

Zambia

Technical Education and Vocational Training Act, 1972

Chapter 138

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Technical Education and Vocational Training Act, 1972

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Zambia

Technical Education and Vocational Training Act, 1972

Chapter 138

Commenced on 1 January 1973

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

[37 of 1972; 13 of 1994]

An Act to convert the Commission for Technical Education and Vocational Training into a Department of the Ministry responsible for education; and to provide for matters incidental to or connected with the foregoing.

Part I – Preliminary

1. Short title

- (1) This Act may be cited as the Technical Education and Vocational Training Act.
- (2) Nothing in this Act shall apply in relation to—
 - (a) the University of Zambia or the Copperbelt University; or
 - (b) save as provided in section seventeen, any school in relation to which the Education Act applies; or
[Cap. 134]
 - (c) any school or institution at which no instruction is provided and from which no instruction emanates, other than instruction of a religious, social or recreational nature; or
 - (d) any other institution which is established, administered, controlled, licensed or supervised under the provisions of any other written law.
- (3) The Minister may, by statutory instrument, grant exemption to any person or class of persons from the application of this Act or any of the provisions of this Act, and any such exemption may be granted subject to such terms and conditions, and in respect of such period, as the Minister may determine.

2. Interpretation

- (1) In this Act, unless the context otherwise requires—

"Commission" means the Commission for Technical Education and Vocational Training established under section four of the Technical Education and Vocational Training Act 1970;

"designated occupation" means an occupation designated as such by the Minister under section four, and "designated skill", "designated technology" and "designated trade" shall be construed accordingly;
[Act No. 56 of 1970]

"Director" means a public officer for the time being holding or acting in the office of Director of Technical Education and Vocational Training constituted by section five;

"employer" means any person or body of persons, whether corporate or unincorporate, by whom other persons are employed under contracts of service made in Zambia or elsewhere, and includes the Government and the Clerk of the National Assembly;

"inspector" means a public officer appointed as an inspector under section eighteen;

"institution" means any organisation or premises by or at which regular instruction relating to technical education or vocational training is provided or from which such instruction emanates, whether by correspondence or otherwise, and includes a private institution;

"private institution" means any institution other than an institution established or maintained by the Government.

- (2) Any reference in this Act to instruction relating to technical education or vocational training does not include a reference to instruction relating to any matter in respect of which provision is made by or under any other written law regulating the nature and scope of such instruction or the manner in which or the persons by whom such instruction may be provided or received and providing for the registration or enrolment of persons who have received such instruction.

Part II – Functions and powers of the Minister

3. Functions of Minister

It shall be the duty of the Minister to promote and provide technical education and vocational training among the people of Zambia, to ensure the establishment and progressive development of institutions and training facilities for that purpose, to establish standards and qualifications for occupations, skills, technologies and trades, to secure the provision of varied and comprehensive services for technical education and vocational training and to regulate the conduct of examinations and issue of certificates relating to technical education and vocational training throughout the Republic, for the improvement of technical and vocational skills of the people of Zambia and for the benefit of industry, commerce and business.

4. Powers of Minister

Subject to the provisions of this Act, the Minister shall have power to do all such acts and to carry on all such activities as may be requisite, advantageous or convenient for him to do or to carry on for, or in connection with, the discharge of his duties under section three, including in particular, but without prejudice to the generality of the foregoing, power—

- (a) to establish and maintain such institutions as he may deem necessary or desirable for the promotion and study of applied arts and sciences and for providing technical education and vocational training;
- (b) to establish and maintain hostels for the benefit of persons receiving education and training at institutions established under the provisions of paragraph (a);
- (c) to close or change the site of any institution or hostel established under the provisions of paragraph (a) or (b);
- (d) to enter into arrangements with employers for, and to make available to employers facilities in relation to, the technical education and vocational training at any institution of persons in employment;
- (e) to enter into arrangements for the attendance of suitable persons at courses of instruction relating to technical education and vocational training conducted outside the Republic in cases where, in the opinion of the Minister, courses of a similar nature or standard are not provided in the Republic;
- (f) to make allowances, grants or bursaries to persons receiving instruction at any institution for the purpose of defraying all or any of the costs of such instruction;
- (g) to establish standards, set, conduct or approve examinations for persons attending courses of instruction at any institution or receiving instruction relating to technical education and vocational training from any person or institution;

- (h) to issue certificates and diplomas to persons in respect of examinations set, conducted or approved by him;
- (i) to charge fees for instruction or examination relating to technical education and vocational training;
- (j) to prescribe any occupation, skill, technology or trade as a designated occupation, skill, technology or trade and establish standards therefor.

