

**THE ZAMBIA INSTITUTE OF QUANTITY
SURVEYORS ACT, 2024**

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GOVERNMENT OF ZAMBIA

ACT

No. 19 of 2024

Date of Assent: 20th December, 2024

An Act to provide for the registration of quantity surveying professionals, quantity surveying organisations and quantity surveying units and regulate their practice and professional conduct; continue the existence of the quantity Surveyors Registration Board and re-name it as the Zambia Institute of Quantity Surveyors and re-define its functions; repeal and replace the Quantity Surveyors Act, 1995; and provide for matters connected with, or incidental to, the foregoing.

[20th December, 2024

ENACTED by the Parliament of Zambia.

Enactment

PART I

PRELIMINARY PROVISIONS

1. This Act may be cited as the Zambia Institute of Quantity Surveyors Act, 2024, and shall come into operation on a date appointed by the Minister by statutory instrument.

Short title
and
commence-
ment

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

Inter-
pretation
Act No. 3 of
2012

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

“Board” means the Quantity Surveyors Registration Board established under section 11;

“built environment” means human-made infrastructure which supports livelihood;

“Chairperson” means the person appointed Chairperson of the Disciplinary Committee under section 39;

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

	“constitution” means the constitution of the Institute adopted in accordance with section 5;
	“Council” means the Council of the Institute constituted under section 8;
	“council member” means a person elected as a council member under section 8;
	“Disciplinary Committee” means the Disciplinary Committee of the Institute constituted under section 39;
	“foreign quantity surveying organisation” means a firm or company whether corporate or unincorporate, that is registered outside the Republic, which specialises in providing quantity surveying services for construction and built environment;
Act No. 4 of 2013	“Higher Education Authority” means the Higher Education Authority established under the Higher Education Act, 2013;
Act No. 4 of 2013	“higher education institution” has the meaning assigned to the words in the Higher Education Act, 2013;
	“inspector” means a person appointed as an inspector under section 46;
	“Institute” means the Zambia Institute of Quantity Surveyors established under section 3;
Cap. 31	“Law Association of Zambia” means the Law Association of Zambia established under the Law Association of Zambia Act;
Cap. 30	“legal practitioner” has the meaning assigned to the word “practitioner” in the Legal Practitioner’s 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;
	“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;
	“practising certificate” means a certificate issued under section 23;
	“President” means a person elected as President of the Institute under section 6;
	“professional misconduct” means the conduct referred to under section 37;
	“quantity surveying” means the application of scientific, financial and economics knowledge in the built environment

to construction and infrastructure development through measurements, estimating, procurement, cost and contract formulation, administration and management;

“quantity surveying organisation” means a statutory corporation, a company, a firm, a partnership, an association or other body, whether corporate or unincorporate, that specialises in providing quantity surveying services;

“quantity surveying professional” means a person who is trained and possesses experience in quantity surveying and is registered in accordance with this Act, and “quantity surveying profession” shall be construed accordingly;

“quantity surveying unit” means an operational entity of a non-quantity surveying organisation that is specialised in providing quantity surveying services internally, in support of that nonquantity surveying organisation’s core operations or activities;

“register” means the register of the Institute referred to under section 33;

“Registrar” means a person appointed as Registrar under section 10;

“relative” has the meaning assigned to the word in the Anti-Corruption Act, 2012; Act No. 3 of 2012

“repealed Act” means the Quantity Surveyors Act, 1995; Cap. 438

“Vice-Chairperson” means the person appointed as Vice-Chairperson of the Disciplinary Committee under section 39;

“Vice-President” means the 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, 2024. Act No. 8 of 2024

PART II

THE ZAMBIA INSTITUTE OF QUANTITY SURVEYORS

Continuation
and renaming
of
Quantity
Surveyors
Registration
Board

3. (1) The Quantity Surveyors Registration Board established under the repealed Act is continued as if established under this Act and is renamed as the Zambia Institute of Quantity Surveyors.

