

**THE ZAMBIA INSTITUTE OF PURCHASING
AND SUPPLY ACT, 2003**

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GOVERNMENT OF ZAMBIA

ACT

No. 15 of 2003

Date of Assent: 11th December, 2003

An Act to establish the Zambia Institute of Purchasing and Supply, to provide for its functions; to constitute the Council of the Institute; to provide for the registration of members of the Institute; and to provide for matters connected with or incidental to the foregoing.

[12th December, 2003

PART I

PRELIMINARY

1. This Act may be cited as the Zambia Institute of Purchasing and Supply Act, 2003, and shall come into operation on such date as the Minister may, by statutory instrument, appoint.

Short title
and commen-
cement

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

Interpretation

“appointed date” means the date appointed by the Minister under section *one*;

“Chairperson” means the Chairperson of the Disciplinary Committee elected under section *twenty-seven*;

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

“Disciplinary Committee” means the Disciplinary Committee constituted under section *twenty-seven*;

“Executive Committee” means the Executive Committee of the former Institute;

“former Institute” means the Chartered Institute of Purchasing and Supply, Zambia Branch registered under the Societies Act;

“Institute” means the Zambia Institute of Purchasing and Supply established under section *three*;

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Cap. 119

- “member” means a member of the Institute and “membership” shall be construed accordingly;
- “President” means the President of the Council elected under sub-paragraph (2) of paragraph 1 of the Schedule;
- “Registrar” means the Registrar of the Institute appointed under sub-paragraph (1) of paragraph 7 of the Schedule;
- “Secretary” means the Secretary of the Council elected under sub-paragraph (2) of paragraph 1 of the Schedule;
- “Treasurer” means the Treasurer of the Council elected under sub-paragraph (2) of paragraph 1 of the Schedule; and
- “Vice-President” means the Vice-President of the Council elected under sub-paragraph (2) of paragraph 1 of the Schedule.

PART II

THE ZAMBIA INSTITUTE OF PURCHASING AND SUPPLY

Establishment
of Institute

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

Functions of
Institute

4. The functions of the Institute are to—

- (a) conduct the training of persons in purchasing and supply management;
- (b) raise the standard of purchasing and supply management as a means of increasing productivity and efficiency and promote cost reduction;
- (c) conduct research related to purchasing and supply management in order to develop purchasing and supply resource management in Zambia;
- (d) publish a journal of the Institute, and collect, collate and publish other information of service and interest to the Institute;
- (e) promote, uphold and improve the standards of training and professional ability of persons engaged in purchasing and supply management;
- (f) affiliate firms engaged in purchasing and supply management;
- (g) collaborate with colleges, universities, professional institutions, government departments, commercial institutions and similar international institutions so as to improve the quality of purchasing and supply management in Zambia;
- (h) undertake and execute any trusts which are conducive to the objects of the Institute; and
- (i) do all such other acts and things as are incidental to the foregoing or conducive to the attainment of the objectives of the Institute.

PART III

THE COUNCIL OF THE ZAMBIA INSTITUTE OF PURCHASING AND SUPPLY

5. (1) There is hereby constituted the Council of the Zambia Institute of Purchasing and Supply. Constitution of Council

(2) The provisions of the Schedule shall apply to the Council.

6. The functions of the Council are to— Functions of Council

- (a) exercise the functions of the Institute;
- (b) set minimum educational and other qualifications or requirements of persons enrolled as students of the Institute;
- (c) enrol students of purchasing and supply management and to keep a register of all the enrolled students;
- (d) determine fees to be paid by any member or other person in respect of courses and examinations set by the Council;
- (e) set and establish such courses of study or syllabus whether graduate or otherwise as it considers necessary;
- (f) confer certificates on persons who are successful candidates in the examinations conducted by the Council; and
- (g) set, establish and monitor standards for persons employed in purchasing and supply management.

PART IV

MEMBERSHIP

7. (1) A person shall apply for membership to the Registrar of the Institute in the prescribed form upon payment of the prescribed fee. Application for membership

(2) The Registrar shall, within two weeks of receipt of the application, and where the Council is satisfied that the applicant holds the relevant qualifications, issue a practising certificate.

8. A person shall not be registered as a member of the Institute unless the person— Qualification for membership

- (a) holds qualifications recognised by the Council;
- (b) has passed the professional competence examinations conducted by the Council; and
- (c) has paid the registration and membership fees prescribed by the Council.