5. Director of Technical Education and Vocational Training

There shall be a Director of Technical Education and Vocational Training who shall be a public officer and shall exercise and perform the functions conferred upon him by or under this Act or any other written law.

Part III – National Council for Technical Education and Vocational Training

6. National Council for Technical Education and Vocational Training

- (1) There shall be a National Council for Technical Education and Vocational Training for the Republic (hereinafter referred to as "the Council").
- (2) The members of the Council shall be appointed by the Minister and the Minister shall appoint a member of the Council to be the chairman of the Council.
- (3) The Minister shall appoint a public officer as secretary to the Council.

7. Functions of Council

- (1) It shall be the duty of the Council to advise the Minister from time to time upon all matters appertaining to technical education and vocational training in the Republic and upon any question referred to it by the Minister or the Director.
- (2) As from the date of establishment of the Council, the functions of the National Apprenticeship Council vested in the Technical Education and Vocational Training Advisory Board, by virtue of subsection (2) of section fifteen of the Technical Education and Vocational Training Act, 1970, shall be vested in and exercised and performed by the Council.

[Cap. 138]

- (3) Any contract of apprenticeship entered into or deemed to have been entered into by the National Apprenticeship Council established under the Apprenticeship Act, or by the Technical Education and Vocational Training Advisory Board established under the Technical Education and Vocational Training Act, 1970, and subsisting at the commencement of this Act, shall operate and be enforceable in all respects as if the Council had been established at the date of the contract and had been a party thereto in place of the National Apprenticeship Council or the Technical Education and Vocational Training Advisory Board, as the case may be.

[Cap. 275; Cap. 138]

8. Committees of Council

The Council may, with the consent of the Minister, establish one or more committees of the Council to perform such functions on its behalf as the Council may determine.

9. Regulations of Council

The Minister may, by statutory instrument, make regulations providing for—

- (a) the composition of the Council;

- (b) the period for which members of the Council may hold office and the vacation of office by such members;
- (c) the holding of meetings of the Council, the quorum and procedure of such meetings and the keeping of minutes of the proceedings of such meetings;
- (d) the payment of allowances to the members of the Council; and
- (e) the committees of the Council.

Part IV – Registration of private institutions

10. Registration and renewal of registration

Registration and renewal of registration of a private institution shall be in accordance with the provisions of this Part.

11. Registration

- (1) Any person desirous of establishing a private institution shall first make an application for the registration thereof to the Minister in accordance with the provisions of this Act.
- (2) For the purposes of this Act, the establishment of a private institution shall be deemed to include—
 - (a) the provision of any additional class, standard, form or course in any private institution, whether or not such class, standard, form or course is parallel to any existing class, standard, form or course in the private institution;
 - (b) the provision of any nature or form of technical education or vocational training in any private institution, being of a nature or form different from the nature or form falling within the classification in which the private institution is for the time being registered;
 - (c) the adoption by the proprietor of any private institution, by any means in relation to the private institution, of a different nomenclature from that in which the private institution is for the time being registered;
 - (d) the reopening of any private institution which has remained closed for a consecutive period of six months or more;
 - (e) the transfer of ownership or management of any private institution, whether such transfer takes effect by way of partnership or otherwise;
 - (f) the transfer of a private institution to a new site; and
 - (g) the alteration of any qualification for admission to the private institution.
- (3) An application for registration of a private institution shall state, according to the nomenclature prescribed by the Minister, the classification of the private institution sought to be established and the classes, standards, forms or courses to be provided therein and such other particulars as may be prescribed.
- (4) If, in regard to a private institution for which an application for registration is made, the Minister is satisfied—
 - (a) that the institution is necessary to meet the technical education or vocational training requirements of the area in which it is proposed to be situated; and
 - (b) that the premises of the institution, including any hostel or other buildings used or to be used in connection with the instruction or accommodation of persons attending thereat, are or will be suitable for the purpose; and

- (c) that adequate financial provision has been or will be made for the maintenance of the institution; and
- (d) that the proprietor of the institution is a fit and proper person or body of persons to be a proprietor; and
- (e) that a fit and proper person or body of persons will be responsible for the management of the institution; and
- (f) that efficient and suitable instruction of a nature or standard approved by the Minister will be provided at the institution in accordance with a syllabus approved by the Minister; and
- (g) that the teaching staff employed or to be employed at the institution will be sufficiently qualified for the purpose; and
- (h) that proper compliance will be made with the provisions of this Act applicable to the institution;

the Minister shall cause the private institution to be registered for a period not exceeding one year:

Provided that no registration shall continue in force beyond the 31st December in the year for which the application for registration is approved.

