

THE COURT OF APPEAL BILL, 2016

MEMORANDUM

The objects of this Bill are to provide for—

- (a) the jurisdiction and procedures of the Court of Appeal;
- (b) the hearing of appeals from the High Court and quasi judicial bodies;
and
- (c) matters connected with, or incidental to, the foregoing.

L. KALALUKA,
Attorney-General

N.A.B. 9, 2016
15th April, 2016

THE COURT OF APPEAL BILL, 2016

ARRANGEMENT OF SECTIONS

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GOVERNMENT OF ZAMBIA

A BILL

ENTITLED

An Act to provide for the jurisdiction and procedures of the Court of Appeal; the hearing of appeals from the High Court and quasi judicial bodies; and matters connected with, or incidental to, the foregoing.

ENACTMENT by the Parliament of Zambia

Enactment

PART I

PRELIMINARY PROVISIONS

- 5 **1.** This Act may be cited as the Court of Appeal Act, 2016, and shall come into operation on such date as the Minister may appoint by statutory instrument. Short title and commencement
- 2.** In this Act, unless the context otherwise requires—
- 10 “appellant ” means a party appealing to the Court from a judgment of the High Court or a quasi judicial body, except a local government elections tribunal; Interpretation
- “Constitutional Court ” means the Constitutional Court established under Article 127 of the Constitution; Cap. 1
- “Court ” means the Court of Appeal established under Article 130 of the Constitution; Cap. 1
- 15 “Deputy Judge President ” means the Deputy Judge President of the Court appointed under section *three*;
- “Director of Public Prosecutions ” means the person appointed as such under Article 180 of the Constitution; Cap. 1
- 20 “High Court ” means the High Court established under Article 133 of the Constitution; Cap. 1
- “Judge President ” means the Judge President of the Court appointed in under section *three*;

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	“ judgment ” includes decree, ruling, order, conviction, sentence and decision;	
Cap. 1	“ judicial function ” has the meaning assigned to it in the Constitution;	
Cap. 1	“ local government elections tribunal ” means a tribunal established in accordance with Article 159 of the Constitution;	5
Cap 30	“ practitioner ” has the meaning assigned to it in the Legal Practitioners Act;	
	“ quasi-judicial body ” means a body, other than a court, exercising a judicial function;	10
	“ Registrar ” means the Registrar of the Court appointed under section <i>twenty-six</i> ;	
	“ rules ” means rules of the Court made pursuant to section <i>thirty</i> ; and	15
Cap 1	“ Supreme Court ” means the Supreme Court established under Article 124 of the Constitution.	

PART II

CONSTITUTION, JURISDICTION AND GENERAL POWERS
OF THE COURT

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Composition of Court	3. The Court consists of— (a) the Judge President; (b) the Deputy Judge President; and (c) such number of judges as may be prescribed.	25
Jurisdiction of Court	4. (1) The Court has jurisdiction to hear appeals from judgments of— (a) the High Court; and (b) a quasi judicial body, except a local government elections tribunal.	30
Cap. 1	(2) Despite subsection (1), where a question relating to the Constitution arises before the Court, the Court shall refer that question to the Constitutional Court.	35