

GOVERNMENT OF ZAMBIA

ACT

No. 13 of 2016

Date of Assent: 6th June, 2016

An Act to amend the National Assembly (Powers and Privileges) Act.

[7th June, 2016

ENACTED by the Parliament of Zambia

Enactment

1. This Act may be cited as the National Assembly (Powers and Privileges) (Amendment) Act, 2016, and shall be read as one with the National Assembly (Powers and Privileges) Act, in this Act referred to as the principal Act.

Short title

Cap. 12

2. Section *two* of the principal Act is amended by the deletion of—

Amendment
of section 2

(a) the definition “ authorised committee ”;

(b) the definition of “ committee ” and “ Standing Orders ” and the substitution therefor of the following:

“ committee ” means a parliamentary committee established in accordance with Article 80 of the Constitution;

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“ Standing Orders ” means the Standing Orders of the Assembly made in accordance with Article 77 of the Constitution.

Cap. 1

3. The principal Act is amended in the heading of Part II by the insertion immediately after the word “ PRIVILEGES ” of the words “ AND IMMUNITIES ”.

Amendment
to heading of
Part II

4. The principal Act is amended by the insertion immediately after section *five* of the following new section:

Insertion of
new section
5A

Arrest for criminal offence	5A. Where a member is arrested for a criminal offence, the arresting officer shall inform the Speaker of the arrest within forty-eight hours of the arrest.
Insertion of new section 6A	5. The principal Act is amended by the insertion, immediately after section <i>six</i> , of the following new section:
Certificate of exemption to attend court	6A. (1) Despite any other written law, where a member or officer is required while the Assembly is conducting its business to attend—
Cap. 41	<p>(a) as a witness before a court, tribunal or a commission established under the Inquiries Act, in any civil or criminal proceedings; or</p> <p>(b) as a defendant in any civil proceedings;</p> <p>the Speaker, First Deputy Speaker, Second Deputy Speaker or a person designated by the Speaker, shall issue a certificate exempting the member or officer the member or officer from attending the Courts, Tribunal or Commission and stating that the member or officer is, or would be, attending to the business of the Assembly on the dates and times indicated in the certificate.</p> <p>(2) A certificate issued under subsection (1) is sufficient proof that the member or officer is attending to business of the Assembly.</p>
Repeal and replacement of section 8	6. The principal Act is amended by the repeal of section <i>eight</i> and the substitution therefor of the following:
Evidence of proceedings in Assembly or committee not to be given without leave	8. A member, officer or person employed to take or transcribe minutes of evidence before the Assembly or a committee shall not give evidence elsewhere about the contents of the minutes or the contents of a document laid before the Assembly or a committee, about any proceedings or examination held before the Assembly or a committee, without the special leave of the Speaker.
Insertion of new section 9A	7. The principal Act is amended by the insertion, immediately after section <i>nine</i> , of the following new section:
Power of Assembly to inquire into offences Cap. 1	9A. Subject to the Constitution, the Assembly has the power and jurisdiction necessary to inquire into, an act or omission, matter or thing, amounting to contempt of Parliament contrary to section <i>nineteen</i> , or a contravention of the Standing Orders and rules of parliamentary practice and procedure.

8. The principal Act is amended by the repeal of section *ten* and the substitution therefor of the following:

Repeal and replacement of section 10

10. Subject to the provisions of sections *thirteen, fourteen* and *twenty*, the Assembly or a committee may order a person to—

Power to order attendance of witness

(a) attend before the Assembly or the committee and to give evidence or to produce a paper, book, record or document in the possession or under the control of that person; or

(b) appear before the Assembly or the committee to submit information or report on a matter under the consideration of the Assembly or the committee.

9. Section *eleven* of the principal Act is amended—

Amendment of section 11

(a) in subsection (1), by the deletion immediately after the words “ before the Assembly or ” of the words “ an authorised committee shall ” and the substitution therefor of the word “ may ”; and

(b) by the deletion of subsection (2) and the substitution therefor of the following:

(2) A summons issued under subsection (1) shall specify—

(a) the time and place of hearing; and

(b) the documents required to be produced and by the person summoned.

(3) A summons issued under subsection (1) shall be served on the person named in the summons by—

(a) delivering a copy to the person; or

(b) leaving a copy with an adult person at the usual or last known place of abode in Zambia.

(4) The Assembly shall pay or tender to the person summoned, such sum for the person’s expenses as may be specified by Standing Order; and

(c) by the re-numbering of subsection (3) as subsection (5).

