

**THE GEOSCIENCE INSTITUTION
ACT**

PARLIAMENTARY DRAFT BILL

**Hon. MINISTER
MINES AND MINERALS DEVELOPMENT**

January 2022

THE GEOSCIENCE INSTITUTION ACT, 2022

ARRANGEMENT OF SECTIONS

PART I PRELIMINARY

Sections

1. Short title and commencement
2. Interpretation

PART II THE GEOSCIENCE INSTITUTION OF ZAMBIA

3. Establishment of the Geoscience Institution of Zambia
4. Functions of Institution
5. Powers of Institution
6. Funds of Institution
7. Exemption of Institution from Tax
8. Financial Year
9. Books of Accounts
10. Audit
11. Common Seal
12. Restriction on Geological Work
13. Meetings of Institution

PART III THE GEOSCIENCE COUNCIL OF THE INSTITUTION

14. Constitution of Geoscience Council
15. Functions of Council
16. Employees of Council
17. Committees of Council
18. Executive Director Appointment
19. Council Regulations
20. Immunity of Council members and staff

PART IV
THE GEOSCIENCE REGISTRATION BOARD

21. Establishment of Geoscience Registration Board
22. Constitution of Board
23. Functions of Board
24. Regulations
25. Register of Board
26. Qualification for registration
27. Institutional membership
28. Foreign Company or Organisation
29. Application for registration
30. Registration of geoscience professionals
31. Application for registration of geoscience organizations
32. Title for registered geoscience professional, organizations
33. Disqualification from registration
34. Student registration
35. Changes in particulars
36. Cancellation of registration
37. Prohibition of practice without practicing certificate
38. Appeals

PART V
DISCIPLINARY COMMITTEE

39. Disciplinary Committee
40. Functions of Disciplinary Committee
41. Regulation
42. Powers of Disciplinary Committee
43. Professional misconduct
44. Penalties
45. Appeals

GOVERNMENT OF ZAMBIA

ACT

No. _____ 2022

Date of assent:

An Act to provide for the establishment of the Geoscience Institution of Zambia; to provide for the registration of geologists, drilling firms, geoscience consulting firms, mineral resources exploration firms, mining firms, and regulate their professional conduct; and to provide for matters incidental to or connected with the foregoing.

PART I
PRELIMINARY

1. The Act may be cited as the Geoscience Institution Act, 2022 and shall come into operations into operation on @@@ 2022.

Short title and commencement

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

Interpretation

“ Aphropogenic ” means any condition or state brought about by human activities

“ Associate Member ” means membership accorded to a body corporate or a division thereof under section *thirty-one*;

“ Board ” means the geoscience institution board established under section *twenty-one*

“ certificate of registration ” means the certificate of registration issued under section *thirty-two*

“ Code of Ethics ” means the code of professional conduct and ethics adopted and published by the Institution

“ Committee ” means the Committee constituted by the Geoscience Council in undertaking functions of the Institution

“ Competent person ” means any person who is qualified by virtue of his or her qualifications, knowledge, expertise, skills and experience in a specific geoscience discipline and knowledgeable with the Geoscience Institution Act and other related legislation

“ Consulting Geologist ”, “ Professional Geologist ”, or “ Registered Person ”, all mean a Geologist registered under the provisions of this Act;

“ Corporate Member ” means membership accorded to a body corporate or a division thereof under section *thirty-one*;

“ Council ” means the Geoscience Council of the Institution constituted under section *fourteen*

“ Disciplinary Committee ” means the Committee constituted under section *thirty-nine*

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

“ Executive Secretary ” means the person appointed as Executive Director under section *seventeen*;

“ Financial Year ” means the period of twelve months ending on 31st December in any year;

“ Geo-environmental pollution ” means any degradation to the natural environment brought about by human-induced activities, such as mineral exploration / exploitation and other activities, in the course of the production of geoscientific and geological information.

“ Geological Assistant ” means a person registered as such under section *thirty*

“ Geological Technician ” means a person registered as such under section *thirty*

“ Geological Report ” means a report on scope of work and should meet the client's expressed need for geologic information in the siting, planning, design, and construction of engineering or mineral development projects

“ Geologist ” means a person with special knowledge of the physical science and the principles and methods of geoscience analysis and application, acquired by geoscience education and geoscience experience

“ Geology ” means the study of all fundamental properties associated with the Earth's surface, including the atmosphere, lithosphere and below.

“ Geoscience ” means geology; study of earth processes, physical and chemical composition of the earth and other planetary bodies; the application of physical science and technological principles, with reference to economics, society and the environment, to develop solutions to of the availability of natural resources including land, water, fossil fuels (coal, petroleum and gas),

geothermal energy, minerals and rocks; and the safe exploitation and management of these resources for the benefit of mankind;

“ Geotechnical report ” means geotechnical site investigation reports, inclusive of all geohazard -related investigations, prepared by a competent person. A geotechnical report provides information on surface and subsurface soil, rock, and water conditions in respect of civil engineering structures and infrastructure, including mine surface infrastructure.

“ Institution ” means the Geoscience Institution of Zambia referred to in section three;

“ member ” means a person registered as a Member of the Institution in accordance with the provisions of the constitution of the Institution, and “membership” shall be construed accordingly;

“ President ” means the person elected President of the Institution pursuant to section *fourteen*;

“ Professional Geoscientist ” means membership accorded to a body corporate or a division thereof under section *thirty*;

“ professional misconduct ” has the meaning assigned to it under section *forty-three*;

“ Register ” means the Register referred to under *section twenty-five*;

“ Related Discipline ” means a discipline prescribed as such by the Council;

“ Representative ” means the person elected Representative of the Institution pursuant to section *fourteen*;

“ Statutory Report ” means a report required and submitted at the Ministry

“ Student Member ” means membership accorded to a body corporate or a division thereof under section *thirty-four*;

“ Survey ” means examine and record the area and features of (an area of land) so as to construct a map, plan, or description.

