify; or
  - (ii) that the Minister proposes to cancel the registration of the private school unless, within a period fixed by the Minister, the proprietor complies to the satisfaction of the Minister with such requirements regarding any of the matters referred to in this subsection as the Minister may specify.
- (2) If the proprietor of a private school, upon whom a notice under this section has been served, fails, within the period fixed by the Minister, to comply to the satisfaction of the Minister with the requirements specified by the Minister, the Minister shall cancel the registration of the private school and notify the proprietor in writing accordingly.

## 17. Minister's determination to be final

The determination of the Minister upon any matter under this Part shall be final and shall not be called in question in any court of law.

## 18. Offences

Any person who conducts a private school—

- (a) which is not registered; or
- (b) for which the registration has lapsed; or
- (c) in respect of which the proprietor has been notified in writing that the registration of the private school has been cancelled;

shall be guilty of an offence and liable on conviction to a fine not exceeding seventy five thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

*[As amended by Act [No. 13 of 1994](#)]*

## 18A. Publication of list of registered private schools

The Minister shall at convenient intervals, but not less than once in every year, cause to be published in the *Gazette* a list of all private schools registered under this Part.

*[As amended by Act [No. 31 of 1973](#)]*

## 18B. Saving of registration of private schools

Notwithstanding the foregoing provisions of this Part, the Minister shall cause to be registered under this Part, for the period expiring on the 31st December, 1973, any private school which, immediately prior to the \* commencement of Act [No. 40 of 1972](#) was registered as a private school under this Act and until so registered such private school shall be deemed to be registered as a private school under this Part:

\*29th December, 1972.

Provided that nothing in this section shall prevent the Minister from exercising his powers under section fourteen or sixteen in relation to any private school.

*[As amended by Act [No. 31 of 1973](#)]*

## 18C. Regulations

- (1) The Minister may, by statutory instrument, make regulations—
  - (a) prescribing the manner and form in which applications for the registration and renewal of registration of a private school shall be made, and the information and documents to be submitted in support of such applications;
  - (b) requiring the keeping of records relating to private schools and the furnishing of information and the making of returns in respect of matters relating to such schools;
  - (c) prescribing the fees payable for the registration or renewal of registration of private schools;
  - (d) prescribing such matters as may be prescribed under this Part or which are necessary or convenient to be prescribed for the better carrying out of the provisions of this Part.
- (2) Regulations made under this section may make different provision with respect to different private schools or different classifications of private schools

*[As amended by Act [No. 31 of 1973](#)]*

## Part V – Boards of governors

### 19. Establishment and incorporation of boards

- (1) *[Repealed by No. 56 of 1970]*
- (2) The Minister may, by statutory order, establish a board of governors for any educational institution owned by the Government, and any such board shall be styled by such name as may be assigned thereto by the order.
- (3) The members of a board of governors shall be appointed by the Minister, and the Minister shall appoint a member of each board to be the chairman thereof.
- (4) Every board of governors shall be a body corporate, having perpetual succession and a common seal and shall be capable of suing and being sued and, subject to the provisions of this Act, of performing all such acts as bodies corporate may by law perform.

*[As amended by No. 56 of 1970]*

### 20. Functions of boards

- (1) It shall be the function of a board of governors, subject to the provisions of this Act—
  - (a) to provide education and educational facilities of such a nature as the Minister may determine;
  - (b) to administer, maintain and control the educational institution for which it is established;
  - (c) to establish, administer, maintain and control hostels for the benefit of pupils for whom education or educational facilities are provided.
- (2) Subject to the provisions of this Act, a board of governors shall have power for the purposes of discharging its functions—
  - (a) to purchase or otherwise acquire, hold and alienate real and personal property;
  - (b) to borrow such sums of money as it may require, by mortgage or otherwise, and to enter into contracts;
  - (c) to employ persons in such offices in its service as the Minister may determine on such terms and conditions as the Minister may approve;

- (d) with the approval of the Minister, to enter into arrangements for the secondment to offices in its service of public officers and other persons;
  - (e) to regulate the conditions of the enrolment of persons as pupils at the educational institution for which it is established and of the admission of pupils to hostels controlled by the board, including the fees and charges, if any, to be paid to the board;
  - (f) to regulate the calendar to be observed at the educational institution for which it is established, the subjects of instruction to be provided, the syllabus to be followed in respect of such subjects, the conduct of examinations and the fees, if any, payable to the board in respect of examinations;
  - (g) to regulate the conditions of the suspension, expulsion or exclusion of pupils enrolled at the educational institution for which it is established or admitted to hostels controlled by the board;
  - (h) generally, to do all such things as are necessary or desirable for the aforesaid purposes.
- (3) The Minister may give to a board of governors such general or special directions with respect to the exercise of the powers of the board as the Minister may consider necessary and the board shall comply with those directions.

