

appointment with the Commission on the terms and conditions on which he was employed by the Commission and, if he elects as aforesaid, he shall be deemed to be a public officer on an agreement for temporary service until the expiry of the unexpired period of the said three years and thereafter may elect, subject to the approval of the appropriate authority, to remain in the public service and shall, if otherwise eligible, be appointed to a pensionable post in the public service from such date and on such terms and conditions as the Government may determine;

(b) within a period of three months from the appointed date elect to be forthwith employed in the public service without exercising the option mentioned in paragraph (a) and in that case his terms and conditions of service shall be determined by the Government.

(4) Notwithstanding anything to the contrary contained in any written law, where a person makes election under the provisions of paragraph (a) of subsection (3), he shall, in relation to his service with the Commission and in the public service prior to the expiry of the unexpired period of the said three years, be deemed to be a temporary employee in the public service for the purpose of section *nine* of the Public Service Pensions Act. Cap. 260

(5) The provisions of subsection (1) or (2) shall not apply to a person who is employed by the Commission as a daily paid employee.

(6) A person to whom the provisions of subsection (3) apply shall not be liable to any payment of rent in excess of the rate fixed by the Commission for him in respect of any period prior to his election under subsection (3).

(7) For the purposes of this Part, "appropriate authority" means the Public Service Commission or the Teaching Service Commission, as the case may be.

#### **SUBSIDIARY LEGISLATION**

**SECTION 9-THE NATIONAL COUNCIL FOR  
TECHNICAL EDUCATION AND VOCATIONAL  
TRAINING REGULATIONS.  
*Regulations by the Minister***

***Statutory  
Instruments  
34 of 1973  
50 of 1993***

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| <p><b>1.</b> These Regulations may be cited as the National Council for Technical Education and Vocational Training Regulations.</p>   | <p>Title</p>                           |
| <p><b>2.</b> In these Regulations, unless the context otherwise requires-</p> <p>"Act" means the Technical Education and Vocational Training Act;</p> <p>"Council" means the National Council for Technical Education and Vocational Training established under the provisions of section <i>six</i> of the Act.</p>   | <p>Interpretation</p>                  |
| <p><b>3.</b> The Council shall consist of not less than nine and not more than twelve members appointed by the Minister of whom-</p> <p>(a) one member shall be designated by the Minister as the Chairman of the Council and another member shall be designated by the Minister as Vice-Chairman of the Council;</p> <p>(b) two members shall be persons having special knowledge and experience of matters relating to technical education and vocational training;</p> <p>(c) one member shall be a person appointed by the Minister after consultation with such persons and bodies as he thinks fit, to represent the interests of employers;</p> <p>(d) one member shall be a person appointed by the Minister after consultation with such persons and bodies as he thinks fit, to represent the interests of employees;</p> <p>(e) two members shall be persons appointed by the Minister to represent the University of Zambia and the Copperbelt University.</p> <p>(f) one member shall be a person appointed by the Minister to represent the proprietors of private institutions;</p> <p>(g) one member shall be a person appointed by the Minister to represent a recognised professional association of teaching staff in the field of technical education and vocational training.</p> <p><i>(As amended by S.I. No. 50 of 1993)</i></p> | <p>Composition of the Council</p>      |
| <p><b>4.</b> No person shall be appointed a member of the Council-</p> <p>(a) while he is an undischarged bankrupt;</p> <p>(b) while he is serving a sentence of imprisonment;</p>   | <p>Disqualification for membership</p> |

(c) if he has at any time been convicted of an offence against the Act or any offence involving fraud or dishonesty.

