

THE CONSTITUTIONAL COURT BILL, 2016

MEMORANDUM

The objects of this Bill are to—

- (a) provide for the procedure of the Constitutional Court;
- (b) prescribe the powers of the Court; and
- (c) provide for matters connected with, or incidental to, the foregoing.

L. KALALUKA,
Attorney-General

N.A.B. 10, of 2016
15th April, 2016

THE CONSTITUTIONAL COURT BILL, 2016

ARRANGEMENT OF SECTIONS

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GOVERNMENT OF ZAMBIA

A BILL

ENTITLED

An Act to provide for the procedure of the Constitutional Court; prescribe the powers of the Court; and provide for matters connected with, or incidental to, the foregoing.

ENACTED by the Parliament of Zambia

Enactment

PART I

PRELIMINARY PROVISIONS

1. This Act may be cited as the Constitutional Court Act, 2016. Short title
- 5 2. In this Act, unless the context otherwise requires— Interpretation
- “appellant” means a party appealing from a judgment of—
- (a) the High Court relating to the election of a Member of Parliament; or
- (b) a local government elections tribunal;
- 10 “Consolidated Fund” means the Consolidated Fund established under Article 200 of the Constitution; Cap. 1
- “councillor” has the meaning assigned to it in the constitution; Cap. 1
- “Court” means the Constitutional Court established under Article 127 of the Constitution; Cap. 1
- 15 “Deputy President” means the Deputy President of the Court appointed under Article 127 of the Constitution; Cap. 1
- “Electoral Commission of Zambia” means the Electoral Commission of Zambia established under Article 229 of the Constitution; Cap. 1
- 20 “High Court” means the High Court established under Article 133 of the Constitution; Cap. 1
- “judgment” includes a decree, order, ruling, declaration, conviction, sentence and decision;

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Cap. 1	“Member of Parliament” has the meaning assigned to it in the Constitution;	
Cap. 1	“oath” has the meaning assigned to it in the Constitution;	
Cap. 1	“petitioner” includes a person who files a petition in the Court in relation to a matter under Article 128 of the Constitution;	5
Cap. 30	“practitioner” has the meaning assigned to it in the Legal Practitioners Act;	
Cap. 1	“President” means the President of the Court appointed under Article 127 of the Constitution;	
Cap. 1	“Public Protector” means the public protector appointed under Article 243 of the Constitution;	10
	“Registrar” means the Registrar of the Court appointed under section <i>twenty-six</i> ;	
	“Republican President” means the President of the Republic; and	15
	“rules” means rules of Court made under section <i>thirty-one</i> .	
Cap. 1	“tribunal” means a local government elections tribunal established in accordance with Article 159 of the Constitution;	
	“Vice-President” means the Vice-President of the Republic;	20

PART II

CONSTITUTION AND GENERAL POWERS OF THE COURT

Constitution of Court	3. (1) Subject to subsections (2) and (3), the Court shall, when the Court is determining a matter, be constituted by an uneven number of not less than three judges.	25
	(2) The Court shall be constituted by one judge when hearing an interlocutory matter.	
	(3) The full bench of the Court shall be constituted by an uneven number of not less than five judges when determining matters that require a full bench.	30
	(4) The Court shall be presided over by—	
	(a) the President;	
	(b) in the absence of the President, the Deputy President; and	
	(c) in the absence of the Deputy President, the most senior judge of the Court, as constituted.	35