## 21. Funds of boards

- (1) The funds of a board of governors shall consist of—
- (a) all fees and charges imposed by the board and payable to the board under the provisions of this Act;
  - (b) such moneys as may be payable to the board by way of grants and loans made by the Minister under the provisions of this Act;
  - (c) interest on moneys invested by the board; and
  - (d) such other moneys as may vest in or accrue to the board for the purposes of the board, whether by way of gifts or endowments or otherwise.
- (2) There shall be paid from the funds of a board of governors—
- (a) the allowances payable to the members of the board under this Act;
  - (b) the expenses incurred by the board in the discharge of its functions, including any salaries, allowances and gratuities payable by the board to persons employed in or seconded to offices in the service of the board.

## 22. Accounts and audit

- (1) The financial year of a board of governors shall be the period of twelve months ending on the 30th June in each year:
- Provided that the first financial year of a board of governors established under subsection (2) of section nineteen shall be the period extending from the date on which the board is established until the 30th June next.
- (2) A board of governors shall cause proper accounts to be kept of its income and expenditure and of its assets and liabilities.
- (3) The accounts of a board of governors for each financial year of the board shall be audited by the auditor appointed by the board with the approval of the Minister and the auditor so appointed shall have access to all books and records relating to the accounts of the board.

- (4) The auditor to a board of governors shall, not later than four months after the end of each financial year of the board, submit a report on the accounts of the board for that financial year to the board and the board shall cause a copy of such report to be furnished to the Minister.
- (5) The Minister shall lay a copy of the report of the auditor to a board of governors before the National Assembly within thirty days after it has been furnished to him or, if the National Assembly is not then sitting, within seven days of the commencement of its next sitting.

## **23. Regulations**

- (1) The Minister may, by statutory instrument, make regulations providing for—
  - (a) the device, custody and use of the common seal of a board of governors;
  - (b) the composition of a board of governors;
  - (c) the period for which members of a board of governors shall hold office and the vacation of office by such members;
  - (d) the appointment and functions of a secretary to a board of governors;
  - (e) the establishment, composition and business of committees of a board of governors and the appointment and removal from office of the members thereof;
  - (f) the holding of meetings of a board of governors and its committees, the quorum and procedure at such meetings and the keeping of minutes of the proceedings at such meetings;
  - (g) the payment of allowances to members of a board of governors;
  - (h) the control and management of the funds of a board of governors, including provision with respect to—
    - (i) the control of the receipt and expenditure of moneys by the board;
    - (ii) the establishment and operation by the board of reserve accounts;
    - (iii) the investment of moneys not required by the board for immediate use.
- (2) Regulations under this section may make different provisions with respect to different boards of governors or different members of a board of governors.

## **Part VI – General provisions**

### **24. No refusal of admission on grounds of race or religion**

No pupil shall be refused admission to any school or school hostel on the grounds of his race or religion.

### **25. Exemption of pupils from religious observances**

If the parent of a pupil attending any school requests that he be excused from receiving religious instruction or from taking part in or attending any religious ceremony or observance, then, until the request is withdrawn, the pupil shall be excused therefrom accordingly.

### **26. Power to prohibit use of books**

- (1) The Minister may, by directions in writing, prohibit the use in any school of any book or material for any reason which he may think fit.
- (2) Any person who uses or permits to be used in any school any book or material the use of which has been prohibited under this section shall be guilty of an offence.

## 27. Inspection of schools and hostels

- (1) It shall be the duty of the Minister to cause inspections to be made of every school and school hostel at such intervals as appear to him to be appropriate and to cause a special inspection of any school or school hostel to be made whenever he considers such inspection to be desirable.
- (2) Any inspection of schools in pursuance of this section shall be made by officers of the Ministry authorised in that behalf by the Minister or appointed by the Minister to be inspectors for the purposes of this Act.
- (3) Every inspector authorised to inspect private schools shall be furnished with a certificate issued by the Minister stating that he is an inspector appointed pursuant to this Act and showing such particulars relating to his identity as the Minister may determine.
- (4) Any person who obstructs an inspector in the exercise of his duty under this section shall be guilty of an offence.

