

**THE ZAMBIA INSTITUTE OF PUBLIC RELATIONS AND
COMMUNICATION ACT, 2022**

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GOVERNMENT OF ZAMBIA

ACT

No. 11 of 2022

Date of Assent: 9th August, 2022

An Act to continue the existence of the Zambia Public Relations Association and re-name it as Zambia Institute of Public Relations and Communication and re-define its functions; provide for registration of public relations and communication professionals; regulate public relations and communication professionals conduct; constitute the Council of the Institute and provide for its functions; and provide for matters connected with, or incidental to, the foregoing.

[11th August, 2022

ENACTED by the Parliament of Zambia.

Enactment

PART I

PRELIMINARY PROVISIONS

1. This Act may be cited as the Zambia Institute of Public Relations and Communication Act, 2022.

Short title

2. In this Act unless the context otherwise requires—

Interpretation

“associate” has meaning assigned to the word in the Anti-Corruption Act, 2012;

Act No. 3 of 2012

“certificate of registration” means the certificate of registration issued under section 13;

“Chairperson” means the person appointed Chairperson of the Disciplinary Committee under section 34;

“code of ethics” means the code of professional ethics developed and published by the Institute for the purposes of this Act;

- “constitution” means a constitution of the Institute adopted in accordance with section 5;
- “Council” means the Council of the Zambia Institute of Public Relations and Communication constituted under section 8;
- “council member” means a person elected or nominated as a council member under section 8;
- “disciplinary code” means the disciplinary code developed by the Council to regulate the conduct of the professionals;
- “Disciplinary Committee” means the Disciplinary Committee of the Institute constituted under section 34;
- Act No. 4. of 2013 “Higher Education Authority” means the Higher Education Authority established under the Higher Education Authority Act, 2013;
- Act No. 4. of 2013 “higher education institution” has the meaning assigned to the words in the Higher Education Act, 2013;
- “Institute” means the Zambia Institute of Public Relations and Communication established under section 3;
- Cap. 31 “Law Association of Zambia” means the Law Association of Zambia established under the Law Association of Zambia Act;
- Act No. 6 of 2019 “legally disqualified” means the absence of legal capacity as provided under section 4 of the Mental Health Act, 2019;
- Cap. 30 “legal practitioner” has the meaning assigned to the word “practitioner” in the Legal Practitioners Act;
- “member” means a person registered as a member of the Institute in accordance with the provisions of the constitution and “membership” shall be construed accordingly;
- “practitioner” means a person who possesses knowledge, training or experience in public relations, media relations, corporate communication, stakeholder relations, development communication, strategic communication, trainers in communication, public affairs, public communication, reputation management and advisory services related thereto and is registered under this Act;

“practising certificate” means a practising certificate issued under section 20;

“President” means the person elected as President of the Institute under section 6;

“professional misconduct” means the conduct referred to under section 32;

“Register” means a register of the Institute referred to under section 28;

“Registrar” means the person appointed as Registrar of the Institute under section 10;

“relative” has the meaning assigned to the word in the Anti-Corruption Act, 2012;

Act No. 3 of 2012

“student” means a person who is enrolled at a higher education institution recognised by the Institute and undergoing training in public relations and communication;

“Vice-Chairperson” means a person appointed as Vice-Chairperson of the Disciplinary Committee under section 34;

“Vice-President” means a person elected as Vice-President of the Institute under section 6; and

“Zambia Qualifications Authority” means the Zambia Qualifications Authority established under the Zambia Qualifications Authority Act, 2011.

Act No. 13 of 2011

PART II

THE ZAMBIA INSTITUTE OF PUBLIC RELATIONS AND COMMUNICATION

3. (1) The Zambia Public Relations Association registered under the Societies Act is continued as if established under this Act and re-named as the Zambia Institute of Public Relations and Communication.

Establishment of Institute Cap. 119

(2) The Institute is a body corporate with perpetual succession and a common seal, capable of suing and being sued in its corporate name, and with power, subject to this Act, to do acts and things that a body corporate may, by law, do or perform.

(3) The First Schedule applies to the Institute.

Functions of
Institute

4. The functions of the Institute are to—
- (a) register practitioners and regulate their professional conduct;
 - (b) promote alternative dispute resolution mechanisms for disputes in the public relations and communication profession;
 - (c) collaborate with State institutions on matters relating to the public relations and communication profession;
 - (d) advise Government on matters relating to the public relations and communication profession;
 - (e) undertake research in public relations and communication profession matters;
 - (f) promote and encourage internationally accepted public relations and communication best practice standards in the Republic;
 - (g) promote the public relations and communication profession in the Republic;
 - (h) recommend the development and maintenance of appropriate standards of qualifications in the public relations and communication profession to the Zambia Qualifications Authority;
 - (i) publish any journal, newsletters and other publications relating to public relations and communication profession;
 - (j) promote the rights of the public relations and communication profession;
 - (k) enforce continuing professional development requirements for practitioners; and
 - (l) collaborate with higher education institutions, Government departments and other institutions to improve the quality of the public relations and communication profession.
- (2) The Institute may—
- (a) determine the fees payable for an inspection conducted or other services rendered for the purposes of 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 of the fee is payable.