“ Technical Report ” means

“ Treasurer ” means the person elected Treasurer of the Institution pursuant to section *fourteen*;

“ Vice President ” means the person elected Vice President of the Institution pursuant to section *fourteen*;

PART II
GEOSCIENCE INSTITUTION OF ZAMBIA

*Establishment
of Geoscience
Institution of
Zambia*

3. (1) There is hereby established the Geoscience Institution of Zambia under this Act.
- (2) The Institution shall be a body corporate with perpetual succession and a common seal, capable of suing and being sued in its corporate name and shall, subject to the provisions of this Act, have power to do all such acts and things as a body corporate may, by law, do or perform.
- (3) The provisions of the First Schedule apply to the Institution
4. (1) The functions of the Institution are to –
- (a) register geoscience professionals, drilling firms, geoscience consulting firms, mineral resources exploration firms, mining firms, and regulate their professional conduct
 - (b) register students of geoscience
 - (c) promote all aspects of geological knowledge within Zambia
 - (d) develop, promote, and maintain recognized standards of competence, and practice amongst persons engaged in work in the fields of geological science
 - (e) encourage and support the education and training of those who wish to practice as geoscientists or in fields involving an understanding of or experience in work related to geological processes
 - (f) promote co-operation amongst geoscience professionals and foster bonds with similar professional bodies elsewhere in the world
 - (g) collaborate with any institution on matters relating to earth sciences, exploration, and mining in order to offer geosciences services
 - (h) protect interests of geoscience professionals and ensure engagement opportunities for their conditions of practice are promoted
 - (i) investigate allegations of professional misconduct and impose such sanctions as may be necessary
 - (j) advise the Government on matters relating to the geoscience profession

*Functions of
Institution*

- (k) promote alternative dispute resolution systems and to serve as an arbitral institution for disputes of a mineral resources nature
- (l) investigate and monitor geohazards, geo-environmental pollution, natural phenomena or any other matter of public concern caused by, or likely caused by earth processes and recommend appropriate alertness, remedial or other measures
- (m) raise the reputation of geologists and related disciplines, to promote authentic and good practice and increase the confidence of the community in those persons practicing in the geoscience profession and related disciplines
- (n) promote geoscience research in providing solutions to utilization of land, water resources, energy sources, mineral resources and applied technological development relating to mineral exploitation
- (o) do all such other things as are necessary or incidental to the performance of its functions under this Act

(2) The Institution may—

- (a) determine and charge fees that the Institution considers necessary to finance its activities under this Act
- (b) determine the fees payable for an inspection conducted for the purposes of this Act
- (c) determine what portion of any fee is payable in respect of any part of a year and the date on which the fee or portion thereof is payable

5. The institution shall have power for the advancement of its objectives or any of them to –

Powers of Institution

- (a) Elect members to the Council for the day-to-day management of the affairs of the Institution;
- (b) Acquire, hold, develop, sell, mortgage, charge, lease or otherwise deal with or dispose of property of all kinds, whether real or personal;
- (c) Raise or to borrow money in such manner and upon such security as may be determined by the Council.

Funds of Institution

6. (1) The funds of the Institution shall consist of such moneys as may –

- (a) be appropriated by Parliament;
 - (b) be paid to the Institution by way of fees, levy, grants or donations either by local or foreign development agents;
 - (c) vest in or accrue to the Institution.
- (2) The Institution may—
- (a) accept moneys by way of grants or donations, subject to the approval of the Minister, from any source outside Zambia;
 - (b) raise by way of loans or otherwise, moneys as the Institution may require for the discharge of the Institution’s functions; or
 - (c) in accordance with the regulations made under this Act, charge and collect fees for services provided by the Institution.
- (3) There shall be paid from the funds of the Institution—
- (a) the salaries, allowances and loans of members of staff of the Institution;
 - (b) reasonable travelling, transport and subsistence allowances for members of the Council or Board, or any committee thereof, when engaged in the business of the Institution, at rates as the Council may, with the approval of the Minister, determine; and
 - (c) any other expenses incurred by the Council or Board, or any committee thereof, in the performance of the Institution’s functions.
- (4) The Council may invest, in such manner as the Council thinks fit, funds that the Institution shall not immediately require for the performance of the Institution’s functions.
7. The income of the Institution from whatever source shall be exempt from any tax payable under any written law for the time being in force relating to taxes on income and profits. *Exemption of Institution from Tax*
8. The financial year of the Institution shall be the period of twelve months ending on 31st December in each year.
9. The Institution shall keep proper books of accounts and other records relating thereto and shall prepare in respect of each financial year a statement of account and balance sheet showing, in all necessary detail, the income and expenditure and assets and liabilities of the Institution. *Books of Accounts and Records*

Financial Year

- 10.** The accounts of the Institution shall be audited annually by an auditor appointed by the Council. *Audit*
- 11.** The common seal of the Institution shall be kept in such custody and used in such manner as may be prescribed. *Common Seal*
- 12.** No person, private company or organisation shall carry out geological work in Zambia or practice under any name, title or style containing the word geologist, consulting geologist, or professional geologist unless after being so registered under the provisions of this Act. *Restriction on Geological Work*
- Meetings of Institution*
- 13.** (1) Subject to this Act, the Institution may regulate its own procedure.
- (2) The meetings of the Institution shall be conducted in accordance with the provisions of the First Schedule
- (3) The validity of any proceedings, act or decision of the Institution shall not be affected by any person's absence from any meeting of the Institution or by reason that a person not entitled to do so took part in the proceedings

PART III

THE GEOSCIENCE COUNCIL OF THE INSTITUTION

- Constitution of Geoscience Council*
- 14.** (1) There is hereby constituted the Geoscience Council of the Institution which shall be responsible for the management and control of the affairs of the Institution.
- (2) The Council shall be elected every three years at the Annual General Meeting of the Institution.
- (3) The Council shall consist of the following members:
- (a) a President, who has not less than 8 years professional experience and has been on the Register for at least three years preceding the elections or nomination.
 - (b) a Vice President, who has not less than 7 years professional experience and shall be responsible for policy direction and matters of national development
 - (c) a Treasurer, who has not less than 7 years professional experience and shall be responsible for finance and investments
 - (d) an Executive Secretary, who has not less than 7 years professional experience and is responsible for matters related to administration, membership, and continuous professional development