*[As amended by No. 40 of 1972]*

### 27A. Powers of inspectors

- (1) An inspector shall have power, on production of the certificate issued to him under subsection (3) of section twenty-seven to any person reasonably requiring it—
  - (a) at any reasonable time to enter any premises, where he reasonably believes that regular instruction for formal education is provided or from where he reasonably believes that such instruction emanates by correspondence or other similar method, to require information or explanation with respect to such instruction from any person appearing to him to be in charge of such premises or to be concerned with the administration or imparting of such instruction and to demand the production of, and to inspect and make copies of, any book or document relating to such instruction;
  - (b) to require any person receiving instruction relating to formal education at any private school to furnish information or explanation with respect to such instruction and with respect to any allowances, grants or bursaries paid or payable to such person under this Act during the period of his instruction.
- (2) It shall be the duty of an inspector to furnish to the Minister such reports and other information in respect of matters referred to in this section as the Minister may from time to time direct.

*[No. 40 of 1972]*

## 28. Teachers' associations

- (1) The Minister may recognise any association representing teachers.
- (2) An association of teachers recognised by the Minister may advise and make representations to the Minister and be consulted by the Minister on any matter appertaining to education.

## 29. Parent and teacher associations

- (1) The Minister may recognise any association of parents and teachers formed in connection with any school.
- (2) The Minister may, by statutory instrument, make regulations prescribing the conditions necessary for the recognition of any association of parents and teachers formed in connection with a Government or aided school and its procedure and functions.

### 30. Grants and loans

- (1) The Minister may make grants or loans—
  - (a) to a board of governors for the purpose of enabling it to discharge its functions under this Act;
  - (b) to the proprietor of any school for the purpose of establishing, maintaining or assisting in the maintenance of that school or any hostel established for the benefit of pupils attending that school;
  - (c) to any person or the parent of any person by way of a bursary or scholarship for the furtherance of the education of that person.
- (2) The fund established pursuant to section three of the Cattle Marketing and Control (Repeal) Act, 1960, and known as the Cattle Marketing and Control Board Bursaries Fund shall be administered by the Minister or by any person or persons appointed by him from time to time in that behalf in accordance with his directions, and shall be applied to and in furtherance of the education of persons in veterinary science.

*[Act No. 15 of 1960]*

*[As amended by No. 48 of 1970]*

### 31. Expenses of administration

All expenses incurred by the Minister in the discharge of his functions under this Act, including the expenses incurred in—

- (a) the payment of allowances to members of the National Council and of each Regional Council and Local Council;
- (b) the establishment and maintenance of Government schools and hostels;
- (c) the making of grants and loans under section thirty;

shall be paid from moneys appropriated by Parliament for the purpose.

### 32. Regulations

- (1) The Minister may, by statutory instrument, make regulations—
  - (a) prescribing and regulating the language or languages to be used as the medium of instruction in schools;
  - (b) for safeguarding the health of pupils attending schools and, in particular, providing for—
    - (i) the entry and inspection at all reasonable times by a Government medical officer or other medical practitioner of any school, school hostel or other building or premises whatsoever at any school;
    - (ii) the closing of any school, school hostel or other building or premises whatsoever at any school on the grounds of health;
    - (iii) the compulsory medical and dental examination of pupils;
    - (iv) the furnishing by the parents of pupils of information and evidence relating to the health of pupils;
    - (v) the exclusion of pupils from school on the grounds of health;
    - (vi) the supply of meals and other refreshment to pupils;



- (c) requiring—
    - (i) the compulsory enrolment of prescribed classes of persons as pupils in schools;
    - (ii) the compulsory attendance at schools of pupils enrolled therein;and providing for the manner in which such compulsory enrolment or attendance is to be ensured;
  - (d) prescribing the conditions governing the making of grants and loans under section thirty;
  - (e) prescribing the functions of Chief Education Officers;
  - (f) generally for the better carrying out of the purposes of this Act.
- (2) Regulations under this section may make different provision with respect to different areas, different schools or classifications of schools or different classifications of pupils.

### 33. Penalties

- (1) Any person who is guilty of an offence under the provisions of this Act shall be liable, on conviction, to a fine not exceeding three thousand penalty units or to imprisonment for a period not exceeding one year, or to both.
- (2) Regulations made under this Act may prescribe penalties for contraventions of the regulations, not exceeding the penalties mentioned in subsection (1).

*[As amended by Act [No. 13 of 1994](#)]*

## Part VII – Transitional provisions

### 34. Government schools

Any school which, immediately before the commencement of this Act, was—

- (a) a Government school to which the provisions of the Education Act, 1956, applied; or
- (b) a local education authority school for the purposes of the African Education Act;

shall be deemed to be a Government school for the purposes of this Act.

