
**THE NATIONAL INSTITUTE OF PUBLIC
ADMINISTRATION ACT, 1998**

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GOVERNMENT OF ZAMBIA

ACT

No. 15 of 1998

Date of Assent: 21st April, 1998

An Act to establish the National Institute of Public Administration and provide for its functions; to constitute the Governing Council of the Institute and provide for its composition and functions; to constitute the Board of Studies of the Institute and provide for its composition and functions; to provide for the transfer of functions of the department of the National Institute of Public Administration to the Institute; and to provide for matters connected with or incidental to the foregoing.

[24th April, 1998

ENACTED by the Parliament of Zambia.

Enactment

PART I

PRELIMINARY

1. This Act may be cited as the National Institute of Public Administration Act, 1998, and shall come into operation on such date as the Minister may, by statutory instrument, appoint.

Short title
and
commence-
ment

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

Interpreta-
tion

“appointed date” means the date referred to in section *one*;

“Board” means the Board of Studies constituted under section *fourteen*;

“Chairperson” means the Chairperson of the Council, appointed under section *five*;

“committee” means a committee of the Council, constituted under section *ten*;

“Council” means the Governing Council of the Institute constituted under section *five*;

“Director” means the person appointed Director under section *twenty-one*;

“Division” means a Division constituted under section *twenty*;

“Executive Director” means the person appointed Executive Director under section *nineteen*;

“former Institute” means the Department of the Government known as the National Institute of Public Administration;

“Institute” means the National Institute of Public Administration established by section *three*;

“member” means member of the Council of the Institute;

“Registrar” means the person appointed Registrar under section *twenty-two*; and

“Students' Union” means a Students Union that may be established under section *twenty-five*;

PART II

THE NATIONAL INSTITUTE OF PUBLIC ADMINISTRATION AND GOVERNING COUNCIL

Establish-
ment of
Institute

3. There is hereby established the National Institute of Public Administration which shall be a body corporate with perpetual succession and a common seal, capable of suing and being sued in its corporate name, and with power, subject to this Act, to do all such acts and things as a body corporate may be law do or perform.

Functions of
Institute

4. The functions of the Institute shall be to—

- (a) provide high quality training, research and consultancy in public administration;
- (b) develop the capacity of the Institute in teaching, research and consultancy relating to public administration;
- (c) provide high quality training, research and consultancy in private sector management; and
- (d) do all such things connected with or incidental to the foregoing.

Constitution,
composition
and
functions of
Council

5. (1) There is hereby constituted the Governing Council for the Institute which shall consist of nine members appointed by the Minister as follows—

- (a) the Permanent Secretary responsible for the management of the Public Service;
- (b) a representative of the Zambia Institute of Human Resources Management;
- (c) a representative of a federation of trade unions;
- (d) a representative of the Zambia Institute of Certified Accountants;
- (e) a representative of the University of Zambia;
- (f) a representative of the Copperbelt University;
- (g) a person from the private sector with wide business and commercial experience;
- (h) a representative from the Ministry responsible for finance; and
- (i) a representative from the Ministry responsible for labour.

(2) The Chairperson shall be appointed by the Minister and the Vice-Chairperson shall be elected by the members from amongst themselves.

(3) The functions of the Council shall be—

- (a) to formulate policies of the Institute;
- (b) to determine the duties, terms and conditions of service of staff of the Institute;
- (c) to perform the functions conferred upon it under this Act; and
- (d) do all such acts and things connected with or incidental to the foregoing.

6. (1) A member shall hold office for a period of three years and may be eligible for reappointment.

Tenure of
office and
vacancies

(2) Any member may resign upon giving one month's notice in writing to the Minister.

(3) The office of a member shall become vacant—

- (a) if the member is declared to be of unsound mind;
- (b) if the member is an undischarged bankrupt;
- (c) if the member is convicted of an offence and is sentenced to a term of imprisonment exceeding six months;

(d) upon resignation under subsection (2);

(e) if the member is absent without reasonable excuse from three consecutive meetings of the Institute of which the member has had notice;

(f) upon the death of the member; or

(g) on ceasing to hold the office by virtue of which the person was appointed member of the Institute.

(4) If the office of a member falls vacant before the end of that member's term, a new member may be appointed, but that member shall hold office only for the unexpired part of the term.

