

Zambia

## Apprenticeship Act, 1964

### Chapter 275

Legislation as at 31 December 1996

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# Zambia

## Apprenticeship Act, 1964

### Chapter 275

Commenced on 3 September 1965

*[This is the version of this document at 31 December 1996.]*

*[This legislation has been revised and consolidated by the Ministry of Legal Affairs of the Government of the Republic of Zambia. This version is up-to-date as at 31st December 1996. All subsequent amendments have been researched and applied by Laws.Africa for ZAMBIALII.]*

*[36 of 1964; 56 of 1970; 13 of 1994; [Government Notice 497 of 1964](#)]*

**An Act to regulate the employment of apprentices in various trades; to provide for the registration, transfer, modification and rescission of contracts of apprenticeship; to provide for the appointment of inspectors and to specify their powers; to provide for the making of regulations; and to provide for matters incidental to or connected with the foregoing.**

#### 1. Short title

This Act may be cited as the Apprenticeship Act.

#### 2. Interpretation

In this Act, unless the context otherwise requires—

"**apprentice**" means any person employed under a contract of apprenticeship registered under section twelve or fourteen;

"**Controller**" means the Controller of Apprenticeship appointed in pursuance of section seven;

"**designated trade**" means any trade designated under subsection (1) of section eight, or, if the Minister has defined any such trade under paragraph (b) or subsection (1) of section eight, such trade as so defined;

"**employer**" means any person who employs any apprentice or who employs or provides work for any minor in any designated trade;

"**guardian**" includes, in the case of a minor who has no guardian, or who has no guardian who is able to assist him, a person who, with the approval of the Controller, acts as or in the place of the guardian of the minor;

"**industry**" includes any class of undertaking and any section or portion of an industry and any group of industries;

"**inspector**" means an inspector appointed under section twenty;

"**minor**" means any person under the age of twenty-one years;

"**trade**" includes any branch of a trade and any group of trades or branches of trades.

#### 3. Application of Act

(1) This Act shall not apply to—

- (a) any student at a university, university college, technical college or school, specified by the Minister, who works in a designated trade during vacations in order to obtain practical experience;

- (b) work performed in or in connection with any educational institution approved by the Minister, as part of the education or training of the persons performing it;
- (c) any person who, having obtained a diploma or degree of a university, university college or technical college, works in a designated trade in order to obtain practical experience;
- (d) any person who is working in a designated trade as a part of his training as a pupil engineer.

4. \*\*\*

*[Repealed by No. 56 of 1970]*

5. \*\*\*

*[Repealed by No. 56 of 1970]*

6. \*\*\*

*[Repealed by No. 56 of 1970]*

## 7. Controller of Apprenticeship

- (1) There shall be a Controller of Apprenticeship who shall be a public officer and who shall, subject to the directions of the Minister, exercise the powers conferred and carry out the duties imposed on the Controller by this Act or any other law and perform such other duties as the Minister may from time to time assign to him.
- (2) The Minister may, by *Gazette* notice, designate such number of public officers as he deems necessary for the purpose of carrying out the provisions of this Act, and the Controller may authorise any officer so designated to perform, subject to his directions, any act which may lawfully be performed by the Controller.
- (3) The provisions of the Interpretation and General Provisions Act shall apply to the power of designation under this section as it applies to the power of appointment under any written law.

*[Cap. 2]*

## 8. Designation of trades

- (1) The Minister may, by statutory notice—
  - (a) designate any trade included in an industry as a trade in respect of which the provisions of this Act shall apply;
  - (b) define such trade by reference to the work performed therein, the operations of which it is composed or the type or class of premises upon which the work or operations are performed.
- (2) The Minister may, by statutory notice, vary or revoke any designation made in pursuance of the provisions of subsection (1).

## 9. Penalty for employing minors contrary to Act

- (1) No person shall, without the written permission of the Controller, employ in a designated trade any minor who is eligible for service as an apprentice under this Act for a longer period than six months, or for a period which, when added to any period or periods during which such minor has been employed in a trade, exceeds six months, unless a contract of apprenticeship has been entered into in accordance with this Act:

Provided that any employer of an eligible minor shall inform the Controller of the employment of such person within seven days from the date of his employment.

- (2) The permission of the Controller under subsection (1) may be given in respect of any individual minor or any class of minors or in respect of all minors employed in any particular class of work.
- (3) Any person dissatisfied with the refusal of the Controller to grant permission under this section may appeal to the Minister within one month of the date on which the decision of the Controller is communicated to him.