- (e) a Chairperson of the Geoscience Registration Board
 - (f) a Publicity Secretary, who has not less than 4 years professional experience and is responsible for public relations matters
 - (g) a Representative from a mining and metals company
 - (h) a Representative from an exploration company
 - (i) a Representative from an academia or research institution
- (4) A person shall not be qualified to be elected or nominated as a member of the Council, if the person:
- (a) has been found, by the Disciplinary Committee, to be guilty of professional misconduct within a period of three years preceding the election or nomination
 - (b) is in lawful custody or the person's freedom of movement is restricted under any law in force in, or outside, Zambia on the date of the election or nomination
 - (c) has not been on the Register for at least three years preceding the election or nomination; or
 - (d) has been declared to be of unsound mind under any law in force in Zambia
- (5) A 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 term of three years.
- (6) Upon the expiration of the term for which a member is elected or nominated, the member shall continue to hold office until another member is elected or nominated, but in no case shall any extension of the period exceed ninety days.
- (7) The office of a member shall be vacated —
- (a) upon the member's death;
 - (b) if the member is adjudged bankrupt;
 - (c) if the member is absent from three consecutive meetings of the Council, of which the member has had notice, without the prior approval of the Council;

- (d) upon the expiry of one month's notice of the member's intention to resign, given by the member in writing to the Council;
 - (e) if the member becomes mentally or physically incapable of performing duties as a member;
 - (f) if the member is found guilty of professional misconduct;
 - (g) if the member's registration is cancelled; or
 - (h) if the member is convicted of an offence under this Act or any other law.
- (8) Where there is a vacancy in the membership of the Council before the expiry of the term of office, the Council shall appoint another person to replace the member who vacates office but that person shall only hold office for the remainder of the term.
- (9) Members of the Council shall not hold a position on the Board.
- (10) The provisions of the First Schedule apply to the Council.

Functions of Council

- 15.** (1) Except as otherwise provided in this Act or in any regulations made hereunder, the functions of the Council are: -
- (2) To manage the affairs of the Institution and maintain a Register of the names of all persons and institutions who are members of the Institution; and
 - (3) To perform all other incidental functions of the Institution
 - (4) do all such things and acts as the Institution or Council may do under this Act

Employees of Council

- 16.** The Council may engage employees and remunerate them in such manner as it determines appropriate.

- 17.** (1) The Council may for the purpose of performing its functions under the Act establish Committees or other bodies consisting of members of the Institution and may, except as otherwise provided in this Act or in any regulations made thereunder, delegate to any such committee or body any of its functions, as it considers necessary.

- (2) Subject to any specific or general direction of the Council, a committee or body established under this section may regulate its own procedure

Committees of Council

- 18.** (1) The Council shall appoint an Executive Director who shall be the Registrar of the Institution and Secretary to the Council and the Board, on such terms and conditions as the Council may determine. *Executive Director Appointment*
- (2) The Council shall appoint an Executive Secretary who shall assist the Executive Director in performing the Executive Director's duties under this Act.
- (3) The Executive Director and Executive Secretary shall be registered geoscientists.
- (4) The Council may appoint on such terms and conditions as it may determine, such other staff as it considers necessary for the performance of its functions under this Act.
- 19.** Subject to the provisions of this Act the Council may formulate its own regulations. *Regulations*
- 20.** No action or other proceedings shall lie or be instituted against any member of the Council, any committee or other body of the Council for, or in respect of any act or thing done or omitted to be done in good faith in the exercise of his duties under this Act. *Immunity of Council member and staff*

PART IV
THE GEOSCIENCE REGISTRATION BOARD

- 21.** (1) there is hereby established the Geoscience Registration Board (herein called the Board) which shall consist of not less than eight members drawn from: *Establishment of Geoscience Registration Board*
- (a) Geoscientists in government or quasi-government organisations eligible for registration under the provisions of this Act;
- (b) Geoscientists in private practice, companies or parastatals eligible for registration under the provisions of this Act;
- (c) Geoscientists in academic or research institutions, eligible for registration under the provisions of this Act
- Constitution of Board* **22.** (1) The Board shall consist of the following members –
- (a) a Director of the Geological Survey Department or his / her immediate subordinate, eligible for registration under the provisions of this Act; and
- (b) Seven (7) registered geoscience professionals elected at an annual general meeting

- (2) The Board shall at its first meeting at an annual general meeting elect a Chairman and Vice-Chairman from amongst its members who has not less than 7 years geoscience experience.
- (3) The members of the Board shall hold office for three years and shall, on the expiration of that period, be eligible for re-election, provided that a member other than the Director of the Geological Survey Department shall not serve on the Board for more than two consecutive terms.
- 23.** (1) Except as otherwise provided in this Act or in any regulations made hereunder, the functions of the Board are: -
- Functions of Board*
- (a) To perform all registration functions of the Institution.
- (b) To prescribe the conditions of engagement of a geoscientist and the scale of fees to be charged by geoscience professionals.
- 24.** (1) Subject to the other provision of this Act, the Board may regulate its own procedure
- Regulation*
- (2) The Board shall for the transaction of its business meet at least four times every year at such places and at such times as the Board may determine.
- (3) At every meeting of the Board five members shall constitute a quorum.
- (4) There shall preside at every meeting of the Board the Chairperson or in his absence the Vice-Chairperson or in their absence such member as the members present may elect for the purpose of that meeting.
- (5) A decision of the Board shall be by a majority of the members present and voting at a meeting and, in the event of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to his deliberative vote.
- 25.** The Board shall keep a register in which the name of every person, company or organisation immediately on being accepted for registration by the Board shall be registered, showing against such name, such particulars as the Board shall from time to time deem necessary, and the Board shall enter in such register all changes of registration.
- Register of Board*
- 26.** (1) No person shall register as a geologist unless he / she shall at the Date of his / her application for membership --
- Qualification for registration*

