

GOVERNMENT OF ZAMBIA

ACT

No. 13 of 2011

Date of Assent: 12th April, 2011

An Act to provide for the development and implementation of a national qualifications framework; establish the Zambia Qualifications Authority; provide for the registration and accreditation of qualifications; provide measures to ensure that standards and registered qualifications are internationally comparable; and provide for matters connected with, or incidental to, the foregoing.

[15th April, 2011

ENACTED by the Parliament of Zambia.

Enactment

PART I
PRELIMINARY

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| <p>1. This Act may be cited as the Zambia Qualifications Authority Act, 2011, and shall come into operation on such date as the Minister may, by statutory instrument, appoint.</p> | <p>Short title and commencement</p> |
| <p>2. In this Act, unless the context otherwise requires—
“ appropriate authority ” means the authority for the time being having responsibility for education, and includes a public or statutory office, body or institution under the following:</p> | <p>Interpretation</p> |
| <p>(a) the Education Act, 2011;</p> | <p>Act No. 23 of 2011</p> |
| <p>(b) the University Act, 1999;</p> | <p>Act No. 11 of 1999</p> |
| <p>(c) the Examinations Council of Zambia Act;</p> | <p>Cap. 137</p> |
| <p>(d) the Technical Education Vocational and Entrepreneurship Training Act, 1998;</p> | <p>Act No. 13 of 1998</p> |
| <p>(e) The Zambia Institute of Advanced Legal Education Act;</p> | <p>Cap. 49</p> |
| <p>(f) the Zambia Institute of Human Resources Management Act, 1997;</p> | <p>Act No. 11 of 1997</p> |

Act No. 13
of 2008
Act No. 14
of 2003
Act No. 15
of 1998
Cap. 275

- (g) the Accountants Act, 2008;
(h) the Zambia Institute of Marketing Act, 2003;
(i) the National Institute of Public Administration Act,
1998;
(j) the Apprenticeship Act; and
(k) such other Act as the Minister may specify by
statutory instrument;

“ Authority ” means the Zambia Qualifications Authority
established under section *seven*;

“ Chairperson ” means the person appointed as Chairperson
under section *ten*;

“ committee ” means a committee established under section
eleven;

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

“ educational institution ” has the meaning assigned to it in the
Education Act, 2011;

“ Framework ” means the National Qualifications Framework
provided for under section *three*;

“ member ” means a member of the Board;

“ qualification ” means the formal recognition by the Authority
of the achievement of the required competencies at specific
levels of the Framework as may be determined by the
Authority;

“ standard ” means a specification or code of practice for an
education and training outcome, and includes—

(a) a test method to describe a definitive procedure which
produces a test result;

(b) a procedure that gives a set of instructions for
performing operations or functions; and

(c) a registered statement of desired education and
training outcomes and its associated assessment
criteria; and

“ Vice-Chairperson ” means the person appointed as Vice-
Chairperson under section *ten*.

Act No. 23
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PART II

THE NATIONAL QUALIFICATIONS FRAMEWORK

National
Qualifications
Framework

3. The Authority shall, with the approval of the Minister, develop and implement a National Qualifications Framework for the classification, accreditation, publication and articulation of quality-assured national qualifications.

**THE ZAMBIA QUALIFICATIONS AUTHORITY
ACT, 2011**

ARRANGEMENT OF SECTIONS

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PRELIMINARY**

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THE NATIONAL QUALIFICATIONS FRAMEWORK