## 10. Enticement to leave employment illegal

Any person who—

- (a) forces or persuades or endeavours to force or persuade any apprentice to break his contract of apprenticeship; or
- (b) knowing a minor to be an apprentice, persuades or entices such minor to enter his employment;

shall be guilty of an offence and liable to a fine not exceeding one thousand five hundred penalty units or to imprisonment for a period not exceeding six months, or to both.

*[As amended by Act No. 13 of 1994]*

## 11. Who may bind himself as apprentice

- (1) Any person may, subject to and in accordance with the provisions of this Act, bind himself as an apprentice in any designated trade, if he—
  - (a) has the qualifications prescribed in respect of the designated trade concerned;
  - (b) has obtained a certificate of physical fitness, appropriate to the needs of the designated trade concerned in the prescribed form;
  - (c) has attained the age prescribed in respect of the designated trade concerned; and
  - (d) is not required by law to attend any school.
- (2) If any such person is a minor he shall be assisted by his guardian and, if he is not a minor, he shall not so bind himself, except with the consent of the Controller.
- (3) Any minor may so bind himself as to complete the period of apprenticeship prescribed in respect of the designated trade concerned, after his majority.

## 12. Registration of contracts of apprenticeship

- (1) No contract of apprenticeship in a designated trade made after the commencement of this Act shall be binding unless—
  - (a) it is in the prescribed form;
  - (b) at the time it was entered into it was reduced to writing;
  - (c) it has been signed by or on behalf of the employer, and by the apprentice, and, in the case of a minor, by his guardian; and
  - (d) it has been registered by the Controller.
- (2) The employer shall lodge the contract in the prescribed manner and within one month after the date on which it was entered into with the Controller for registration.

## 13. Refusal to register contract of apprenticeship

- (1) Subject to the provisions of section fourteen, the Controller may refuse to register a contract of apprenticeship if in his opinion it is not in the interests of the apprentice to enter into such contract, and he may in reaching a decision have regard, in addition to any other circumstances, to

the prospects of the apprentice obtaining employment in the trade concerned at the expiry of the contract.

- (2) Any party to a contract of apprenticeship who is dissatisfied with the refusal of the Controller to register such contract may appeal to the Minister within one month of the date on which the decision of the Controller is communicated to him.

#### 14. Existing contract of apprenticeship

Whenever a trade is designated by the Minister, the following provisions shall apply in respect of any minor employed in that trade:

- (a) if on the date of the designation the minor is employed under a written contract of apprenticeship entered into before the date of designation—
  - (i) the employer shall lodge the contract in the prescribed manner within four months after the date of designation with the Controller for registration; and
  - (ii) the Controller shall register the contract and the provisions of this Act shall apply in respect of the contract or of the minor concerned while he is employed under the contract and for the unexpired period thereof;
- (b) if on the date of the designation the minor has been employed in that trade continuously during a period of not less than three months immediately before the date of designation without a written contract of apprenticeship, and enters within two months after the date of designation into such a contract with his employer in accordance with the provisions of this Act and with the conditions of apprenticeship applicable to that trade and as nearly as possible in the prescribed form—
  - (i) the employer shall lodge the contract within one month after the date upon which it was entered into with the Controller for registration; and
  - (ii) the Controller shall register the contract, and the period during which the minor was employed without a written contract of apprenticeship, or any part thereof, may, with the approval of the Controller, be reckoned as part of the period of apprenticeship prescribed in respect of that trade.

#### 15. Transfer of contracts

- (1) With the consent of the Controller, the rights and obligations of any employer under any contract of apprenticeship may be transferred to any person.
- (2) Subject to the provisions of subsection (4), no such transfer shall be complete until it has been registered by the Controller.
- (3) The Controller may refuse to register any transfer which, in his opinion, is not in the interest of the apprentice, and shall refuse to register such transfer if the apprentice has not declared his acceptance of such transfer.
- (4) If any person is apprenticed to a partnership, his contract of apprenticeship shall not be terminated by reason of the death or retirement of any partner if the business of the partnership is continued by another person or partnership; and the rights and obligations of the employer under the contract shall be deemed to be transferred to the person or partnership continuing the business.
- (5) Where any person is apprenticed to an individual, a partnership or a company and—
  - (a) such individual dies or is adjudged bankrupt; or
  - (b) the partnership is dissolved or the estates of the partnership and the partners are adjudged bankrupt; or

- (c) the High Court has approved an arrangement between the company and its creditors or the affairs of the company are being wound up or the company is placed under judicial management;

as the case may be, the Controller shall, after consultation with the sub-committee concerned, transfer the rights and obligations of the employer under the contract to another person.

