

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 40 OF 2018

The Higher Education Act
(Act No. 4 of 2013)

**The Education (Levy Mwanawasa General Hospital
Board and National Health Training Institute
Management) (Dissolution) Regulations,
2018**

IN EXERCISE of the powers contained in section 52 of the Higher Education Act, 2013, the following Regulations are made:

1. These Regulations may be cited as the Education (Levy Mwanawasa General Hospital Board and National Health Training Institute Management) (Dissolution) Regulations, 2018. Title
2. In these Regulations, unless the context otherwise requires— Interpretation
 - “appointed date ” means the date on which the Hospital and College is declared a public university by the Levy Mwanawasa Medical University (Declaration) Order, 2018;
 - “College ” means the National Health Training Institute; S.I. No. of 2018
 - “Hospital ” means the Levy Mwanawasa General Hospital;
 - “Management ” means the Hospital and College Management Boards respectively;
 - “public university ” means a higher education institution established or declared as a public university under section 14 of the Higher Education Act, 2013; Act No. 4 of 2013
 - “ Secretary to the Treasury ” means the Secretary to the Treasury appointed under Article 183 of the Constitution; Cap. 1
and
 - “ University ” means the Levy Mwanawasa Medical University.

Interim
arrangements

3. (1) The Management shall, from the commencement of these Regulations, act in all matters in accordance with the directions of the Minister and the Secretary to the Treasury.

(2) The Minister shall, where the Minister is satisfied on the advice of the Secretary to the Treasury, that necessary arrangements have been made for converting the Hospital and College into a public university, direct that the Management be dissolved on the appointed date.

Appointment
Committee

4. The Secretary to the Treasury shall, for the purposes of winding up the affairs of the Management, appoint a committee pursuant to Section 43 of the Public Finance Management Act, 2018.

Act No. 1 of
2018

Vesting of
assets and
liabilities

5. (1) The Management may, until the appointed date, subject to the direction of the Minister and the Secretary to the Treasury, do anything which is necessary or expedient for the purpose of converting the Hospital and College into a public university, including entering into and carrying out agreements and arrangements for the transfer of the Management's property, rights, liabilities and obligations to the Levy Mwanawasa Medical University .

(2) On the appointed date, there shall be transferred to and vest in or subsist against the the Levy Mwanawasa Medical University, by virtue of these Regulations without further assurance, the affairs of the Management and, subject to these Regulations all property, rights, liabilities and obligations which immediately before the appointed date were the property, rights, liabilities and obligations of the Management.

(3) Subject to these Regulations, a deed, bond or agreement, other than an agreement of personal service, which was subsisting immediately prior to the appointed date and was vested in the Management or to which the Management was a party, whether in writing or not, whether or not of such a nature that the property, rights, liabilities and obligations under the deed, bond or agreement could be assigned shall, unless its terms and subject matter make it impossible that it should have effect, as modified in the manner provided by this sub-regulation, have effect from the appointed date as if—

(a) the Levy Mwanawasa Medical University is a party to the deed, bond or agreement and entitled to the benefit of the deed, bond or agreement;

- (b) for any reference to the Management there were substituted, with respect to anything falling to be done on or after the appointed date, a reference to the Levy Mwanawasa Medical University; and
- (c) for any reference to an officer of the Management not being a party to Management and beneficially interested there were substituted as respects anything falling to be done on or after the appointed date, a reference to that officer as an officer of the Levy Mwanawasa Medical University.

(4) Subject to sub-regulation (3), documents other than those referred to in that sub-regulation, which refer generally or specifically to the Management shall be construed in accordance with sub-regulation (3) as far as applicable.

6. Where, under these Regulations, any property, rights, liabilities or obligations of the Management are transferred by the Management to the Levy Mwanawasa Medical University in respect of which transfer any law provides for registration, the Levy Mwanawasa Teaching Hospital University shall cause to be made an application, to the appropriate registration authority, for the registration of the transfer.

Registration
of property
to be
transferred
by
management

7. (1) Without prejudice to the other provisions of these Regulations, where any property, right, liability or obligation vests in the public university by virtue of these Regulations, the public university and all other persons shall, from the appointed date, have the same rights, powers and remedies and, in particular, the same rights to institute or defend legal proceedings or to make applications to any authority for ascertaining or perfecting that right, liability or obligations as they would have if it had at all times been a right, liability or obligation of the public university.

Legal
proceedings

(2) Any legal proceedings or application to any authority pending immediately before the appointed date by or against the Management may be continued by or against Levy Mwanawasa Medical University.

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

Staff of
Management

8. (1) On or after the appointed date, Levy Mwanawasa Medical University shall on the terms and conditions as it may determine, appoint as staff of the Levy Mwanawasa Medical University officers of the Management that may be necessary for the performance of the functions of the Levy Mwanawasa Medical University.

(2) Where an officer is appointed to the service of Levy Mwanawasa Medical University—

- (a) the terms and conditions of service with Levy Mwanawasa Medical University shall be no less favourable than those the officer enjoyed in the service of the Management; and
- (b) personnel of the Management who are not engaged by the Levy Mwanawasa Medical University under sub-regulation (2) shall be redeployed.

LUSAKA

22nd May, 2018

[MOHE.101/9/1]

PROF. N. LUO,

Minister of Higher Education