(2) Where a firm is affiliated by the Council, the firm shall file with the Registrar, a memorandum of practice signed by all the partners stating—

- (a) the nationality of the partners;
- (b) the name of the firm;
- (c) the registered office; and
- (d) such other particulars as the Council may require.

- Disqualification of member** 9. A person shall not qualify to be registered as a member if the person—
 (a) has been convicted of an offence involving dishonesty;
 (b) has been adjudged or declared to be of unsound mind or insane; and
 (c) is an undischarged bankrupt.
- Classes of membership** 10. There shall be six classes of membership of the Institute, namely: Honorary Fellow, Fellow, Member, Associate, Affiliate and Student.
- Honorary Fellow** 11. (1) The Council may, by a vote of two-thirds of the members present and voting at a Council meeting, elect an Honorary Fellow from persons working in the field of purchasing and supply management or persons holding positions in general management.
 (2) A person shall not be elected Honorary Fellow unless the person—
 (a) has been recommended by at least two Fellow members;
 (b) has published articles of a professional nature in the field of purchasing and supply management;
 (c) has conducted research in matters relating to purchasing and supply management or business management; and
 (d) has made outstanding contribution to the purchasing and supply management profession to the satisfaction of the Council.
- Fellow Member** 12. The Council may confer Fellow membership on a member for outstanding contribution to purchasing and supply management where a person has practised as a purchasing and supplies manager, consultant, director or senior member at management level for not less than ten years.
- Member** 13. A person may, on application to the Council, be admitted as a member if the person—
 (a) is engaged in purchasing and supply management or in a specialised field associated with purchasing and supply management;
 (b) has passed examinations as set by the Council; and
 (c) has performed executive or advisory duties related to purchasing and supply management at a senior level for at least five years.

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| 14. A person may be admitted as an Associate Member if the person— | Associate Member |
| (a) has an interest in purchasing and supply management; and | |
| (b) has passed qualifying examinations determined by the Council. | |
| 15. The Council may confer Affiliate Membership on a person if the person— | Affiliate Member |
| (a) is engaged in a field in which knowledge of the principles of purchasing and supply management is required; | |
| (b) has passed the relevant supervisory management course set by the Council; or | |
| (c) holds a certificate in purchasing and supply management from an institution that is recognised by the Council. | |
| 16. The Council may admit a person as a Student Member if the person— | Student Member |
| (a) is following an approved course of study in purchasing and supply management in preparation for an examination required by the Council; and | |
| (b) has obtained a General Certificate of Education or its equivalent. | |
| 17. The Council may sponsor candidates in order for them to study any course related to purchasing and supply management at a college or university approved by the Institute. | Sponsorship |
| 18. (1) A member shall, on or before the fourteenth day of January each year, pay such annual subscription fee as the Council may determine. | Annual subscription |
| (2) An Honorary Fellow shall not pay an annual subscription fee. | |
| 19. (1) A member, other than an Affiliate Member or Student Member, shall use the following terms after that member's name: | Designation of members |
| (a) Honorary Fellow as "Honorary Fellow of the Zambia Institute of Purchasing and Supply" or by the abbreviation "Hon. F.Z.I.P.S."; | |
| (b) Fellow as "Fellow of the Zambia Institute of Purchasing and Supply" or by the abbreviation "F.Z.I.P.S."; | |
| (c) Associate as "Associate of the Zambia Institute of Purchasing and Supply" or by the abbreviation "A.Z.I.P.S."; | |
| (d) Member as "Member of the Zambia Institute of Purchasing and Supply" or by the abbreviation "M.Z.I.P.S." | |

