

**THE HIGHER EDUCATION LOANS AND
SCHOLARSHIPS ACT, 2016**

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GOVERNMENT OF ZAMBIA

ACT

No. 31 of 2016

Date of Assent: 6th June, 2016

An Act to establish the Higher Education Loans and Scholarships Board; establish the Higher Education Loans and Scholarships Fund; provide for the granting, administration, investment, payment and recovery of loans; provide for the administration and granting of scholarships; facilitate the mobilisation of financial resources for loans and scholarships; and provide for matters connected with, or incidental, to the foregoing.

[7th June, 2016

ENACTED by the Parliament of Zambia.

Enactment

PART I

PRELIMINARY PROVISIONS

1. This Act may be cited as the Higher Education Loans and Scholarships Act, 2016, and shall come into operation on such date as the Minister may appoint by statutory instrument.

Short title
and Commencement

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

Interpretation

“appointed date” means the date appointed by the Minister under section *one*;

“associate” means—

(a) a person’s nominee or employee;

(b) a person’s conjugal partner or former spouse;

(c) a firm of which a person, or the person’s nominee, is a partner or in charge or in control of its business or affairs;

(d) a company in which a person or the person’s nominee,

is a director or is in charge or in control of its business or affairs, or in which the person, that person's nominee, holds a controlling interest or shares amounting to more than thirty percent of the total share capital; or

(e) the trustee of a trust, where—

(i) the trust has been created by the person; or

(ii) the total value of the assets contributed by the person before or after the creation of the trust, amounts at any time, to not less than twenty percent of the total value of the assets of the trust;

“Board” means the Higher Education Loans and Scholarships Board established under section *three*;

“Director” means the person appointed as Director under section *ten*;

“committee” means a committee of the Board established under section *eight*;

“continuing student” means a student who has passed the examinations necessary to enable the student to advance to the following year or stage of study;

“Emoluments Commission” has the meaning assigned to it in the Constitution;

“extraordinary meeting” means a meeting convened at any time for special business of the Board;

“Fund” means the Higher Education Loans and Scholarships Fund established under section *sixteen*;

“Fund Manager” means a person appointed as such under section *eighteen*;

“higher education” has the meaning assigned to it in the Higher Education Act, 2013;

“Higher Education Authority” has the meaning assigned to it in the Higher Education Act, 2013;

“higher education institution” has the meaning assigned to it in the Higher Education Act, 2013;

“liability” means a debt, charge or obligation whether present or future, actual or contingent and whether payable or to be observed or performed in Zambia or elsewhere;

“loan” means a loan granted to a student by the Board for the purpose of defraying the costs connected with the education at a local higher education institution, including costs

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2013

connected with the board and lodging of the student for the purposes of attending the higher education institution;

“loan beneficiary” means a student or former student who is or was granted a loan under this Act;

“member” means a member of the Board;

“ordinary meeting” means a scheduled meeting of the Board;

“relative” means—

(a) a person’s son, daughter, brother, sister, nephew, niece, parent, uncle, aunt, grandparent or cousin; and

(b) a person’s spouse or the spouse of any of the persons mentioned in paragraph (a);

“repeating student” means a student who, for any reason, is compelled to repeat a term, semester or academic year;

“scholarship” means an award granted to a student by the Board for the purpose of defraying the costs connected with the student’s education at a local or foreign higher education institution, including costs connected with the board and lodging of the student for the purpose of attending the higher education institution;

“Secretary” means the person appointed as Secretary of the Board under section *eleven*;

“student” means a Zambian admitted to, or registered as a student at, a local or foreign higher education institution as a candidate for a degree, diploma or doctorate;

“Zambia Institute of Human Resources Management” means the Zambia Institute of Human Resources Management established under the Zambia Institute of Human Resources Management Act, 1997; and

Act. No. 11
of 1997

“Zambia Qualifications Authority” has the meaning assigned to it in the Zambia Qualifications Authority Act, 2011.

Act. No. 13
of 2011

PART II

THE HIGHER EDUCATION LOANS AND SCHOLARSHIPS BOARD

3. There is established the Higher Education Loans and Scholarships Board which is a body corporate with perpetual succession and a common seal, capable of suing and of being sued in its corporate name, and with power, subject to the provisions of this Act, to do all such acts and things as a body corporate may, by law do or perform.

Establishment
of Board