- (5) If, with respect to an application for the registration of a private institution, the Minister is not satisfied as to any of the matters referred to in subsection (4), the Minister shall notify the proprietor thereof in writing—
 - (a) that the application is rejected; or
 - (b) that the Minister proposes to grant the application after the proprietor has, within such period as the Minister may specify, complied to the satisfaction of the Minister with any such matter referred to in subsection (4) as the Minister may specify.
- (6) If the proprietor of a private institution who is notified under paragraph (b) of subsection (5) that the Minister proposes to grant his application for registration subject to compliance with any matter specified in the notice fails, in the opinion of the Minister, to comply therewith within the period specified by the Minister, the Minister shall reject the application and shall notify the proprietor in writing accordingly.
- (7) Every application for the renewal of registration of a private institution shall be made on or before the 31st October in the year preceding the year for which renewal of registration is applied for, and the provisions of this section shall apply *mutatis mutandis* to such application.
- (8) No private institution shall operate beyond the period for which its registration or renewal of registration has been granted.

12. Register

- (1) The Minister shall keep and maintain a register of private institutions which shall contain such particulars as may be prescribed.
- (2) On registration, a certificate of registration shall be issued which shall contain the nomenclature and classification and the classes, standards, forms or courses for which the institution is registered and such other particulars as may be prescribed.

13. Cancellation of registration of private institutions

- (1) Where, in the opinion of the Minister, a private institution registered under this Part—
 - (a) ceases to comply with any of the matters in respect of which the Minister is required to be satisfied under subsection (4) of section eleven for the purpose of registration; or

- (b) is being conducted in a manner detrimental to the interests of peace, order or good government or to the physical, mental or moral welfare of the persons receiving instruction thereat; or
- (c) has persisted in adopting a different nomenclature from that in which it is for the time being registered; or
- (d) has remained closed for a consecutive period of six months or more;

the Minister shall notify the proprietor in writing—

- (i) that the registration of the private institution shall be cancelled from such date as the Minister may specify; or
 - (ii) that the Minister proposes to cancel the registration of the private institution unless, within a period fixed by the Minister, the proprietor complies to the satisfaction of the Minister with such requirements regarding any matters referred to in this subsection as the Minister may specify.
- (2) If the proprietor of a private institution, upon whom a notice under subsection (1) has been served, fails, within the period fixed by the Minister, to comply to the satisfaction of the Minister with the requirements specified by the Minister, the Minister shall cancel the registration of the private institution and notify the proprietor in writing accordingly.

14. Minister's determination to be final

The determination of the Minister upon any matter under this Part shall be final and shall not be called in question in any court of law.

15. Offences

Any person who conducts a private institution—

- (a) which is not registered; or
- (b) for which the registration has lapsed; or
- (c) in respect of which the proprietor has been notified in writing that the application for registration of the private institution has been rejected; or
- (d) in respect of which the proprietor has been notified in writing that the registration of the private institution has been cancelled;

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

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

16. Publication of list of registered private institutions

The Minister shall at convenient intervals, but not less than once in every year, cause to be published in the *Gazette* a list of all private institutions registered under this Part.

17. Saving of registration of certain private schools and institutions

Notwithstanding the foregoing provisions of this Part, the Minister shall cause to be registered under this Part, for the period expiring on the 31st December, 1973, any private institution which, immediately prior to the commencement of this Act—

- (a) was registered as a private school under Part IV of the Education Act; or

- (b) was registered as a private institution under Part V of the Technical Education and Vocational Training Act.

and until so registered any such private school or institution shall be deemed to be registered as a private school or institution under this Part:

Provided that nothing in this section shall prevent the exercise by the Minister of his powers under section eleven or thirteen in relation to any such private school or institution.

