

Zambia

## Zambia National Service Act, 1971

### Chapter 121

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## Zambia

# Zambia National Service Act, 1971

## Chapter 121

Commenced on 21 January 1972

*[This is the version of this document at 31 December 1996.]*

*[35 of 1971; 13 of 1994]*

**An Act to make provision for the establishment, maintenance, government and discipline of the Zambia National Service; and to provide for matters incidental thereto or connected therewith.**

### Part I – Preliminary

#### 1. Short title

This Act may be cited as the Zambia National Service Act.

#### 2. Interpretation

In this Act, unless the context otherwise requires—

"**appropriate authority**" means the authority charged, in accordance with this Act, with responsibility for the matter in question:

Provided that the reference to appropriate authority in section seventeen and, in so far as it relates to persons seconded to the Service, in sections eighteen and nineteen, shall be construed as a reference to such appropriate authority aforesaid acting with the concurrence of such person having authority in or over that part of the civil or military service of the Republic from which such person is seconded as may be appointed by the President;

"**appropriate tribunal**" means a commanding officer or a board consisting of not less than two senior officers appointed by the Commandant;

"**Assistant Commandant**" means a senior Serviceman in charge of a Wing at the Headquarters of the Service;

"**citizen**" means a citizen of Zambia;

"**Commandant**" means the Commandant of the Zambia National Service appointed under the provisions of section twenty-one;

"**commanding officer**" means a senior officer of the Service designated as such by rules made under section twenty-three;

"**Defence Force**" means the Defence Force of Zambia referred to in section four of the Defence Act;

*[Cap. 106]*

"**enlistment notice**" means the enlistment notice provided for in section eleven;

"**local authority**" means—

- (a) a city council;
- (b) a municipal council; or

- (c) a township council; or

*[Cap. 281]*

- (d) a district council:

"**member**", in relation to the Service, includes a Serviceman enlisted or engaged under section five or eleven, a person seconded to the Service in accordance with the provisions of section seventeen and a person appointed to the permanent staff under section six;

"**city council**", "municipal council", "district council" and "township council" have the meanings assigned thereto in section two of the Local Government Act;

*[Cap. 281]*

"**national service register**" means the register required to be kept by the Commandant under the provisions of section eight;

"**postponement certificate**" means a certificate which may be granted under the provisions of section twelve;

"**Registrar**" means the person appointed under section eight to keep the national service register;

"**Regular Force**" has the meaning assigned thereto in section two of the Defence Act;

*[Cap. 106]*

"**Service**" means the Zambia National Service established under section three;

"**Serviceman**" means a member of the Service enlisted or engaged under section five or eleven or appointed to the permanent staff under section six.

## Part II – Establishment of the Zambia National Service

### 3. Establishment of the Service

- (1) There shall be established and maintained a service to be known as the Zambia National Service (hereinafter called "the Service").
- (2) The functions of the Service shall be the training of citizens to serve the Republic and the employment of its members in tasks of national importance and otherwise in the service and defence of the Republic.
- (3) The Service shall organise and run such leadership and other courses for citizens as the Minister may, by statutory instrument, prescribe. The Minister may, in such statutory instrument, prescribe—
  - (a) the duration of such courses;
  - (b) the person or class of persons liable to attend such courses; and
  - (c) matters incidental to or connected with such courses.
- (4) The supreme command of the Service shall vest in the President and he shall hold the office of Commander-in-Chief of the Service.
- (5) Subject to the provisions of this Act, the powers conferred on the President by subsection (4) shall include—
  - (a) the power to determine the operational use of the Service;
  - (b) the power to appoint members and to dismiss them.

- (6) The President may, by direction in writing and subject to such conditions as he may think fit, delegate to the Minister, the Commandant or any other person any of the powers mentioned in subsection (5).

### **Part III – Members, servicemen, registration, enlistment, etc.**

#### **4. Membership of the Service**

- (1) The Service shall consist of such number of members as may, from time to time, be determined by the President.
- (2) The members of the Service shall be—
  - (a) persons who enlist voluntarily under section five;
  - (b) persons who are enlisted under section eleven;
  - (c) persons who are appointed to the permanent staff under section six; and
  - (d) persons in the civil or military service of the Republic who are seconded to the Service under section seventeen.

#### **5. Servicemen**

- (1) The appropriate authority may enlist into the Service a male or female citizen who, at the time of his first enlistment, is between the ages of eighteen and thirty-five years (both ages inclusive).
- (2) Subject to the provisions of subsection (3), every citizen, whether enlisted voluntarily under subsection (1), or in consequence of an enlistment notice under section eleven, shall be enlisted to serve in the Service for a period of two years.
- (3) A citizen who is a member of the class specified in the Second Schedule may—
  - (a) serve in the Service for a period of two years as provided in subsection (2); or
  - (b) in the case of a person to whom the provisions of paragraph (b) or (c) of the Second Schedule apply, serve in the Service for a period of three months during any vacation period and a further period of one month immediately after he ceases to be a student and thereafter, in lieu of serving in the Service, pay every month for a period of twenty months such proportion of his monthly total earnings as the Minister may by regulation prescribe; or
  - (c) serve in the Service for such period as the Minister may, by statutory instrument, prescribe and thereafter, in lieu of service with the Service, pay every month for the period which falls short of his two year period of service such proportion of his monthly total earnings as the Minister may by regulation prescribe.
- (4) The Minister may, by statutory instrument, prescribe the proportion of monthly total earnings of a member of the class specified in the Second Schedule which is payable to the Service under paragraph (b) or (c) of subsection (3).
- (5) After the completion of his engagement with the Service, under the provisions of subsection (2) or paragraph (a), (b) or (c) of subsection (3), a Serviceman shall form part of the Home Guard as defined in any written law relating to the Home Guard (hereinafter referred to as "the Home Guard") and shall be liable to such duties as are provided in any written law applicable to a member of the Home Guard.  
*[Cap. 122]*
- (6) A member may, during the period of his service, be seconded to any person, with the consent of such person, for the purpose of undergoing a period of apprenticeship in any business, trade,

profession or vocation and the Minister may, by statutory instrument, prescribe terms and conditions of such apprenticeship.

- (7) Every Serviceman shall, on first joining the Service, make the declaration set out in the First Schedule.
- (8) For the purpose of subsection (6), a person includes the Government, a local authority or any company or association or body of persons, corporate or unincorporate.