- (6) If the Controller is unable to transfer such rights and obligations within one month of his becoming aware of such death, bankruptcy, dissolution, arrangement, winding-up or being placed under judicial management, as the case may be, he shall suspend the contract of apprenticeship for a period not exceeding four months, and if at the expiry of such period of suspension the rights and obligations under the contract have not been so transferred, the contract shall be rescinded by the Controller.
- (7) Where the rights and obligations of the employer under a contract have been transferred to a person or partnership in terms of subsection (4), such person or partnership shall lodge the contract, in the prescribed manner and within one month of the date of such death or retirement, with the Controller for registration of the transfer.
- (8) Any employer may, with the consent of the apprentice, apply to the Controller for the suspension of the contract of apprenticeship to enable the apprentice to proceed to any place outside the borders of Zambia for the purpose of receiving training not available within Zambia. The Controller may grant the suspension of such contract for such period and on such conditions as he may specify.
- (9) Any employer who is dissatisfied with the refusal of the Controller to register the transfer of any contract of apprenticeship may appeal to the Minister within one month of the date on which the decision of the Controller is communicated to him.

## 16. Suspension of apprentice

- (1) If an employer is satisfied that an apprentice bound to him by contract under this Act has committed a serious breach of the terms of such contract or of any conditions of apprenticeship applicable to such apprentice, he may forthwith suspend such apprentice.
- (2) An employer who has suspended an apprentice in accordance with the provisions of subsection (1) shall report the matter in writing to the Controller within seven days of the suspension, and the Controller shall thereupon investigate the circumstances and may confirm or set aside the suspension of the apprentice.
- (3) If the Controller sets aside the suspension of the apprentice, the employer shall pay to the apprentice any wages withheld from him during the period of suspension.

## 17. Rescission of contracts of apprenticeship

- (1) A contract of apprenticeship may be rescinded by mutual agreement of the parties thereto or by the Controller at the instance of any party thereto if he is satisfied that it is expedient so to do.
- (2) The employer shall give notice to the Controller of the rescission of any contract by mutual agreement of the parties.
- (3) The Controller shall not rescind any contract of apprenticeship until he has given all parties to the contract an opportunity to be heard by him or to make representations to him in writing.
- (4) The Controller shall endorse on the registered copy of the contract of apprenticeship the fact that the contract has been rescinded.

## 18. Modification of contracts of apprenticeship

- (1) Whenever it appears that the facts relating to any apprentice are incorrectly recorded in his contract of apprenticeship and that by reason thereof prejudice is caused to a party to the contract,

the Controller may, if he is satisfied that it is desirable to do so on the application of the prejudiced party and with the consent of the other party to the contract, affix thereto a statement setting out the correct facts and the relative terms of the contract as amended in consequence of those facts.

- (2) Any such statement shall be signed by the Controller and thereafter the relative terms so set out therein shall form part of the contract of apprenticeship and the Controller shall adjust his records in accordance therewith.

## 19. Appeals to Minister

- (1) On appeal being made to him under the provisions of this Act from a decision of the Controller, the Minister may confirm the Controller's decision or give such other decision as, in his opinion, the Controller ought to have given.
- (2) No appeal shall lie from a decision of the Minister on an appeal.

## 20. Appointment of inspectors

- (1) The Minister may appoint any person to be an inspector for the purposes of this Act.
- (2) Every inspector shall be furnished with a certificate signed by the Minister and stating that he has been appointed as an inspector.

## 21. Powers of inspectors

An inspector may—

- (a) at any reasonable time enter upon any premises in which he has reasonable cause to believe that an apprentice or minor is employed or is being trained in any designated trade and take with him any interpreter or other assistant or police officer;
- (b) while he is upon or in the premises, or at any other time, question any person who is or has been in or upon the premises, in the presence of or apart from others;
- (c) require from any such person the production then and there or at any time and place fixed by the inspector of any document being one or more of the records required under this Act to be kept by an employer, or any document relating to such records which is or has been upon or in the premises or in the possession or custody or under the control of any employer by whom the premises are occupied or used, or of any apprentice or minor employed by that employer;
- (d) at any reasonable time and at any place require from any person who has the possession or custody or control of any such document relating to the business of any person whom he has reasonable cause to believe is or was an employer the production then and there, or at a time and place fixed by the inspector, of that document;
- (e) examine and make extracts from and copies of all such documents and require an explanation of any entries in any such documents as in his opinion may afford evidence of any offence under this Act;
- (f) require any apprentice or minor to appear before him at any time and place fixed by the inspector, and then and there question that apprentice or minor provided that the apprentice or minor may at his request be accompanied by a third party during such interrogation and shall be so informed by the inspector;
- (g) require any employer to make all payments due to any apprentice or minor employed by him, in the presence of the inspector;
- (h) suspend an apprentice for a period not exceeding fourteen days provided that he shall immediately report such suspension and the circumstances giving rise to it to the Controller.