**5.** The Minister shall appoint a public officer as the Secretary to the Council. Secretary

**6.** The members referred to in regulation 3 shall hold office for a period of three years from the date of appointment and may be re-appointed upon the expiration of that term. Tenure of office

*(As amended by S.I. No. 50 of 1993)*

**7.** A member of the Council may at any time, by notice in writing to the Minister, resign his office. Resignation

**8.** The office of a member of the Council shall become vacant- Vacation of office

(a) upon his death;

(b) if he is adjudged bankrupt;

(c) if he is convicted of an offence and sentenced to imprisonment without the option of a fine;

(d) if he is absent from three consecutive meetings of the Council without the leave of the Chairman;

(e) if in the opinion of the Minister he is mentally or physically incapable of performing his duties as a member of the Council;

(f) if in the opinion of the Minister he is guilty of improper conduct and is so notified in writing by the Minister.

**9.** A person may be appointed by the Minister to fill a casual vacancy in the membership of the Council occurring by reason of resignation, death or otherwise, but he shall hold office only so long as the member in whose stead he is so appointed would have held office. Casual vacancies

**10.** (1) Subject to the provisions of these Regulations, the Council may regulate its own procedure. Procedure

(2) The quorum of the Council shall be six.

(3) In the absence of the Chairman of the Council from a meeting thereof, the Vice-Chairman of the Council shall preside; and in the absence of both the Chairman and the Vice-Chairman of the Council from a meeting of the Council, the members present and forming a quorum shall elect one of their number to preside at the meeting.

(4) The member of the Council presiding at a meeting thereof shall have a casting vote in addition to his deliberative vote.

(5) The Council may act notwithstanding any vacancy in its membership.

**11.** Meetings of the Council shall be held at such places and times as the Council shall determine:

Meetings of the Council

Provided that the Council shall meet not less often than two times in every twelve months.

**12.** The Chairman of the Council may at any time, and shall if the Minister so directs or any three members of the Council by notice in writing to the Chairman so request, convene a special meeting of the Council at such place and on such date as he may specify by notice in writing to the members of the Council.

Special meetings

**13.** (1) The Council shall cause minutes to be kept recording all resolutions, proceedings and meetings of the Council, and the names of members present at each meeting of the Council.

Minutes of proceedings

(2) A copy of the minutes of each meeting of the Council shall be furnished to the Minister and to every member of the Council and to such other persons, if any, as the Council may direct.

**14.** A committee of the Council shall consist of-

Composition of committees of the Council

(a) such members of the Council as the Council may appoint; and

(b) such other persons (not being persons disqualified from membership of the Council) as the Council may, with the approval of the Minister, appoint; and

(c) the Chairman of the Council who shall be a member *ex officio*.

**15.** The Chairman of a committee of the Council shall be appointed by the Council from among the members of the Council. Chairman of a committee

**16.** Subject to the provisions of these Regulations, the procedure of a committee of the Council shall be regulated by the Council. Procedure of a committee

**17.** The Chairman of a committee of the Council may at any time convene a meeting of that committee. Meetings of a committee

**18.** A committee of the Council shall keep minutes recording all resolutions, proceedings and meetings of the committee and the names of the members of the committee and other persons present at each meeting thereof. Minutes of proceedings

**19.** A committee of the Council shall keep the Council informed of its activities and deliberations and shall furnish such reports and information relating to its functions as the Council may from time to time direct. Reports of committees

**20.** The Minister may, by notice in writing to the Chairman of the Council, nominate any public officer to attend meetings of the Council, or of any committee thereof, and any such officer may take part in the proceedings of any such meeting and shall be entitled to address any such meeting, but not to vote, on any matter under discussion. Attendance of non-members

**21.** A member of the Council, or of any committee thereof, who is in any way directly or indirectly interested in any matter under consideration by the Council or such committee, as the case may be, shall disclose the nature of his interest at a meeting of the Council or such committee and shall not take part in any deliberations or decision of the Council or such committee in respect of that matter. Disclosure of interest

**22.** A member of the Council or any Committee of the Council shall be paid such remuneration and allowances as the Council may with the approval of the Minister determine. Remuneration and allowances

*(As amended by S.I. No. 50 of 1993)*