	<p>(2) An Affiliate and a Student Member may receive all notices of and attend annual general meetings of the Institute and may enjoy all other privileges of membership, but shall not have any right to vote at the annual general meeting or to serve on the Council, or on any committee other than a student committee of the Council.</p>
Penalty for improper use of title or description	<p>20. (1) A person other than a person so qualified, shall not use the title or description Honorary Fellow, Fellow, Member, Associate, Affiliate or Student of the Institute or the authorised abbreviations designating any of the titles under titles under section <i>nineteen</i>.</p> <p>(2) A person who contravenes subsection (1) commits an offence and is liable, upon conviction, to a fine not exceeding ten thousand penalty units or to imprisonment for a period not exceeding three years, or to both.</p>
Register	<p>21. The Registrar shall keep a register in which the names and other particulars relating to the members of the Institute shall be entered.</p>
Offences relating to practice	<p>22. (1) A person not registered by the Council or a person who is de-registered by the Council shall not—</p> <ul style="list-style-type: none">(a) practice or offer services of purchasing and supply management;(b) practice or offer services as a consultant or adviser in purchasing and supply management; or(c) adopt, use or exhibit any title designated under this Act;(d) do anything likely to lead persons to infer that the person is registered as a member under this Act. <p>(2) A person who contravenes subsection (1) commits an offence and is liable, upon conviction, to a fine not exceeding ten thousand penalty units or to imprisonment for a period not exceeding three years, or to both.</p>
Offences relating to registration	<p>23. (1) A person commits an offence if the person—</p> <ul style="list-style-type: none">(a) makes or causes to be made an unauthorised entry, alteration or erasure in the register; or(b) procures or attempts to procure registration for that person or another person by means of fraud, misrepresentation or concealment of a material fact. <p>(2) A person who contravenes subsection (1) commits an offence and is liable upon conviction, to a fine not exceeding twenty thousand penalty units or to imprisonment for a period not exceeding three years, or to both.</p>

24. (1) The Council may, on its own motion or upon recommendation of the Disciplinary Committee, de-register any person registered under this Act where-

Cancellation
of
registration

(a) it is proved to the satisfaction of the Council or the Disciplinary Committee, that the registration of the person was obtained through fraud, misrepresentation or concealment of the material fact;

(b) the person has breached the Code of Conduct or principles of good practice prescribed under this Act; or

(c) the person ceases to be a member of the Institute.

(2) The Council shall, before de-registering any person under subsection (1) give the person fourteen days notice of the intention to de-register that person and give the person an opportunity to show cause why that person should not be de-registered.

(3) The council shall, after de-registering a person under this section, publish a notice of the de-registration in the *Gazette*.

25. (1) A person aggrieved by a decision made by the Council may within thirty days of the Council's decision, appeal to the Minister.

Appeal

(2) A person aggrieved with the decision of the Minister may, within thirty days of the Minister's decision appeal to the High Court.

26. Where the registration of any person registered with the Institute has been cancelled, suspended or withdrawn, the member may apply for re-registration in the prescribed form upon payment of a prescribed fee, after a period of not less than one year from the date of de-registration.

Application
for
registration

PART V

THE DISCIPLINARY COMMITTEE

27. (1) There shall be a Disciplinary Committee of the Council.

Disciplinary
Committee

(2) The Disciplinary Committee shall consist of—

(a) five members appointed by the Council; and

(b) a representative of the Law Association of Zambia.

(3) The members of the Disciplinary Committee shall elect a Chairperson from amongst themselves.

(4) At any meeting of the Disciplinary Committee, three members shall form a quorum.

28. The functions of the Disciplinary Committee are to—

Functions of
Disciplinary
Committee

(a) hear and determine any complaint or allegation against a member of the Institute;

(b) hear and determine a complaint or allegation against a committee of the Council; and

(c) do all such acts and things as are incidental or conducive to the attainment of the functions of the Disciplinary Committee.

Proceedings
of
Disciplinary
Committee

29. (1) Subject to the other provisions of this Act, the Disciplinary Committee may regulate its own procedure.

(2) A decision by the Disciplinary Committee shall be by a majority of the votes of the members present and voting at a meeting of the Disciplinary Committee and in the event of an equality of votes, the person presiding at the meeting shall, in addition to a deliberate vote, have a casting vote.

(3) The Disciplinary Committee shall cause to be kept a record of all its proceedings.

(4) The Chairperson shall preside at any meeting of the Disciplinary Committee or in the absence of the Chairperson, such member as the members present may elect for the purposes of that meeting.

(5) A party to the proceedings before the Disciplinary Committee who so wishes, may be present throughout the hearing.

(6) A party to the hearing may be represented by a legal practitioner or by a person authorised by the party in that behalf.

(7) A party to the proceedings may cross-examine a person giving evidence before the Disciplinary Committee.

(8) The Disciplinary Committee shall at the close of the hearing make a ruling which shall be communicated to the Council and to the parties concerned within fourteen days of the decision.

(9) All proceedings of the Disciplinary Committee shall be held in camera.