[Cap. 134; [Cap. 138](#)]

Part V – Inspection

18. Inspection of institutions and hostels

- (1) It shall be the duty of the Minister to cause inspections to be made of every institution, and of every hostel established and maintained for the purpose of accommodating persons attending at any institution, at such intervals as appear to him to be appropriate, and to cause a special inspection of any institution or hostel to be made whenever he considers such inspection to be desirable.
- (2) The Minister may appoint such number of public officers as he may deem necessary to be inspectors for the purposes of this Act.
- (3) Every inspector shall be furnished with a certificate issued by the Minister stating that he is an inspector appointed pursuant to this Act and showing such other particulars relating to his identity as the Minister may determine.
- (4) Any inspection in pursuance of this section shall be made by inspectors appointed under this section.
- (5) Any person who obstructs an inspector appointed under this section in the exercise of his duty under this Part shall be guilty of an offence and liable on conviction to a fine not exceeding two thousand penalty units or to imprisonment for a period not exceeding three months, or to both.

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

19. Powers of inspector

An inspector shall have power, on production of the certificate issued to him under section eighteen to any person reasonably requiring it—

- (a) at any reasonable time to enter any premises where he reasonably believes that instruction relating to technical education or vocational training is provided or from where he reasonably believes that such instruction emanates by correspondence or other similar method, to require information or explanation with respect to such instruction from any person appearing to him to be in charge of such premises or to be concerned with the administration or imparting of such instruction and to demand the production of, and to inspect and make extracts from and copies of, any books or documents relating to such instruction;
- (b) to require any person receiving instruction relating to technical education or vocational training at any institution to furnish information or explanation with respect to such instruction and with respect to any allowances, grants or bursaries paid or payable to such person under this Act during the period of his instruction.

20. Duty of inspector to report to Minister

It shall be the duty of an inspector to furnish to the Minister such reports and other information in respect of matters referred to in section nineteen as the Minister may from time to time direct.

Part VI – General provisions

21. No refusal on grounds of sex, race, etc.

No person shall be refused admission to any institution established for the purpose of technical education or vocational training on the grounds of sex, race, tribe, place of origin, colour or creed.

22. Power to prohibit use of books

- (1) The Minister may, by directions in writing, prohibit the use in any institution of any book or material for any reason which he may think fit.
- (2) Any person who uses or permits to be used in any institution any book or material, the use of which has been prohibited under this section, shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand penalty units or to imprisonment for a period not exceeding three months, or to both.

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

23. Professional associations

- (1) The Minister may recognise any professional association of teaching staff in the field of technical education and vocational training.
- (2) Any professional association of teaching staff recognised by the Minister may advise and make representations to the Minister and be consulted by the Minister on any matter appertaining to technical education and vocational training.

24. Expenses of administration

All expenses incurred by the Minister in the discharge of his functions under this Act, including the expenses incurred in—

- (a) the payment of remuneration and allowances to the members of the Council and the committees thereof;
- (b) the establishment and administration of institutions and hostels for technical education and vocational training;
- (c) the making of allowances, grants and bursaries under section four;

shall be paid from monies appropriated by Parliament for the purpose.

25. Offences by companies

Where a person convicted of an offence against this Act is a company, the chairman and every director and every officer concerned in the management of the company shall be guilty of the like offence unless he proves that the act constituting the offence took place without his knowledge or consent.

26. Service of notices, etc.

- (1) Any notice or other document required or permitted to be served on any person under this Act may be served on such person by handing it to such person, or by transmitting it by registered post addressed to such person at his usual postal address or at his usual or last known place of abode or principal place of business or, in the case of a company, by leaving the same, or transmitting the same by registered post addressed to the company, at its registered office or principal place of business in Zambia.

- (2) In this Part, "company" means a company registered under the Companies Act.

[Cap. 388]