## **6. Appointments to permanent staff**

- (1) Notwithstanding the provisions of section five, appointments may be made to the permanent staff of the Service on terms other than those prescribed in the said section and a citizen appointed to the permanent staff shall, so long as he holds such appointment, be a Serviceman.
- (2) Subject to the provisions of this section, power to appoint persons to hold or to act in any office in the permanent staff of the Service (including power to confirm appointments), to exercise disciplinary control over persons holding or acting in such offices and to remove such persons from office shall vest in the President.
- (3) The President may, by directions in writing and subject to such conditions as he thinks fit, delegate any of his functions under subsection (2) to any person.

## **7. Liability to be called up for the Service**

- (1) Subject to the provisions of this Act, every citizen, male or female, who has attained the age of eighteen years and has not attained an age above thirty-five years and is a member of the class specified in the Second Schedule shall be liable to have his name entered in the national service register and to be called upon to serve in the Service in accordance with the provisions of this Act.
- (2) The Minister may, by statutory instrument, add to, amend, vary or replace the Second Schedule.
- (3) Notwithstanding the provisions of subsection (1), a citizen who is a member of the class specified in the Second Schedule shall not be liable to be called upon to serve in the Service so long as he is a student engaged in studies:

Provided that, for the purpose of this section, a student shall be deemed to be not engaged in studies during any vacation period and he may be called up for service during any such vacation period.

- (4) For the purpose of this section and the Second Schedule, a student means a full-time student.

## **8. Appointment of Registrar of Service**

The Commandant shall be Registrar and he shall keep a register of persons who are liable under this Act to be called up for national service (in this Act referred to as "the national service register") and shall perform such other duties in connection with the said register and the enlistment of members of the Service as may be prescribed in this Act.

## **9. Rules relating to registration**

- (1) The Minister may, by statutory instrument, make rules in relation to the following matters:
  - (a) requiring the persons in charge of secondary schools or other educational or professional institutions to furnish to the Registrar particulars about students attending such schools or institutions who may be liable under this Act to be called up for the Service; and
  - (b) requiring persons whose names have been entered on the national service register to furnish to the Registrar such particulars as may be prescribed.

- (2) Rules made under subsection (1) may make different provision in relation to different classes of persons subject to registration, and may exclude provision for any class of persons subject to registration with respect to which the Minister is satisfied that sufficient particulars can be ascertained otherwise than by virtue of such rules.

## 10. Registration

- (1) It shall be the duty of the Registrar to ensure that the names and particulars of persons liable under this Act to be called up for the Service received by him are entered in the national service register.
- (2) The Registrar shall from time to time make any necessary alteration to any entry therein and shall remove from the said register the name of every person who dies before being called up for the Service or who ceases to be liable to be called up for the Service.
- (3) If at any time before being called up for the Service a person whose name is entered in the national service register changes his name or address, he shall forthwith notify the change to the Registrar and, if he fails to do so, he shall be guilty of an offence and on conviction liable to a fine not exceeding three hundred and fifty penalty units

*[As amended by Act [No. 13 of 1994](#)]*

## 11. Obligation of persons liable to report and service of enlistment notice

- (1) Every person who, upon the commencement of this Act, is, or at any later date becomes, liable to be called upon to serve in the Service in accordance with the provisions of this Act, shall, within three months of the commencement of this Act or his so becoming liable, as the case may be, present himself in person to such authority or person as may be prescribed by the Minister by statutory instrument to furnish his name and particulars for entering the same in the national service register.
- (2) Any person who, being liable under this Act to be called upon to serve in the Service, fails without reasonable excuse to present himself in person to the authority or person prescribed under subsection (1) within the period specified in the said subsection shall be guilty of an offence against this Act and shall be liable on conviction to a fine not exceeding one thousand penalty units or to imprisonment for a term not exceeding three months, or to both.
- (3) The Registrar may cause to be served on any person who is liable under this Act to be called up for the Service a written notice (in this Act referred to as "an enlistment notice") stating that he is called up for the Service and requiring him to present himself at such place and time, and to such authority, as may be so specified in the notice; and, subject to this section, the person upon whom the notice is served shall be deemed, as from the day so specified in the notice, to have been duly enlisted in the Service and the period for which he is enlisted shall begin on the said day or such later day as he may in fact present himself for service.
- (4) Where an enlistment notice has been served on any person, the Registrar may, at any time while that person remains liable under this Act to be called up for the Service, cancel the notice or cause to be served on him a further enlistment notice varying the original notice by altering the place or time at which he is thereby required to present himself.
- (5) Where, at the beginning of the day specified in an enlistment notice or the day on which the person to whom the notice relates is thereby required to present himself, any of the following conditions is fulfilled, that is to say:
  - (a) a postponement certificate relating to him is in force; or
  - (b) any application or appeal made by him under section twelve is pending;the enlistment notice served on him shall be of no effect.

- (6) An enlistment notice served upon any person shall cease to have effect if before the day on which he is thereby required to present himself he ceases to be liable under this Act to be called up for the Service.
- (7) There shall be paid to persons required to present themselves in accordance with enlistment notices served upon them, such travelling and other allowances as the Minister may, by statutory instrument, prescribe.
- (8) Any person upon whom an enlistment notice has been served who, being liable to be called up for the Service, fails without reasonable excuse to present himself in accordance with the provisions of such notice shall be guilty of an offence against this Act and shall be liable on conviction to a fine not exceeding one thousand penalty units or to imprisonment for a term not exceeding three months, or to both.
- (9) A person who is not a citizen shall not enlist to serve in the Service.
- (10) If a person who is not a citizen enlists in the Service or does not disclose his nationality when he presents himself for enlistment to the appropriate authority of the Service under the provisions of this Act, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand penalty units or to imprisonment for a term not exceeding three months, or to both.

*[As amended by Act [No. 13 of 1994](#)]*

## **Part IV – Postponement certificate, National Service Hardship Committee and exemption**

### **12. Postponement certificate**

- (1) Subject to this section, any person upon whom an enlistment notice has been served under section eleven or his employer may apply in a prescribed manner for a certificate of postponement of liability under this Act to be called up for the Service (in this Act referred to as a "postponement certificate") on the ground that exceptional hardship would ensue if he were called up for the Service, and may, on that ground, apply in the prescribed manner for the renewal of any postponement certificate granted to him.
- (2) Where application for a postponement certificate or for the renewal of a postponement certificate is made, that application shall be considered by a National Service Hardship Committee constituted under subsection (3).
- (3) National Service Hardship Committees shall be appointed for such areas or regions as the Minister may determine and shall consist of a chairman and three other members all of whom shall be appointed by the Minister.
- (4) An application for the grant of a postponement certificate may be made at any time after an enlistment notice has been served on the applicant but before the day specified in the notice as the day on which he is thereby required to present himself.
- (5) An application for the renewal of a postponement certificate shall be made at least fourteen days before the expiration of the period for which that certificate was granted or last renewed.