Penalties to
be imposed
by
Disciplinary
Committee

30. (1) Where a member is, after due inquiry, found guilty of misconduct, the Disciplinary Committee may impose one or more of the following penalties:

- (a) order the de-registration of the member;
- (b) censure the member;
- (c) recommend to the Council the suspension for one year of the member or the expulsion of the member; and
- (d) order the member to pay a fine to the Council and any other costs.

(2) The Disciplinary Committee shall within fourteen days of the ruling, submit a report of the proceedings, together with a copy of the record to the Council.

31. (1) A person who is aggrieved by a decision of the Committee may, within thirty days of the decision, appeal to the Council. Appeals

(2) The Council may, on appeal against the findings or orders of the Disciplinary Committee—

(a) confirm, vary or set aside any findings made, penalty imposed or direction given by the Committee; or

(b) refer the matter to the Committee for further consideration.

(3) A person aggrieved with the decision of the Council may appeal to the Minister, subject to a further appeal to the High Court.

(4) A direction for the de-registration of a registered member from a register shall not take effect until the expiration of the time for appealing or, if an appeal is lodged until the appeal is disposed of.

32. The Disciplinary Committee shall before taking any disciplinary action—

Rules relating
to disciplinary
procedure

(a) give the member at least fourteen days' notice of the time and place of the proceedings;

(b) give the member an opportunity to be heard whether in person or through a legal representative or to make written submissions; and

(c) inform the member of the member's right to call witnesses.

PART VI

FINANCIAL AND GENERAL PROVISIONS

33. The Institute shall have power, for the advancement of its objects or any of them—

Power to hold
property and
raise money

(a) to acquire, hold, develop, sell, mortgage, charge, lease or otherwise deal with or dispose of property of all kinds, whether real or personal;

(b) to raise or borrow money in such manner and upon such security as may be determined by the Council.

34. (1) The funds of the Institute shall consist of—

Funds
of Institute

(a) such sums as may be paid to the Institute by way of subscriptions of members and fees payable on registration as a member of the Institute and the issue of practising certificates;

(b) such sums as may be paid to the Institute by way of grant or donation;

(c) such other moneys as may accrue to the Institute in the exercise of its functions.

(2) The Council may invest in such manner as it shall think fit any moneys held by the Institute which are not immediately required for the performance of its functions.

(3) Nothing contained in this Part shall permit the distribution or payment of any moneys or other assets or income of the Institute to or for the benefit of any member of the Institute.

Accounts

35. (1) The Institute shall keep proper books of account and other records relating thereto and shall prepare in respect of each financial year a statement of account and balance sheet showing, in all necessary detail, the income and expenditure and the assets and liabilities of the Institute.

(2) The accounts of the Institute shall be audited annually by an auditor appointed by the Council.

**General
penalties**

36. A person who—

- (a) furnishes the Registrar, a member of the Council or Committee with any false information or particulars;
- (b) fails to comply with any order or demand lawfully made under this Act;
- (c) obstructs a member of the Council or committee of the Council in the performance of functions; or
- (d) contravenes any provision of this Act;

commits an offence and is liable, upon conviction to a fine not exceeding three thousand penalty units or to imprisonment for a period not exceeding twelve months, or to both.

Regulations

37. (1) The Minister may, by statutory instrument and in consultation with the Council, make regulations for the better carrying out of the provisions of this Act.

(2) Notwithstanding the generality of subsection (1), the Minister may make regulations prescribing—

- (a) the Code of Conduct and other guidelines of good practice;
- (b) the procedure for annual general meetings;
- (c) the forms for registration, re-registration and other purposes under this Act;
- (d) the rules of procedure relating to disciplinary matters;
- (e) the conditions for sponsorship of members to study purchasing and supply management and related subjects at recognised institutions;
- (f) standards to ensure that employers engage professionally qualified staff in purchasing and supply management positions; and
- (g) all such matters as are required or permitted to be prescribed under this Act.

38. (1) A person who immediately before the appointed date was registered with the former Institute shall continue to be a member of the Institute as if registered under this Act. Savings and transitional provisions

(2) A person who immediately before the appointed date held office as an Executive Committee member of the former Institute shall hold office for a period of three months after which period the members shall be replaced by members of the Council elected under this Act.

(3) Nothing in this Act affects the rights of a person employed by the former Institute immediately before the appointed date.

(4) All property, assets, rights, liabilities and obligations of the former Institute before the appointed date shall vest and continue to vest in, or subsist against the Institute established under this Act together with the rights, liabilities and obligations arising out of any contract or otherwise.