5. (1) The Institute shall, by a vote of at least two thirds of the members voting at a general meeting of the Institute adopt the constitution and may, in like manner amend it. Constitution

(2) Subject to this Act, the constitution shall regulate the conduct of the affairs of the Institute.

(3) Subject to subsection (1), the constitution shall provide for the following matters:

- (a) meetings of the Institute including the delivery of notices of the meetings, the quorum, voting, adjournments and other matters of procedure or conduct of the meetings;
- (b) elections, qualifications and tenure of the President, Vice-President and other office bearers;
- (c) composition, functions, powers and procedures of the committees of the Institute;
- (d) classes of membership, their rights, privileges and obligations; and
- (e) any other matter as the membership may determine.

6. The members shall elect the President and Vice-President of the Institute in accordance with the provisions of the constitution. President and Vice-President of Institute

7. (1) Subject to this Act, the Institute may regulate its own procedure. Meetings of Institute

(2) The meetings of the Institute shall be conducted in accordance with the provisions of the constitution.

(3) The validity of any proceeding, act or decision of the Institute shall not be affected by a person's absence from a meeting of the Institute or by reason that a person not entitled to do so took part in the proceedings of a meeting of the Institute.

PART III

THE COUNCIL OF INSTITUTE

8. (1) There is constituted the Council of the Institute which is responsible for the management and control of the affairs of the Institute. Council of Institute

(2) The Council consists of the following part-time members elected in accordance with the provisions of the constitution:

- (a) President of the Institute as chairperson;
- (b) Vice-President of the Institute as Vice- chairperson;

- (c) Treasurer;
- (d) Secretary; and
- (e) five other professional members.

(3) A person does not qualify to be elected as a council member if that person—

- (a) is found guilty of professional misconduct under this Act within a period of one year preceeding the election as a member;
- (b) is in lawful custody or the person's freedom of movement is restricted under any law in force or outside the Republic on the date of the election;
- (c) has twice served as a council member;
- (d) is an undischarged bankrupt under any law;
- (e) is legally disqualified;
- (f) has been convicted of an offence involving fraud and dishonesty under this Act or any other written law; or
- (g) is an employee of the Institute.

(4) The First Schedule applies to the Council.

Functions of
Council

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

- (a) approve the policies, programmes and strategies of the Institute;
- (b) approve the annual work plan, action plans, activities and reports of the Institute;
- (c) approve the annual budget estimates and financial statements of the Institute;
- (d) monitor and evaluate the performance of the Institute against budgets and plans;
- (e) advise the Minister on matters relating to public relations and communication profession;
- (f) develop and issue guidelines, disciplinary code, code of ethics and standards for the purposes of this Act;
- (g) promote continuous professional development among public relations and communication professionals; and
- (h) determine fees for applications, registration and membership to the Institute which shall be approved by the members at the general meeting of the Institute.

(2) The Council may, by direction in writing and on conditions that the Council considers necessary, delegate to the Registrar any of its functions under this Act.

10. (1) The Council shall appoint a suitably qualified registered practitioner as Registrar who shall be—

Registrar
and
other staff

(a) the chief executive officer of the Institute and Secretary to the Council; and

(b) responsible for the day-to-day administration of the institute.

(2) The Council shall appoint other staff that the Council considers necessary for the performance of its functions under this Act.

(3) The Registrar shall attend meetings of the Council or a committee of the Council and may address those meetings but shall have no vote.

(4) The Council shall determine the terms and conditions of service and emoluments of the Registrar and other staff of the Institute.

PART IV

REGISTRATION OF PRACTITIONERS AND ISSUANCE OF PRACTISING CERTIFICATE

11. (1) A person shall not be employed or practice as a practitioner unless that person is registered as a practitioner in accordance with this Act.

Prohibition
of practising
without
registration

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

12. (1) A person who intends to be employed or to practice as a practitioner in the Republic shall apply to the Institute for registration in the prescribed manner and form on payment of a prescribed fee.

Application
for
registration
as
practitioner

(2) The Institute may determine different fees for different classes of practitioners.

(3) The Institute may, within thirty days of receipt of an application under subsection (1), grant or reject the application.

(4) The Institute shall, where it rejects an application under subsection (3), inform the applicant and give reasons for the decision.

Registration
of
practitioner

13. (1) The Institute shall, within fourteen days of the grant of an application under section 12, register an applicant as a practitioner if the Institute is satisfied that the applicant—

- (a) possesses knowledge, training and experience as prescribed;
- (b) who possesses a foreign qualification, is issued with a certificate of verification and evaluation for that qualification by the Zambia Qualifications Authority;
- (c) is resident in the Republic, or has an established office or appointment in the Republic in the public relations and communication profession;
- (d) is of good character and good professional standing; and
- (e) meets other requirements that the Minister may, on the recommendation of the Institute, prescribe by statutory instrument.

(2) The Institute shall issue a practitioner with a certificate of registration in the prescribed form showing the practitioner's class of membership.

(3) A certificate of registration shall remain the property of the Institute and shall have an unlimited period of validity, unless suspended or cancelled under this Act.