### **13. Appeals from determination of National Service Hardship Committee**

An applicant for a postponement certificate or the renewal of a postponement certificate who is aggrieved by the determination of a National Service Hardship Committee may, in the prescribed manner, appeal to the Minister whose decision shall be final.

#### **14. Revocation of postponement certificate**

- (1) If, at any time while a postponement certificate is in force, it appears to the Registrar that, by reason of any change in the circumstances of the person to whom the certificate was granted, the certificate ought to be revoked or the period for which it was granted ought to be shortened, the Registrar may apply to the National Service Hardship Committee and the Committee may either refuse the application or cancel the certificate or vary it by shortening the said period.
- (2) Where an application is made under subsection (1), the person to whom the postponement certificate in question was granted shall be entitled to be heard on the application, and if he is aggrieved by the determination of the National Service Hardship Committee, he may, in the prescribed manner, appeal to the Minister whose decision shall be final.

#### **15. Provisions as to National Service Hardship Committees**

- (1) The Registrar or any person authorised by him shall be entitled to be heard on any application before a National Service Hardship Committee.
- (2) No determination of an appeal to the Minister or any application to a National Service Hardship Committee or the determination thereof shall be questioned in any court of law.

#### **16. Exemption from liability**

The Minister may, by statutory instrument, exempt any person or any class of persons from liability under this Act to be called upon to serve in the Service.

### **Part V – Secondment to the service**

#### **17. Seconded members**

- (1) Any citizen who is in the civil or military service of the Republic may, if he so wishes and the appropriate authorities approve, be seconded for employment within the Service.
- (2) The period of secondment shall be such period as shall be agreed upon at the commencement of the employment, and, subject in each case to such limitations aforesaid, the secondment may, if the person seconded so wishes and the appropriate authorities so approve, be renewed from time to time.
- (3) Where a person is first seconded for employment with the Service in any particular rank, he shall not thereafter be required to serve in any rank junior thereto without his consent, and if he can no longer be employed in the rank at which he was first seconded or in any rank senior thereto, his secondment shall, if he wishes, be forthwith terminated.

#### **18. Prolongation of engagement and secondment**

Notwithstanding the foregoing provisions of this Act but subject to the provisions of subsection (3) of section seventeen, any member of the Service whose engagement or secondment expires during a state of war, insurrection, hostility or public emergency may be retained in the Service and his engagement or secondment prolonged for such further period as the appropriate authorities, with the approval of the President direct.

#### **19. Discharge**

The appropriate authority may, at any time during the term of an engagement or period of secondment, discharge a member of the Service or terminate his secondment, as the case may be, if, for any reason, his services are no longer required.

## Part VI – Units, commandant and ranks of the service

### 20. Units of the Service

- (1) The Service shall be divided into such numbers and descriptions of branches, units, sub-units, camps and settlements, as the Minister may from time to time direct.
- (2) Subject to subsection (3), any Serviceman may be posted to and employed in any branch, unit, sub-unit, camp or settlement of the Service.
- (3) Where a Serviceman is seconded specifically for a particular description of branch, unit, sub-unit, camp or settlement of the Service, he shall be posted only to a branch, unit, sub-unit, camp or settlement of that description.

### 21. Appointment of Commandant

The President may appoint an experienced member of the Service or an officer of the Regular Force to be the Commandant of the Service.

### 22. Powers of Commandant

- (1) Subject to this Act and to the direction of the President and the Minister, the Commandant shall have the command, superintendence, direction and control of the Service.
- (2) The Commandant may, subject to the general instructions of the Minister and to the provisions of this Act, from time to time make standing orders for the general government of Servicemen in relation to their training, arms, accoutrements, clothing, equipment, places of residence, classification and duties as well as their distribution and inspection and such other orders and instructions as he may deem expedient for preventing neglect and for promoting efficiency and discipline of Servicemen in the discharge of their duties.
- (3) Save where a contrary intention appears, the Commandant may delegate to a Serviceman not below the rank of Assistant Commandant the duties, powers and functions vested in him by this Act or any other written law.
- (4) The President may, in the event of the Commandant being for any reason absent, appoint another person to act as Commandant during the period of the Commandant's absence and the person so acting shall perform the functions of the Commandant under this Act.

### 23. Ranks and administration

- (1) There shall be such other ranks of the Service as may be prescribed by rules made by the Minister under section fifty, and such rules-
  - (a) shall prescribe the relative seniority of the various ranks; and
  - (b) may prescribe the authority or authorities in whom the power to make appointments or promotions to, or reduction from, such ranks shall be vested.
- (2) The administration of the Service throughout Zambia shall be vested in the Commandant.
- (3) The control of the Service in any branch, unit, sub-unit, camp or settlement shall be vested in such Serviceman as may be appointed, subject to the approval of the Minister, by the Commandant.
- (4) A Serviceman in charge of a branch, unit, sub-unit, camp or settlement shall carry out the orders of the Commandant in all matters including discipline, internal administration and training of the Servicemen under his command.

## Part VII – Duties and employment of the Service

### 24. Duties of Servicemen

- (1) Every member of the Service shall—
  - (a) perform such duties and carry out such training as may be directed by the officers senior to or placed in command over him;
  - (b) obey and execute promptly all orders lawfully issued to him by the officers senior to or placed in command over him.
- (2) Without prejudice to the generality of the foregoing provisions of this section, members of the Service may be trained in the use of arms and weapons of war.

### 25. Employment of Servicemen in times of emergency

- (1) The President may, during a state of war, insurrection, hostility or public emergency or during any period when a declaration made under the Constitution has effect—
  - (a) call out the Service or any part or member thereof;
  - (b) order that the Service or any part thereof be employed to serve with the Defence Force or otherwise in the defence of the Republic.
- (2) Where any part of the Service is, in pursuance of an order made under this section, serving with the Defence Force or otherwise in the defence of the Republic, it shall be governed by, and subject to, the Defence Act, and the members of the Service for the time being serving with such part shall be deemed to be subject to that Act, within the meaning of section two hundred and six thereof.  
*[Cap. 106]*
- (3) Where any part of the Service is, in pursuance of an order made under this section, serving with the Defence Force or otherwise in the defence of the Republic, the President shall make rules declaring which rank of the Service corresponds to which rank in the Defence Force and may make rules relating to the command of such part by members of the Defence Force.