(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 the provisions of this Act, to do or perform all 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)* advance the quantity surveying profession and promote its interests;
- b)* register and regulate quantity surveying professionals, quantity surveying organisations and quantity surveying units;
- c)* issue practising certificates to eligible members;
- d)* set and enforce professional standards of quantity surveying practice;
- e)* develop, promote and enforce internationally comparable quantity surveying practice standards in the Republic;
- f)* provide continuous professional development to quantity surveying professionals;
- g)* investigate cases of professional misconduct under this Act;
- h)* undertake research and development into matters affecting the quantity surveying profession;
- i)* promote public awareness in matters relating to the quantity surveying profession;
- j)* recommend to the Higher Education Authority, the development and maintenance of appropriate standards for quantity surveying training and education;
- k)* collaborate with higher education institutions, Government departments and other international institutions to enhance the interest and improve the quality of the quantity surveying profession in the Republic;

- (l) promote technological improvements and advancement in the quantity surveying profession;
- (m) protect and assist the public in all matters relating to the practice of quantity surveying; and
- (n) advise Government on matters relating to the quantity surveying profession.

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 a constitution and may, in the like manner, amend it.

Constitution
of Institute

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

(3) The constitution may provide for —

- (a) the 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) the election, qualifications and tenure of office of the President, Vice-President and other office bearers of the Institute;
- (c) the composition, functions, powers and procedures of the committees of the Institute;
- (d) the categories of registration and classes of membership and their rights, privileges and obligations; and
- (e) the any other matter that the membership may determine.

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

President,
Vice-
President
and other
office
bearers

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 proceedings, acts or decisions 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.

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 council members nominated or elected in accordance with the provisions of the constitution:

- (a) the President;
- (b) the Vice-President;
- (c) the Honorary Secretary;
- (d) the Treasurer;
- (e) five members; and
- (f) the immediate past President as *ex-officio*.

(3) A person shall not be nominated or elected as a council member if that person is—

- (a) found guilty of professional misconduct under this Act;
- (b) convicted of an offence under this Act;
- (c) an undischarged bankrupt;
- (d) legally disqualified;
- (e) convicted of an offence involving fraud or dishonesty; or
- (f) 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 perform the functions of the Institute.

(2) Despite the generality of subsection (1), the functions of the Council are to—

- (a) develop rules and guidelines for members of the Institute;
- (b) refer a matter to the Disciplinary Committee in accordance with Part V;
- (c) make recommendations relating to the quantity surveying profession to the general meeting of the Institute;
- (d) set, establish and monitor standards for members employed in quantity surveying;
- (e) approve the policies, programmes and strategic plans of the Institute;
- (f) approve the annual work plan, action plans, activities and reports of the Institute;

- (g) approve the annual budget estimates and financial statements of the Institute;
- (h) monitor and evaluate the performance of the Institute against budgets and plans; and
- (i) advise the Minister on matters relating to the quantity surveying profession.

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

10. (1) The Council shall appoint a Registrar, on terms and conditions that the Council may determine, 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 Registrar shall attend meetings of the Council or a committee of the Council and may address those meetings, but shall have no vote.

(3) The Council shall appoint other staff of the Institute that the Council considers necessary for the performance of the functions of the Institute.

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

PART III

QUANTITY SURVEYORS REGISTRATION BOARD

11. (1) There is established the Quantity Surveyors Registration Board which consists of the following members appointed by the Council:

Establishment
of Quantity
Surveyors
Registration
Board

- (a) a representative of the Ministry responsible for infrastructure;
- (b) two representatives of quantity surveying units;
- (c) two representatives from quantity surveying organisations;
- (d) a representative of a construction company;
- (e) a representative of a higher education institution; and
- (f) a representative of the Law Association of Zambia as *ex-officio*.

(2) The members referred to under subsection (1) (a), (b), (c), (d) and (e) shall be quantity surveying professionals.

(3) The institutions or organisations referred to under subsection (1) shall nominate their representatives for appointment by the Council.

(4) The Board may, for purposes of performing its functions under this Act, establish such committees as the Board may determine and may delegate to the committees any of its functions as it considers necessary.