- (a) Has attained a minimum qualification of Bachelor of Science Degree in geological science or in any related science;
 - (b) Has no less than two weeks post-qualification work experience in the field for which he / she has applied for registration;
 - (c) Has paid the prescribed fee
 - (d) Has satisfied the conditions as shall be prescribed by the Board and furnishes a sufficient guarantee of the possession of requisite knowledge for the practice of the work of a geologist in the field of study for which he is eligible for registration.
- (2) Where a person has less than two years work experience; his / her work shall not be accepted as bonafide and the Board will not be liable except where he/she has been supervised and/or worked as an apprentice of a registered geologist, who will take responsibility for all such work.
- (3) No company or organisation shall be registered to carry out consultative geological work unless there shall be not less than one member of its Board of Directors registered under the Provisions of this Act.
27. Any company or organisation registered under any law in Zambia to carry out geological work of any nature, or any company or with interest to carry out work in Zambia, or with interests to acquire geological information in Zambia, whether by way of own investigations or by simple data collection or exchange and with interest to hold such geological information, shall be allowed to do so provided that:
- (a) Such company or organization has been registered as an Institutional member of the Institution;
 - (b) Such company or organisation has paid the registration fees as shall be prescribed by the Board
28. Any foreign company or organisation with interests to carry out geological work in Zambia shall be allowed to do so provided that -
- (a) the company and the geologist are registered under the provisions of this Act;
 - (b) there is at least one person or company in Zambia, registered under the provisions of this Act, representing or otherwise in partnership with the foreign geologists, organisation or company; and
- Institution membership*
- Foreign Company or Organisation*

such person or company upon accepting to act as representative of the foreign body, takes all liabilities related thereto, and can be sued to the Council or to the High Court, for any misconduct that may have been committed hitherto.

- (c) a clearance / registration certificate has been obtained from the Board.

- 29.** (1) A person shall apply for registration as a geoscience professional to the Board in the prescribed manner and form upon payment of the prescribed fee.
- (2) The Board may determine different fees for different classes of geoscience 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 it rejects an application under subsection (3), inform the applicant accordingly and give the reasons therefor.

Application for registration

- 30.** (1) Upon receipt of an application under section *twenty nine*, the Board shall issue the applicant with a certificate of registration if the applicant—

Registration of geoscience professionals

- (a) is registered as a Member in accordance with the provisions of the regulations of the Institution;
- (b) possesses such knowledge, training and experience as may be prescribed;
- (c) holds a qualification from a training institution recognised by the Institution;
- (d) is of good character and good professional standing; and
- (e) meets such other requirements as the Institution may determine.

- (2) The Board shall register a geoscience professional as—

- (a) a geologist or geoscientist;
- (b) a geological assistant;
- (c) a geological technician; or

- (e) any other geoscience professional as the Minister may, on the recommendation of the Institution, prescribe.
 - (3) The Minister may, by statutory instrument, on the recommendation of the Institution, prescribe the qualifications for registration of a person as a geoscience professional.
- 31.** (1) A geoscience organisation, a geoscience firm or company or any other body registered under any law to provide a geological service or product, shall apply to the Board for registration in the prescribed manner and form upon payment of the prescribed fee.
- (2) Upon receipt of an application under subsection (1), the Board shall issue the applicant with a certificate of registration if
- (a) the geoscience organisation, a geoscience firm or company intends to practice in a declared field of geological science;
 - (b) the geoscience organisation, a geoscience firm or company has an established office or appointment in Zambia in geological science or a related discipline.
- (3) The Minister may, by statutory instrument, on the recommendation of the Institution, prescribe the field of geological science for registration of a geoscience organisation, a geoscience firm or company.

Application for registration of geoscience organization, firm or company

- 32.** (1) A geoscience professional, geoscience organisation, geoscience firm or company registered under this Act, shall use the following titles and abbreviation after their name

<i>Title</i>	<i>Abbreviation</i>
Professional Geoscientist	Pr.Geo
Registered Geological Assistant	Ast.Geo
Registered Geological Technician	Tech.Geo
Registered Organisation / Firm / Company	RGI

Title for registered geoscience professional, organization, firm or company

- (2) A person shall not use a title or abbreviation under subsection (1) unless the person is registered in accordance with this Act.
- (3) A person who contravenes subsection (2) commits an offence and is liable, upon conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a period not exceeding five years, or to both

*Disqualification
from
registration*

- 33.** (1) A person shall not qualify for registration as a geoscience professional under this Act if the person —
- (a) has been found, by the Disciplinary Committee, to be guilty of professional misconduct within a period of three years preceding the registration
 - (b) is in lawful custody or the person's freedom of movement is restricted under any law in force in, or outside, Zambia on the date of the registration
 - (c) is an undischarged bankrupt; or
 - (d) has been declared to be of unsound mind under any law in force in Zambia

- 34.** The Institution shall register students of geological science in accordance with the provisions of the regulations of the Institution.

*Student
registration*

*Changes in
particulars*

- 35.** Any person registered under this Act, shall notify the Registrar of any change in particulars relating to the registration, within fourteen days of the change.

*Cancellation of
registration*

- 36.** (1) The Board shall cancel the registration of a geoscience professional, geoscience organisation, geoscience firm or company or geoscience student where—
- (a) the Board has reasonable grounds to believe that the registration was obtained through fraud, misrepresentation or concealment of any material fact;
 - (b) the geoscience professional, geoscience organisation, geoscience firm or company or geoscience student is found guilty of professional misconduct under this Act or the Code of Ethics;
 - (d) since the registration, circumstances have arisen disqualifying the geoscience professional, geoscience organisation, geoscience firm or company or geoscience student from registration.
- (2) The Board shall, before cancelling the registration under subsection (1), give the geoscience professional, geoscience organisation, geoscience firm or company or geoscience student an opportunity to be heard.
- (3) The Board may, before cancelling the registration of a geoscience professional, geoscience organisation, geoscience firm or company or geoscience student suspend the geoscience professional, geoscience organisation, geoscience firm or company or geoscience student for such

period and on such terms and conditions as the Board may determine.