Disqualification
from
registration

14. A person shall not qualify for registration as a practitioner if that person—

- (a) is convicted of an offence involving fraud or dishonesty under this Act or any other written law in the preceding five years prior to the registration;
- (b) is legally disqualified;
- (c) is an undischarged bankrupt; or
- (d) is found guilty of professional misconduct by the Disciplinary Committee and the Disciplinary Committee orders the cancellation of the certificate of registration of that practitioner.

Title for
registered
practitioner

15. A registered practitioner shall use the title or designation as prescribed in the constitution.

- 16.** A practitioner registered under this Act shall notify the Registrar of any change in the particulars relating to the registration within seven days of the change. Change in details
- 17.** (1) Subject to this Act, the Institute may suspend or cancel the registration of a practitioner where Suspension and cancellation of registration
- (a) the Institute has reasonable grounds to believe that the registration was obtained through fraud, misrepresentation or concealment of a material fact;
 - (b) the practitioner is found guilty of professional misconduct under this Act or the code of ethics and the Disciplinary Committee orders the suspension or cancellation of the practitioner's certificate of registration;
 - (c) the practitioner is convicted of an offence under any other written law and sentenced to imprisonment for a period exceeding six months without the option of a fine; or
 - (d) since the registration, circumstances have arisen disqualifying the practitioner from registration.
- (2) The Institute shall, before suspending or cancelling the registration under subsection (1), give the practitioner an opportunity to be heard.
- (3) The Institute may, before cancelling the registration of a practitioner, suspend the practitioner for a specified period and on terms and conditions that the Institute may determine.
- (4) Where the Institute cancels the registration of a practitioner under this section, the name of the practitioner shall be removed from the register and shall not be restored except on conditions that may be prescribed, and on payment of a prescribed fee.
- 18.** Where a certificate of registration is cancelled under section 17, the holder of the certificate of registration may, subject to the terms and conditions that the Institute may determine, apply for re-registration. Re-registration
- 19.** (1) A person shall not practice as a practitioner without a valid practising certificate issued to that person by the Institute under this Act. Prohibition of practising without valid practising certificate
- (2) A person shall not offer employment to a person who does not hold a valid practising certificate issued under this Act.

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

Practising
certificate

20. (1) A registered practitioner shall apply to the Institute for a practising certificate in the prescribed manner and form on payment of a prescribed fee.

(2) The Institute shall, within thirty days of the receipt of an application under subsection (1), and if the applicant meets the requirements of this Act, issue the applicant with a practising certificate in the prescribed form.

(3) The Minister may, by statutory instrument, on the recommendation of the Institute, make Regulations to provide for—

(a) the terms and conditions for the issuance of a practising certificate;

(b) the type of continuous professional development and training and any other information required for the issuance of a practising certificate; and

(c) any other matter necessary for the purposes of this Act.

Display of
practising
certificate

21. A holder of a practising certificate shall display the practising certificate in a conspicuous place at the place of practice.

Renewal of
practising
certificate

22. (1) A practising certificate shall be renewed annually in the prescribed manner and form on payment of a prescribed fee.

(2) A practising certificate that is not renewed in accordance with subsection (1) is void.

Suspension
and
cancellation
of practising
certificate

23. (1) Subject to this Act, the Institute may suspend or cancel a practising certificate if the holder—

(a) obtained the practising certificate through fraud, misrepresentation or concealment of a material fact;

(b) is convicted of an offence under any other written law and sentenced to imprisonment for a period exceeding six months without the option of a fine;

- (c) becomes legally disqualified;
- (d) is an undischarged bankrupt;
- (e) is found guilty of professional misconduct and the Disciplinary Committee orders the suspension or cancellation of the practising certificate; or
- (f) is de-registered under this Act.

(2) The Institute shall, before suspending or cancelling the practising certificate of a practitioner under this section, give the practitioner an opportunity to be heard.

(3) The Institute may, before cancelling the practising certificate of a practitioner, suspend the practitioner for a specified period and on terms and conditions that the Institute may determine.

(4) Where a certificate of registration is cancelled under this Part, the practising certificate of the holder of the certificate of registration shall be void.

24. The Institute may, where a holder of a practising certificate does not intend to practice for a specified period of time, maintain the name of the holder of the practising certificate on the register, in a non practising category, for that period of time.

Maintenance of non-practising practitioner on register

25. A certificate of registration or practising certificate issued under this Part shall not be transferred to a third party.

Prohibition of transfer of certificate of registration or practising certificate

26. (1) A person whose certificate of registration or practising certificate is destroyed or lost may apply to the Registrar for a duplicate certificate in the prescribed manner and form on payment of a prescribed fee.

Duplicate certificate of registration or practising certificate

(2) The Registrar may, within fourteen days of receipt of an application under subsection (1), issue a duplicate certificate of registration or practising certificate to the applicant.

27. A practitioner whose certificate of registration or practising certificate is cancelled shall, within seven days of being notified of the cancellation, surrender the certificate of registration or practising certificate to the Institute.