Part VII – Regulations

27. Regulations

- (1) The Minister may, by statutory instrument, make regulations for the better carrying out of the provisions of this Act and in particular, but without derogating from the generality of the foregoing, may make regulations relating to all or any of the following matters, that is to say:
- (a) for safeguarding the health of persons attending at institutions and, in particular, providing for—
 - (i) the entry and inspection at all reasonable times by a Government Medical Officer or other medical practitioner of any institution, hostel or other building or premises whatsoever at any institution;
 - (ii) the closing of any institution, hostel or other building or premises whatsoever at any institution on the grounds of health;
 - (iii) the medical, psychiatric and dental examination of persons as a condition of entrance to or continued attendance at any institution;
 - (iv) the furnishing by parents or guardians of information and evidence relating to the health of persons seeking or receiving instruction at any institution;
 - (v) the exclusion of persons from any institution on grounds of health;
 - (vi) the supply of meals and other refreshments at any institution;
 - (b) prescribing and regulating the conditions for the enrolment of persons seeking instruction at any institution and for the admission to hostels established for the benefit of such persons at any institution, including fees and charges, if any, to be paid;
 - (c) prescribing and regulating the calendar to be observed at institutions, the subjects of instruction to be provided and the syllabus to be followed in respect of such subjects;
 - (d) prescribing and regulating the conditions of the suspension, expulsion or exclusion of persons enrolled at any institution or admitted to any hostel;
 - (e) providing for the payment of allowances, grants or bursaries to persons receiving instruction at any institution and grants to any institution;
 - (f) the establishment of standards, the setting, conduct or approval of examinations relating to technical education and vocational training within Zambia and prohibiting persons and institutions from providing instruction or conducting examinations in designated occupations, skills, technologies or trades, except in accordance with the provisions of such regulations;
 - (g) the issue of certificates and diplomas to persons who are successful at examinations conducted under this Part;
 - (h) the eligibility of persons wishing to take examinations;
 - (i) the fees payable in respect of examinations;
 - (j) prescribing the manner and form in which application for the registration of a private institution shall be made, and the information and documents to be submitted in support of such applications;

- (k) prescribing the forms to be used and the returns and information to be furnished by proprietors of private institutions and the records to be kept relating to private institutions.
 - (l) regulating the advertisements and publications of private institutions;
 - (m) prescribing the fees payable for the registration or renewal of registration of private institutions;
 - (n) the nomenclature to be adopted by or for the classification of private institutions;
 - (o) the designation of occupations, skills, technologies or trades;
 - (p) for framing a scheme of termination of appointment under the provisions of section thirty-one; and
 - (q) prescribing such matters as may be prescribed under this Act or which are necessary or convenient to be prescribed for the better carrying out of the provisions of this Act.
- (2) Regulations made under this section may make different provisions with respect to different parts of the Republic, different classes of persons, employers and institutions, different classes of things and different circumstances.
- (3) Regulations made under this section may provide in respect of any contravention thereof that the offender shall be guilty of an offence and liable on conviction to a fine not exceeding two thousand penalty units or to imprisonment for a period not exceeding three months, or to both.

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

Part VIII – Transitional provisions

28. Interpretation

In this Part, unless the context otherwise requires—

"**the Minister of Finance**" has the meaning assigned to that expression in section two of the Minister of Finance (Incorporation) Act.

[Cap. 349]

29. Interim arrangement

- (1) Notwithstanding anything to the contrary contained in the Technical Education and Vocational Training Act, 1970, or any other written law, from the commencement of this Act the Commission shall act in all matters in accordance with the directions of the Minister.
- (2) When the ^{*(1)}Minister is satisfied that all necessary agreements and arrangements have been made for converting the Commission into a Department of the Ministry responsible for education so that it may be dissolved, he may, by statutory instrument, direct that the Commission shall be dissolved on such date as may be appointed in the statutory instrument (in this Act referred to as "the appointed date").

*1st January, 1973, appointed by S.I. No. 260 of 1972

[Act [No. 56 of 1970](#)]

30. Vesting of assets and liabilities

- (1) Notwithstanding anything to the contrary contained in the Technical Education and Vocational Training Act, 1970, or any other written law, the Commission shall until the appointed date have power, subject to the direction of the Minister, to do anything which is necessary or expedient for the purpose of converting the Commission into a Department of the Ministry responsible for

education, 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 undertaking, property, rights, liabilities and obligations to the Minister of Finance.

- (2) Upon the appointed date all property, real or personal, and all rights in, to or over property and all liabilities arising out of ownership, possession or occupation of property of any kind and all liabilities in tort and all statutory liabilities which were subsisting immediately prior to the appointed date and which were vested in, held, enjoyed, incurred or suffered by the Commission shall, by virtue of this section and without further assurance, be transferred to and vested in the Minister of Finance in the same tenure as the said property and rights were vested in or enured to the benefit of, and to the same extent as the said liabilities were incurred or suffered by, the Commission.