- (4) Where the Board cancels a certificate of registration under this section, the name of the geoscience professional, geoscience organisation, geoscience firm or company or geoscience student shall not be restored except on such conditions as may be prescribed by the Board and upon payment of the prescribed fee.

37. (1) A person shall not practise as a geoscience professional, unless that person holds a practising certificate issued by the Board under this Act.

Prohibition of practice without practicing certificate

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

Appeals

38. (1) A person aggrieved with a decision of the Board may, within thirty days of receiving the decision, appeal to the Minister.

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

PART V DISCIPLINARY COMMITTEE

Disciplinary Committee

39. (1) The Institution shall appoint a Disciplinary Committee which shall comprise the following members –

- (a) The Chairperson, who is a registered member of at least ten years geoscience experience;
- (b) the Vice Chairperson, who is a legal practitioner of at least ten years legal experience; and
- (c) Five registered members who are not members of the Council, elected at a general meeting of the Institution
- (2) The Chairperson and the Vice Chairperson of the Disciplinary Committee shall be appointed by the Council
- (3) Members of the Disciplinary Committee shall hold office for three years and may be appointed for a further term of three years.
- (4) The Chairperson, or in the absence of the Chairperson, the Vice Chairperson, shall preside at every meeting and sitting of the Disciplinary Committee

*Functions of
Disciplinary
Committee*

- 40.** (1) The functions of the Disciplinary Committee shall be to hear and determine: -
- (a) any disciplinary action initiated by the Institution against a geoscience professional, geoscience firm or institution that has contravened any provision of the Code of Ethics or any provision of this Act; or
 - (b) any complaint or allegation made by any person against a geoscience professional, geoscience firm or institution
- (2) The Disciplinary Committee may publicize, as it may consider appropriate, the facts relating to any geoscience professional, geoscience firm or institution that is found guilty of, and punished for, professional misconduct.

Regulation

- 41.** (1) Except as approved in this section the Disciplinary Committee may regulate its own procedure.
- (2) Five members of the Disciplinary Committee shall form a quorum;
 - (3) A decision of the Disciplinary Committee shall be by a majority of votes of members present and voting; and in the event of an equality of votes the person presiding at the meeting shall have a casting vote in addition to his deliberative vote;
 - (4) A party to the proceedings before the Disciplinary Committee shall as of right be present throughout the hearing; Provided that any party to a hearing before a Committee may be represented by a lawyer, or with leave of the Committee of any person authorised by him / her in that behalf.
 - (5) The party to the proceedings or his advocates if any shall be invited to cross-examine any person giving evidence before the Committee;
 - (6) At the close of hearing each case the Disciplinary Committee shall make a ruling and cause a record of all its proceedings to be delivered to the Council with a copy of the ruling to the Board
- 42.** (1) The Disciplinary Committee may, for purposes of any inquiry hear any evidence and may administer oaths;
- (2) Any person summoned to appear before the Disciplinary Committee who, without sufficient cause:

*Powers of
Disciplinary
Committee*

- (a) Refuses or fails to attend at the time and place specified in the summon, or having attended leaves without the permission of the Committee; or
- (b) Having attended refuses to be sworn or to affirm; or
- (c) Refuses without lawful excuse to the best of his knowledge any question lawfully put to him; or
- (d) Refuses to produce any book, record, document or thing which he /she has been required by summons to produce in the trial of action;

shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding one thousand US dollars or equivalent in Kwacha or to imprisonment not exceeding three (3) months, or to both.

Provided that no such person shall be compelled to answer any question or produce any book, record, document or thing which he could not be compelled to answer or produce on the trial of an action in the High Court.

- 43. A geoscience professional, geoscience organisation, geoscience firm or company shall be guilty of professional misconduct as defined and prescribed in Third Schedule, Part I, of this Act.
- 44. (1) Where the Disciplinary Committee, after due enquiry find a geologist guilty of professional misconduct as a member of the Institution, it may recommend to the Council to impose one or more of the following penalties -
 - (a) Order the cancellation of his / her practising certificate or modify the field of qualification in which he /she may practise;
 - (b) Recommend to the Council and Board, the expulsion or suspension of any member
 - (c) Censure him / her
 - (d) Impose a fine not exceeding one thousand US dollars or equivalent in Kwacha or to imprisonment for a period not exceeding twelve months
 - (e) Order him to pay to the Society or to any other party to the hearing any costs of or incidental to the proceedings
 - (f) Impose any reasonable conditions for the postponement or suspension for a period not exceeding two years of any of the foregoing punishments.

Professional misconduct

Penalties

- (2) If any hearing before the Disciplinary Committee, any decision which is shown to have been made by a court in Zambia, shall be conclusive evidence of the facts so found.
- (3) The Disciplinary Committee shall as soon as practicable after the completion of each hearing submit to the Institution a report of the proceedings together with a copy of the record.