## 22. Secrecy to be observed

- (1) If any person in the exercise of his powers under this Act or in the performance of his duties in carrying out this Act or by attendance at any meeting of the Council or a sub-committee thereof, acquires information relating to the financial affairs, or the secret processes, or the plant or equipment of any other person, firm or business, he shall not, save for the purposes of legal proceedings under this Act, disclose such information to any other person, except—
  - (a) to a court of law or to any person who by law is invested with the power to compel the disclosure of such information; or
  - (b) to the Minister or to any person acting in the execution of this Act, in so far as such information may be necessary for the execution thereof.
- (2) Any person who contravenes the provisions of this section shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding three thousand penalty units or to imprisonment for a period not exceeding twelve months, or to both.

*[As amended by [Act No. 13 of 1994](#)]*

## 23. Regulations

- (1) The Minister may, on the advice of the Council, by statutory instrument, make regulations for all or any of the following purposes:
  - (i) the qualifications, including age and educational standard required, for apprenticeship in any designated trade;
  - (ii) the registration of contracts of apprenticeship and transfers thereof and the notification of the expiration or cancellation of contracts of apprenticeship;
  - (iii) the rescinding of contracts of apprenticeship;
  - (iv) records to be kept by employers;
  - (v) the period of apprenticeship in any designated trade, the reduction in such period which may be allowed, the circumstances in which such reduction may be allowed and the rates according to which wages shall be payable to apprentices in any designated trade;
  - (vi) the circumstances in which the period of apprenticeship may or shall be extended because of sickness or absence of the apprentice or for other cause;
  - (vii) the classes which apprentices shall attend and the number of hours per week, whether within or without their ordinary working hours, during which they shall attend such classes;
  - (viii) the nature and number of the correspondence courses to be followed by apprentices in lieu of or in addition to any classes prescribed under paragraph (vii) and the conditions subject to which such courses may be followed in lieu of classes;
  - (ix) the practical training which employers shall provide for apprentices in their employ;
  - (x) the practical training which may be provided other than by the employer for apprentices in any designated trade;
  - (xi) the number of efficiency tests, examinations or assessments which apprentices shall undergo from time to time;
  - (xii) the maximum number of ordinary working hours which apprentices may be required to work during any week or any day and the hours of any day before or after which and the intervals during which no such apprentice may be required to work;
  - (xiii) the maximum period of overtime which an apprentice may be required to work;

- (xiv) the number and duration of paid holidays which shall be allowed to apprentices during any year of apprenticeship;
  - (xv) the circumstances in which employers shall pay the fees in respect of any prescribed technical education classes or courses;
  - (xvi) the fees payable for hostel accommodation while apprentices attend technical education classes and the manner of making payment;
  - (xvii) the circumstances in which travelling expenses may be paid for or by apprentices attending technical education classes and the method of payment;
  - (xviii) the certificates in respect of birth or educational standard which may be demanded in connection with the registration of a contract of apprenticeship;
  - (xix) the number of apprentices in relation to artisans or other instructors who may be employed in any designated trade;
  - (xx) the issue of certificates of apprenticeship;
  - (xxi) the manner and form in which exemptions by the Minister shall
- (2) Different conditions of apprenticeship may be prescribed under subsection (1) in respect of different classes of employers or apprentices in different designated trades.