(5) Any proceedings or cause of action instituted or pending by or against the former Institute shall continue against the Institute as if instituted under this Act.

39. (1) The employees of the former Institute shall be deemed to be transferred to the Institute from the appointed date: Transfer of staff

Provided that an employee who does not wish to be transferred to the Institute, may be retired under the terms and conditions of service of the former Institute.

(2) The service of the employees referred to under subsection (1) shall be treated as continuous service and the terms and conditions of service with the Institute shall not be less favourable than those the employees enjoyed in the former Institute.

SCHEDULE (Section 5(2))

1. (1) The Council shall consist of the following members:

Composition of Council

- (a) the President;
- (b) the Vice-President;
- (c) the Secretary;
- (d) the Treasurer;
- (e) the Vice Secretary;
- (f) a representative nominated by the Zambia Chambers of Commerce and Industry;
- (g) a representative nominated by the Zambia National Tender Board;

- (h) a representative of the Zambia Federation of Employers;
- (i) a representative of the Ministry responsible for Finance;
- (j) a representative of the Law Association of Zambia; and
- (k) one other person.

(2) The members referred to in items (a) to (e) shall be elected by secret ballot at an annual general meeting.

Tenure of
office and
vacancy

2. (1) A member shall hold office for a period of two years and may be re-elected for a further term of two years.

(2) A member may resign upon giving one month's notice to the Council.

(3) If a member resigns or ceases to hold office more than six months before the next annual general meeting, an extraordinary meeting of the Institute shall be held for the purpose of electing a successor who shall hold office for the remainder of the term.

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

- (a) if the member is adjudged bankrupt;
- (b) if the member is adjudged or otherwise declared to be of unsound mind;
- (c) if the member is absent without approval from three consecutive meetings of the Council, of which due notice was given to such member;
- (d) upon the expiry of not less than one month's notice, in writing, of that member's intention to resign given by the member to the President;
- (e) if the member ceases to be a member of the Institute;
- (f) if the member ceases to be a representative of the organisation which nominated the member;
- (g) upon the death of the member;
- (h) if the member is convicted by any court for an offence involving dishonesty; or
- (i) if the member is convicted of an offence under this Act or any other written law and sentenced therefor to imprisonment for a term of six months or more.

Seal of
Institute

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

(2) The affixing of the seal shall be authenticated by the President or the Vice-President and the Secretary.

(3) A document purporting to be a document executed under the seal of the Institute or issued on behalf of the Institute shall be received

in evidence and shall be deemed to be so executed or issued, as the case may be, without further proof unless the contrary is proved.

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

Proceedings
of Council

(2) The Council shall meet, for the transaction of business, at least three times in every calendar year at such places and at such times as the President may determine.

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

(4) Subject to subparagraph (5), the Council shall, upon giving notice of not less than fourteen days, call a special meeting of the Council if not less than five members so request in writing.

(5) Where the urgency of any particular matter does not permit the giving of the notice referred to in subparagraph (4), a special meeting may be called upon giving shorter notice.

(6) There shall preside at a meeting of the Council—

(a) the President;

(b) in the absence of the President, the Vice-President; or

(c) in the absence of both the President and the Vice-President, such member as the members present may elect for the purposes of that meeting.

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

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

(9) The validity of any proceedings, act or decision of the Council shall not be affected by any vacancy in the membership of the Council or by any defect in the appointment of any Councillor.

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

5. (1) The Council may, for the purpose of performing its functions under this Act appoint committees and delegate to the committees any of its functions.

Committees
of Council

(2) Subject to the provisions of this Act, and to any general or specific directions of the Council the committees appointed under subparagraph (1) may regulate their own procedure.

6. (1) Where a person is present at a meeting of the Council or committee of the Council at which a matter in which the person or

Disclosure of
interest

that person's spouse is directly interested, the person shall, as soon as practicable after the commencement of the meeting, disclose that interest and shall not, unless the Council or committee otherwise, take part in any consideration or discussion of, or vote on, any question touching that matter.

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

Registrar and
other staff

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

(2) The Council may appoint, on such terms and conditions as it may determine, such other staff as it may consider necessary.

Prohibition of
publication or
disclosure of
information

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

(2) A person who contravenes subsection (1) commits an offence and is liable, upon conviction, to a fine not exceeding five thousand penalty units or to imprisonment for a period not exceeding two years, or to both.