45. (1) A geoscience professional, geoscience organisation, geoscience firm or company who is aggrieved by a decision of the Disciplinary Committee may within thirty days of the notification to him / her of a decision, appeal to the Council;

Appeals

- (2) The cancellation of any membership for registration ordered by the Council under *subsection 1 (a)* of section *forty-four* above shall not take effect until after the expiration of the time allowed for lodging an appeal against such order;
- (3) The Council may, on appeal against the findings and orders of the Disciplinary Committee:-
 - (a) Confirm, vary or set aside any findings made, penalty imposed or direction given by the Disciplinary Committee; or
 - (b) Refer the matter back to the Committee for further consideration

FIRST SCHEDULE

(Sections 3 and 14)

PART I

ADMINISTRATION OF INSTITUTION

1. (1) The Seal of the Institution shall be such device as may be determined by the Council and shall be kept by the Registrar.
(2) The President or a Vice President, the Registrar or any other person authorised by a resolution of the Council to so act, shall authenticate the affixing of the seal.
(3) Where a contract or instrument is not required to be under seal, the Registrar or a person authorised by the Council in that behalf, may execute the contract or instrument on behalf of the Council without seal.
(4) A document purporting to be a document under the seal of the Institution or issued on behalf of the Institution, shall be received in evidence and shall be executed or issued, as the case may be, without further proof, unless the contrary is proved.
2. (1) Subject to the other provisions of this Act, the Council may regulate its own procedure.
(2) The Council shall meet for the transaction of business at least once in every three months at such places and times as the Council may determine.
(3) Upon giving notice of not less than fourteen days, a meeting of the Council may be called by the President and shall be called if not less than four of the members so request in writing:

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

(4) Five of the members of the Council shall form a quorum.
(5) There shall preside at a meeting of the Council—
 - (a) the President;
 - (b) the absence of the President, a Vice President; or
 - (c) in the absence of the President and the Vice Presidents, a member of the Council as the members

present may elect from amongst themselves for the purpose of that meeting.

- (6) A decision of the Council on any question shall be by a majority of the members present and voting at the meeting and, in the event of an equality of votes, the person presiding at the meeting shall have, in addition to a deliberative vote, a casting vote.
 - (7) Where a member is for any reason unable to attend a meeting of the Council, the member may, in writing, nominate another person from the same organisation to attend the meeting in that member's stead and such person shall be deemed to be a member for the purpose of that meeting.
 - (8) The Council may invite any person whose presence, in its opinion, is desirable to attend and participate in the deliberations of a meeting of the Council, but that person shall have no vote.
 - (9) The validity of any proceedings, act or decision of the Council shall not be affected by any vacancy in the membership of the Council or any defect in the appointment of any member or by reason that any person not entitled to do so, took part in the proceedings.
 - (10) The Council shall cause minutes to be kept of the proceedings of every meeting of the Council and any committee established by the Council.
3.
 - (1) The Council may, for the purpose of performing its functions under this Act, constitute a committee and delegate to the committee such functions of the Council as it considers necessary.
 - (2) The Council may appoint as members of a committee constituted under sub paragraph (1), persons who are, or are not, members of the Council and such persons shall hold office for such period as the Council may determine.
 - (3) Subject to any specific or general direction of the Council, any committee constituted under this paragraph may regulate its own procedure.
 4. A member of the Council or Board, or any committee thereof, shall be paid such allowances as the Council may, with the approval of the Minister, determine.
 5.
 - (1) If any person is present at a meeting of the Council, or a committee of the Council, at which any matter, in which that person or any member of the person's immediate family is

directly or indirectly interested in a private capacity, is the subject of consideration, that person shall, as soon as practicable after the commencement of the meeting, disclose that interest and shall not, unless the Council or the committee otherwise directs, take part in any consideration or discussion of, or vote on any question relating to that matter.

- (2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which the disclosure is made.
6.
 - (1) A person shall not, without the consent in writing given by or on behalf of the Council, publish or disclose to any unauthorized person, otherwise than in the course of that person's duties, the contents of any document, communication or information whatsoever, which relates to, and which has come to that person's knowledge in the course of that person's duties under this Act.
 - (2) A person who contravenes sub-paragraph (1) commits an offence and is liable, upon conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.
 - (3) A person who, having information which to the knowledge of that person has been published or disclosed in contravention of sub-paragraph (1), unlawfully publishes or communicates the information to any other person, commits an offence and is liable, upon conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.
7. An action or other proceeding shall not lie or be instituted against a member of the Council or a committee of the Council, or a member of staff of the Council, for or in respect of any act or thing done or omitted to be done in good faith in the exercise or performance, or purported exercise or performance, of any of the powers, functions or duties conferred under this Act.
8. All communications to the Board shall be addressed to the Executive Director at the address of the Institution;
9. All applications for registration shall be made in the form prescribed in the third schedule and shall be accompanied by a non-refundable fee to be determined by the Board;
10.
 - (1) Every registered geological scientist may be described as a "Professional Geoscientist" and may use the prescribed title "Pr.Geo" after his / her name

- (2) Every registered geological assistant may be described as an "Assistant Geoscientist" and may use the prescribed title "Ast.Geo" after his / her name
 - (3) Every registered geological technician may be described as a "Geological Technician" and may use the prescribed title "Tech.Geo" after his / her name
11. Every registered person's name shall be entered in the Register of Geoscience Professionals (hereinafter called 'the Register') maintained by the Board and every registered person shall be entitled to a certificate of registration which shall be in such form as the Board shall from time to time prescribe.
12. An annual subscription fee as shall be determined periodically by the Council shall be due and payable by every registered person on the commencement of these Rules and on the 1st January each year.
13. Advance payment of annual subscription shall be allowed from 1st October of each preceding year.
14.
 - (1) Every registered person shall be entitled, in the absence of special authorization by the Board to the contrary, to remuneration for his services in accordance with the scales of fees set out in Second Schedule by the Board for professional advice, services rendered, or work done.
 - (2) The conditions of engagement of registered persons shall be those set out in the Second Schedule.
 - (3) Every consulting geoscientist shall forward to the client at the outset of an engagement the Board's conditions of engagement and scales of professional fees aforesaid.
15. In accordance with Part I of the Third Schedule, the Board shall consider any alleged unprofessional conduct as defined in Part I of the Third Schedule of a registered person and in relation thereto shall exercise any of the powers set out in Part I aforesaid.
16. Any registered person, whose professional conduct is not then the subject of investigation before the Board or by the Board, may at any time resign by giving notice in writing under his own hand so to
 - (a) resign, addressed and delivered to the Board; and thereupon the Board may remove his name from the Register and he shall thereupon cease to be a registered person from the date on which his resignation was delivered to the Board. After the date

of resignation he shall not exercise any of the rights and privileges of a registered person:

