

GOVERNMENT OF ZAMBIA

**ACT**

No. 18 of 2005

Date of Assent: 28th September, 2005

**An Act to repeal the National College for Management and Development Studies Act, 1972; and to provide for matters connected with or incidental to the foregoing.**

[ 7th October, 2005

**ENACTED** by the Parliament of Zambia.

Enactment

1. This Act may be cited as the National College for Management and Development Studies (Repeal) Act, 2005, and shall come into operation on such date as the Minister responsible for education (hereinafter referred to as the Minister") may, by statutory instrument, appoint.

Short title  
and

~~commenced~~

2. In this Act unless the context otherwise requires—

Interpretation

“appointed date” means such date as the Minister may appoint under section *three*;

“College” means the National College for Management and Development Studies established under the repealed Act;

“Council” means the Council for the National College for Management and Development Studies established under the repealed Act.

Cap. 146

“public university” has the meaning assigned to it by section *two* of the University Act;

Act No. 11 of  
1999

“repealed Act” means the National College for Management and Development Studies Act;

Cap. 146

“Secretary to the Treasury” means the Secretary to the Treasury appointed under section six of the Public Finance Act; and

Act No. 15  
of 2004

“University Council” means the council of the public university to be established by the Minister under section *three* of the University Act.

Act No. 11 of  
1999

*National College for Management  
and Development Studies*

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118 No. 18 of 2005]

Interim arrangements  
Cap. 146

3. (1) Notwithstanding anything to the contrary contained in the National College for Management and Development Studies Act, or any other written law, from the commencement of this Act the Council shall act in all matters in accordance with the directions of the Minister and the Secretary to the Treasury.

(2) When the Minister is satisfied, on the advice of the Secretary to the Treasury, that all necessary arrangements have been made for converting the College into a public university so that the Council may be dissolved, the Minister may, by statutory instrument, direct that the Council shall be dissolved on such date as may be appointed in the statutory instrument.

Secretary to the Treasury to appoint committee  
Act. No. 15 of 2004

4. The Secretary to the Treasury shall appoint a committee pursuant to section *forty-three* of the Public Finance Act for purposes of winding up the affairs of the Council.

Vesting of assets and liabilities  
Cap. 146

5. (1) Notwithstanding anything to the contrary contained in the National College for Management and Development Studies Act, or any other written law, the Council shall until the appointed date have power, subject to the direction of the Minister and the Secretary to the Treasury, to do anything which is necessary or expedient for the purpose of converting the College into a public university, including in particular power to enter into and carry out agreements and arrangements for the transfer of the Council's undertaking, property, rights, liabilities and obligations to the University Council.

(2) On the appointed date, there shall be transferred to, and vest in, or subsist against, the University Council by virtue of this Act without further assurance the affairs of the Council and subject to this Act, all property, rights and obligations which immediately before the appointed date were the property rights and obligations of the Council.

(3) Subject to the provisions of this Act, every deed, bond and agreement (other than an agreement of personal service) which was subsisting immediately prior to the appointed date and was vested in the Council or to which the Council 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

LIBRARY

*National College for Management  
and Development Studies*

[No. 18 of 2005 115]

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**THE NATIONAL COLLEGE FOR MANAGEMENT STUDIES  
(REPEAL) ACT, 2005**

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ARRANGEMENT OF SECTIONS

*Section*

1. Short title and commencement
2. Interpretation
3. Interim arrangements
4. Secretary to the Treasury to appoint committee
5. Vesting of assets and liabilities
6. Registration of property to be transferred by Council
7. Legal proceedings
8. Staff of Council
9. Repeal of Act No. 21 of 1972

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*Single Copies of this Act may be obtained from the Government Printer,  
P.O. Box 30136, 10100, Lusaka. Price K1,500 each.*



its terms and subject matter make it impossible that it should have effect as modified in the manner provided by this subsection, have effect from the appointed date, as if—

- (a) the University Council had been a party to any such deed, bond or agreement instead of the Council and in the same manner as if the University Council had at all times been entitled to the benefit of any such deed, bond or agreement instead of the Council;
- (b) for any reference to the Council there were substituted, as respects anything falling to be done on or after the appointed date, a reference to the University Council; and
- (c) for any reference to an officer of the Council not being a party thereto and beneficially interested therein there were substituted, as respects anything falling to be done on or after the appointed date, a reference for such officer of the University Council as the University Council shall designate.

(4) Subject to the provisions of subsection (3), documents, other than those referred to therein, which refer specifically or generally to the Council shall be construed in accordance with subsection (3) as far as applicable.

6. (1) Whenever in pursuance of this Act, any property, rights, liabilities or obligations of the Council are transferred by the Council to the University Council in respect of which transfer any written law provides for registration, the University Council shall make an application in writing to the appropriate registration authority for the registration of such transfer.

Registration  
of property  
to be  
transferred  
by Council

(2) The registration authority referred to in subsection (1) shall make such entries in the appropriate register as shall give effect to such transfer and, where applicable, issue the University Council with a certificate of title in respect of the property or make necessary amendments to the register, as the case may be, and shall make endorsement on the deeds relating to the title, right or obligation concerned and no registration or other fees shall be payable in respect thereof.

7. (1) Without prejudice to the other provisions of this Act, where any right, liability or obligation vests in the University Council by virtue of this Act, the University Council and all other persons shall, as from the appointed date, have the same right, powers and remedies (and in particular the same rights as to the

Legal  
proceedings

*National College for Management  
and Development Studies*

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**120 No. 18 of 2005]**

instituting or defending of legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting that right, liability or obligation as they would have if it had at all times been a right, liability or obligation of the University Council.

(2) Any legal proceedings or application of any authority pending immediately before the appointed date by or against the Council may be continued by or against the University Council.

(3) After the appointed date, proceedings in respect of any right, liability or obligations which was vested in, held, enjoyed, incurred or suffered by the Council may be instituted by or against the University Council.

Staff of  
Council

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

(2) Where an officer of the Council is appointed to the service of the public university—

(a) the terms and conditions of service with the University Council shall be no less favourable than those the officer enjoyed in the service of the Council; and

(b) the officer shall be deemed to have retired under the terms and conditions of service of the Council.

(3) Employees of the Council who are not engaged by the University Council under subsection (2) shall be retired under the terms and conditions of service of the Council.

Repeal of Act  
No. 21 of  
1972

9. The National College for Management and Development Studies Act, 1972, is hereby repealed.

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