Surrender of cancelled certificate of registration or practising certificate

- Register
- 28.** (1) The Institute shall keep and maintain registers of—
- (a) members;
 - (b) registered practitioners;
 - (c) the holders of practising certificates and persons whose practising certificates have been cancelled;
 - (d) the applications rejected and reasons for the rejection;
 - (e) students of public relations and communication; and
 - (f) any other information that the Institute may determine.
- (2) The registers referred to under subsection (1) shall contain particulars that may be prescribed.
- (3) The registers shall be kept in the custody of the Registrar at the office of the Institute and shall be open for inspection to members of the public during normal office hours on payment of a fee that the Institute may determine.
- (4) The Registrar shall, on an application by any person, issue to the person a certified extract from the registers or a copy of a certificate of registration or practising certificate, on payment of a fee as the Institute may determine.
- Publication of copies of register
- 29.** (1) The Registrar shall, on the direction of the Council, cause copies of any of the registers, including alterations of, or additions to those registers, to be printed and published in a manner and form that the Council may direct.
- (2) Subject to this Act, a copy of the last published and printed register shall be *prima facie* evidence in legal proceedings of what is contained in that register and the absence of the name of a practitioner, member or student from that copy, is *prima facie* evidence that the person is not registered as a practitioner, member or student.
- Offences relating to registration
- 30.** (1) A person shall not—
- (a) make or cause to be made, an unauthorised entry, alteration or erasure on a register, certificate of registration or practising certificate, or on a certified copy of a register, certificate of registration or practising certificate;
 - (b) procure or attempt to procure registration under this Act by fraud, misrepresentation or the concealment of a material fact;

- (c) impersonate a registered practitioner or use the title or designation of a registered practitioner while not registered as a practitioner under this Act; or
- (d) forge a certificate of registration, practising certificate or other document issued under this Act.

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

PART V
DISCIPLINARY MATTERS

31. The Council shall adopt and publish a code of ethics for practitioners which shall bind practitioners registered under this Act. Code of ethics

32. A practitioner commits professional misconduct if the practitioner— Professional misconduct

- (a) contravenes a provision of this Act;
- (b) unlawfully discloses or uses to the practitioner's advantage any information acquired in the practice of the practitioner;
- (c) engages in conduct that is dishonest, fraudulent or deceitful; or
- (f) breaches the code of ethics or encourages another practitioner to breach or disregard the code of ethics.

33. (1) A person may lodge a complaint with the Institute against a practitioner where that person alleges that the practitioner has contravened the code of ethics or any provision of this Act. Initiation of disciplinary action

(2) The Institute may initiate disciplinary action under this section where the Institute has reasonable grounds to believe that a practitioner has contravened the code of ethics or any provision of this Act.

(3) A complaint or allegation shall be made to the Registrar in the prescribed manner and form.

34. (1) The Council shall constitute a Disciplinary Committee consisting of the following part-time members: Disciplinary Committee

- (a) the Chairperson;
- (b) the Vice-Chairperson;
- (c) four practitioners, who are not members of the Council elected at the general meeting of the Institute; and
- (d) a legal practitioner nominated by the Law Association of Zambia.

(2) The Chairperson and Vice-Chairperson shall be practitioners of the highest class of membership in the Institute.

(3) A person shall not be appointed as a member of the Disciplinary Committee if that person—

- (a) is found guilty of professional misconduct under this Act;
- (b) is an undischarged bankrupt;
- (c) is legally disqualified from performing the functions of a member;
- (d) in the case of a member under subsection (1)(a), (b) and (c), has not been on the register of practitioners for at least ten years preceding the appointment; or
- (e) is convicted of an offence under any other written law and sentenced to imprisonment for a term exceeding six months without the option of a fine.

(4) A member of the Disciplinary Committee shall hold office for a term of three years and may be re-appointed for a further and final term of three years.

(5) A member shall, on expiration of the term for which the member is appointed continue to hold office until another member is appointed but in no case shall an extension of the period exceed three months.

(6) The office of a member becomes vacant if the member—

- (a) dies;
- (b) is adjudged bankrupt under any written law;
- (c) is absent from three consecutive meetings of the Disciplinary Committee of which the member has notice, without the prior approval of the Disciplinary Committee;
- (d) resigns by notice, in writing, to the Council;
- (e) is legally disqualified from performing the duties of a member of the Disciplinary Committee;
- (f) is found guilty of professional misconduct;
- (g) is de-registered under this Act or any other written law; or
- (h) is convicted of an offence under any other written law and sentenced to imprisonment for a term exceeding six months without the option of a fine.

(7) The Council shall, where there is a vacancy in the membership of the Disciplinary Committee before the expiry of the term of office, appoint another person to replace the member who vacates office but that person shall only hold office for the remainder of the term.

(8) The Registrar shall be the Secretary to the Disciplinary Committee but shall not vote on any matter before the Disciplinary Committee.

35. (1) The functions of the Disciplinary Committee are to hear and determine—

Functions of
Disciplinary
Committee

(a) any complaint referred to the Disciplinary Committee by the Institute against a practitioner; or

(b) a disciplinary action initiated against a practitioner under section 33(2).

(2) The Disciplinary Committee may publicise as the Disciplinary Committee considers appropriate, the facts relating to a practitioner who is found guilty of, and punished for, professional misconduct.

