

**THE CONSTITUTION OF ZAMBIA (AMENDMENT)
BILL, 2019**

MEMORANDUM

The object of this Bill is to amend the Constitution of Zambia so as to—

- (a) revise the Preamble in order to reaffirm the Christian character of Zambia;
- (b) revise the principles and values of the Constitution;
- (c) revise the electoral system for elections to the National Assembly;
- (d) revise the period for dissolution of the National Assembly;
- (e) revise the period of hearing and determination of a presidential election petition;
- (f) revise the manner of election of mayor and council chairperson;
- (g) establish the office of deputy minister;
- (h) revise the composition of the Cabinet;
- (i) revise the provisions relating to the establishment of commissions;
- (j) revise the provisions relating to the payment of pension benefits and retention on the payroll;
- (k) provide for the membership of Members of Parliament in councils;
- (l) establish the Drug Enforcement Commission as the Anti-Drugs, Economic and Financial Crimes Agency and re-define its function as a national security service;
- (m) revise the functions of the Public Protector;
- (n) revise the functions of the Bank of Zambia;
- (o) revise the functions of the Auditor-General; and
- (p) provide for matters connected with, or incidental to, the foregoing.

L. KALALUKA,
Attorney-General

N.A.B. 10, 2019

21st June, 2019

A BILL

ENTITLED

An Act to amend the Constitution of Zambia.

ENACTED by the Parliament of Zambia

Enactment

1. This Act may be cited as the Constitution of Zambia (Amendment) Act, 2019, and shall be read as one with the Constitution of Zambia, in this Act referred to as the Constitution.

Short title

Cap. 1

5 2. The Preamble is amended by the deletion of the words “multi-religious” and the substitution therefor of the word “Christian”.

Amendment
of preamble

3. Article 1 of the Constitution is amended by the deletion of clause (5) and the substitution therefor of the following:

Amendment
of Article 1

10 (5) Subject to Article 28, a matter relating to this Constitution shall be heard and determined by the Constitutional Court.

4. Article 4 of the Constitution is amended by the deletion of Clause (3) and the substitution therefor of the following:

Amendment
of Article 4

15 (3) The Republic is a Christian, unitary, indivisible, multi-ethnic, multi-racial, multi-cultural and multi-party democratic State.;

20 5. Article 8 of the Constitution is amended by the deletion of paragraph (a) and the substitution therefor of the following paragraph:

Amendment
of Article 8

(a) Christian morality and ethics.;

6. Article 10 of the Constitution is amended by the deletion of Clause (4) and the substitution therefor of the following:

Amendment
of Article 10

25 (4) Subject to Article 16, the Government shall not compulsorily acquire an investment.;

- Amendment of Article 38 **7.** Article 38 of the Constitution is amended by the insertion of the words “as prescribed” immediately after the word “adoption”.
- Amendment of Article 46 **8.** Article 46 of the Constitution is amended by the insertion of the words “as prescribed” immediately after the word “ballot”.
- Amendment of Article 47 **9.** Article 47 of the Constitution is amended by the deletion of clause (2) and the substitution therefor of the following: 5
- (2) Elections to the National Assembly shall be conducted under a mixed member electoral system, as prescribed.
- Repeal and replacement of Article 51 **10.** The Constitution is amended by the repeal of Article 51 and the substitution therefor of the following: 10
- 51.** A person is eligible for election as an independent candidate for a National Assembly seat if the person meets the qualifications specified in Article 70 for election as a Member of Parliament.
- Amendment of Article 52 **11.** The Constitution is amended by the repeal of Article 52. 15
- Repeal and replacement of Article 60 **12.** The Constitution is amended by the repeal of Article 60 and the substitution therefor of the following:
- 60.** (1) A political party shall be established as prescribed.
- (2) A political party shall—
- (a) promote the values and principles specified in this Constitution; 20
- (b) have a national character;
- (c) promote and uphold national unity;
- (d) promote and practice democracy through regular, free and fair elections within the party; and 25
- (e) subscribe to and observe the code of conduct for political parties, as prescribed.
- (3) A political party shall not—
- (a) be founded on a religious, linguistic, racial, ethnic, tribal, gender, sectoral or provincial basis or engage in propaganda based on any of these factors; 30
- (b) engage in or encourage violence or intimidate its members, supporters, opponents or other persons;
- (c) engage in corrupt practices; and
- (d) except as prescribed, use public resources to promote its interest or that of its members. 35

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13. Article 63 (2) of the Constitution is amended by the deletion of paragraphs (d) and (e). Amendment of Article 63
14. Article 67 of the Constitution is amended— Amendment of Article 67
5 (a) in clause (3), by the deletion of the words “within fourteen days of the publication of the statutory instrument in the *Gazette*”; and
(b) by the deletion of clauses (4), (5) and (6).
15. The Constitution is amended by the repeal of Article 68 and the substitution therefor of the following: Repeal and replacement of Article 68
- 10 **68.** Subject to Article 47, the election, nomination, qualification and vacation of office of a Member of Parliament shall be as prescribed. Election, nomination, qualification and vacation of office of a Member of Parliament
16. The Constitution is amended by the repeal of Articles 69, 70, 71 and 72. Repeal of Articles 69, 70, 71 and 72
- 15 17. Article 73 of the Constitution is amended in clause (2), by the insertion of the words “and determined” between the words “heard” and “within”. Amendment of Article 73
18. Article 74 of the Constitution is amended by the deletion of clause (1), and the substitution therefor of the following: Amendment of Article 74
- 20 (1) The Vice-President shall be the Leader of Government Business in the National Assembly.
19. Article 75 of the Constitution is amended— Amendment of Article 75
25 (a) in clause (1), by the deletion of the word “sitting” and the substitution therefor of the word “meeting”;
(b) in clause (2), by the deletion of the word “sittings” and the substitution therefor of the word “meetings”;
(c) by the deletion of clause (3) and the substitution therefor of the following:
- 30 (3) Notwithstanding clause (2), the President, or two-thirds of the Members of Parliament, may, in writing, request the Speaker to summon a meeting of the National Assembly.; and
(d) in the marginal note, by the deletion of the word “sittings” and the substitution therefor of the word “meetings”.