(5) The Minister may, on the recommendation of the Council, by statutory instrument, make regulations to provide for the tenure of office of a member of the Board, procedure of meetings and quorum of the Board.

(6) Subject to any specific or general direction of the Council, the Board may regulate its own procedure.

Functions of Board

12. (1) Except as otherwise provided in this Act, the function of the Board shall be to perform the registration functions of the Institute.

(2) The Council may give general or specific directions to the Board relating to registration under this Act.

PART IV

MEMBERSHIP, REGISTRATION AND PRACTISING CERTIFICATE

Prohibition of person practising without registration

13. (1) A person shall not be employed or practise as a quantity surveying professional unless that person is registered as a quantity surveying professional in accordance with 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.

Application for registration

14. (1) A person who intends to be employed or to practise as a quantity surveying professional shall apply to the Board for registration in the prescribed manner and form on payment of the prescribed fee.

(2) The Board may determine different fees for different categories of quantity surveying professionals.

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

(4) The Board shall, where the Board rejects an application under subsection (3), inform the applicant of the decision, in writing, and give reasons for the decision.

15. (1) The Board shall, in considering an application made under section 14, register an applicant as a quantity surveying professional if the Board is satisfied that the applicant—

Determination
of
application
for
registration
as quantity
surveying
professional

- (a) possesses knowledge, training and experience as prescribed;
- (b) holds a qualification recognised and validated by the Zambia Qualifications Authority;
- (c) is of good professional standing;
- (d) is a citizen or is resident in the Republic and has an established office or appointment in the Republic in the quantity surveying profession; and
- (e) meets other requirements that the Minister may, on the recommendation of the Board prescribe by statutory instrument.

(2) The Board shall register a quantity surveying professional in accordance with the categories of registration prescribed in the constitution.

16. (1) The Board shall, where the Board grants an application under section 14, issue a quantity surveying professional with a certificate of registration in the prescribed form showing the quantity surveying professional's category of registration.

Certificate of
registration

(2) 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.

17. A person shall not qualify for registration as a quantity surveying professional if that person is—

Disqualification
from
registration

- (a) 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) legally disqualified;
- (c) an undischarged bankrupt; or
- (d) found guilty of professional misconduct by the Disciplinary Committee and the Disciplinary Committee orders the cancellation of the certificate of registration of a quantity surveying professional.

Title for
registered
quantity
surveying
professional

18. A registered quantity surveying professional shall use the title or designation as provided in the constitution.

Change in
details

19. A quantity surveying professional registered under this Act shall notify the Registrar, in writing, of any change in the particulars relating to the registration within seven days of the change.

Suspension
and
cancellation
of
registration

20. (1) Subject to this Act, the Board may suspend or cancel the registration of a quantity surveying professional of registration if—

- (a) the Board has reasonable grounds to believe that the registration was obtained through fraud, misrepresentation or concealment of a material fact;
- (b) the quantity surveying professional 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 quantity surveying professional's certificate of registration;
- (c) the quantity surveying professional is convicted of an offence under this Act or any other written law and sentenced to imprisonment for a term exceeding six months without the option of a fine; or
- (d) since the registration, circumstances have arisen disqualifying the quantity surveying professional from registration.

(2) The Board shall, before suspending or cancelling the registration under subsection (1), give the quantity surveying professional an opportunity to be heard.

(3) The Board may, before cancelling the registration of a quantity surveying professional, suspend the quantity surveying professional for a specified period and on terms and conditions that the Board may determine.

(4) The name of the quantity surveying professional shall be removed from the register and shall not be restored except where the Board cancels the registration of a quantity surveying professional under this section on conditions that may be prescribed.

(5) The practising certificate of the holder of the certificate of registration shall be void where a certificate of registration is cancelled under this section.

21. A person may, where a certificate of registration is cancelled under this Act, apply to the Board for re-registration in the prescribed manner and form on payment of a prescribed fee, subject to the terms and conditions that the Board may determine.