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

Proceedings
of
Disciplinary
Committee

(2) Five members of the Disciplinary Committee shall form a quorum at a meeting or sitting of the Disciplinary Committee.

(3) The Chairperson, or in the absence of the Chairperson, the Vice-Chairperson shall preside at a meeting or sitting of the Disciplinary Committee.

(4) A question at a meeting or sitting of the Disciplinary Committee shall be decided by a majority of the members present at the meeting or sitting of the Disciplinary Committee and in the event of an equality of votes, the person presiding at the meeting or sitting shall have a casting vote in addition to that person's deliberative vote.

(5) The proceedings of the Disciplinary Committee shall be in camera.

(6) A party to a hearing of the Disciplinary Committee may appear in person or be represented by a legal practitioner or, if the party so elects, by any other person.

(7) A decision of the Disciplinary Committee shall be in the form of a reasoned judgment and a copy of the judgment shall be supplied to each party to the proceedings and to every person affected by the decision.

(8) If a person is present at a meeting or sitting of the Disciplinary Committee at which any matter is the subject of consideration, and in which matter that person or that person's relative or associate is directly or indirectly interested in a private capacity, that person shall, as soon as is practicable after the commencement of the meeting or sitting, disclose the interest and shall not, unless the Disciplinary Committee otherwise directs, take part in any consideration or discussion of, or vote on, any question relating to that matter.

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

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

Powers of
Disciplinary
Committee

37. (1) The Disciplinary Committee may, for the purposes of a hearing, hear and receive evidence and may—

(a) under the hand of the Chairperson or the Registrar, summon witnesses and require the production of a book, record, document, electronic record or anything required for the purposes of the proceeding; and

(b) through the Chairperson or Vice-Chairperson, administer an oath to a witness.

(2) A person summoned to attend before the Disciplinary Committee shall not—

(a) refuse or fail to attend at the time and place specified in the summons or, having attended, leave without the permission of the Disciplinary Committee;

(b) having attended, refuse to be sworn or to affirm;

(c) refuse, without lawful excuse, to answer fully and satisfactorily to the best of that person's knowledge and belief, a question lawfully put to that person; or

(d) refuse to produce a book, record, document or thing which that person has been required by summons to produce.

(3) A person who contravenes subsection (2) commits an offence and is liable, on conviction, for that refusal or failure, to a fine not exceeding two hundred thousand penalty units.

(4) Despite subsection (2), a person shall not be compelled to answer any question or produce any book, record or document which that person would not be compelled to answer or produce on the trial of an action in the High Court.

(5) A hearing before the Disciplinary Committee shall, for the purposes of Chapter XI of the Penal Code Act, be deemed to be a judicial proceeding. Cap. 87

(6) A finding of fact which is shown to have been made by a court in the Republic shall, in any hearing before the Disciplinary Committee, be conclusive evidence of the fact so found.

(7) The Disciplinary Committee shall, where the Disciplinary Committee has reasonable cause to believe that a practitioner is legally disqualified, refer the matter for determination in accordance with the Mental Health Act, 2019. Act No. 6 of 2019

(8) The Disciplinary Committee shall, where a determination is made in accordance with the Mental Health Act, 2019, that a practitioner is legally disqualified, suspend the practising certificate of the practitioner. Act No. 6 of 2019

(9) The Disciplinary Committee shall, where the Disciplinary Committee finds, after due inquiry, that a practitioner is not guilty of professional misconduct, record a finding that the a practitioner is not guilty of the conduct to which the charge relates and dismiss the charge.

(10) The Disciplinary Committee may, for the purpose of any proceedings, use assessors or experts as the Disciplinary Committee considers necessary.

38. The Disciplinary Committee shall, where the Disciplinary Committee finds a practitioner guilty of professional misconduct, after due inquiry, impose one or more of the following penalties: Sanctions for professional misconduct by Disciplinary Committee

(a) order the cancellation of the a practitioner’s practising certificate or certificate of registration;

(b) order the suspension of the certificate of registration or practising certificate for a specified period and on conditions as determined by the Disciplinary Committee;

- (c) censure the practitioner;
- (d) caution the practitioner;
- (e) impose an administrative penalty, not exceeding one hundred thousand penalty units, to be paid to the Institute;
- (f) order that the practitioner be re-trained;
- (g) order the practitioner to pay to the Institute or to a party to the hearing the costs of, or incidental to, the proceedings; or
- (h) order the practitioner to pay any party to the hearing or any other person, as restitution, the amount of loss caused by that person's negligence.

Report by
Disciplinary
Committee

39. The Disciplinary Committee shall, within sixty days of receipt of complaint, hear and determine the complaint and submit to the Council a report of the proceedings together with a copy of the record.

