



REPUBLIC OF ZAMBIA

MINISTRY OF LOCAL GOVERNMENT

**MINISTERIAL STATEMENT BY THE MINISTER OF LOCAL
GOVERNMENT HON VINCENT MWALE, MP, ON COUNCILLORS
ALLOWANCES**

Mr. Speaker,

I wish to submit on the floor of the House the Ministerial Statement on Councillors Allowances.

Mr. Speaker,

The House may recall that Councillors across the Country contend that because they are elected by registered voters within the districts as the case is with the Mayor and Council Chairperson, they should also be full time, as the case is with the Mayor and Council Chairpersons.

Mr. Speaker,

Furthermore, the Councillors contend that Articles **264** and **265** of the Constitution mean that elected Councillors, like public officers such as judges, should be paid a salary and not an allowance.

Mr. Speaker,

Article **153 (1)** of the Constitution provides that ***“(a) councillor shall be elected in accordance with Article 47 (3) by registered voters resident within the district”***. Article **47 (3)** of the Constitution prescribes a first –past –the post system of electing a councillor. It is noteworthy from the outset that the Constitution does not state as to

whether or not Councilors are to serve on a fulltime or part-time basis.

Mr. Speaker,

On the question whether as to Councillors are entitled to an allowance or a salary, Article **264** of the Constitution provides that the emoluments of a Councillor shall be determined by the Emoluments Commission, as prescribed. Article **266** of the Constitution states that emoluments include ***“salaries, allowances, benefits and rights that form an individual’s remuneration for services rendered, including pension benefits or other benefits on retirement”***. It is noteworthy, however, that the Emolument Commission has not yet been operationalized as the envisaged law to operationalize it has not yet been passed. Once the Emoluments Commission is operationalized, it will be responsible for approving Councillors’ emoluments.

Mr. Speaker,

I wish to inform the House that in the absence of the Emoluments Commission, sections **71** and **119** of the Local Government Act Cap **281** of the Laws of Zambia are instructive on the entitlement of Councillors. Recourse to the Local Government Act provisions on Councillors’ emoluments with regard to remuneration is grounded in section **6** of the Constitution of Zambia Act, No. **1** of **2016**, which