*1st January, 1973, appointed by S.I. No. 260 of 1972

- (3) Subject to the provisions of this Act, all deeds, agreements (other than an agreement of personal service), bonds, securities, instruments, working arrangements or things in action which were subsisting immediately prior to the appointed date and were vested in the Commission or to which the Commission was a party, whether in writing or not, and whether or not of such a nature that rights, liabilities and obligations thereunder could be assigned, shall, unless its terms and subject-matter make it impossible that it should have effect as modified in the manner provided by this section, by virtue of this section and without further assurance, be transferred to and vested in, and shall enure to the benefit of, the Minister of Finance and shall have effect from the appointed date, in the same manner as if the Minister of Finance had been party to all such deeds, agreements, bonds, securities, instruments or working arrangements instead of the Commission and in the same manner as if the Minister of Finance had at all times been entitled to the benefit of all such things in action instead of the Commission.
- (4) Upon the appointed date, all subsisting or future liabilities and obligations arising out of any deed, agreement, bond, security, instrument, working arrangement or thing in action imposed upon, suffered or incurred by the Commission shall, by virtue of this section and without further assurance, be transferred to, imposed upon, suffered or incurred by the Minister of Finance in the same manner as if the Minister of Finance had been party to each such deed, agreement, bond, security, instrument or working arrangement instead of the Commission and in the same manner as if the Minister of Finance at all times had been the party bound or obliged by or under each such thing in action instead of the Commission.
- (5) Whenever in pursuance of this Act, any property, rights, liabilities or obligations of the Commission are transferred by it to the Minister of Finance in respect of transfer of which any written law provides for registration, it shall be the duty of a public officer authorised in that behalf by the Minister responsible for education 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 register, as the case may be, and if presented thereof, to make endorsement 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.
- (6) Where, upon the appointed date, any legal proceeding is pending to which the Commission is a party, the Attorney-General shall be substituted in such proceeding for the Commission and such proceeding shall not abate by reason of such substitution.

[Act [No. 56 of 1970](#)]

31. Transfer of service

- (1) A person who was employed in the service of the Commission immediately preceding the appointed date on an agreement for a specified period of service shall, subject to the approval of the appropriate authority, be employed, and from the appointed date shall be deemed to have been

employed, in the public service of the Republic on the terms and conditions of his contract with the Commission and his service with the Commission immediately preceding the appointed date shall for all purposes of the contract be regarded as service with the Government and his contract shall have effect as if the Government had been, from the date of such contract, a party thereto instead of the Commission.

- (2) Every person, other than a person mentioned in subsection (1), who was employed in the service of the Commission immediately preceding the appointed date shall, if approved by the appropriate authority, be employed and be deemed to have been appointed from the appointed date in the public service of the Republic:

Provided that, where the approval of the appropriate authority is not given, the employment of such person shall be terminated in accordance with a scheme of termination of appointment prepared by the Minister.

- (3) A person mentioned in subsection (2) for whom the approval of the appropriate authority is given may—
- (a) within a period of three months from the appointed date elect to remain for the unexpired period of three years from the date of his first appointment with the Commission on the terms and conditions on which he was employed by the Commission and, if he elects as aforesaid, he shall be deemed to be a public officer on an agreement for temporary service until the expiry of the unexpired period of the said three years and thereafter may elect, subject to the approval of the appropriate authority, to remain in the public service and shall, if otherwise eligible, be appointed to a pensionable post in the public service from such date and on such terms and conditions as the Government may determine;
- (b) within a period of three months from the appointed date elect to be forthwith employed in the public service without exercising the option mentioned in paragraph (a) and in that case his terms and conditions of service shall be determined by the Government.
- (4) Notwithstanding anything to the contrary contained in any written law, where a person makes election under the provisions of paragraph (a) of subsection (3), he shall, in relation to his service with the Commission and in the public service prior to the expiry of the unexpired period of the said three years, be deemed to be a temporary employee in the public service for the purpose of section nine of the Public Service Pensions Act.

[Cap. 260]

- (5) The provisions of subsection (1) or (2) shall not apply to a person who is employed by the Commission as a daily paid employee.
- (6) A person to whom the provisions of subsection (3) apply shall not be liable to any payment of rent in excess of the rate fixed by the Commission for him in respect of any period prior to his election under subsection (3).
- (7) For the purposes of this Part, "appropriate authority" means the Public Service Commission or the Teaching Service Commission, as the case may be.