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4. (1) The objectives of the Framework are to—
- (a) create a single integrated national framework for learning achievements;
- (b) facilitate access to, and mobility and progression within, education, training and career paths;
- (c) enhance the quality of education and training; and
- (d) promote education, training and employment opportunities.
- (2) The Framework shall contribute to the full personal development of each learner and the social and economic development of the nation.
- (3) The Authority and the appropriate authorities shall—
- (a) develop, foster and maintain an integrated and transparent national framework for the recognition of learning achievements; and
- (b) ensure that educational qualifications meet appropriate criteria, and are internationally comparable.
5. (1) The Framework shall be organised as a series of levels of learning achievement, arranged in the prescribed manner.
- (2) Each level of the Framework shall be described by a statement of learning achievement known as a level descriptor.
- (3) A level descriptor, referred to in subsection (2), shall provide a broad indication of learning achievements or outcomes that are appropriate to a qualification at that level.
- (4) Level descriptors shall be developed and determined as provided for in paragraph (e) of subsection (1) of section *nine*.
6. (1) The Framework shall be a single system comprising three co-ordinated qualifications sub-frameworks, for—
- (a) general and further education and training, contemplated in the Education Act, 2011;
- (b) higher education, contemplated in the University Act, 1999;
- (c) trades and occupations, contemplated in the Technical Education, Vocational and Entrepreneurship Training Act, 1998 and the Apprenticeship Act; and
- (d) continuous professional development.
- (2) An appropriate authority shall, in order to achieve the objectives of the Framework—
- (a) develop and manage its sub-framework, and make recommendations thereon to the relevant Minister;

Objectives
of
Framework

Framework
levels

Sub-
frameworks

Act No. 23
of 2011
Act No. 11
of 1999
Act No. 13
of 1998
Cap. 275

- (b) advise the relevant Minister on matters relating to its sub-framework;
- (c) ensure that the level descriptors remain current and appropriate;
- (d) with regard to qualifications for its sub-framework—
 - (i) develop and implement policy and criteria, taking into account the policy and criteria contemplated in paragraph (b) of section *nine*, for the development, accreditation and publication of qualifications;
 - (ii) develop and implement policy and criteria, taking into account the policy and criteria contemplated in paragraph (d) of section *nine*, for assessment, recognition of prior learning and credit accumulation and transfer;
 - (iii) ensure that the development of such qualifications or part qualifications as are necessary for the sector, which may include appropriate measures for the assessment of learning achievement; and
 - (iv) recommend qualifications or part qualifications to the Authority for accreditation; and
- (e) with regard to quality assurance within its sub-framework—
 - (i) develop and implement policy for quality assurance;
 - (ii) ensure the integrity and credibility of quality assurance; and
 - (iii) ensure that such quality assurance as is necessary for the sub-framework is undertaken.

PART III

THE ZAMBIA QUALIFICATIONS AUTHORITY

Establishment
of Zambia
Qualifications
Authority

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

Seal of
Authority

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

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

(3) Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under seal, may be entered into or executed without seal on behalf of the Authority by the Director or any other person generally or specifically authorised by the Board in that behalf.

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

9. (1) The functions of the Authority are to—

Functions of
Authority

- (a) develop, oversee and maintain a national qualification framework for Zambia;
- (b) develop and implement policy and criteria, after consultation with the appropriate authority, for the development, accreditation and publication of qualifications and part-qualifications, which shall include the following requirements:
 - (i) the relevant sub-framework shall be identified on any document relating to the accreditation and publication of a qualification or part-qualification; and
 - (ii) each sub-framework shall have a distinct nomenclature for its qualification types which is appropriate to the relevant sub-framework and consistent with international practice;
- (c) accredit a qualification or part-qualification recommended by an appropriate authority if it meets the relevant criteria;
- (d) develop policy and criteria after consultation with the appropriate authorities for assessment, recognition of prior learning and credit accumulation and transfer;
- (e) develop the content of level descriptors for each level of the Framework and reach agreement on the content with the appropriate authorities;
- (f) publish the agreed level descriptors in the *Gazette* and ensure that the levels remain current and appropriate;
- (g) ensure that standards and accredited qualifications are internationally comparable;
- (h) determine national standards for any occupation;
- (i) recognise and validate competencies for purposes of certification obtained outside the formal education and training systems;

- (j) recognise and validate competencies for purposes of certification obtained outside the country;
- (k) collaborate with its international counterparts on all matters of mutual interest concerning qualification frameworks;
- (l) keep a database of learning achievements in Zambia;
- (m) advise the Minister on matters pertaining to the Framework; and
- (n) do all such things as are necessary or conducive for the achievement of the purposes of this Act.