### 26. President may send Servicemen to friendly neighbouring States

- (1) The President may, at any time, order such part or members of the Service as he may think fit to proceed for service to a friendly neighbouring State.
- (2) For the purpose of this section, "friendly neighbouring State" means any State having a common border and friendly relations with the Republic and any such other State as the President may declare to be a friendly neighbouring State.
- (3) All the members of the Service serving outside the Republic under the provisions of this section shall be under the orders of their own superior officers, and shall, in so far as appertains to their terms and conditions of service and the maintenance of discipline, be subject to the provisions of this Act and shall, so far as is possible, perform duties of a like nature to those which they may be required to perform under this Act in Zambia, so however that, except as aforesaid, nothing in this section shall operate contrary to the general law for the time being in force in such friendly neighbouring State which shall apply to and be observed by such members of the Service.

## Part VIII – Employer's obligations

### 27. Prohibition of dismissal of employees by reason of liability for Service

- (1) If the employer of any person liable to be called up terminates his employment without his consent –
- (a) after he is informed by the employee that an enlistment notice is served upon him under the provisions of section eleven; and
  - (b) does so solely or mainly by reason of any duties or liabilities which that employee is, or may become, liable to perform or discharge by reason of his being called up for the Service;

the employer shall be guilty of an offence and liable on conviction to a fine not exceeding five thousand penalty units or to imprisonment for a term not exceeding three months, and the court by which he is convicted may order him to pay to the employee, whose employment has been terminated, as compensation for any loss suffered or likely to be suffered by him by reason of the termination, a sum not exceeding an amount equal to three months' remuneration at the rate at which his remuneration was last payable to him by his employer.

- (2) Save as provided in this section, an employer is not liable to pay to an employee any remuneration for the period during which the employee is serving in the Service.
- (3) If a person in employment of the Government, a local authority or an organisation prescribed under the provisions of subsection (4) is called up for the Service, the period during which he serves with the Service shall be treated as a period of service with his employer for all purposes, including his remuneration.
- (4) The Minister may, by writing under his hand, prescribe any company or association or body of persons, corporate or unincorporate, in which the Government holds, directly or indirectly, shares or any other interest, as a prescribed organisation for the purpose of subsection (3).
- (5) If an employee in employment of any person, other than the Government, a local authority or an organisation prescribed under the provisions of subsection (4), is serving in the Service pursuant to his being called up for the Service, the employer shall pay him for a period of three months, from the day he starts serving with the Service, his monthly remuneration at the rate at which his remuneration was last payable to him by the employer immediately before he commenced serving with the Service, and such period of three months shall be deemed as a period of service with his employer for all other purposes.
- (6) For the purpose of subsection (1), an employer shall be deemed to have terminated his employee's employment in contravention of subsection (1) unless the employer shows a lawful reason for such termination of employment other than the reason mentioned in paragraph (b) of subsection (1).
- (7) For the purpose of subsection (1), an employer means—
- (a) in a case where the employing authority is a body corporate, the individual or group of individuals who is empowered to terminate and who has in fact terminated the employment of an employee; and
  - (b) in any other case, the individual who is empowered to terminate and has in fact terminated the employment of the employee.

*[As amended by Act [No. 13 of 1994](#)]*

## Part IX – Discipline

### 28. Method of dealing with disciplinary matters

Disciplinary control over Servicemen shall be exercised as is provided in this Part.

### 29. Offences against discipline by Servicemen below the rank of Commandant

- (1) A Serviceman below the rank of the Commandant commits an offence against discipline if he is guilty of—
  - (a) disobedience to orders, that is to say, if he disobeys, or without good and sufficient cause omits or neglects to carry out any lawful order, written or otherwise;
  - (b) insubordinate or oppressive conduct, that is to say, if he—
    - (i) is disrespectful in word, act or demeanour to a Serviceman superior to him in rank;
    - (ii) is oppressive or tyrannical in conduct towards a Serviceman inferior to him in rank;
    - (iii) uses obscene, abusive or insulting language to any other Serviceman;
    - (iv) assaults any other Serviceman;
    - (v) wilfully or negligently makes any false complaint against any other Serviceman;
    - (vi) fails to report any complaint or report made against any other Serviceman;
    - (vii) talks or is inattentive or otherwise misbehaves himself on parade;
    - (viii) being under arrest or in confinement, leaves or escapes from his arrest or confinement before he is set at liberty by proper authority;
    - (ix) resists an escort whose duty it is to apprehend him or to have him in charge;
  - (c) neglect of duty, that is to say, if he—
    - (i) neglects, or without good and sufficient cause omits, promptly and diligently to attend to or carry out anything which it is his duty as a Serviceman to attend to or to carry out;
    - (ii) idles or gossips or sits or lies down without reasonable cause when on duty;
    - (iii) sleeps when on duty;
    - (iv) fails to report any matter which it is his duty to report;
    - (v) without reasonable cause omits to make any necessary entry in any official document, book or paper;
    - (vi) refuses, or without good and sufficient cause omits to make or send a report or return which it is his duty to make or send;
  - (d) discreditable conduct, that is to say, if he acts in a disorderly manner, or in any manner prejudicial to discipline or likely to bring discredit on the reputation of the Service;
  - (e) absence without leave or being late for duty, that is to say, if he—
    - (i) without reasonable cause or excuse is absent without leave from, or is late for, parade or other duty; or
    - (ii) leaves without right of permission or lawful reason any service camp or quarters;