Remunera-
tion and
allowances

7. A member shall be paid such remuneration and allowances as the Council may, with the approval of the Minister, determine.

Seal of
Institute

8. (1) The seal of the Institute shall be such device as may be determined by the Institute and shall be kept by the Secretary.

(2) The affixing of the seal shall be authenticated by the Chairperson or Vice-Chairperson and the Secretary and one other person authorised in that behalf by a resolution of the Council.

(3) Any document purporting to be a document executed under the seal of the Institute or issued on behalf of the Institute shall be received in evidence and shall be deemed to be so executed or issued, as the case may be, without further proof, unless the contrary is proved.

Proceedings
of Institute

9. (1) Subject to the other provisions of this Act, the Council may regulate its own procedure.

(2) The Council shall meet for the transaction of its business at least once every four months, at such places and times as the Chairperson may determine, but the first meeting of the Council shall be called by the Minister not later than one month after the commencement of this Act.

(3) Five members shall constitute a quorum at any meeting of the Council.

(4) Upon giving notice of not less than fourteen days, a meeting of the Council may be called by the Chairperson and shall be called if not less than one third of the members so request in writing:

Provided that if the urgency of any particular matter does not permit the giving of such notice, a special meeting may be called upon giving a shorter notice.

(5) There shall preside at any meeting of the Council -

- (a) the Chairperson;
- (b) in the absence of the Chairperson, the Vice-Chairperson; or
- (c) in the absence of the Chairperson and the Vice-Chairperson, such member as the members present shall elect for the purposes of that meeting.

(6) A decision of the Council on any question shall be by a majority of the members present and voting at the meeting and, in the event of an equality of votes, the member presiding at the meeting shall have a casting vote in addition to that member's deliberative vote.

(7) The Council may invite any person, whose presence is, in its opinion desirable, to attend and to participate in the deliberations of a meeting but such a person shall have no vote.

(8) The validity of any proceedings, act or decision of the Council shall not be affected by any vacancy in its membership or by any defect in the appointment of any member or by reason that any person not entitled to do so took part in the proceedings.

(9) The Council shall cause to be kept minutes of the proceedings of every meeting of the Council and of every meeting of any committee established by the Council.

10. (1) The Council may, for the purposes of performing its functions under this Act, establish committees, and delegate to any such committee any of its functions as the Council thinks fit.

(2) The Council may appoint as members of a committee established under subsection (1) persons who are or are not members of the Institute and such persons shall hold office for such period as the Council may determine:

Provided that at least a quarter of the members of every committee shall be members of the Council.

(3) Subject to the specific or general directions of the Council any committee established under subsection (1) may regulate its own procedure.

(4) A member of a committee shall be paid such remuneration and allowances as the Council may, with the approval of the Minister, determine.

Committees
of Council

Disclosure
of interest

11. (1) If a member is present at a meeting of the Council or any committee of the Council at which any matter in which the member or a member's spouse is directly or indirectly interested in a private capacity, such a member shall, as soon as practicable after commencement of the meeting, disclose such interest and shall not, unless the Council or committee otherwise directs, as the case may be, take part in any consideration or discussion or, vote on, any question touching such matter.

(2) A disclosure made under subsection (1) shall be recorded in the minutes of the meeting at which it is made.

(3) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding one hundred thousand penalty units.

Prohibition
of publica-
tion or
disclosure of
information
to
unauthorised
person

12. (1) A person shall not, without the consent in writing given by, or on behalf of the Council, publish or disclose to any person, otherwise than in the course of that person's duties the contents of any document, communication or information whatsoever, which relates to, and which has come to that person's knowledge in the course of that person's duties under this Act.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding fifty thousand penalty units, or to imprisonment for a term not exceeding five years or to both.

(3) If any person having any information which has been published or disclosed in contravention of subsection (1) unlawfully, publishes or communicates any such information to any other person, such person shall be liable, upon conviction, to a fine not exceeding fifty thousand penalty units, or to imprisonment for a term not exceeding five years or to both:

Provided that, a person shall not be guilty of an offence under this section if everything possible was done by that person to verify whether or not the information was obtained in contravention of subsection (1).

Immunity

13. No action or any other proceeding shall be instituted against a member of the Council, a member of any committee of the Council or member of staff of the Institute for anything done or omitted to be done in good faith in the exercise or purported exercise of their functions under this Act.

