

*Technical Education, Vocational and Entrepreneurship Training
(Amendment) 2005*

GOVERNMENT OF ZAMBIA

ACT

No. 11 of 2005

Date of Assent: 25th April, 2005

**An Act to amend the Technical Education, Vocational and Entrepreneurship
Training Act.
(17th May, 2005)**

ENACTED by the Parliament of Zambia

Enactment

1. (1) This Act may be cited as the Technical Education, Vocational and Entrepreneurship Training (Amendment) Act, 2005, and shall be read as one With the Technical Education, Vocational and Entrepreneurship Training Act, Referred to as the principal Act.

**Short title
and
commencement
Act No. 13 of
1998**

(2) This Act shall come into operation on such date as the Minister may, by statutory instrument, appoint.

2. The Principal Act is amended in the long title by the insertion of the words “to establish the Technical Education, Vocational and Entrepreneurship Training Fund;” after the words “to regulate all institutions providing technical education, vocational and Entrepreneurship Training;”

**Amendment
of long title**

3. Section three of the principal Act is amended

**Amendment
Section 3**

(a) by the deletion of the definition of “Chairperson” and the substitution therefore of the following:

”Chairperson “ means –

(a) a person elected as Chairperson of the Authority under section six; or

(b) a person appointed as Chairperson of management board under section ten;

(b) by the deletion of the definition of “Secretary” and the substitution therefore of the following:

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“Secretary” means –

- (a) The person appointed as Secretary of the Authority under section eight; or
- (b) The person appointed as Secretary of management board under section ten;
- (c) By the deletion of the definition of “Vice Chairperson” and the substitution therefore of the following:
 - (a) the person elected as Vice Chairperson of the Authority under section six; or
 - (b) the person elected as the Vice Chairperson of a management board under section ten; and
- (d) by the insertion in the appropriate places of the following new definitions:-

“assessor” means a person accredited by the Authority, for such a period as the Authority, for such a period as the Authority may determine, to carry out assessments of trainee performance against standards of competence prescribed –

- (a) by the Authority in the case of national curricula , or
- (b) by an institution registered under this Act in the case of local curricula;

“examiner” means a person accredited by the Authority for such a period as the Authority may determine, to prepare or administer local or foreign examinations accredited by the Authority;

“Fund” means the Technical Education, Vocational and Entrepreneurship Training Fund established by section twenty-one A and

“trainer” means a person accredited by the Authority for such period as the Authority may determine to provide instruction and counsel relating to a trade or profession to trainees enrolled in an institution registered under this Act;

- Amendment of section 5** 4. Section five of the principal Act is amended by –
- (a) the deletion of subsection (2) and the substitution therefore of the following:

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- (2) Without prejudice to the generality of subsection (1), the Authority shall –
- (a) administer and manage the Technical Education, Vocational Entrepreneurship Training Fund;
 - (b) advise the Minister on the development of the quality of human resources in Zambia through technical education, vocational and entrepreneurship training;
 - (c) regulate and advise institutions established or registered under this Act;
 - (d) regulate and coordinate apprenticeship and trade testing systems;
 - (e) facilitate the provision of technical consultancy to institutions established or registered under the Act;
 - (f) facilitate the development of technical capacity in institutions established or registered under the Act;
 - (g) develop national curricula in consultation with stakeholders;
 - (h) set minimum standards and qualifications for any occupation, skill technology or trade in accordance with trends in industry
 - (i) provide guidelines for the development of institutional curricula;
 - (j) accredit local and foreign examinations to be taken by persons attending courses at an institution established or registered under the Act;
 - (k) regulate and conduct national examinations to be taken by persons attending courses at an institution established or registered under the Act;
 - (l) charge and collect fees in respect of examinations, assessments and other services provided by the Authority;
 - (m) award certificates to persons who succeed in examinations and assessment undertaken under this Act;
 - (n) Approve curricula and standards of certificates in institutions established or registered under this Act.
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- (o) register institutions
 - (p) cancel the registration of an institution established or registered under this Act;
 - (q) collect, manage and disseminate labour market information relating to technical education, vocational and entrepreneurship training;
 - (r) initiate, monitor and evaluate development programmes for the continued advancement of technical education, vocational and entrepreneurship training;
 - (s) determine the equivalencies of local and foreign qualifications;
 - (t) accredit and register trainers, examiners and assessors;
 - (u) in consultation with the Minister –
 - (i) determine priority skills areas in technical education, vocational and entrepreneurship training for the purpose of enhancing social and economic development in Zambia; and
 - (ii) mobilize financial and material resources for the provision of technical education, vocational and entrepreneurship training; and
 - (v) do all such things connected with or incidental to the functions of the Authority under this Act; and
- (b) by the insertion immediately after sub-section (2) of the following new subsection:

