

**GOVERNMENT OF ZAMBIA**

**STATUTORY INSTRUMENT NO. 43 OF 1993**

**The Education Act  
(Laws, Volume V, Cap. 234)**

**The Education (Aided Educational Institutions) Regulations,  
1993**

**ARRANGEMENT OF REGULATIONS**

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IN EXERCISE of the powers contained in section *twelve* of the Education Act, the following Regulations are hereby made:

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| Title                  | 1. These Regulations may be cited as the Education (Aided Educational Institutions) Regulations, 1993.  |
| Interpretation         | <p>2. In these Regulations, unless the context otherwise requires—</p> <p>" aided educational institution " means an aided school or hostel;</p> <p>" Board of Management " means the Board established under regulation 6;</p> <p>" constitution " means the constitution referred to in regulation 5;</p> <p>" Education Secretary " means the person appointed as such under regulation 11;</p> <p>" Managing Agency " means the Managing Agency referred to in regulation 4;</p> <p>" proprietor " means a person referred to in regulation 3;</p> <p>" Provincial Education Officer " means a civil servant appointed as such; and</p> <p>" District Education Officer " shall be construed accordingly.</p> |
| Proprietor             | <p>3. (1) There shall be a proprietor of every aided educational institution who shall be the person or body of persons in whom is vested the ownership, custody or control of the place at which the educational Institution is conducted and of the buildings, equipment and other things provided for the pupils attending or accommodated at the educational institution.</p> <p>(2) Except with the approval of the Minister, no person or body of persons other than those mentioned in the Schedule shall be the proprietor of an aided educational institution.</p>   |
| Managing Agency        | 4. There shall be for every aided educational institution a Managing Agency appointed by the proprietor for the management, conduct and discipline of the educational institution on behalf of the proprietor which duties shall be carried out in accordance with the Act, these Regulations and the policy established by the proprietor and the Agency.  |
| Governing constitution | 5. (1) Each aided educational institution shall operate in accordance with a constitution approved by the proprietor and the Managing Agency.   |

(2) The constitution referred to in sub-regulation (1) shall not become operative until it has been approved by the Minister.

6. There shall be for every aided education institution a Board of Management, to which the proprietor shall delegate authority for the management, conduct and discipline of the institution.

Establishment of Board of Management

7. (1) The Board of management shall consist of the following members:

Composition of Board of Management

- (a) the proprietor or his appointed representative;
- (b) the Minister or his appointed representative;
- (c) a representative of the Managing Agency appointed by the Agency;
- (d) the Education Secretary;
- (e) a representative of the Parent-Teachers' Association;
- (f) the Principal of the institution;
- (g) one member of staff of the institution, appointed by the proprietor; and
- (h) such number of representatives, not exceeding three, other bodies as the proprietor may appoint to the Board.

(2) There shall be a Chairman, who shall be appointed by the proprietor from among the members appointed under sub-regulation (1).

(3) There shall be a secretary who shall be elected by the Board from among the members of the Board.

(4) Subject only to the Act, these Regulations and its constitution, the Board shall meet not less than two times each year.

8. The functions of the Board shall be—

Functions of Board of Management

- (a) to provide education and educational facilities of such a nature as the Minister, and the proprietor or Managing Agency may determine;
- (b) to administer, maintain and control the educational institution for which it is established;
- (c) to borrow such sums of money as the institution may require;
- (d) to employ such persons as it may determine;
- (e) to enter into arrangements for the secondment into its service of civil servants and other persons;
- (f) to regulate the conditions of enrolment of pupils at the education institution, including the fees and charges, if any, to be paid to the Board;

- (g) to regulate the calendar to be observed at the educational institution, the subjects of instruction to be provided and the syllabi to be followed in respect of such subjects;
- (h) to decide on the conditions of suspension, or exclusion of pupils enrolled at the educational institution;
- (i) to carry out any other functions specified by the constitution of the Board; and
- (j) to do all such things as are necessary or desirable for the achievement of the aforesaid purposes.

**Funds of  
Board**

9. (1) The funds of the Board shall consist of—

- (a) all fees and charges payable to the Board under the provisions of the Act;
- (b) such monies as may be paid to the Board by way of grants and loans made by the Minister or any other person or organisation;
- (c) interest on monies invested by the Board; and
- (d) such other monies 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 the Board of Management the expenses incurred by the Board in the discharge of its functions, including all salaries, allowances, gratuities and passages payable by the Board to persons employed in the service of the aided educational institution.

(3) The Board of Management shall cause proper accounts to be kept of its income and expenditure and the Secretary of the Board shall give a detailed report of such accounts to the Board.

**Provincial  
Education  
Officer**

10. (1) The Provincial Education Officer shall be the representative of the Minister at provincial level and shall carry out the duties assigned to him generally or specifically by the Minister.

(2) In carrying out his duties, the Provincial Education Officer shall, on administrative matters, deal directly with the Principal of the aided educational institution and shall deal with the proprietor and the Managing Agency, through the Education Secretary in all matters pertaining to policy, posting, transfers, discipline, recruitment, change in class patterns and change of the status of the institution.

