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**THE JUDICIARY ADMINISTRATION ACT, 2016**

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ARRANGEMENT OF SECTIONS

**PART I**

PRELIMINARY PROVISIONS

*Section*

1. Short title
2. Interpretation

**PART II**

ADMINISTRATION OF JUDICIARY

3. Judicial ranking
4. Establishment of committees
5. Functions of Chief Administrator
6. Vacancy in office of Chief Administrator
7. Appointment of judicial officers and other staff
8. Functions of Chief Registrar
9. Suspension or removal of Chief Registrar
10. Vacancy in office of Chief Registrar
11. Functions of Registrar
12. Judicial staff
13. Research advocates
14. Oath of office
15. Exercise by Commission of disciplinary powers
16. Emoluments

**PART III**

FINANCIAL PROVISIONS

17. Funds of Judiciary
18. Financial year
19. Accounts and audit
20. Annual report

**PART IV**

GENERAL PROVISIONS

21. Allocation of court work
22. Capital expenditure on property and buildings
23. Regulations
24. Repeal of Cap. 24 and transitional arrangements for staff

## GOVERNMENT OF ZAMBIA

**ACT**

No. 23 of 2016

Date of Assent: 6th June, 2016

**An Act to revise the law relating to the administration of the Judiciary; make provision for the appointment of judicial officers and staff of the Judiciary; repeal and replace the Judicature Administration Act, 1994; and provide for matters connected with, or incidental to, the foregoing.**

[7th June, 2016]

ENACTED by the Parliament of Zambia.

Enactment

## PART I

## PRELIMINARY PROVISIONS

1. This Act may be cited as the Judiciary Administration Act, 2016. Short title
2. In this Act, unless the context otherwise requires— Interpretation
  - “Commission” means the Judicial Service Commission established in Article 220 of the Constitution; Cap. 1
  - “Chief Administrator” means the Chief Administrator of the Judiciary appointed pursuant to Article 146 of the Constitution; Cap. 1
  - “Chief Registrar” means the Chief Registrar of the Judiciary appointed under section *seven*;

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	“court” does not include a courtmartial;
	“court fees” means any fees, commissions or charges payable under any law in connection with the lodgement, service, execution or administrative processing of any writ, application or other legal process, and includes sheriff’ fees and any commission, late fees or other charges so payable;
Cap. 106	“court martial” has the meaning assigned to it in the Defence Act;
Cap. 1	“emoluments” has the meaning assigned to it in the Constitution;
Cap. 1	“Emoluments Commission” means the Emoluments Commission established in Article 232 of the Constitution;
Act No. 4 of 2013	“higher education institution” has the meaning assigned to it in the Higher Education Act, 2013;
	“Judiciary” means the superior courts, the subordinate courts, small claims courts, local courts and any other courts established under any written law;
	“Judicial Service” means the Judicial Service established in Article 219 of the Constitution;
Cap. 1	“judge” has the meaning assigned to it in the Constitution;
	“judicial officer” means a person appointed under section <i>seven</i> ;
	“judicial staff” means a person employed in the Judicial Service with power to exercise functions, except judicial authority, as may be conferred by or under this Act, or any other written law;
Cap. 1	“judicial authority” has the meaning assigned to it in the Constitution;
	“member of the Judiciary” means
	(a) a judge;
	(b) a judicial officer; and
	(c) an officer with power to hold or exercise, in open court, the judicial powers of a court;
Cap. 30	“practitioner” has the meaning assigned to it in the Legal Practitioners Act;
	“Registrar” means the Registrar of a superior court appointed under section <i>seven</i> ; and
Cap. 1	“superior court” has the meaning assigned to it in the Constitution; and
Act No. 13 of 2011	“Zambia Qualifications Authority” means the Zambia Qualifications Authority established under the Zambia Qualifications Authority Act, 2011.

## PART II

## ADMINISTRATION OF JUDICIARY

3. (1) Judges of the superior courts, other than the Chief Justice, Deputy Chief Justice, President of the Constitutional Court and Deputy President of the Constitutional Court, shall rank according to the date on which they were appointed as judges of a superior court. Judicial ranking
- (2) Subject to subsection (1), judges who hold equal office shall rank according to the date on which their names were entered on the roll of practitioners kept for the purposes of the Legal Practitioners Act. Cap 30
4. (1) The Chief Justice may constitute advisory committees, consisting of judges or persons with knowledge of the work of the courts and prevailing social conditions, to advise on matters relating to the Judiciary as the Chief Justice may consider necessary. Establishment of committees
- (2) A committee constituted under subsection (1) may, subject to any directions of the Chief Justice, regulate its own procedure, and its members shall hold office on such terms as the Chief Justice may determine.
5. (1) The Chief Administrator shall— Functions and qualifications of Chief Administrator
- (a) be the chief executive officer of the Judiciary;
- (b) be responsible to the Chief Justice for the day to day administration of the Judiciary and for the implementation of resolutions of the Commission in respect of the Judicial Service;
- (c) in relation to the expenditure of the Judiciary, be the controlling officer within the meaning of the Public Finance Act, 2004; and Act No. 15 of 2004
- (d) perform such other powers and functions as may be conferred by or under this Act, or any other written law.
- (2) The functions of the Chief Administrator shall not extend to any matter assigned by law to a judge or judicial officer.
- (3) A person qualifies for appointment as Chief Administrator if the person—
- (a) has, as a minimum academic qualification, a degree in public administration, law or other Social Science from a— Act No. 4 of 2013
- (i) higher education institution established, declared or registered under the Higher Education Act, 2013; or
- (ii) foreign higher education institution whose qualifications are recognised by the Zambia Qualifications Authority; and

(b) has proven knowledge and experience in public administration; and

(c) is of high integrity and good character.

(4) The Chief Administrator shall hold office on such terms and conditions as the Commission may determine.

Vacancy in  
office of  
Chief  
Administrator

**6.** (1) The office of Chief Administrator becomes vacant if the Chief Administrator—

(a) dies;

(b) resigns;

(c) retires;

(d) is adjudged bankrupt;

(e) is convicted of an offence under any written law and is sentenced to imprisonment for a period exceeding six months without the option of a fine;

(f) is removed from office by the Commission, for good cause; or

(g) becomes mentally or physically incapable of performing the functions of Chief Administrator.

(2) Where the office of the Chief Administrator is vacant or the Chief Administrator is unable to perform the functions under this Act, the Chief Justice shall, if the vacancy—

(a) is temporary, appoint any person, from amongst senior persons employed in the Judicial Service, to perform the functions of the Chief Administrator and inform the Commission accordingly; or

(b) relates to the absence of the Chief Administrator for a period of more than thirty days, refer the matter to the Commission for appointment of a person to act in that position.

(3) A person appointed to act in the position of Chief Administrator shall act in that capacity until the Chief Administrator returns to the office or until such time as the Commission appoints a substantive Chief Administrator.

Appointment  
of judicial  
officers and  
other staff

**7.** (1) The Commission shall appoint the following judicial officers:

(a) Chief Registrar;

(b) Registrar, Deputy Registrar, Assistant Registrar, District Registrar or other like functionary of any court;

(c) Master, Deputy Master or Assistant Master of the Supreme Court;