- (f) falsehood or prevarication, that is to say, if he—
    - (i) knowingly makes or signs any false statement in any official book or document;
    - (ii) wilfully or negligently makes any false, misleading or inaccurate statement;
    - (iii) without good and sufficient cause destroys or mutilates any official document or record, or alters or erases any entry therein;
  - (g) breach of confidence, that is to say, if he—
    - (i) divulges any matter which it is his duty to keep secret;
    - (ii) without proper authority communicates to the press, or to any unauthorised person any matter concerning the Service;
    - (iii) without proper authority shows to any person outside the Service any book or written or printed document belonging to the Service;
    - (iv) makes or joins in making any anonymous communication to a Serviceman superior in rank to him;
    - (v) signs or circulates any petition or statement with regard to any matter concerning the Service, except through the proper channels of correspondence to the Commandant;
    - (vi) calls or attends any unauthorised meeting to discuss any matter concerning the Service;
  - (h) malingering, that is to say, if he feigns or exaggerates any sickness or injury with a view to evading duty;
  - (i) uncleanness, that is to say, if he, while on duty, is without reasonable cause improperly dressed or dirty or untidy in his clothing or accoutrements;
  - (j) damage to property, that is to say, if he—
    - (i) wilfully or by carelessness causes any waste, loss or damage to any article of clothing or accoutrements, or to any book, document or other property belonging to the Service, issued to him or used by him or entrusted to his care;
    - (ii) fails to report any such loss or damage as aforesaid however caused;
  - (k) drunkenness, that is to say, if he, while on or off duty, is unfit for duty through the consumption of intoxicating liquor or drugs;
  - (l) entering licensed premises, that is to say, if he enters any public bar licensed for the sale of intoxicating liquor when on duty except when his presence is required there in the execution of his duty;
  - (m) discharging without orders or just cause any firearm which has been issued to him;
  - (n) neglecting or failing to report the fact that he is suffering from venereal or other contagious disease;
  - (o) any other act, conduct, disorder or neglect to the prejudice of good order and discipline not hereinbefore specified;
  - (p) conniving at or knowingly being an accessory to any offence against discipline under this Act.
- (2) An offence against discipline under this section shall be inquired into, tried and determined and the offender shall be liable to suffer punishment, according to the degree and nature of the offence, in accordance with the provisions of this Part:

Provided that a Serviceman shall not be found guilty of an offence under paragraphs (c) (ii), (c) (iii) or (l) of subsection (1) unless it is proved that, at the time when the offence was committed, he was on a specific duty for which he was specifically detailed.

### 30. Procedure as to inquiries into disciplinary offences

- (1) Where it appears to a senior officer that there is a *prima facie* case against a Serviceman (hereinafter in this Act referred to as "the defaulter") for an offence against discipline, he shall frame a charge or charges against the defaulter.
- (2) The senior officer aforesaid may—
  - (a) if he is not a commanding officer report the charge to his commanding officer, who may either proceed to hear the charge or charges himself or remit the case to another appropriate tribunal to hear the charge or charges; or
  - (b) if he is a commanding officer may proceed to hear the charge or charges himself or remit the case to another appropriate tribunal to hear the charge or charges.
- (3) The defaulter shall be informed of the date and time at which he will be required to appear before the appropriate tribunal.
- (4) The charge or charges shall first be read over to the defaulter who shall be required to plead guilty or not guilty to each charge separately, and the defaulter shall be afforded an opportunity to make a defence and adduce evidence for that purpose.
- (5) At the conclusion of the hearing the appropriate tribunal may—
  - (a) give its finding forthwith and, if it finds the defaulter guilty of any of the charges against him or, if the defaulter has pleaded guilty thereto, may impose a punishment; or
  - (b) reserve its findings until a later date and, if it finds the defaulter guilty of any of the charges against him, may impose a punishment.
- (6) The findings and punishment shall be recorded and communicated personally to the defaulter.

### 31. Disposition of serious offences

- (1) Where the defaulter pleads or is found guilty but the appropriate tribunal considers that the offence warrants dismissal from the Service, it shall not make an award but—
  - (a) if the appropriate tribunal is not a commanding officer, it shall send a report to the commanding officer of the defaulter together with a copy of the proceedings, its findings and the reasons therefor; or
  - (b) if the appropriate tribunal is a commanding officer, he shall send a report to the Commandant together with a copy of the proceedings, his findings and the reasons therefor.
- (2) On receipt of a report and the other documents referred to in subsection (1), a commanding officer may—
  - (a) confirm all or any of the findings or substitute for any finding of the appropriate tribunal any other finding at which the tribunal could have arrived upon the evidence and refer the report and such other documents to the Commandant for the latter to impose a punishment; or
  - (b) quash any finding of guilt and acquit the defaulter in respect thereof or order a re-trial on such charge or charges as he may specify.
- (3) On receipt of the report and such other documents as aforesaid, the Commandant may—
  - (a) confirm all or any of the findings or substitute for any finding of the appropriate tribunal or any finding substituted by the commanding officer any other finding at which the tribunal

could have arrived upon the evidence and impose a punishment in relation thereto (in which case he shall notify the appropriate tribunal); or

- (b) quash any finding of guilt and acquit the defaulter in respect thereof or order a re-trial on such charge or charges as he may specify.
- (4) Notification of the findings and punishment shall be personally communicated to the defaulter.

### 32. Punishments

- (1) One or more of the following punishments may be imposed by any appropriate tribunal upon a defaulter who has pleaded guilty or who has been found guilty of an offence against discipline:
  - (a) reduction in rank;
  - (b) confinement in a guardroom, or restriction to the confines of any camp or other area where a part of the Service is stationed, for not more than fourteen days;
  - (c) a fine not exceeding thirty penalty units;
  - (d) stoppage of allowance;
  - (e) extra drills or parades;
  - (f) dismissal from the Service.
- (2) The Commandant may impose any punishment which an appropriate tribunal is competent to impose and, where a defaulter has pleaded guilty or has been found guilty of an offence against discipline, may dismiss the defaulter from the Service.

*[As amended by Act [No. 13 of 1994](#)]*

### 33. Appeals

- (1) Any Serviceman aggrieved by any finding of an appropriate tribunal or any award of an appropriate tribunal may, within seven days of the notification to him thereof, appeal to the Commandant in writing and the Commandant may quash, confirm or vary any finding of the appropriate tribunal or substitute therefor any finding at which the appropriate tribunal could have arrived upon the evidence, including any additional evidence which the Commandant, in his discretion, admits at the hearing of the appeal and may quash, confirm or remit any punishment imposed by the appropriate tribunal or may substitute therefor any punishment which the appropriate tribunal could have imposed.
- (2) Where the Commandant hears any new evidence on appeal, he shall give the appellant an opportunity of being present and putting questions to any witnesses so heard.
- (3) Any Serviceman aggrieved by the finding or award of the Commandant under the provisions of subsection (1) of this section, or subsection (3) of section thirty-one, may, within fourteen days of the notification to him thereof, appeal to the President in writing and the President may confirm or vary any finding of the Commandant and may vary, remit or confirm any punishment imposed or confirmed by the Commandant and in all such cases the decision of the President shall be final.
- (4) In every case in which an appeal is lodged, the punishment shall be suspended during the hearing of the appeal.