(2) The Authority shall publish an annual list of the prescribed standards and qualifications of the sub-frameworks.

(3) The Minister may, in consultation with the Authority, give such directives of a general character to the Authority, not inconsistent with this Act, as the Minister considers necessary and the Authority shall comply with those directions.

(4) The Authority may—

- (a) determine and levy fees that the Authority considers necessary to finance its activities under this Act; and
- (b) determine what portion of any fee is payable in respect of any part of a year and the date on which the fee or portion thereof is payable.

Board of
Authority

10. (1) There is hereby constituted the Board of the Authority which shall consist of the following part time members appointed by the Minister:

- (a) one representative each of the Ministries responsible for—
 - (i) education;
 - (ii) vocational and entrepreneurship training;
 - (iii) labour; and
 - (iv) health;
- (b) a representative of the Zambia Institute of Chartered Accountants;
- (c) a representative of the Zambia Institute of Advanced Legal Education;
- (d) one representative from a public university established under the University Act, 1999;
- (e) one representative from a private university registered under the University Act, 1999;
- (f) a representative of the Zambia Air Services Training Institute;
- (g) a representative of the Zambia Institute of Human Resource Management; and

Act No. 11
of 1999

Act No. 11
of 1999

(h) a representative from a civil society organisation working in the education sector.

(2) The Minister shall appoint the Chairperson and Vice-Chairperson from among the members.

11. The functions of the Board are to—

Functions of Board

- (a) perform the functions of the Authority;
- (b) evaluate qualifications and standards for purposes of this Act or any other relevant written law;
- (c) ensure that the appropriate authorities comply with the requirements for accreditation prescribed pursuant to this Act;
- (d) formulate and publish policies and criteria for—
 - (i) the accreditation of bodies responsible for establishing national standards and qualifications; and
 - (ii) the accreditation of bodies responsible for monitoring and auditing standards and qualifications;
- (e) inform the appropriate authorities and stakeholders about international practice in the development and management of the Framework;
- (f) conduct or commission investigations on issues of importance to the development and implementation of the Framework, including periodic studies of the impact of the Framework on education, training and employment; and
- (g) perform such other functions as may be conferred on the Board under this Act or any other written law.

12. (1) Subject to the other provisions of this Act, a member shall hold office for a period of three years from the date of appointment and may be re-appointed for a further period of three years.

Tenure of office and vacancy

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

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

- (a) upon the death of the member;
- (b) if the member is absent; without reasonable excuse, from three consecutive meetings of the Board, of which that member has had notice;

- (c) on ceasing to hold the office by virtue of which the member was appointed;
- (d) if the member is declared bankrupt;
- (e) if the member has a mental disability which makes the member unable to exercise the functions as member; or
- (f) if the member is removed by the Minister.

(4) The Minister shall, where the office of a member becomes vacant before the expiry of the term of office of the member, appoint another member in place of the member who vacates office, and such member shall hold office for the remainder of the term.

(5) Subject to the other provisions of this Act, a member shall, on the expiration of the period for which the member is appointed, continue to hold office until another member is appointed to succeed that member.

Proceedings
of Board

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

(2) The Board shall meet for the transaction of business, at least once in every three months at such places and at such times as the Chairperson may determine.

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

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

(4) The quorum at any meeting of the Board shall be one-half of the members of the Board.

(5) There shall preside at any meeting of the Board—

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

(6) A decision of the Board 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 person presiding at the meeting shall have a casting vote in addition to that person's deliberative vote.

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

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

(9) Where a member is for any reason unable to attend a meeting of the Board, the member may, in writing, nominate another person from the same organisation to attend the meeting in that member's stead and such person shall be deemed to be a member for the purpose of that meeting.