Re-
registration

22. (1) A person shall not practice as a quantity surveying professional without a valid practising certificate issued to that person by the Board under this Act.

Prohibition
of practising
without
practising
certificate

(2) A person shall not offer employment to a person as a quantity surveying professional 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 seven hundred thousand penalty units or to imprisonment for a term not exceeding seven years, or to both.

23. (1) A registered quantity surveying professional shall apply to the Board for a practising certificate in the prescribed manner and form on payment of a prescribed fee.

Practising
certificate

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

(3) The Minister may, by statutory instrument, and on the recommendation of the Board, 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 that is necessary for the purposes of this section.

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

Renewal of
practising
certificate

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

(3) A quantity surveying professional who practices quantity surveying or provides any quantity surveying service during any period in which a practising certificate is void 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.

Suspension
and
cancellation
of practising
certificate

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

- (a) is found guilty of professional misconduct and the Disciplinary Committee orders the suspension or cancellation of the practising certificate;
- (b) is convicted of an offence under this Act or any other written law and sentenced to imprisonment for a term exceeding six months without the option of a fine;
- (c) becomes legally disqualified;
- (d) is an undischarged bankrupt;
- (e) obtained the practising certificate through fraud, misrepresentation or concealment of a material fact; or
- (f) is de-registered under this Act.

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

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

Maintenance
of non-
practising
quantity
surveying
professional
on register

26. (1) A quantity surveying professional who does not intend to practice quantity surveying for a specified period of time shall notify the Board, in writing, of that quantity surveying professional's intention.

(2) The Board may, where a quantity surveying professional notifies the Board in accordance with subsection (1), maintain the name of the quantity surveying professional on the register, in a non-practising category, for that period of time.

Prohibition
of transfer
of certificate
of
registration
or practising
certificate

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

28. (1) A quantity surveying professional whose certificate of registration or practising certificate is destroyed or lost may apply to the Registrar for a duplicate certificate of registration or practising 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 quantity surveying professional.

29. A quantity surveying professional whose certificate of registration or practising certificate is cancelled shall, within seven days of being notified of the cancellation, surrender the certificate of registration and practising certificate to the Board.

Surrender of
cancelled
certificate of
registration
or practising
certificate

30. (1) A quantity surveying organisation or quantity surveying unit shall not provide quantity surveying services if the quantity surveying organisation or quantity surveying unit is not registered in accordance with this Act.

Prohibition
of quantity
surveying
organisation
or quantity
surveying
unit
practising
without
registration

(2) A quantity surveying organisation or quantity surveying unit that contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding nine million penalty units.

31. (1) A quantity surveying organisation or quantity surveying unit that intends to provide quantity surveying services shall apply to the Board for registration in the prescribed manner and form on payment of a prescribed fee.

Application
by quantity
surveying
organisation
or quantity
surveying
unit for
registration

(2) The Board shall, within thirty days of receipt of an application made under subsection (1), grant or reject the application.

(3) The Board shall, where it rejects an application in accordance with subsection (2), inform the applicant and give the reasons for the rejection.

(4) 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 certificate of registration as a quantity surveying organisation or quantity surveying unit;
- (b) the manner and form of applications and the fees payable;
- (c) the circumstances on which the registration under this section may be renewed, suspended or cancelled; and
- (d) any other matter necessary for the purposes of this section.

Foreign
quantity
surveying
organisation
providing
quantity
surveying
services

32. A foreign quantity surveying organisation that intends to provide quantity surveying services in the Republic shall enter into a joint venture with a surveying organisation or quantity surveying unit registered under this Act and shall comply with the prescribed conditions.

Register

33. (1) The Institute shall keep and maintain a registered register of—

- (a) quantity surveying professionals;
- (b) the holders of practising certificates and persons whose practising certificates are cancelled;
- (c) quantity surveying organisations and quantity surveying units;
- (d) the applications rejected and reasons for the rejection; and
- (e) any other information that the Board may determine.