17. Provided always, and in any event, that any registered person whose address is unknown to the Registrar or Secretary of the Board, or whose annual subscription is at least two years in arrears, shall be deemed to have ceased to be a registered person and his name shall thereupon be removed from the Register, and his certificate shall be nullified forthwith.
18. Any registered person who resigns, is suspended, or whose name is removed or ordered to be removed from the Register shall upon demand by the Board surrender his certificate of registration to the Board forthwith, and the Board shall have the right in the case of any registered person:
 - (a) who is suspended, to retain his certificate during the period of his suspension;
 - (b) who resigns, or whose name is removed or ordered to be removed from the Register, to cancel his certificate.
19. The Board shall meet as often as may be necessary in each calendar year. The office and meetings of the Board shall be at such places as the Board may from time to time determine.
20. Not less than fourteen days' notice of any meeting shall be given to all members of the Board. Such notice shall indicate the time and place of the meeting:
21. Provided always that a meeting of the Board, notwithstanding that it is called by a shorter notice than that specified in this rule, shall be deemed to be duly called if it is so agreed by all members of the Board
22. The Council and Board shall cause minutes to be kept in books provided for the purpose:-
 - (a) of the names of the members of the Council or Board at each meeting;
 - (b) of all resolutions and proceedings at all meetings of the Council or Board, and the Chairman of the succeeding meeting shall confirm and sign the minutes of a previous meeting of the Council or Board.
23. The Board may appoint a secretary, a Registrar, or any other officer of the Board on such terms and conditions to be approved by the Council.

- 24.** The Council shall appoint an auditor or auditors at a fee to be fixed by the Council.
- 25.** Not later than 28th February in every year the Council shall cause to publish, an annual report and a copy of the balance sheet and accounts made up to the 31st December of the preceding year, covering the period of twelve months, together with a copy of the auditor's report thereof.

SECOND SCHEDULE

PART I ENGAGEMENT CONDITIONS

1. Geoscientists shall give such periodic supervision and inspection as may be necessary to ensure that works are executed in general accordance with professional ethics and the terms of the contract; constant supervision is not part of their duties.
2. In cases where constant supervision of work is required, an assistant of works shall be employed for these purposes. Such an assistant shall be nominated or approved by the geoscientist and appointed and paid for by the client. He shall however, be under direction and control of the geoscientist.
3. A geoscientist shall not make any alteration, modification, deviation from or omission from an approved project programme without the prior knowledge and consent of his client and shall inform his client if the total authorised expenditure is likely to be exceeded or if the contract period is likely to be varied.
4. A geoscientist may give orders to vary a programme, if such are necessitated by project requirements, provided that the client shall be immediately notified thereof and of any expense variations in the contract sum arising therefrom.
5. A geoscientist shall, if requested to do so by his client, periodically submit progress reports of the project programme in accordance with the Mines and Minerals Act and any other related Acts.
6. The copyright in all drawings and undertakings interpreted or executed, thereof is vested in the geoscientist.
7. (1) The employment of consultants shall be at the discretion of the geoscientist in agreement with his client; consultants shall be nominated or approved by the geoscientist and appointed and paid for by the client.
(2) Where it is agreed to employ consultants, the geoscientist fee may, by prior written agreement with the client, be reduced but in no case shall such reduction exceed one-third on the cost of the work in respect of which the services of the consultant are retained, provided always that the geoscientists fee on the cost of the whole works shall not be reduced by more than one-fifth.
(3) An engagement entered into between a geoscientist and his client may be terminated at any time by either party provided written notice is given.

- (4) The fees and charges payable to the geoscientist under these conditions of engagement shall be as set forth in the Scale of Professional Fees to be set out periodically by the Board.

PART II
SCALE OF FEES

8. The Scale of Professional Fees shall be set forth at the establishment of the Board, and shall thereafter be reviewed from time to time by the Board, on the basis of the following categories of work--
 - (a) Desk-studies and literature review, charged per hour;
 - (b) Geoscience Field Operations, charged per day;
 - (c) Laboratory work, charged according to costs of materials used and time taken for analyses.
 - (d) Geological Report of Defined Scope, charged per hour
 - (e) Geological Report on Comprehensive Project, charged on percentage of resource discovery (not more than 2%)
9.
 - (1) The fees to be set forth in the Scale of Professional Fees shall in all cases be exclusive of the services of the costs of all prints and other reproductions of maps, drawings and documents and shall also not include all reasonable travelling expenses, hotel expenses and disbursements, which shall be paid for by the client in addition to the Geoscientist's fees for professional services.
 - (2) There shall be a fee to be paid to the geoscientist for taking instructions from the client, for making estimate costs, and for all preliminary works related thereto.
 - (3) The Scale of Professional Fees set forth by the Board may be varied only by prior written agreement with the client and in no case should such variation exceed fifteen percent of the official fees set forth by the Board.

THIRD SCHEDULE

PART I

UNPROFESSIONAL CONDUCT

10. (1) It will be deemed unprofessional conduct on part of a registered person, among other things –
- (2) To have or maintain any office for the purpose of carrying on the business of professional geoscientist; unless such office shall at all times, when open, be under the direct and personal supervision of at least one registered person.
 - (3) To have or maintain any office for the purpose of carrying on the business as professional geoscientist, unless such office shall at all times, when open, have, displayed outside its entrance door a notice specifying the details of consultation work for which the geoscientist is registered and the days -and hours of opening; and such office shall not be staffed for purposes other than those contained in the notice.
 - (4) To accept any work which involves the giving or receiving of discount or commission, or to accept any discount, gift or commission from contractors, clients or tradesmen whether employed on their works or not.
 - (5) To accept remuneration in connection with works and duties entrusted to him other than in accordance with the Scales of Professional Fees set out by the Board.
 - (6) To issue any drawings, specifications, certificate or final accounts or reports or similar work performed by himself or by some person in his employ, unless the same bears his name, signature, title and business address.
 - (7) To sign, as geoscientist, any document of which he is not the bona fide author.
 - (8) To share or agree to share fees, or enter into partnership in regard to any geoscientific work with any person not registered under the provisions of this Act.
 - (9) Provided that nothing herein contained shall be deemed to prevent a geoscientist from entering into partnership or associateship with a qualified member of an allied professional body approved by the Board.
 - (10) To attempt to influence unfairly or dishonourably, whether directly or indirectly, the award in a competition or litigation process.