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

14. (1) The Board shall, for the purpose of performing its functions under this Act, establish committees and delegate to any such committee such of its functions as it considers fit.

Committees
of Board

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

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

15. A member of the Board or any committee of the Board shall be paid such allowances as the Authority may, with the approval of the Minister, determine.

Allowances
of members

16. (1) If a member is present at a meeting of the Board or any committee of the Board at which any matter is the subject of consideration and in which matter the member or the member's spouse is directly or indirectly interested in a private capacity, the member shall, as soon as practicable after the commencement of the meeting, disclose that interest and shall not take part in any consideration or discussion of, or vote on, any question relating to that matter.

Disclosure
of interest

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

Prohibition of publication or disclosure of information to unauthorised persons

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

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

(3) A person who, having any information which to that person's knowledge has been published or disclosed in contravention of subsection (1), unlawfully publishes or communicates the information to any other person, commits an offence and is liable, upon conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

Immunity of members of Board and staff of Authority

18. An action or other proceeding shall not lie or be instituted against a member of the Board or a committee of the Board or a member of staff of the Authority, for or in respect of any act or thing done or omitted to be done in good faith in the exercise or performance, or purported exercise or performance of any of the powers, functions or duties conferred under this Act.

Director and other staff

19. (1) The Board shall appoint a Director on such terms and conditions as it may, with the approval of the Minister, determine.

(2) The Director shall be the chief executive officer of the Authority and shall be responsible, under the direction of the Board, for the day-to-day administration of the Authority.

(3) The Board may appoint, on such terms and conditions as it may determine, the Secretary and such other staff as it considers necessary for the performance of the Authority's functions under this Act.

PART IV

FINANCIAL PROVISIONS

Funds of Authority

20. (1) The funds of the Authority shall consist of such moneys as may—

(a) be appropriated to the Authority by Parliament for purposes of the Authority;

- (b) be paid to the Authority by way of fees, loans, grants or donations; and
- (c) otherwise vest in or accrue to the Authority.
- (2) The Authority may—
- (a) subject to the approval of the Minister, accept monies by way of grants or donations from any source within or outside Zambia;
- (b) subject to the approval of the Minister, raise by way of loans or otherwise, such monies as it may require for the discharge of its functions; and
- (c) charge and collect fees for services provided by the Authority.
- (3) There shall be paid from the funds of the Authority—
- (a) the salaries, loans, gratuities and pensions of the staff of the Authority;
- (b) such reasonable, travelling, transport and subsistence allowances for members of the Board when engaged on the business of the Authority, at such rates as the Board may, with the approval of the Minister, determine; and
- (c) any other expenses incurred by the Board in the performance of the Board's functions under this Act.
- (4) The Board may, with the approval of the Minister, invest in such manner as it considers appropriate, funds of the Authority as it does not immediately require for the discharge of its functions.

21. The financial year of the Authority shall be the period of twelve months ending on 31st December of each year.

Financial
year

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

Accounts
and audit

(2) The accounts of the Authority shall be audited annually by the Auditor-General or such independent auditors as the Auditor-General may approve.

(3) The Auditor's fees shall be paid by the Authority.

23. (1) As soon as practicable, but no later than ninety days after the end of the financial year, the Authority shall submit to the Minister a report concerning its activities during the financial year.

Annual
report

(2) The report referred to in subsection (1) shall include information on the financial affairs of the Authority and there shall be appended to the report—

- (a) an audited balance sheet;
- (b) an audited statement of income and expenditure; and
- (c) such other information as the Minister may require.

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

PART V

GENERAL PROVISION

Regulations

24. (1) The Minister may, by statutory instrument, on the recommendation of the Authority, make regulations for the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the regulations made under that subsection may make provisions for—

- (a) the taking of fees and levying of charges;
 - (b) the procedures for accreditation and approval under this Act;
 - (c) the withdrawal of accreditation, or approval, of a qualification accredited under this Act; and
 - (d) any other matter necessary to give effect to the purposes and provisions of this Act.
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