(2) The register referred to under subsection (1) shall contain particulars that may be prescribed.

(3) The register shall be kept in the custody of the Registrar at the offices 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 that the Institute may determine.

Publication
of copies of
register

34. (1) The Registrar shall, on the direction of the Board, cause copies of the register, including alterations of, or additions to the register, to be printed and published in a manner and form that the Board 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 quantity surveying professional, quantity surveying organisation or quantity surveying unit from that copy is *prima facie* evidence that a quantity surveying professional, quantity surveying organisation or quantity surveying unit is not registered.

Offences
relating to
registration,
etc.

35. (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 quantity surveying professional, quantity surveying organisation or quantity surveying unit or use the title or designation of a quantity surveying professional, quantity surveying organisation or quantity surveying unit while not registered as a quantity surveying professional, quantity surveying organisation or quantity surveying unit 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 five hundred thousand penalty units or to imprisonment for a term not exceeding five years, or to both.

PART V

DISCIPLINARY MATTERS

36. The Council shall adopt and publish a code of ethics for quantity surveying professionals which shall bind quantity surveying professionals registered under this Act.

Code of
ethics

37. A quantity surveying professional commits professional misconduct if the quantity surveying professional—

Professional
misconduct

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

38. (1) A person may lodge a complaint with the Institute against a quantity surveying professional where that person alleges that the quantity surveying professional has committed professional misconduct.

Initiation of
disciplinary
action

(2) The Institute may initiate disciplinary action under this section where the Institute has reasonable grounds to believe that a quantity surveying professional 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.

Disciplinary
Committee

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

- (a) the Chairperson;
- (b) the Vice-Chairperson;
- (c) four quantity surveying professionals, who are not members of the Council; and
- (d) a legal practitioner nominated by the Law Association of Zambia.

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

(3) A person qualifies to be appointed as Chairperson or Vice-Chairperson of the Disciplinary Committee if that person is registered as a fellow with a minimum of fifteen years' experience in quantity surveying.

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

- (a) is legally disqualified;
- (b) is an undischarged bankrupt;
- (c) is found guilty of professional misconduct under this Act;
- (d) in the case of a member referred to under subsection (1)(a), (b) and (c), has not been on the register of quantity surveying professionals 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.

(5) 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.

(6) A member of the Disciplinary Committee 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.

(7) The office of a member of the Disciplinary Committee 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 functions 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.

(8) 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.

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

Functions of
Disciplinary
Committee

- (a) disciplinary action initiated by the Institute against a quantity surveying professional that has contravened the code of ethics or this Act; or
- (b) complaint or allegation of professional misconduct made by a person against a quantity surveying professional.

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

Proceedings
of
Disciplinary
Committee

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

(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

42. (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, 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 quantity surveying professional 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 quantity surveying professional is legally disqualified, suspend the practising certificate of the quantity surveying professional. Act No. 6 of 2019

(9) The Disciplinary Committee shall, where the Disciplinary Committee finds, after due inquiry, that a quantity surveying professional is not guilty of professional misconduct, record a finding that the quantity surveying professional 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.

Sanctions
by
Disciplinary
Committee
for
professional
misconduct

43. The Disciplinary Committee shall, where the Disciplinary Committee finds a quantity surveying professional guilty of professional misconduct, after due inquiry, impose one or more of the following penalties:

- (a) order the cancellation of the quantity surveying professional's certificate of registration or practising certificate;
- (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 quantity surveying professional;
- (d) caution the quantity surveying professional;
- (e) impose an administrative penalty, not exceeding one hundred thousand penalty units, to be paid to the Institute;
- (f) order that the quantity surveying professional be re-trained;
- (g) order the quantity surveying professional to pay to the Institute or to a party to the hearing the costs of, or incidental to, the proceedings; or
- (h) order the quantity surveying professional 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

44. The Disciplinary Committee shall, within sixty days of receipt of a 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

45. (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 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

46. (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.