PART III

THE BOARD OF STUDIES

14. (1) There is hereby constituted a Board of Studies for the Institute which shall consist of—

Constitution
and
composition
of Board of
Studies

- (a) the Executive Director;
- (b) the Directors of the Divisions established under section twenty;
- (c) two persons representing the academic staff of any public university; and
- (d) two persons appointed by the Institute from the academic staff.

(2) The Executive Director shall be the Chairperson of the Board.

(3) The Vice-chairperson shall be elected by the members of the Board from amongst themselves.

(4) The Registrar shall be the Secretary to the Board.

15. (1) The Board shall be the supreme academic authority of the Institute and shall organise, control and direct the academic work of the Institute in teaching, research and consultancy and control the standards of training provided by the Institute.

Functions of
Board

(2) Without prejudice to the generality of subsection (1), the Board shall—

- (a) advise the Council on the provision of facilities to carry out the policies and objectives of the Institute;
- (b) direct and regulate the programmes of instruction and courses within the Institute;
- (c) regulate and determine the academic requirements for the admission of persons to the Institute and the continuance or discontinuance of such persons;
- (d) make rules with regard to examinations, and standards to be attained in such examinations, and appoint examiners;
- (e) award diplomas and certificates and other awards of the Institute;
- (f) promote, co-ordinate and control research in the Institute;

- (g) recommend to the Institute on scholarships and prizes to be awarded by the Institute;
- (h) make recommendations to the Institute on the Divisions that may be constituted under this Act;
- (i) approve and review, academic programmes of any division of the Institute; and
- (j) consider and report to the Institute on any matter relating to the Institute.

(3) The Board may deprive any person of any diploma, certificate or other award of the Institute which was conferred on such person if, after due inquiry, it is shown that such person obtained the diploma, certificate or other award through fraud, mistake, misrepresentation or other dishonourable conduct.

(4) Any person deprived of a diploma, certificate or other award under subsection (3) may appeal to the Council.

(5) The Board may delegate to any Division, department, or to any committee such of its functions as it thinks fit.

Proceedings
of Board

16. (1) Subject to the provisions of this Act, the Board may regulate its own procedure.

(2) The Board shall meet for the transaction of its business at such times and at such places as it may decide or as the Executive Director may require, but not less than three times during the academic year.

(3) Four members of the Board shall form a quorum at a meeting of the Board.

Committees
of Board

17. (1) The Board may, for the purposes of performing its functions under this Act, establish committees and delegate to any such committee such of its functions as it thinks fit.

(2) The Board may appoint as members of a committee established under subsection (1), persons who are or are not members of the Board of Studies and such persons shall hold office for such period as the Board of Studies may determine.

(3) Subject to any specific or general direction of the Board, any committee established under subsection (1), may regulate its own procedure.

18. The provisions of section *eleven, twelve and thirteen* shall with necessary modification apply to the Board.

Application
of sections
11, 12 and
13 to Board

PART IV

DIVISIONS, ADMINISTRATION AND STAFF OF THE INSTITUTE

19. (1) The Council shall appoint on such terms and conditions as it may determine, the Executive Director who shall be the chief executive officer of the Institute, and who subject to the control of the Council, shall be the academic and administrative head of the Institute.

Executive
Director

(2) The Executive Director shall attend meetings of the Council and may attend meetings of any committee established by the Council and may address such meetings but shall not vote on any matter.

20. The Council shall constitute the following divisions for the Institute:

Divisions of
Institute

- (a) the Professional Studies Division;
- (b) the Research Development and Consultancy Division;
- (c) the Management Development Centre; and
- (d) such other division as the Council may consider necessary for the performance of its functions under this Act.

21. The Council shall appoint on such terms and conditions as it may determine, Directors who shall be the heads of the Divisions of the Institute constituted under section *twenty*.

Appointment
of Directors

22. (1) There shall be a Registrar of the Institute who shall be appointed by the council on such terms and conditions as the Council may determine.

Registrar
and other
staff

(2) The Registrar shall, under the supervision of the Executive Director, be responsible for the day-to-day administration of the Institute.

(3) There shall be three categories of staff at the Institute which shall be designated as "academic staff," "management staff" and "support staff".

