

GOVERNMENT OF ZAMBIA

ACT

No. 23 of 2021

Date of Assent: 19th May, 2021

An Act to amend the Higher Education Act.

[20th May, 2021]

ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the Higher Education (Amendment) Act, 2021, and shall be read as one with the Higher Education Act, 2013, in this Act referred to as the principal Act.

Short title

Act No. 4 of
2013

2. Section 2 of the principal Act is amended—

Amendment
of section 2

(a) by the deletion of the definitions of “aided higher education institution”, “affiliated institution”, “constituent college”, “learning programme”, “principal officer” and “school” and the substitution therefor of the following:

“aided higher education institution” means a higher education institution which is not a public higher education institution and is established or maintained by a person, organisation or community with assistance from the Ministry responsible for higher education;

“affiliated institution” means a college or higher education institution affiliated to a public or private higher education institution in accordance with this Act;

“constituent college” means a college, institution or school registered or declared by statutory order as a constituent college of a higher education institution under section 38A;

“learning programme” means a process, programme of study or academic programme by which learners acquire knowledge, skill, competence, instruction, apprenticeship, training or employment;

“principal officer” means the Vice Chancellor, Deputy Vice-Chancellor, Principal, Registrar, Chief Financial Officer, Chief Librarian or Dean of Students; and

“school” means a faculty or an academic unit of a higher education institution in which teaching, learning, study and research is pursued”;

(b) by the deletion of the definitions of “Bursar”, “course of study” and “librarian”; and

(c) by the insertion of the following new definitions in the appropriate places in alphabetical order:

“chief financial officer” means a person appointed as chief financial officer under paragraph 11 of the Third Schedule;

“chief librarian” means the person appointed as chief librarian under paragraph 10 of the Third Schedule;

“chief internal auditor” means a person appointed as a chief internal auditor under paragraph 12A of the Third Schedule;

“citizen” has the meaning assigned to the word in the Constitution;

“college” means an institution registered or declared by statutory order as a higher education institution that provides tertiary education to the level of certificate and diploma;

“higher education” means tertiary education leading to the award of a certificate, diploma, bachelor’s degree, postgraduate diploma, master’s degree or doctorate degree;

“institute” means an institute established under section 20A created solely for the purpose of conducting research;

“legally disqualified” means the absence of legal capacity as provided in section 4 of the Mental Health Act, 2019;

Act No. 6 of
2019

“principal” means the head of a college, technical university college, university college and constituent college;

“technical university college” means a higher education institution which does not have full university status and does not provide postgraduate education and provides programmes leading to award of certificates, diplomas and bachelor’s degrees in a range of practical and technical subjects;

“technical university” means a higher education institution providing learning programmes leading to award of a certificate, diploma, bachelor’s degree and post graduate qualifications and conducts research and development in various technical subjects;

“university” means a higher education institution which provides learning programmes leading to award of certificates, diploma, bachelor’s degrees and post graduate qualifications and conducts research and development in various academic disciplines; and

“university college” means a college or institution registered or declared by statutory order as a higher education institution does not have full university status and does not provide postgraduate education, that provides tertiary education leading to award of a certificate, diploma and bachelor’s degree in various academic disciplines.

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| Repeal and replacement of section 3 | <p>3. The principal Act is amended by the repeal of section 3 and the substitution therefor of the following:</p> |
| Application Act No. 13 of 1998 | <p>3. This Act does not apply to colleges registered under the Technical Education, Vocational and Entrepreneurship Training Act, 1998.</p> |
| Amendment of section 6 | <p>4. Section 6 of the principal Act is amended in subsection (1) (a) by the deletion of paragraph (h) and the substitution therefor of the following:</p> <p style="padding-left: 40px;">(h) in consultation with relevant professional institutions set standards for higher education institutions;;</p> <p style="padding-left: 40px;">(b under paragraph (i), by the insertion of the following new subparagraph immediately after subparagraph (v):</p> <p style="padding-left: 80px;">(vi) classification of higher education institutions;;</p> <p style="padding-left: 40px;">(c) by the deletion of paragraphs (j), (k), (l) and (m) and the substitution therefor of the following:</p> <p style="padding-left: 80px;">(j) promote cooperation among higher education institutions at national, regional and international level and facilitate their linkages with industry; and</p> <p style="padding-left: 80px;">(k) create a database of students studying in higher education institutions;; and</p> <p style="padding-left: 40px;">(d) by the re-numbering of paragraph (n) as paragraph (l).</p> |
| Repeal and replacement of section 7 | <p>5. The principal Act is amended by the repeal of section 7 and the substitution therefor of the following:</p> |
| Board of Authority | <p>7. (1) There is constituted a Board of the Authority which consists of the following part-time members appointed by the Minister:</p> <p style="padding-left: 40px;">(a) one representative each of the ministries responsible for—</p> <p style="padding-left: 80px;">(i) higher education; and</p> <p style="padding-left: 80px;">(ii) labour;</p> <p style="padding-left: 40px;">(b) a representative of the Attorney-General;</p> <p style="padding-left: 40px;">(c) a representative of the Zambia Association of Chambers of Commerce and Industry;</p> <p style="padding-left: 40px;">(d) a representative of the Examinations Council of Zambia;</p> <p style="padding-left: 40px;">(e) a representative of the Zambia Institute of Human Resource Management;</p> <p style="padding-left: 40px;">(f) a representative of the Technical Education, Vocational and Entrepreneurship Training Authority;</p> |

- (g) a representative of a civil society organisation working in the education sector;
- (h) a person with knowledge and experience in matters relating to higher education; and
- (i) the Director-General, as an *ex-officio*.

(2) A person shall not be appointed as a member of the Board if that person—

- (a) is adjudged bankrupt;
- (b) is legally disqualified;
- (c) is not a citizen; or
- (d) is convicted of an offence under this Act or any written law and is sentenced to imprisonment for a period exceeding six months without the option of a fine within a period of five years preceding the appointment.

(3) The Minister shall appoint the Chairperson from among the members of the Board, except a member under subsection (1)(a) and (b).

(4) The members shall elect the Vice-Chairperson of the Board from among themselves.

(5) The ministries, institutions or organisations referred to in subsection (1) (a), (b), (c), (d), (e), (f) and (g) shall nominate their representatives for appointment by the Minister.

(6) A member shall, hold office for a term of three years and may be re-appointed for a further term of three years.

(7) A member may resign on giving one month's notice, in writing, to the Minister.

(8) The office of a member becomes vacant if that member—

- (a) is absent, without reasonable excuse, from three consecutive meetings of the Board of which that member had notice;
- (b) is adjudged bankrupt;
- (c) is convicted of an offence under this Act or any other written law and is sentenced to imprisonment for a period exceeding six months without the option of a fine;
- (d) is convicted of an offence involving fraud or dishonesty;
- (e) is legally disqualified from performing the functions of a member; or
- (f) dies.