### 34. Fines to be recovered by stoppage of allowance

- (1) All fines imposed on a defaulter in respect of offences against discipline under this Part may be recovered by stoppage of the defaulter's allowance due at the time of committing such offences and thereafter accruing due.

- (2) The amount of stoppage in respect of any punishment authorised by this Part shall be in the discretion of the appropriate tribunal by whom the punishment was imposed or subject to the discretion of the Commandant, but shall in no case exceed one-half of the monthly allowance of the defaulter and, whenever more than one order of stoppage is in force against the same Serviceman, so much only of his allowance shall be stopped as shall leave him a residue of at least one-half of his allowance.
- (3) Where more than one order of stoppage is made upon the same Serviceman, the orders later in date shall if necessary be postponed as to their enforcement until the earlier orders have been discharged.

### **35. Suspension of Serviceman**

The Commandant or a commanding officer, where a charge alleging an offence against discipline or an offence against the Act has been laid or is about to be laid against a Serviceman, may suspend that Serviceman from the performance of his duties with the Service.

### **36. Servicemen subject to disciplinary code**

- (1) Subject to subsection (2), every Serviceman shall be subject to the disciplinary code under the provisions of this Part.
- (2) A person seconded to the Service shall not be subject to the disciplinary code under the provisions of this Part but shall remain subject to the law, regulations, rules and orders governing that part of the service of the Republic from which he was seconded to the Service:  
Provided that—
  - (i) nothing in this subsection shall preclude such a person from being proceeded against under any appropriate provision of any such law, regulation, rule or order for a dereliction of duty while seconded to the Service; and
  - (ii) nothing in this subsection shall preclude such a person from exercising any function under the disciplinary code or shall be construed as derogating from the status or authority attaching to the rank he holds.

### **37. Active participation in trade union forbidden**

- (1) It shall not be lawful for any member of the Service to take active part in—
  - (a) any trade union, or any body or association affiliated to a trade union; or
  - (b) any body or association the objects of which, or one of the objects of which, is to control or influence conditions of employment in any trade or profession; or
  - (c) any body or association the object of which is to control or influence the pay, pensions or conditions of service of the Service.
- (2) Any member of the Service who contravenes the provisions of this section shall be liable to be dismissed and shall forfeit any pay or allowances due to him.
- (3) If any question arises as to whether any body is a trade union or association affiliated to a trade union or a body within the meaning of this section, the question shall be decided by the Minister whose decision shall be final and conclusive and shall not be questioned in any proceedings.
- (4) For the purpose of this section, "trade union" has the same meaning as it has in the Labour and Industrial Relations Act or any law repealing and replacing the same.

*[Cap. 269]*

## Part X – Miscellaneous offences

### 38. Mutiny

- (1) Any member of the Service who takes part in a mutiny shall be guilty of an offence and shall be liable on conviction to a term of imprisonment not exceeding five years.
- (2) For the purpose of this section, "mutiny" means a combination between two or more members of the Service or between persons at least two of whom are members of the Service—
  - (a) to overthrow or resist lawful authority in the Service; or
  - (b) to disobey any such authority in such circumstances as to make the disobedience subversive of discipline.

### 39. Desertion

- (1) Any member who deserts from the Service shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred penalty units or to imprisonment for a term not exceeding six months, or to both.
- (2) No person shall be found guilty of the offence of desertion unless the court is satisfied that he intended not to return to the Service.

*[As amended by Act [No. 13 of 1994](#)]*

### 40. Absence from duty

Any member who absents himself from duty without leave or reasonable cause for a period of twenty-one days shall be guilty of an offence and shall be liable on conviction to the forfeiture of any pay and allowances due and payable to him.

### 41. Persons causing disaffection, etc.

Any person who—

- (a) causes or attempts to cause or does any act calculated to cause disaffection amongst members of the Service; or
- (b) induces or attempts to induce, or does any act calculated to induce, any member of the Service to desert or to commit any breach of discipline;

shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding five thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

*[As amended by Act [No. 13 of 1994](#)]*

### 42. Offences relating to arms, ammunition, accoutrements, etc.

- (1) When a member of the Service ceases to belong to the Service, all powers and authority vested in him by or under this Act shall immediately cease and determine and he shall forthwith deliver up to the person appointed by the Commandant for that purpose all arms, ammunition, accoutrements, clothing, uniforms and other appointments which have been supplied to him or entrusted to his care and which are the property of the Republic.
- (2) Any member of the Service who, having ceased to belong to the Service, fails to deliver up any arms, ammunition, accoutrements, clothing, uniforms or other appointments as required by this section shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding two thousand penalty units or to imprisonment for a term not exceeding three months, or to both.

- (3) Any person, not being a member, who is found in possession of any arms, ammunition, accoutrements, clothing, uniforms or other appointments belonging to the Service and who fails to account satisfactorily for his lawful possession thereof shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding five thousand penalty units or to imprisonment for a term not exceeding six months, or to both.
- (4) Any person who, without lawful authority—
  - (a) sells or otherwise disposes of, or purchases or otherwise acquires, anything which has been supplied to, or is intended for supply to, a member for use in the execution of his duty; or
  - (b) aids or abets any person in selling or disposing of or purchasing or acquiring any such thing;shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding five thousand penalty units or to imprisonment for a term not exceeding six months.

*[As amended by Act [No. 13 of 1994](#)]*

#### **43. Power to prosecute under other written law not affected**

Nothing in this Act shall exempt any person from being proceeded against under any other written law in respect of any offence made punishable by this Act, or from being liable under any written law to other or higher penalty or punishment than is provided for such offence by this Act:

Provided that no person shall be punished twice for the same offence.

### **Part XI – Advisory Committee**

#### **44. Establishment of the Zambia National Service Advisory Committee**

- (1) There shall be a Zambia National Service Advisory Committee (hereinafter referred to as "the Advisory Committee") which shall advise the Minister on such matters of policy and matters affecting the command, discipline and administration of the Service as may be referred to it, from time to time, by the Minister.
- (2) The President may appoint such number of members of the Advisory Committee as he deems fit.
- (3) A member of the Advisory Committee shall be appointed by virtue of the office he holds and not in his individual capacity.