(4) The "academic staff" shall consist of—

- (a) the Executive Director;
- (b) the Directors of Divisions;

(c) all full-time staff appointed for teaching, research or consultancy; and

(d) such other persons as the Institute may designate

(5) The "management staff" shall consist of the Registrar and staff who hold professional, administrative or technical posts designated by the Institute as senior posts.

(6) The "support staff" shall consist of staff who are neither academic staff nor management staff.

Discipline
and removal
of academic
staff,
management
staff and
other staff

23. (1) Whenever it appears to the Council that a member of the academic staff, management staff or other staff should be removed from office on grounds of misconduct, or of failure to perform the functions of that member of staff's office or employment, the Council shall—

(a) cause notice of the allegations to be given to the member of staff in question;

(b) suspend the member of staff in question from office or employment pending investigations; and

(c) cause arrangements to be made for the member of staff in question to be afforded an opportunity of appearing before, and being heard by, the Disciplinary Committee.

(2) Subject to subsection (1), where a case of possible misconduct or failure to perform which is unlikely to result in removal of a member of the academic staff, management staff or other staff, it shall be dealt with in accordance with such terms and conditions of employment as the Institute may determine.

(3) There is hereby constituted the Disciplinary Committee of the Institute which shall consist of:

(a) the Permanent Secretary in the ministry responsible for labour;

(b) a representative of the Zambia Institute of Human Resources;

(c) a member of the Board referred to in paragraph (c) of subsection (1) of section *fourteen*;

(d) a representative of a trade union representing the employees of the Institute; and

(e) the Registrar.

(4) A person may appeal to the Council on any decision made by the Disciplinary Committee.

24. (1) The Executive Director shall have power to discipline students in accordance with such rules as the Board shall determine.

Discipline of
students

(2) Any students agrieved by any decision of the Executive Director may appeal to the Disciplinary Committee.

25. There may be established a Students' Union in each campus of the Institute.

Students
union

PART V

TRANSITIONAL PROVISIONS

26. (1) On or after the appointed date, there shall be transferred to, and vest in, or subsist against, the Institute by virtue of this Act and without further assurance.

Vesting of
assets and
liabilities in
Institute

(2) The Minister shall, when satisfied that all necessary arrangements are in place, provide, by statutory instrument, for the transfer to the Insitute without further assurance any property, rights, liabilities and obligations which immediately before the appointed date were the property rights and obligations of the Government in respect of the former Institute.

(3) Except as provided for in this Act, every deed, bond or agreement (other than an agreement for personal service) to which the Government was a party in respect of the former Institute immediately before the commencement of this Act, whether in writing or not, and whether or not of such nature, that liabilities, obligations thereupon could be assigned, shall, unless its subject-matter or terms make it impossible that it should have effect as modified in the manner provided by this subsection, have effect as from the date of the assignment thereof as if—

- (a) the Insitute had been a party thereto;
- (b) for any reference to the Government there were substituted as respect anything falling to be done on or after the appointed date, a reference to the Institute; and
- (c) for any reference to an officer of the former Institute not being a party thereto, and beneficiary interested therein there were substituted, as respects anything falling to be done on or after the commencement of this Act, a reference to sch officer of the Institute as the Council shall designate.

(3) Subject to subsection (2), documents other than those referred in that subsection which refer especially or generally to the former Institute shall be construed in accordance with subsection (2) as far as applicable.

Registration
of property

27. (1) Where under this Act, any property rights, liabilities and obligations of the government in respect of the former Institute are deemed transferred to the Council in respect of which transfer any written law provides for registration, the Council shall make an application in writing to the appropriate registration authority for registration of such transfer.

(2) The registration authority referred to in subsection (1) shall make such entries in the appropriate register as shall give effect to the transfer and, where appropriate, issue to the transferee concerned a certificate of title in respect of the said property or make necessary amendments to the register as the case may be, and if presented therefor, make endorsement on the deed relating to the title, right or obligations concerned and no registration fee, stamp duty or other duties shall be payable in respect of it.

Transfer of
employees
of former
Institute

28. (1) On or after the appointed date, the Council shall on such terms and conditions as it may determine appoint as officers of the Institute such public officers of the former Institute as may be necessary for the performance of the functions of the Institute.

