

REPUBLIC OF ZAMBIA

**THE SUPREME COURT OF ZAMBIA ACT**

**CHAPTER 25 OF THE LAWS OF ZAMBIA**

**CHAPTER 25 THE SUPREME COURT OF ZAMBIA ACT**

THE SUPREME COURT OF ZAMBIA ACT

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**CHAPTER 25**

SUPREME COURT OF ZAMBIA

41 of 1973  
26 of 1974  
17 of 1976  
31 of 1976  
5 of 1979

**An Act to provide for the constitution, jurisdiction and procedure of the Supreme Court of Zambia; to prescribe the powers of the Court; and to provide for matters connected therewith or incidental thereto.**

[14th September, 1973]

PART I PRELIMINARYPART I

PRELIMINARY

1. This Act may be cited as the Supreme Court of Zambia Act. Short title
  
2. In this Act, unless the context otherwise requires- Interpretation
  - "appellant" includes applicant;
  
  - "the Court" means the Supreme Court;
  
  - "judgment" includes decree, order, conviction, sentence and decision;
  
  - "Master" means the Master of the Court appointed in pursuance of the provisions of section *twenty-nine*;
  
  - "practitioner" has the meaning assigned to it by section *two* of the Legal Practitioners Act; Cap. 30
  
  - "qualified person" has the meaning assigned to it by section *three* of the Legal Practitioners Act; Cap. 30
  
  - "rules of court" means rules of court made under section *twenty-eight*;
  
  - "sentence" includes any order made on conviction not being-
    - (a) a probation order or an order for conditional discharge;
  
    - (b) an order under any enactment which enables the Court to order the destruction of an animal; or

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- (c) an order made in pursuance of any enactment under which the Court has no discretion as to the making of the order or its terms.

(As amended by No. 31 of 1976)

PART II

CONSTITUTION AND GENERAL POWERS OF THE COURT

3. (1) When the Court is determining any matter, other than an interlocutory matter, it shall be composed of such uneven number of Judges, not being less than three, as the Chief Justice may direct. Constitution of the Court

(2) The determination of any question before the Court shall be according to the opinion of the majority of the members of the Court hearing the case.

4. A single Judge of the Court may exercise any power vested in the Court not involving the decision of an appeal or a final decision in the exercise of its original jurisdiction but- Powers of single Judge of the Court

- (a) in criminal matters if any Judge of the Court refuses an application for the exercise of any such power, the person making the application shall be entitled to have his application determined by the Court; and
- (b) in civil matters any order, direction or decision made or given in pursuance of the powers conferred by this section may be varied, discharged or reversed by the Court.

5. A Judge of the Court shall not sit on the hearing of an appeal, nor shall he exercise any power under section *four* in respect of an appeal- Judge not to sit on appeal from his own decision

- (a) from any judgment given by himself or any judgment given by any Court of which he was sitting as a member;
- (b) against a conviction or sentence if he was the Judge by or before whom the appellant was convicted.

6. The Court shall have a seal having a device or impression and bearing an inscription approved by the Chief Justice. Seal

7. The Court shall have jurisdiction to hear and determine appeals in civil and criminal matters as provided in this Act and such other appellate or original jurisdiction as may be conferred upon it by or under the Constitution or any other law. Jurisdiction

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**8.** The jurisdiction vested in the Court shall, as regards practice and procedure, be exercised in the manner provided by this Act and rules of court: Practice and procedure

Provided that if this Act or rules of court do not make provision for any particular point of practice and procedure, then the practice and procedure of the Court shall be-

- (i) in relation to criminal matters, as nearly as may be in accordance with the law and practice for the time being observed in the Court of Criminal Appeal in England;
- (ii) in relation to civil matters, as nearly as may be in accordance with the law and practice for the time being observed in the Court of Appeal in England.

**9.** The process of the Court shall run throughout Zambia and any judgment of the Court shall be executed and enforced in like manner as if it were a judgment of the High Court. Execution of judgment of the Court

**10.** (1) The sittings of the Court shall usually be held at Lusaka or Ndola but may be held at such other place as the Chief Justice may direct. Sittings of the Court

(2) The dates of sittings of the Court shall be determined by the Chief Justice.

(3) The times of sittings of the Court shall be determined by the Chief Justice or, if he is not a member of the Court hearing a case, the next senior Judge of the Court hearing the case.

(4) At any sitting, the Court shall, subject to the provisions of this Act, be composed of such members as the Chief Justice may direct.

**11.** In all proceedings before the Court the parties may appear in person or be represented and appear by a practitioner. Right of audience

PART III CRIMINAL APPEALS PART III

CRIMINAL APPEALS

**12.** (1) Any person convicted on a trial by the High Court may appeal to the Court on any matter of fact as well as on any matter of law, and shall be so informed by the Judge at the conclusion of the trial. First appeals