### **Part XII – Finance**

#### **45. Finance**

Any expenditure incurred for the establishment, maintenance and operation of the Service under the provisions of this Act shall be charged on the general revenues of the Republic.

#### **46. Validation of acts done and contracts made before the establishment of the Service**

- (1) Any acts done and expenses incurred, before the date of the establishment of the Service, by the Minister or by any person or body authorised by the Minister so to do on behalf of the Republic (which they or any of them are hereby empowered and shall be deemed always to have been empowered so to do) in connection with the establishment of the Service shall be deemed to have the same effect and validity as if the Service had been in existence when the acts were done or expenses incurred and as if such acts has been done and such expenses incurred by the Government for the Service.

- (2) Where, before the establishment of the Service, any contract had been entered into by the Minister or by any person or body authorised by the Minister so to do for the benefit, use or purposes of the Service (which they or any of them are hereby empowered and shall be deemed always to have been empowered so to do) and any other person—
- (a) for the employment of that person in any capacity relating to the exercise and performance of the functions of the Service; or
  - (b) for the provision of machinery, equipment, plant, buildings, housing or services to be used for the purposes of the Service; or
  - (c) relating to the exercise and performance of the functions of the Service;
- then any such contract shall have effect and be enforceable in the same manner as if the Service had been in existence at the date of the contract and the Government had been a party thereto in the place of the Minister or person or body who entered into the contract in the circumstances mentioned in this section.
- (3) As from the date of the establishment of the Service, any such contract as is mentioned in subsection (2) shall not be enforceable against the Minister or person or body who entered into the contract on behalf of the Service, and the Minister, person or body is hereby released from all liability under the contract.
- (4) This section shall have effect notwithstanding any other provisions of this Act and notwithstanding that this Act had not been enacted at the time when the acts were done or the expenses were incurred or the contracts were entered into.

#### **47. Allowances**

- (1) The Minister may, by statutory instrument, prescribe the pay, allowances or gratuities payable to members.
- (2) Different provisions may be made under subsection (1) for different classes of members.

### **Part XIII – Pensions and gratuities**

#### **48. Pensions and gratuities**

- (1) The President may, by statutory instrument, make regulations prescribing the payment of pensions or gratuities in respect of service of the Servicemen or any of them.
- (2) Without prejudice to the generality of subsection (1), such regulations may prescribe—
  - (a) the conditions under which pensions or gratuities may be paid, the period of service qualifying for, and the methods of payment of, pensions or gratuities;
  - (b) the payment of pensions or gratuities to the Servicemen who become incapacitated for service by sickness, accident or disability incurred in the discharge of their duties, and the payment of gratuities to the Servicemen who otherwise become incapacitated for service;
  - (c) the conditions under which a pension or gratuity may be paid to or for the benefit of any relative or dependant of a Serviceman who dies from sickness, accident, or disability contracted in the discharge of his duty or who dies while serving in the Service;
  - (d) that pensions or gratuities shall be liable to forfeiture or non-payment for misconduct.
- (3) Notwithstanding anything to the contrary contained in the Public Service Pensions Act, the President may, by statutory instrument, provide that all or any of the provisions of the said Act with such modification as he may prescribe, shall apply in relation to the Servicemen or any of them.

*[Cap. 260]*

## Part XIV – Miscellaneous provisions

### 49. Member deemed to be a workman

Notwithstanding anything contained in any other written law, a member when on duty shall be deemed to be a workman, and the Government shall be deemed to be the employer of such member for the purposes of the Workers' Compensation Act.

*[Cap. 271]*

### 50. Regulations, rules and orders

- (1) The Minister may, by statutory instrument, make regulations, rules and orders for the better carrying out of the provisions of this Act and the general administration of the Service.
- (2) Without prejudice to the generality of subsection (1), such regulations, rules or orders may relate to the following matters:
  - (a) prescribing anything which under this Act may or is to be prescribed;
  - (b) the establishment, organisation and distribution of the Service, the conditions of appointment and service and the various ranks and appointments therein;
  - (c) the duties to be performed by members and their guidance in the discharge of such duties;
  - (d) the allowances payable to members;
  - (e) the description and issue of arms, ammunition, accoutre-ments, uniforms, emblems and badges of rank;
  - (f) the conditions governing resignation, dismissal, discharge, reduction in rank or reversions of members;
  - (g) leave conditions of the Service;
  - (h) the issue in specified circumstances of fresh postponement certificates in place of certificates which have been lost, destroyed or defaced;
  - (i) the principles to be applied and the circumstances to which regard is and is not to be had, on the hearing of any application for the grant, renewal, cancellation or variation of a postponement certificate;
  - (j) generally for the good order and administration of the Service.
- (3) Subject to the provisions of this Act, regulations, rules or orders made under the provisions of this section may, subject to any restrictions or exceptions therein contained, empower the Commandant and other members of the Service having command of any branch, unit, sub-unit, camp or settlement of the Service to make general, special, routine and standing orders with respect to all or any of the following matters, that is to say:
  - (a) the discipline, good order and guidance of the branch, unit, sub-unit, camp or settlement under his command;
  - (b) the organisation and duties of the branch, unit, sub-unit, camp or settlement under his command;
  - (c) the distribution, posting, transfer, attachment and inspection of personnel; and
  - (d) the description, supply, use and disposal of arms, accoutre-ments, clothing, uniforms and other stores.

## Part XV – Dissolution of Zambia Youth Service Board

### 51. Interpretation

In this Part, unless the context otherwise requires—

"Board" means the Zambia Youth Service Board established under section four of the Zambia Youth Service Act.

*[Cap. 143]*

### 52. Winding up of affairs of the Board

- (1) From the commencement of this Act the Board shall exist for the purpose of winding up its affairs and for no other purpose.
- (2) Notwithstanding anything to the contrary contained in the Zambia Youth Service Act or any other written law, the Board shall have, for the purpose of winding up its affairs, power to do anything which is necessary or expedient for that purpose or is incidental thereto, including in particular, but without prejudice to the generality of that power, power to enter into and carry out agreements and arrangements for the transfer of its property, rights, liabilities and obligations to any person or the Government.