#### 24. \*\*\*

*[Spent]*

#### 25. Offences

- (1) Any employer who contravenes any provision of a contract of apprenticeship or any condition of apprenticeship which is binding upon him shall be guilty of an offence and liable—
- (a) in the case of an offence under this subsection (which does not consist of the failure to make any payment to an apprentice), to a fine not exceeding one thousand five hundred penalty units or to imprisonment for a period not exceeding six months, or to both;
  - (b) in the case of an offence under this subsection which consists of the failure to make any payment to an apprentice, to a fine not exceeding three thousand penalty units or to imprisonment for a period not exceeding twelve months, or to both.
- (2) Any person who—
- (a) employs a minor contrary to the provisions of section nine;
  - (b) fails to lodge a contract within the time provided in subsection (2) of section twelve;
  - (c) fails to lodge a contract within the time provided in paragraph (a) (i) or (b) (i) of section fourteen;
  - (d) fails to lodge a contract within the time provided in subsection (7) of section fifteen;
  - (e) falsely holds himself out to be an inspector;
  - (f) refuses or fails to answer to the best of his knowledge any question which an inspector has put to him in the exercise of his functions under section twenty-one;
  - (g) refuses or fails to comply to the best of his ability with any requirement of an inspector under section twenty-one;
  - (h) hinders an inspector in the performance of his functions under section twenty-one;
  - (i) fails to comply with any conditions imposed under subsection (3) of section twenty-seven;

- (j) makes any incorrect statement or entry in any records kept in pursuance of any regulations made under section twenty-three, knowing the same to be incorrect;

shall be guilty of an offence and liable on conviction to a fine not exceeding three thousand penalty units, or to imprisonment for a period not exceeding twelve months, or to both.

[As amended by *Act No. 13 of 1994*]

## 26. Acts or omissions by managers, agents or employees

- (1) Whenever any manager, agent or employee of any employer does or omits to do any act which it would be an offence under this Act for the employer to do or omit to do, unless it is proved that—
  - (a) in doing or omitting to do that act the manager, agent or employee was acting without the connivance or permission of the employer;
  - (b) all reasonable steps were taken by the employer to prevent any act or omission of the kind in question; and
  - (c) it was not under any condition or in any circumstances within the scope of the authority, or in the course of the employment of the manager, agent or employee to do or omit to do acts, whether lawful or unlawful, of the character of the act or omission charged;

the employer shall be presumed himself to have done or omitted to do that act and be liable to be convicted and sentenced in respect thereof, and the fact that he issued instructions forbidding any act or omission of the kind in question shall not, of itself, be accepted as sufficient proof that he took reasonable steps to prevent the act or omission.

- (2) Whenever any manager, agent or employee of any employer does or omits to do any act which it would be an offence under this Act for the employer to do or omit to do, he shall be liable to be convicted and sentenced in respect thereof as if he were the employer.
- (3) Any manager, agent or employee may be so convicted and sentenced in addition to the employer.

## 27. Exemption by Minister

- (1) Notwithstanding anything to the contrary in this Act, the Minister may, if in his opinion special circumstances exist which justify exemption, by statutory notice, exempt any class, group, section or type of employers or apprentices specified in the notice, either generally or with such restriction as he may deem fit and subject to any conditions he may impose in the notice, from all or any of the provisions of this Act, or from any condition of apprenticeship, and the Minister may, in so specifying any such class, group, section or type, apply any method of differentiation he may deem advisable, other than differentiation on the grounds of the nationality, colour or religion of the employers or apprentices.
- (2) The Minister may in the same manner cancel or amend any notice published under subsection (1).
- (3) The Minister may, if in his opinion special circumstances exist which justify exemption, exempt any person, either generally or with such restrictions as he may deem fit, and subject to any conditions he may impose and for such period as he may specify, from all or any of the provisions of this Act, or from any conditions of apprenticeship or from any conditions prescribed in a notice published under subsection (1).
- (4) A certificate stating that such exemption has been granted and setting out all the conditions of the exemption shall be signed and issued by the Controller.
- (5) Any exemption granted under subsection (3) may at any time be withdrawn at the discretion of the Minister.

## 28. Repeal and savings

The Apprenticeship Act, Chapter 187 of the 1964 Edition of the Laws (hereinafter in this section referred to as the "former Act") is hereby repealed:

Provided that—

- (i) a Scheduled trade, as defined in the former Act, shall be deemed to be a designated trade for the purposes of this Act, and the provisions of this Act shall apply accordingly;
- (ii) every Scheduled trade, as defined in the former Act, shall be deemed to have been designated by the Minister under and in accordance with the provisions of section eight immediately after the commencement of this Act;
- (iii) the provisions of paragraph (a) (i) of section fourteen shall not apply to a written contract of apprenticeship in respect of a Scheduled trade, as defined in the former Act, and the Controller shall register every such contract subsisting immediately after the commencement of this Act, notwithstanding that such contract is not lodged with him in pursuance of the said paragraph.