- (11) To act as geoscientist or joint geoscientist for a work which is or has been the subject of a competition in which he or his partner has been or is engaged as assessor.
- (12) To act as consulting geoscientist whilst engaged as assessor of the same competition:
 - (a) Provided always that he may act as arbitrator in any dispute between the promoters and the selected geoscientist.
- (13) If a geoscientist is officially approached by the promoters for advice as to the holding of a competition with a view of acting as assessor, and eventually it is decided not to hold a competition but to appoint a geoscientist to carry out that work, the geoscientist originally approached in an advisory capacity is precluded from carrying out the work in question.
- (14) To wilfully destroy or fail without a satisfactory reason to produce to the Board if called upon to do so, original documents, abstracts, drafts of bills of variations, within twelve months after the final completion of the contract and settlement of all accounts.
- (15) Knowingly to undertake a commission while fees are outstanding or any claim for compensation of damages of a geoscientist previously employed and whose employment has been terminated, remains unsatisfied, unless security for the payment of fees outstanding and for the due satisfaction of any award of judgement which may be made or given in favour of the said geoscientist has been given. The geoscientist who is replaced may report the matter to the Board and if it has reasonable grounds for not being satisfied with the security, with the work, but if he nevertheless so proceeds, this shall be considered unprofessional conduct.
- (16) To charge less than the prescribed scale of fees, unless the prior consent of the Board has been obtained.
- (17) Knowingly to charge other than for work carried out within the terms of the Scales of Professional Fees set out by the Board.
- (18) To receive any payment from a contractor acting as contractor, whatever may be the consideration thereof, provided that nothing in these rules shall make it improper to accept fees from a contractor in return for professional services rendered to him as client.

- (19) To obtain or attempt to obtain geoscientific work by offering or payment monetary or other consideration of inducement to any person or persons, or by any other improper means.
- (20) To prepare and / or to issue any document relating to a project for which he has not been professionally engaged.
- (21) To do the work of a geoscientist in an honorary capacity, unless he / she has first obtained the permission of the Board.
- (22) To conduct himself / herself dishonourably in connection with the work performed by him as a geoscientist.
- (23) To contravene any of the provisions of this Act or these rules.

PART II
DISCIPLINARY PROCEEDINGS

- 11. (1) The conduct of any member shall be consideration of the Board of its own accord or upon complaint made by any person feeling aggrieved by reason of the alleged unprofessional conduct, and if deemed necessary further inquired into by the Board.
- (2) The Board may require the complainant to file further particulars of any of the matters complained of and may require the complaint or any part thereof to be verified by affidavit.
- (3) The Board may call upon the person whose conduct is complained of or is under investigation to file within fourteen days thereafter an explanation in respect to the complaint and may require such explanation to be verified by affidavit.
- (4) The Board may summon before it any member against whom any complaint may be lodged or whose conduct may appear to the Board to require investigation and may call upon him to produce any document, contract book, paper, drawings specifications, quantities or other writing in his possession or under his control in any way relating to or concerning the complaint or matter under investigation, and shall hear any relevant evidence and inspect any relevant documents which the complainant or other party complained against may desire to adduce.
- (5) The matter against whom the complaint is made shall have the right to appear before the Board and to be heard, either personally or through his counsel or solicitor, and may call

such evidence and produce such documents as he may consider relevant.

- (6) Should such member not appear and not file an explanation, the inquiry may be proceeded with forthwith.
- (7) At any inquiry held under these Rules, all verbal evidence shall be taken on oath.
- (8) The Board, after having inquired into the alleged misconduct of any member, may-
 - (a) Explain their findings to both the complainant and the accused and take no further action; or
 - (b) caution the member; or
 - (c) suspend the member; or
 - (d) expel the member and strike out his name from the Register.

FOURTH SCHEDULE
PART I
REPUBLIC OF ZAMBIA

THE GEOSCIENCE REGISTRATION BOARD

APPLICATION FOR REGISTRATION AS A GEOSCIENCE PROFESSIONAL

1. I,
(name)

hereby apply for registration as a geoscience professional in the membership category
of
(Membership Class)

2. I hold a.....degree / diploma / certificate in
(highest qualification attained) (field of study)

3. Other additional qualifications if any:

(i)

(ii)

(iii)

4. Practical work experience

5. I,, do solemnly and sincerely certify
that to the best of my knowledge, all the information given above is correct. I also hereby
declare that I am aware of the Provisions of the Geoscience Institution Act and do promise to
abide by them.

Signed:

Declared before me at this day of, 20.....

COMMISSIONER OF OATHS

FOURTH SCHEDULE
PART II
REPUBLIC OF ZAMBIA

THE GEOSCIENCE REGISTRATION
BOARD

LETTER OF OFFER

CERTIFICATE No.: _____

To

(1)

.....

IN THE MATTER OF (2)

You are hereby notified that your application for

(3) Has been accepted on the following
and herewith:-

(a) Your Registration number is:.....

(b) Your prescribed title (after your name):.....

(c) Should your registration as a Geoscience Professional lapse or be
cancelled you may not pretend to be, or in any manner hold or allow
yourself to be held out as a registered person

Dated this..... day of, 20.....

.....

(Signature of President / Board Chairperson / Registrar)