(2) Where an officer of the former Institute is appointed to the service of the Institute—

(a) the terms and conditions of service with the Institute shall not be less favourable than those the officer enjoyed in the service of the former Institute; and

(b) the officer shall be deemed to have retired under section *thirty-nine* of the Public Service Pensions Act.

Act No. 35
of 1996

(3) On or after the appointed date employees of the former Institute who are not engaged by the Institute under subsection (2) shall be retained by the Government and shall—

(a) be redeployed in the service of the Government; or

(b) be retired under section *thirty-nine* of the Public Service Pensions Act.

Act No. 35
of 1996Legal
Proceedings

29. (1) Without prejudice to the other provisions of this Act where any right, liability or obligation vests in, or subsists against, the Institute by virtue of this Act, the Institute and all other persons affected thereby shall as from the commencement of this Act, have the same rights, powers and remedies (and in particular the same rights as to the instituting or defending of legal proceedings or the making or resisting of applications to any authority) for ascertaining, performing or enforcing that right, liability or obligation as they

would have had if it at all times been a right, liability or obligation of the Institute.

(2) Any legal proceedings or application to any authority pending immediately before the commencement of this Act by or against the Government in respect of the former Institute may be continued by or against the Institute.

(3) After the commencement of this Act proceedings in respect of any right, liability or obligation which was vested in, held enjoyed, incurred, suffered by, or sustained against the Government in respect of the former Institute may be instituted by or against the Institute.

PART VI

FINANCIAL AND OTHER PROVISIONS

30. (1) The funds of the Institute shall consist of such monies as may—

Funds of
Institute

- (a) be appropriated by parliament for the purpose of the Institute;
- (b) be paid to the Institute by way of fees, grants or donations; and
- (c) vest in or accrue to the Institute.

(2) The Institute may—

- (a) accept moneys by way of grants or donations from any source in Zambia and, subject to the approval of the Minister, from any source outside Zambia;
- (b) raise by way of loans or otherwise, such monies as it may require for the discharge of its functions;
- (c) charge and collect fees in respect of tuition, consultancy and other services provided by the Institute; and
- (d) charge and collect fees in respect of programmes, workshops and seminars conducted by the Institute.

(3) There shall be paid from the funds of the Institute—

- (a) such moneys as it may require for the discharge of its functions under this Act;
- (b) salaries, allowances and loans to the staff of the Institute;

(c) such reasonable travelling, transport and subsistence allowances for members of the Institute and committee of the Institute when engaged in the business of the Institute and at such rates as the Institute may, subject to the approval of the Minister, determine; and

(d) any other expenses incurred by the Institute in the performance of its functions under this Act.

Investment
of funds

31. The Institute may invest, in such manner as it considers fit, any of its funds which it does not immediately require for the performance of its functions.

Financial
year

32. The financial year of the Institute shall be a period of twelve months ending on 31st December each year.

Accounts

33. (1) The Institute shall cause to be kept proper books of account and other records relating to its accounts.

(2) The accounts of the Institute shall be audited annually by independent auditors appointed by the Institute.

Annual
Report

34. (1) As soon as practicable, but not later than four months after the expiry of each financial year, the Institute shall submit to the Minister a report concerning its activities during such financial year.

(2) The report referred to in subsection (1) shall include a statement on financial affairs of the Institute and there shall appended to the report—

(a) an audited balance sheet;

(b) an audited statement of income and expenditure; and

(c) such other information regarding activities undertaken during the year as the Minister may require.

(3) The report referred to in subsection (2) shall specifically record the extent to which the objectives defined in the annual work-plan and budget have been attained.

(4) The Minister shall, not later than fourteen days after the first sitting of the National Assembly next after receipt of the report referred to in subsection (1), lay it before the National Assembly.

Regulations

35. (1) The Minister may, by Statutory Instrument, make Regulations for the better carrying out the purposes of this Act.

(2) Without prejudice to the generality of subsection (1) the Regulations made under that subsection may—

- (a) provide for rules of procedure of the Disciplinary Committee;
 - (b) prescribe the acts or omissions of any person which shall constitute dishonourable conduct or misconduct in terms of subsection (3) of section fifteen or subsection (1) of section *twenty-three*;
 - (c) regulate student affairs of the Institute; and
 - (d) prescribe anything which is required to be prescribed under this Act
-