47. (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

48. (1) The Institute may, where a quantity surveying professional is practising or a quantity surveying organisation or quantity surveying unit is operating in contravention of this Act, by notice served on the quantity surveying professional, quantity surveying organisation or quantity surveying unit, direct the quantity surveying professional, quantity serving organisation or quantity surveying unit to take, within a period that may be specified in the notice, measures or steps that the Board may direct.

Enforcement
notice

(2) The Institute shall, within seven days after serving the notice under subsection (1), publish the notice in a daily newspaper of general circulation in the Republic.

(3) The Institute may, where a quantity surveying professional, quantity surveying organisation or quantity surveying unit fails, without reasonable cause, to comply with an enforcement notice under this section—

(a) suspend or cancel the certificate of registration of the quantity surveying professional, quantity surveying organisation or quantity surveying unit; or

(b) suspend or cancel the practising certificate of a quantity surveying professional.

49. A quantity surveying professional shall, for professional services rendered, charge fees that the Institute may, with the approval of the Minister, by statutory instrument, prescribe.

Professional
fees

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

False or
misleading
statement

(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.

51. (1) A person aggrieved with a decision of the make a false or misleading statement, orally or in writing, to Board may, within thirty days of receipt of the decision, appeal to the Council.

Appeals

(2) A person aggrieved with a decision of the Council may, within thirty days of receipt of the decision, appeal to the High Court.

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

(4) 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.

(5) 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.

Jurisdiction
over acts
committed
outside
Republic

52. (1) A court shall have jurisdiction over a quantity surveying professional 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.

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

Cap. 98

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

Prohibition
of
publication
or
disclosure
of
information
to
unauthorised
person

53. (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.

(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.

- | | |
|---|--|
| <p>54. 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.</p> | <p>Offence by principal officers of body corporate or unincorporate body</p> |
| <p>55. (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.</p> <p>(2) An administrative penalty shall not exceed the amount prescribed by the Minister by statutory instrument for each day during which the failure continues.</p> <p>(3) An administrative penalty shall be paid to the Institute within the period prescribed by the Minister.</p> <p>(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 for that person as an amount due and owing to the Institute.</p> | <p>Administrative penalty</p> |
| <p>56. 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.</p> | <p>Immunity</p> |
| <p>57. (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.</p> <p>(2) The Institute shall publish the guidelines issued under this Act in a daily newspaper of general circulation in the Republic and in the <i>Gazette</i>, and the guidelines shall take effect on the date of publication.</p> <p>(3) The guidelines issued by the Institute under this Act shall bind the persons regulated under this Act.</p> | <p>Guidelines</p> |
| <p>58. A person who contravenes a provision of this Act for which a specific penalty is not provided, 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.</p> | <p>General Penalty</p> |

Regulations

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

2) Despite the generality of subsection (1), regulations under that subsection may make provision for the—

- (a) manner and form of applications and the fees payable;
- (b) particulars to be entered on the register;
- (c) form of the certificate of registration and the conditions of the certificate of registration;
- (d) additional qualifications for registration as a quantity surveying professional;
- (e) form of the practising certificate and the conditions of the practising certificate;
- (f) code of ethics to which members shall subscribe;
- (g) continuous professional development of quantity surveying professionals; and
- (h) fixing of fees for quantity surveying services and other fees which are required to be prescribed.

Repeal of
Act No. 37
of 1995
and savings
and
transitional
provisions

60. (1) The Quantity Surveyors Act, 1995, is repealed.

(2) Despite subsection (1), the Second Schedule applies to the matters specified in that Second Schedule.

FIRST SCHEDULE

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

ZAMBIA INSTITUTE OF QUANTITY SURVEYORS

PART I

ADMINISTRATION OF COUNCIL

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

Seal of
Institute

(2) The affixing of the seal shall be authenticated by the President or Vice-President and the Registrar or any other person authorised in that behalf by a resolution of the Council.

(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 in that behalf.

(4) A document purporting to be a document 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.

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.

Tenure of
office and
vacancy of
council
members

(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.

Proceedings
of Council

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

(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.