(3) The channels referred to in this regulation shall, with necessary modifications, also be followed by the District Education Officers in dealing with aided educational institutions.

11. (1) The proprietor shall appoint an Education Secretary who shall be responsible for the day-to-day administration of the aided educational institution.

Education  
Secretary

(2) The duties of the Education Secretary shall, in particular, but without prejudice to the generality of subsection (1)—

- (a) facilitate and initiate dialogue on policy matters between the proprietor, the Managing Agency and the Board of Management on the one hand and the Minister on the other;
- (b) ensure that all communications between the Minister and the proprietor, the Managing Agency and the Board of Management, on matters pertaining to policy, posting, transfer, discipline, recruitment, change in class patterns and change of the status of the institution are channelled through his office;
- (c) safeguard the rights and interests of the proprietor and the Managing Agency;
- (d) liaise with churches in matters pertaining to education;
- (e) co-ordinate, consult and disseminate information to and from the Minister, the proprietor, the Managing Agency and the Board of Management; and
- (f) consolidate and submit to the Minister responsible for education annual capital and recurrent estimates as determined by the Board of Management.

12. (1) The principal and his deputy shall be appointed on the recommendation of the proprietor made through the Education Secretary to the Minister.

Principals

(2) Both the Principal and his deputy shall be members of the particular church that owns the institution.

(3) The Principal shall be responsible for—

- (a) the day-to-day running of the educational institution and shall not make decisions relating to policy, which matter shall be subject to the prior approval of the proprietor or the Managing Agency and the Board of Management; and
- (b) supporting and promoting the religious ethos of the school.

13. (1) Teaching staff shall be seconded to or recruited for the aided educational institution through the Education Secretary after consultation with the Managing Agency and Board of Management.

Staffing

(2) The staff shall adhere to the code of conduct stipulated by the church and shall be supportive of the religious ethos of the institution.

(3) Teaching staff shall preferably belong to the particular church that owns the aided educational institution.

(4) Non-teaching staff shall be seconded or recruited by the Board of Management after consultation with the Managing Agency through the Principal.

Discipline of  
staff

14. (1) The Principal shall be accountable to the Board of Management for the discipline of staff and, in this regard, the procedure laid down in the Act, in these Regulations and in directives issued by the proprietor shall be adhered to.

(2) The members of staff seconded to the aided educational institution whose conduct is alleged to be incompatible with the ethos of the institution, the code of conduct or other lawful directives shall be—

- (a) notified in writing of the misconduct alleged;
- (b) suspended from office pending investigation; and
- (c) afforded an opportunity of appearing before and being heard by the Board with respect to the matter.

(3) The Provincial Education Officer and the District Education Officer shall be informed of every disciplinary proceeding commenced or concluded under this regulation.

(4) The Board of Management may set up a Disciplinary Committee to consider and decide on disciplinary matters.

(5) Depending on the outcome of the investigations and decisions of the Board, a seconded member of staff may be retained or returned to the Ministry responsible for education while a member of staff appointed by the Board may be retained or dismissed.

Parent-  
Teachers'  
Association

15. (1) There shall be established for each aided educational institution a Parent-Teachers' Association.

(2) The functions of Parent-Teachers' Association shall be to—

(a) ensure, through regular contacts between parents and teachers, the welfare and best possible education of pupils;

(b) carry out any other functions approved by the Board of Management;

(c) submit to the Board of Management proposals to raise funds and how to control funds for projects;

(d) assist in maintaining security at the institutions; and

(e) make to the Board of Management, through the Association representatives, recommendations on matters pertaining to school policy.

16. (1) There shall be equitable distribution of funds per capita to church and Government institutions.

Miscellaneous provisions on resources

(2) Amounts paid for boarding, running expenses, student requisites, personal emoluments, passages and capital development shall be indicated separately on payment vouchers.

(3) Donations given to the Ministry responsible for education in the form of money or kind shall be allocated also to aided educational institutions.

(4) Aided educational institutions shall have the right of access to Government stores to the same extent as government schools.

17. The following channels of communication shall be adhered to:

Channels of communication

(a) all matters relating to policy shall be channelled to the Education Secretary, who shall refer the matters to the proprietor, the Managing Agency or the Board of Management;

(b) all matters relating to institutional administration shall be communicated to the Principal of the institution directly, with a copy to the Education Secretary.

18. The Education (Aided Schools) Regulations, 1966, are hereby revoked.

Revocation of S. I. No. 386 of 1966

**SCHEDULE**  
(Regulation 3)

Catholic Church  
United Church of Zambia  
Salvation Army  
Anglican Church  
Brethren in Christ Church  
Christian Council of Zambia  
Seventh-Day Adventist Church

**A. N. L. WINA,**  
*Minister of Education*

LUSAKA

24th February, 1993

[ME. 101/1/66 CONF]