Rules
relating to
disciplinary
proceedings

40. (1) The Chief Justice may, by statutory instrument and on the recommendation of the Council, make Rules relating to the—

- (a) manner and form for lodging of complaints under this Part;
 - (b) mode of summoning persons before the Disciplinary Committee;
 - (c) manner and form of service of a summons requiring the attendance of a witness before the Disciplinary Committee and the production of a book, record, document or thing;
 - (d) procedure to be followed and rules of evidence to be observed in proceedings before the Disciplinary Committee; and
 - (e) functions of assessors and experts to the Disciplinary Committee.
- (2) Rules made under subsection (1) may provide—
- (a) that before a matter is referred to the Disciplinary Committee it shall be in a manner that may be provided by the Rules investigated by the Institute;
 - (b) for securing notices for the proceedings and specifying the time and manner of the proceedings; and
 - (c) for securing that a party to the proceedings shall, if that person requires, be entitled to be heard by the Disciplinary Committee.

PART VI
INSPECTORATE

41. (1) The Council shall appoint suitably qualified persons as inspectors to ensure compliance with this Act. Inspectors

(2) The Council shall provide an inspector with an identification card which shall be *prima facie* evidence of the inspector's appointment as inspector.

(3) An inspector shall, in performing a function under this Act—

- (a) be in possession of the identification card referred to in subsection (2); and
- (b) show the identification card to a person who requests to see the identification card or is the subject of an investigation under this Act.

42. (1) An inspector may, for the purpose of enforcing the provisions of this Act, at any reasonable time, without prior notice, and on the authority of a warrant, enter any premises that the inspector has reasonable grounds to believe is used for the commission of an offence or contrary to the provisions of this Act, and— Powers of inspectors

- (a) search the premises;
- (b) search any person on the premises if the inspector has reasonable grounds to believe that the person has possession of an article, document or record that has a bearing on an inspection or investigation, except that a person shall only be searched by a person of the same sex;
- (c) take extracts from, or make copies of, any book, document or record that is on the premises and that has a bearing on an inspection or investigation;
- (d) demand the production of, and inspect, relevant certificates; and
- (e) make inquiries that may be necessary to ascertain whether the provisions of this Act or any other law on which an inspection or investigation is based, have been complied with.

(2) A court may issue a warrant on application by an inspector if it appears from written information given by that inspector, on oath or affirmation, that there are reasonable grounds to believe that this Act has been or is likely to be contravened.

(3) An inspector who removes anything from any premises shall—

(a) issue a receipt for anything removed to the owner or the person in control of the premises; and

(b) return anything removed as soon as practicable after the thing removed has served the purpose for which it was removed.

(4) A person commits an offence if that person—

(a) delays or obstructs an inspector in the performance of the inspector's functions under this Act;

(b) refuses to give an inspector reasonable assistance as the inspector may require for the purpose of performing the inspector's functions;

(c) impersonates an inspector or presents oneself to be an inspector; or

(d) wilfully gives an inspector false or misleading information in answer to an inquiry made by the inspector.

(5) A person who contravenes subsection (4) is liable, on conviction, to a fine not exceeding three hundred thousand penalty units or to imprisonment for a term not exceeding three years, or to both.

(6) An inspector shall furnish the Council with a written report and any other information relating to an inspection.

PART VII

GENERAL PROVISIONS

False or
misleading
statement

43. (1) A person shall not knowingly or recklessly make a false or misleading statement, orally or in writing, to the Institute or Disciplinary Committee with the intention that it be acted on by the Institute or Disciplinary Committee.

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

44. (1) A person aggrieved with a decision of the Disciplinary Committee may appeal to the High Court within thirty days of receipt of the decision. Appeals

(2) A decision of the Disciplinary Committee shall not take effect until the expiration of the time for lodging an appeal against the decision or, if an appeal is lodged, until the time the appeal is disposed of, withdrawn or struck out for want of prosecution.

(3) The proceedings of the Disciplinary Committee shall not be set aside by reason only of some irregularity in those proceedings if that irregularity did not occasion a substantial miscarriage of justice.

(4) A person aggrieved with a decision of the Institute may, within thirty days of receipt of the decision, appeal to the Minister.

(6) A person aggrieved with a decision of the Minister may appeal to the High court.

45. (1) A court shall have jurisdiction over a practitioner for any act committed outside the Republic which, if it had been committed in the Republic, would have been an offence of professional misconduct under this Act. Jurisdiction over acts committed outside Republic

(2) Any proceedings against a practitioner under this section which would be a bar to subsequent proceedings against that practitioner, for the same offence, if the offence had been committed in the Republic, shall be a bar to further proceedings against the practitioner under any written law relating to the extradition of persons, in respect of the same offence outside the Republic.

(3) The Mutual Legal Assistance in Criminal Matters Act applies to proceedings under this section. Cap. 98

46. (1) A person shall not, without the consent in writing given by, or on behalf of, the Institute, publish or disclose to a person, other than in the course of duties of that person, the contents of a document, communication or information which relates to, or which has come to the knowledge of that person in the course of that person's duties under this Act. Prohibition of publication or disclosure of information to unauthorised person

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

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

Offence by
principal
officers of
body
corporate or
unincorporate
body

47. Where an offence under this Act is committed by a body corporate or an unincorporate body, with the knowledge, consent or connivance of the director, manager, shareholder or partner of the body corporate or an unincorporate body, that director, manager, shareholder or partner commits the same offence as the body corporate or unincorporate body and is liable, on conviction, to the penalty specified for that offence under this Act.