(3) The Minister may give such general or specific directions to the Authority in the performance of its functions for the purpose of enhancing technical education, vocational and entrepreneurship training as the Minister considers necessary and the Authority shall implement those directions

repeal and replacement of section 6 5. The Principal Act is amended by the repeal of section six and the substitution therefore of the following:

Composition of Authority 6. (1) The Authority shall consist of part-time member appointed by the Minister as follows:

- (a) a representative of a federation of trade unions;
 - (b) a representative of the Zambia Association of Chambers of Commerce and Industry
 - (c) one representative from University established under the University Act;
 - (d) a representative from a federation of employers' organization
 - (e) a representative of the Zambia Chamber for Small and Medium Business Association.
 - (f) a representative of a research and development institution established under the Science and Technology Act;
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- (g) a representative of religious organizations involved in providing technical education, vocational and entrepreneurship training;
 - (h) a representative of the Ministry responsible for technical education, vocational and entrepreneurship training;
 - (i) a representative of the Ministry responsible for labour
 - (j) a representative of the Ministry responsible for education and
 - (k) one other person.
- (2) The members shall elect a Chairperson and a Vice Chairperson from among Their number;
6. Section seven of the principal Act is amended in subsection.
(1) by the deletion of the words “with the approval of “ and the Substitution therefore of the words “in consultation with” **Amendment of section 7**
7. Section ten of the principal Act is amended - **Amendment of section 10**
(a) in subsection (2) by the deletion of the word “eleven” and and the substitution therefore of the word “seven” and
(b) by the insertion immediately after subsection (2) of the following new subsection;
- (3) The Chairperson and the Vice Chairperson of a management board shall be elected by the members from amongst their number;
- (8) Section thirteen of the principal Act is hereby repealed. **Repeal of Section 13**
- (9) Section fifteen of the principal Act is amended - **Amendment of section 15**
(a) in subsection (1) by the deletion of the words “Every Institution” and the substitution therefore of the words “Any person intending to offer technical education, Vocational and entrepreneurship training”,
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- (b) in subsection 2 –
 - (i) by the deletion of the word “and” after paragraph (b);
 - (ii) by the insertion immediately after paragraph (b) of the following new paragraph:
 - (c) the name of the examining body for the institution:
 - Provided that an institution which is already registered by the Authority shall furnish to the Authority information relating to the examining body for such institution within six months from the date of the coming into operation of this Act; and
 - (iii) by the renumbering of paragraph © as paragraph (d);
 - © by the insertion immediately after subsection (2) of the following new subsection:
 - (2A) The Authority may require an applicant under subsection (1) to furnish such further information as the Authority may consider necessary to enable the Authority determine the application;
 - (d) in subsection (3) –
 - (i) by the insertion in paragraph (b) of the words “and facilities” immediately after the words “the premises”;
 - (ii) by the deletion of the word “and” at the end of paragraph (d);
 - (iii) by the deletion of paragraph (e) and the substitution therefore of the following:
 - (e) the list and qualifications of the management and teaching staff employed or to be employed at the institution show that the management and teaching staff of the institution are properly qualified; and
 - (iv) by the insertion immediately after paragraph (e) of the following new paragraphs:
 - (f) the materials to be used in the training meet the minimum standards prescribed by the Authority; and
 - (g) the examining body for the institution is recognized as an independent examining body in the country in which it is registered and has its principal office;
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(e) by the deletion subsection (6) and the substitution therefore of the following:

- (6) A certificate of registration shall contain –
- (a) the name of the institution;
 - (b) the levels of qualification to be offered;
 - (c) the grading of the institution
 - (d) the courses for which the institution is registered;
 - (e) the authorized examining body for the institution; and
 - (f) such other particulars as the Minister may, in consultation with the Authority, by statutory instrument prescribe; and

(f) in subsection (7) by the deletion of the word “one year” and the substitution therefore of the words “three years unless earlier cancelled by the Authority under section seventeen”

10. Section seventeen of the principal Act is amended in paragraph (a) of subsection (1) by the deletion of the word “sixteen” and the substitution therefore of the word “fifteen”. **Amendment of section 17**

11. Section eighteen of the principal Act is amended by the Insertion immediately after subsection (2) of the following new Subsections:- **Amendment of section 18**

(3) An appeal under subsection (1) or (2) may be lodged in writing Within sixty days of the decision that gives rise to the appeal.