*[Cap. 135]*

### 35. General purpose funds

- (1) The Minister may, by statutory instrument, make regulations—
- (a) establishing a general purpose fund for a government school, an aided school or a private school;
  - (b) providing for the payment of fees in aid of general purpose funds;
  - (c) specifying the extra curricular activities and other things having as their objects the spiritual, physical and intellectual welfare of pupils in attendance at a school of which moneys standing to the credit of a general purpose fund established for that school may be expended;
  - (d) specifying the purposes for which and the circumstances in which the moneys standing to the credit of a general purpose fund established for a school may be expended; and
  - (e) providing for the care and administration of general purpose funds and for the safeguarding of other moneys which may be voluntarily collected for the purpose of a particular school.

- (2) In the exercise of the powers conferred upon him by paragraph (b) of subsection (1), the Minister may—
  - (a) fix different fees for different classes of pupils and for different schools;
  - (b) provide for the grant of rebate; and
  - (c) prescribe the circumstances in which fees may be refunded or remitted, whether in whole or in part.
- (3) The Minister may make grant in aid of the general purpose fund of any school.
- (4) Notwithstanding anything to the contrary contained in any other written law, fees paid and moneys voluntarily collected in accordance with the provisions of regulations made under this section shall be paid into general purpose funds established under paragraph (a) of subsection (1) and moneys standing to the credit of a general purpose fund shall be expended for the activities and the purposes and in the circumstances specified by the Minister under the provisions of paragraph (c) or (d) of subsection (1).

*[As amended by Act [No. 31 of 1973](#)]*

### 36. Private schools

Any private school which, immediately before the commencement of this Act, was registered under the provisions of the Education Act, 1956, or the African Education Act shall be deemed to have been registered under the provisions of this Act.

*[Cap. 135]*

### 37. Boards of governors

- (1) On the commencement of this Act, all property, assets, rights, liabilities, obligations and agreements vested in, acquired, incurred or entered into by or on behalf of the board of governors established under the African Education Act for the College of Further Education, Lusaka, shall be deemed to be vested in or to have been acquired, incurred or entered into by or on behalf of the Board of Governors of the Evelyn Hone College of Further Education established by this Act; and accordingly, every such right, liability or obligation may be enforced by or against the Board of Governors of the Evelyn Hone College of Further Education established by this Act to the same extent as it could have been enforced by or against the board of governors established under the African Education Act for the College of Further Education, Lusaka.
- (2) On the commencement of this Act, all property, assets, rights, liabilities, obligations and agreements vested in, acquired, incurred or entered into by or on behalf of the board of governors established under the African Education Act for the Northern Technical College, Ndola, or the registered trustees shall be deemed to be vested in or to have been acquired, incurred or entered into by or on behalf of the Board of Governors of the Northern Technical College established by this Act; and accordingly, every such right, liability or obligation may be enforced by or against the Board of Governors of the Northern Technical College established by this Act to the same extent as it could have been enforced by or against the board of governors established under the African Education Act for the Northern Technical College, Ndola, or the registered trustees.

*[Cap. 135]*

- (3) The officer having charge of any register relating to property deemed to be vested by this section shall, on application, make the required alterations in the register, and endorsements on the deeds relating to the property, if presented therefor; and no stamp duty or other duties or fees shall be payable in respect thereof.

- (4) For the purposes of this section, "registered trustees" means the Trustees of the Northern Technical College appointed by virtue of and in accordance with a certificate of incorporation granted on the 5th November, 1965, under the provisions of the Land (Perpetual Succession) Act.

*[Cap. 186]*

*[Cap. 135]*

### **38. Transfer of certain properties, etc., to Board of Governors of the Northern Technical College**

The Copperbelt Technical Foundation Limited, as the trustee of the charitable foundation called the Copperbelt Technical Foundation, is hereby authorised to assign, transfer or pay to the Board of Governors of the Northern Technical College established by this Act the whole or any part of the properties, moneys and other assets vested in or held by or on behalf of or accruing to the Copperbelt Technical Foundation Limited as such trustee; and the receipt of the Board of Governors of the Northern Technical College for any properties, moneys or other assets assigned, transferred or paid to such Board under the provisions of this section shall be a complete acquittance, release and discharge of the Copperbelt Technical Foundation Limited in respect thereof, notwithstanding anything contained in the trust deed dated the 22nd May, 1956, whereby the Copperbelt Technical Foundation was established.