*[Cap. 143]*

- (3) The Minister may issue to the Board directions in respect of the exercise of powers under subsection (2) and the Board shall act in accordance with such directions.
- (4) When the Minister is satisfied that all necessary agreements and arrangements have been made for the winding up of the Board so that it may be dissolved, he may, by statutory instrument, order that the Board shall be dissolved on such date as may be appointed in the statutory instrument (in this Part referred to as "the appointed date").

### 53. Vesting of lands and personal property in, and transfer of contractual and other rights and liabilities to, the Government

Upon the dissolution of the Board pursuant to section fifty-two—

- (a) all lands, leaseholds, estates, tenancies, interests or rights in, to, over or arising out of the ownership, possession or occupation thereof which were subsisting immediately prior to the said dissolution and were vested in, held or enjoyed by the Board shall, by virtue of this section and without further assurance, be transferred to and vested in the Government to the extent of the title of the Board therein, subject however to any mortgages, charges, leaseholds, tenancies or other rights, legal or equitable, subsisting in any other person in, to, over or arising out of such property at the date of the said dissolution;
- (b) all personal property and all rights in, to, over or arising out of the ownership or possession of such property which were subsisting immediately prior to such dissolution and were vested in, held or enjoyed by the Board, shall, by virtue of this section and without further act, be transferred to and vested in the Government to the extent of the title of the Board therein, subject however to any rights or interests, legal or equitable, subsisting in any other person in, to, over or arising out of such personal property on the date of the said dissolution;
- (c) the benefits of all deeds, contracts (other than contracts of personal services), bonds, shares, securities, or things in action which were subsisting immediately prior to such dissolution and were vested in the Board shall, by virtue of this section and without further act, endorsement or document of transfer, be transferred to and vested in, and shall ensure to the benefit of the Government in the same manner as if the Government had been a party to such deeds, contracts,

bonds, shares or securities instead of the Board, and in the same manner as if the Government at all times had been entitled to the benefit of all such things in action instead of the Board, subject however to any rights, interest or claims, legal and equitable, subsisting in any other person, in, to, over or arising out of, or in respect of, any such deeds, contracts, bonds, shares, securities, or things in action on the date of the said dissolution;

- (d) all subsisting and future liabilities or obligations arising out of any deed, contract (other than a contract for personal service), bond, share, security or thing in action, and all such liabilities in tort, imposed upon, suffered or incurred by the Board shall, by virtue of this section, be transferred to, imposed upon, suffered and incurred by the Government, in the same manner as if the Government had been a party to each such deed, contract, bond, share or other security instead of the Board, and in the same manner as if the Government at all times had been the party bound or obliged by or under each such thing in action or liable by reason of each tort instead of the Board.

#### **54. Registration of property to be transferred by the Board**

Whenever in pursuance of the provisions of this Part, any property, rights, liabilities or obligations of the Board are transferred by it in respect of the transfer of which any written law provides for registration, it shall be the duty of the Board to make an application in writing to the proper officer of the appropriate registration authority for the registration of such transfer and it shall be the duty of such officer to make such entries in the appropriate register as shall give effect to such transfer and, where appropriate, to issue to the transferee concerned a Certificate of Title in respect of the said property or to make necessary amendments to the appropriate register, as the case may be, and if presented therefor, to make endorsements on the deeds relating to the title, right or obligation concerned; and no registration fees, stamp duty or other duties shall be payable in respect thereof.

#### **55. Completion of acts**

Where anything has been commenced by or under the authority of the Board prior to the date of its dissolution and such thing was done in relation to any property, real or personal, deeds or other rights or liabilities transferred by virtue of this Part to the Government, such thing may be carried on and completed by the Government instead of the Board in like manner and to the same extent as such thing might have been carried on and completed, but for the provisions of this Part, by the Board.

#### **56. Terms of service of employees of the Board transferred to the Services**

- (1) Where any person who was in the service of the Board immediately before the date of its dissolution agrees to transfer from that service to the employment of the Service, he shall, so long as he continues in such employment and until he is served by the Service with a statement in writing offering new terms and conditions of employment, enjoy such terms and conditions of employment with the Service as are, in aggregate, not less favourable than he enjoyed immediately before the date of the dissolution of the Board, and his service with the Board shall be treated as service with the Service for the purpose of determining rights to or eligibility for pension, gratuity, leave pay and travel fare in respect of his service.
- (2) The new terms and conditions offered under the provisions of subsection (1) to a person who is required to perform duties reasonably comparable to the duties performed by him immediately before he transferred his employment to the Service shall be no less favourable than those enjoyed by him, while in the employment of the Board.

#### **57. Transitional provisions**

The units raised, established and maintained and the persons enlisted or appointed, before the enactment of this Act, by the Government for the purpose of an organisation named the National Service shall, from the commencement of this Act, be deemed to have been raised, established, maintained, enlisted or appointed under this Act.

**58. Repeal Cap. 232 of the 1971 edition**

The Zambia Youth Service Act is hereby repealed from such date as the Minister may, by statutory instrument, appoint.

**First Schedule (Section 5)****The Zambia National Service Act Declaration**

I, \_\_\_\_\_ \*do swear by Almighty God/do solemnly and sincerely declare and affirm that I will be faithful and bear true allegiance to the President of the Republic of Zambia, that during my service with the Zambia National Service I will preserve, protect and defend the Constitution of Zambia, as by law established, and will obey all lawful orders of the President and of all officers placed over me and will subject myself to all written law relating to the said Service.

\_\_\_\_\_  
Signature or Thumbprint of Serviceman

\*Sworn or Declared and Affirmed at \_\_\_\_\_ this \_\_\_\_\_

day of \_\_\_\_\_, 19\_\_ Before me \_\_\_\_\_

(Signature of Magistrate or Superior Serviceman)

\* Delete whichever is not applicable.

**Second Schedule (Sections 5 and 7)****Class of persons liable to be called up for the Service**

Every citizen who—

- (a) has, on or after the commencement of this Act, completed in the Republic or elsewhere an academic year in Form V or its equivalent and ceases to be a student; or
- (b) has enrolled or who enrolls as a student, either before or after the commencement of this Act, at any University or University College in the Republic or elsewhere; or
- (c) having completed an academic year in a Form not lower than Form V or its equivalent, has enrolled or enrolls as a student, either before or after the commencement of this Act, at any of the institutions prescribed by the Minister for this purpose;

and who is not a person exempted under section sixteen, shall be the class of persons liable to be called up to serve in the Zambia National Service.