(4) Where an appeal is made under subsection (1) or (2) the Minister may give Such directions to the Authority or institution, as the case may be, as the Minister Considers necessary to enable the Minister to determine the appeal.

(5) The Minister shall determine any appeal made under subsection (1) or (2) within Sixty days of the date on which the appeal is lodged.

(6) The Miniister in determining an appeal under this section may confirm, vary or set aside the decision of the Authority or institution, as the case may be, and inform the appellant accordingly.

12. Section nineteen of the principal Act is amended by the Deletion of the word “one” immediately after the words “not Exceeding” and the substitution therefore of the word “three” **Amendment of section 19**

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Amendment of section 20 13. Section twenty of the principal Act is amended by the deletion of the words “at regular intervals, but not less than once in every year” And the substitution therefore of the words “in the first quarter of every Year”

Insertion of a New Part IVA 14. The principal Act is amended by insertion immediately after Part IV of the following new Part:

PART IVA

Technical Education, Vocational and Entrepreneurship Training Fund

Establishment of Technical Education, Vocational And Entrepreneurship Training Fund 21A (1) There is hereby established the Technical Education, Vocational and Entrepreneurship Training Fund.
(2) The Fund shall consist of –
(a) such money as may be appropriated by Parliament for the purpose of the Technical Education, Vocational and Entrepreneurship Training Fund;
(b) Such monies as may be paid to the Fund by way of loans, grants or donations;
(c) such percentage of the registration, examination, assessment and Other fees payable to the Authority under the Act as the Minister may, In consultation with the Authority determine; and
(d) subject to the approval of the Minister responsible for finance Such monies as may be paid to the Fund from any levy which may be Imposed and collected for purposes of technical Education, vocational and Entrepreneurship training.

Bank Account 21B. The Authority shall maintain a separate bank account into which Shall be paid all moneys payable to the Fund.

Application of money of Fund 21C. The Authority shall apply the moneys of the Fund for –
(a) approved technical education, vocational and entrepreneurship training programmes;
(b) such scholarships, bursaries, grants or loans as the Authority may, In consultation with the Minister, consider appropriate for students enrolled in technical education, vocational and entrepreneurship training Institutions; and
(c) the development and maintenance of technical education, vocational and entrepreneurship training infrastructure.

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15. Section twenty-six of the principal Act is amended by the Deletion of subsection (2) and the substitution thereof of the Following:-

**Amendment
of section 26**

(2) Without prejudice to the generality of subsection (1) the Minister may, in consultation with the Authority, make regulations prescribing:

- (a) the manner and form in which an application for the establishment, registration and renewal of registration of an institution shall be made, and the information and documents to be submitted in support of such allocation;
- (b) the criteria by which an institution may be eligible to access monies from the Fund;
- © the forms to be used and student returns to be furnished by the institutions established or registered under this Act;
- (d) the fees payable for the registration and renewal of registration of institutions;
- (e) the conditions and procedures for apprenticeship training;
- (f) the classification of the each institution;
- (g) the conditions and procedures under which the Authority may institute remedial measures on an institution whose registration has been suspended or cancelled under this Act to protect public interest;
- (h) the fees payable for inspection of institutions established or registered under this Act;
- (i) the conditions for the procurement, lease, maintenance, use and retention of assets acquired by an institution with public funds; and
- (j) anything which may or is required to be prescribed under this Act for the better carrying out of the provisions of this Act.

16. The First Schedule is amended -

- (a) in subparagraph (4) of paragraph 4 by the deletion of the words “one half” after the words “shall be” and the substitution thereof of the word “six”;

**Amendment
of first
Schedule**

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- (b) in subparagraph (1) of paragraph 9 -
 - (i) by the insertion immediately after paragraph (b) of the following new paragraph:
 - © be allocated to the Authority from the Fund; and
 - (ii) by the renumbering of paragraphs © and (d) as paragraphs (d) and (e) respectively and
 - © an audited statement of income and expenditure of the Fund; and
 - (iii) by the renumbering of clause © as clause (d).
17. The Second Schedule to the principal Act is amended in sub-paragraph 9-

Amendment of Second Schedule (a) by the insertion immediately after paragraph (b) of the following new Paragraph:
© be allocated to the institution from the Fund; and
(b) by the renumbering of paragraphs (c) and (d) as paragraphs (d) and (e) respectively.