Administrative
penalty

48. (1) The Institute may impose an administrative penalty on a person for a failure to comply with a provision of this Act which is not an offence.

(2) An administrative penalty shall not exceed the amount prescribed by the Minister by statutory instrument for each day during which the failure continues.

(3) An administrative penalty shall be paid to the Institute within the period prescribed by the Minister.

(4) The Institute may, where a person fails to pay an administrative penalty within the stipulated period under subsection (3), by way of civil action in a competent court, recover the amount of the administrative penalty from that person as an amount due and owing to the Institute.

Immunity

49. An action or other proceeding shall not lie or be instituted against a council member, a member of a committee of the Council, a member of the Disciplinary Committee and a member of staff of the Institute for, or in respect of, an act or thing done or omitted to be done in good faith in the exercise or performance of a power or function conferred under this Act.

Guidelines

50. (1) The Institute may, in the exercise of its functions under this Act, issue guidelines as are necessary for the better carrying out of the provisions of this Act.

(2) The Institute shall publish the guidelines issued under this Act in a daily newspaper of general circulation in the Republic and in the *Gazette*, and the guidelines shall take effect on the date of publication.

(3) The guidelines issued by the Institute under this Act shall bind the persons regulated under this Act.

51. (1) The Minister may, by statutory instrument and on the recommendation of the Council, make Regulations for the better carrying out of the provisions of this Act.

Regulations

(2) Despite the generality of subsection (1), Regulations may make provision for—

- (a) the manner and form for applications under this Act and the fees payable;
- (b) the form of and particulars to be entered on the registers;
- (c) the form of the certificate of registration and the conditions under which the certificate of registration is issued;
- (d) the qualifications for registration of a practitioner;
- (e) the form of the practising certificate and the conditions under which the practising certificate is issued;
- (f) the code of ethics to which practitioners shall subscribe;
- (g) the continuous professional development for practitioners;
- (h) the fees payable for professional services and any other fees which are required to be prescribed; and
- (i) any other matter under this Act which requires to be prescribed.

52. The provisions of the Second Schedule shall apply in respect of the matters specified in the Second Schedule.

Savings and
transitional
provisions

FIRST SCHEDULE

(Sections 3(3) and 8(4))

PART I

ADMINISTRATION OF THE INSTITUTE

Seal of
Institute

1. (1) The seal of the Institute shall be a device that may be determined by the Council and shall be kept by the Registrar.

(2) The affixing of the seal shall be authenticated by the President or the Vice-President and the Registrar or any other person the Council may authorise for that purpose.

(3) A 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 Institute by the Registrar or any other person generally or specifically authorised by the Council for that purpose.

(4) A document purporting to be 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, without further proof, unless the contrary is proved.

Tenure of
office and
vacancy of
council
members

2. (1) A council member shall, subject to the other provisions of this Act, hold office for a term of three years and may be re-elected for a further and final term of three years.

(2) A council member shall, on the expiration of the term for which the member is elected, continue to hold office until another member is elected but in no case shall the extension of the term exceed three months.

(3) The office of council member becomes vacant if that council member—

(a) dies;

(b) is adjudged bankrupt under any written law;

(c) resigns by notice, in writing, to the Institute;

(d) is legally disqualified from performing the functions of a council member;

(e) is disqualified from being a council member in accordance with section 8(3);

(f) ceases to be a member of the Institute;

- (g) is found guilty of professional misconduct;
- (h) is absent, from three consecutive meetings of the Council of which the council member had notice without the prior approval of the Council; or
- (i) is convicted of an offence under any other written law and sentenced to imprisonment for a term of six months without the option of a fine.

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

Proceedings
of Council

(2) The Council shall meet at least once in every three months for the transaction of business at a place and time as the President may determine.

(3) The President may call a meeting of the Council on giving notice of not less than fourteen days or where one third of the council members so request, in writing, except that if the urgency of a particular matter does not permit the giving of notice, a special meeting may be called on giving a shorter notice.

(4) Five council members shall form a quorum at a meeting of the Council.

(5) 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 Vice-President, another council member that the council members present shall elect for the purpose of that meeting.

(6) A decision of the Council on any question shall be by a majority of the council 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 Council may invite a person whose presence is in the Council's opinion desirable to attend and participate in the deliberations of the meeting, but that person shall have no vote.

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

- (9) The Council shall cause minutes to be kept of the proceedings of every meeting of the Council and of any committee established by the Council.
- Committees 4. (1) The Council may, for the purpose of performing its functions under this Act, constitute a committee and delegate any of its functions to the committee as it considers necessary.
- (2) The Council may appoint as members of a committee persons who are or are not council members, except that at least one council member shall be a member of a committee.
- (3) A member of a committee shall hold office for a term as the Council may determine.
- (4) Subject to any specific or general direction of the Council, a committee may regulate its own procedure.
- Allowances 5. The Council shall pay to a council member, a member of a committee of the Council and a member of the Disciplinary Committee an allowance approved by the members at the general meeting.
- Disclosure of interest 6. (1) A person who is present at a meeting of the Council or a committee of the Council at which any matter is the subject of consideration, and in which matter that person or that person's relative or associate is directly or indirectly interested in a private capacity, shall as soon as is practicable after the commencement of the meeting, disclose the interest and shall not, unless the Council or the committee of the Council otherwise directs, take part in any consideration or discussion of, or vote on, any question relating to that matter.
- (2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.