4. (1) The Council may, for the purposes of performing its functions under this Act, constitute committees that the Council considers necessary and may delegate to those committees any of the Council's functions.

Committees

(2) The Council may appoint as members of a committee persons who are or are not members of the Council, except that at least one member of the Council shall be a member of the 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.

5. The Institute shall pay to a Council member or a member of a committee of the Council an allowance that the Council may determine.

Allowances

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.

Disclosure
of interest

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

7. (1) A person shall not, without the consent, in writing, given by or on behalf of the Institute, publish or disclose to a person, otherwise than in the course of that person's duties, the contents of a document, communication or information which relates to, and which comes to that person's knowledge in the course of that person's duties under this Act.

Prohibition
of
publication
or
disclosure
of
information
to
unauthorised
persons

(2) A person who contravenes subparagraph (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 the knowledge of that person has been published or disclosed in contravention of subparagraph (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 period not exceeding two years, or to both.

PART II

FINANCIAL PROVISIONS

Funds of
Institute

- 8.** (1) The funds of the Institute consists of monies that may—
- (a) be paid to the Institute by way of subscription fees, grants or donations; or
 - (b) vest in or accrue to the Institute.
- (2) The Institute may—
- (a) accept monies by way of grants or donations from any source in or outside the Republic;
 - (b) raise by way of loans or otherwise, monies that the Institute may require for the discharge of its functions; or
 - (c) in accordance with the regulations made under this Act, charge and collect fees for services provided by the Institute.
- (3) There shall be paid from the funds of the Institute—
- (a) the salaries, allowances and loans of members of staff of the Institute;
 - (b) reasonable travelling, transport and subsistence allowances for Council members or any member of a committee when engaged in the business of the Institute at the rates approved by the Council; and
 - (c) any other expenses incurred by the Council or a committee in the performance of the functions under this Act.
- (4) The Council may invest, in a manner the Council considers necessary, funds that the Institute does not immediately require for the performance of the Institute's functions.

Financial
year

- 10.** The financial year of the Institute shall be the period of twelve months ending on 31st December in each year.

11. (1) The Institute shall cause to be kept proper books of accounts and other records relating to the Institute's accounts. Accounts and audit
- (2) The accounts of the Institute for each financial year shall be audited by an auditor appointed by the Council.
- (3) The auditor's fees shall be paid by the Institute.

SECOND SCHEDULE
(Section 60(2))

SAVINGS AND TRANSITIONAL PROVISIONS

1. In this Schedule, "former Board" means the Quantity Surveyors Registration Board, established under the repealed Act. Interpretation
2. (1) A quantity surveyor registered under the repealed Act shall continue to be registered as if registered under this Act. Registration and appointment under repealed Act
- (2) The registration under subparagraph (1) shall be modified in accordance with this Act where necessary.
- (3) After the commencement of this Act, the former Board shall continue to perform the function of the Council of the Institute under this Act until a new Council is constituted in accordance with this Act.
- (4) A register maintained under the repealed Act and subsisting immediately before the commencement of this Act shall, until replaced, be considered to be a register maintained under this Act.
3. (1) For the avoidance of doubt, a person who, before the commencement of this Act, was an employee of the former Board, shall continue to be an employee of the Institute as if employed under this Act. Staff of former Board
- (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 any employee employed by the former Board before the commencement date of this Act.
4. (1) On or after 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, all assets, rights and obligations which immediately before that date were the assets, rights, liabilities and obligations of the former Board. Transfer of assets and liabilities

(2) Subject to subparagraph (1), every deed, bond and agreement, other than an agreement for personnel service, to which the former Board, was a party immediately before the commencement of this Act whether or not of such 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 Board 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 Board 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 such officer of the Institute, as the Institute shall designate.

(3) Where under this Act, any assets, rights, liabilities and obligations of the former Board, are deemed 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, referred to in subparagraph (3), shall make such entries in the appropriate register as 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 deeds 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

5. (1) Any legal proceedings pending immediately before the commencement of this Act by or against the former Board, may be continued by or against the Institute.

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