PART II
FINANCIAL PROVISIONS

- Fund of Institute 7. (1) The funds of the Institute consists of monies that may—
- (a) be proceeds of any investments by the Institute;
 - (b) be paid to the Institute by way of fees, grants or donations;
 - and
 - (c) otherwise vest in, or accrue to, the Institute.

- (2) The Institute may—
- (a) accept monies by way of grants or donations from any source in the Republic and subject to the approval of the Minister, from any source outside the Republic;
 - (b) raise by way of loans or otherwise, monies as it may require for the performance of its functions; and
 - (c) in accordance with Regulations made under this Act, charge and collect fees in respect of programmes and seminars conducted by the Institute.
- (3) There shall be paid from the funds of the Institute—
- (a) the salaries, allowances and loans of the staff of the Institute;
 - (b) reasonable travelling, transport and subsistence allowances for council members, members of a committee of the Council or members of the Disciplinary Committee when engaged in the business of the Institute at the rates approved by the members of the general meeting; and
 - (c) any other expenses incurred by the Institute in the performance of its functions under this Act.
- (4) The Institute may, invest in a manner the Council considers appropriate, funds of the Institute that the Institute does not immediately require for the performance of the Institute's functions.

8. The financial year of the Institute shall be a period of twelve months ending on 31st December in each year.

Financial
year

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

Accounts and
audit

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

(3) The fees of the auditors shall be paid by the Institute.

SECOND SCHEDULE

(Section 52)

SAVINGS AND TRANSITIONAL PROVISIONS

- Interpretation
Cap. 119
1. In this Schedule, “former Association” means the Zambia Public Relations Association, registered under the Societies Act.
- Transfer of
staff of
former
Association
2. (1) A person who, before the commencement of this Act, was an employee of the former Association shall continue to be an employee of the Association as if employed under this Act.
- (2) The service of the persons referred to in subparagraph(1) shall be treated as continuous service.
- (3) Nothing in this Act affects the rights and liabilities of an employee employed by the former Association before the commencement of this Act.
- Office
bearers
3. (1) On or after the commencement of this Act, committees and officers of the former Association operating or holding office immediately before the commencement of this Act, shall operate and hold office as the committees and officers of the Association for a period of six months as if they had been elected under this Act.
- (2) The Association shall, six months after the commencement of this Act, hold elections for its Association, committees and other office bearers.
- (3) The rules of the former Association in force immediately before the commencement of this Act shall remain in force as if they have been made and issued by the Association until a time that new rules are made.
- (4) A representative appointed by the former Association to serve on any Committee or other body shall be deemed to be a representative appointed by the Association under this Act.
- Licence,
registration,
authorisation
or
recognition
by former
Association
4. A licence, registration, authorisation or recognition granted by the former Association, whether to a company or an individual, shall be deemed, until expiry, to be a licence, registration, authorisation or recognition granted in accordance with this Act, but subject to any rights or benefits accruing, or any liabilities suffered, under the former Association.

5. (1) On the commencement of this Act, there shall be transferred to, vest in and subsist against the Institute by virtue of this Act and without further assurance, the assets, rights, liabilities and obligations which immediately before the commencement of this Act were the assets, rights, liabilities and obligations of the former Association.

Transfer of
assets
and liabilities

(2) Subject to subparagraph (1), every deed, bond or agreement, other than an agreement for personnel service, to which the former Association was a party immediately before the commencement of this Act, whether or not of a nature that rights, liabilities and obligations could be assigned, shall, unless its subject matter or terms make it impossible that it should have effect as modified, as provided under this paragraph, have effect as if—

- (a) the Institute had been party to it;
- (b) for any reference to the former Association there were substituted, with respect to anything falling to be done on or after the commencement of this Act, a reference to the Institute; or
- (c) for any reference to any officer of the former Association, not being a party to it and beneficially interested, there were substituted, as respects anything falling to be done on or after the commencement of this Act, a reference to that officer of the Institute, as the Institute shall designate.

(3) Where under this Act, any assets, rights, liabilities and obligations of the former Association are considered to be transferred to the Institute, in respect of which transfer a written law provides for registration, the Institute shall make an application, in writing, to the appropriate registration authority for registration of the transfer.

(4) The registration authority, under subparagraph (3), shall make entries in the appropriate register that shall give effect to the transfer and, where applicable, issue to the transferee concerned a certificate of title in respect of the property or make necessary amendments to the register and shall endorse the deed relating to the title, right or obligation concerned and no registration fees or other duties shall, be payable in respect of the transaction.

Legal
proceedings

6. (1) Any legal proceedings or application of the former Association pending immediately before the commencement of this Act by or against the former Association may be continued by or against the Institute.

(2) After the commencement of this Act, proceedings in respect of a right, liability or obligation which was vested in, held, enjoyed, incurred or suffered by the former Association may be instituted by or against the Institute.