- Insertion of new section 11A
Failure to attend before Assembly or committee
- 10.** The principal Act is amended by the insertion, immediately after section *eleven*, of the following new section:
- 11A. (1) A person summoned by the Assembly or a committee under section *eleven* and who fails, without reasonable cause, to attend before the Assembly or the committee at the time and place specified in the summons commits an offence and is liable, upon conviction, to a fine not exceeding ten thousand penalty units or to imprisonment for a term not exceeding three months, or to both.
- Amendment of section 12
- 11.** Section *twelve* of the principal Act is amended by the deletion of subsection (1) and the substitution therefor of the following:
- (1) The Assembly or the committee may require that a fact, matter or thing relating to the subject of inquiry before the Assembly or that committee is verified or otherwise ascertained by the oral examination of a witness, and may cause that witness to be examined on oath.
- Amendment of section 13
- 12.** Section *thirteen* of the principal Act is amended in subsection (2) by the deletion of the words “any authorised committee” and the substitution therefor of the words “a committee”.
- Amendment of section 14
- 13.** Section *fourteen* of the principal Act is amended—
- (a) in subsection (1) by the deletion of the words “an authorised committee” and the substitution therefor of the words “a committee”; and
- (b) by the deletion of subsection (3) and the substitution therefor of the following:
- (3) Except upon the direction of the President, a person shall not refuse to—
- (a) produce before the Assembly or a committee a paper, book, record or document; or
- (b) give evidence before the Assembly or a committee;
- relating to the correspondence of a civil department or to a matter affecting the public service.
- (4) Secondary evidence shall not be received by or produced before the Assembly or a committee of the contents of a paper, book, record or document which the President has directed shall not be produced.

<p>14. Section <i>fifteen</i> of the principal Act is amended in paragraph (a) of subsection (1) by the deletion of the words “an authorised committee” and the substitution therefor of the words “a committee”.</p>	<p>Amendment of section 15</p>
<p>15. Section <i>sixteen</i> of the principal Act is amended by the deletion of the words “any authorised committee” and the substitution therefor of the word “committee”.</p>	<p>Amendment of section 16</p>
<p>16. Section <i>seventeen</i> of the principal Act is amended by the deletion of the words “five thousand” and the substitution therefor of the words “twenty thousand”.</p>	<p>Amendment of section 17</p>
<p>17. Section <i>eighteen</i> of the principal Act is amended—</p> <p>(a) by the insertion, immediately after the words “deceive the Assembly” of the words “or committee”; and</p> <p>(b) by the deletion of the words “one thousand” and the substitution therefor of the words “ten thousand”.</p>	<p>Amendment of section 18</p>
<p>18. Section <i>nineteen</i> of the principal Act is amended in paragraph (a) by the deletion of the words “an authorised committee” and the substitution therefor of the words “a committee”.</p>	<p>Amendment of section 19</p>
<p>19. Section <i>twenty-two</i> of the principal Act is amended in subsection (4)(a) by the deletion of the word “forfeit” and the substitution therefor of the word “forfeited”.</p>	<p>Amendment of section 22</p>
<p>20. Section <i>twenty-three</i> of the principal Act is amended</p> <p>(a) in paragraph (a), by the insertion immediately before the word “assaults” of the word “threatens”;</p> <p>(b) in paragraph (b), by the insertion immediately after the words “any member by” of the word “threat” and a comma;</p> <p>(c) in paragraph (c), by the insertion immediately after the words “as such officer” of the words “or fails or refuses to comply with an instruction by an officer”; and</p> <p>(d) by the insertion, immediately after paragraph (d) of the following new paragraph:</p> <p>(e) assaults, insults or threatens a member or deprives a member of a benefit on account of the member’s conduct in the Assembly or a committee.</p>	<p>Amendment of section 23</p>
<p>21. The principal Act is amended by the repeal of section <i>twenty-eight</i> and the substitution therefor of the following:</p>	<p>Repeal and replacement of section 28</p>

Disciplinary
powers of
Assembly

28. (1) Where a member is found to have committed a contempt of the Assembly, whether specified in section *nineteen* or otherwise, the Speaker, the Committee on Privileges or a select committee appointed under subsection (6) may impose any one or more of the following penalties:

- (a) a formal warning;
- (b) an admonition;
- (c) a reprimand; and
- (d) an order directing the member to apologise to the Assembly, in a manner determined by the Assembly.

(2) Where a member is found to have committed contempt of the Assembly of a serious nature and none of the other penalties are sufficient for the contempt committed by the member, the Speaker shall, on the resolution of the Assembly, suspend the member from the Assembly for a period not exceeding thirty days.

(3) A member who is suspended from the Assembly shall, during the period of suspension and for the purposes of this Act—

- (a) not enter the precincts of the Assembly;
- (b) not participate in an activity of the Assembly or a committee; and
- (c) not be paid the salary or allowance the member is entitled to for the member's service as a member.

(4) If a person, not being a member, is found to have committed contempt, whether specified in section *nineteen* or otherwise, the Speaker shall order the person to appear before the Assembly and the Speaker shall, upon attendance, admonish or reprimand the person at the Bar of the Assembly.

(5) The Speaker may refer a case of breach of privilege or contempt of the Assembly to the committee on privileges to examine the case and make appropriate recommendations to the Assembly.

(6) Where the alleged breach of privilege or contempt of the Assembly is committed by members of the Committee on Privileges, the Speaker shall appoint a select committee to examine the matter and report accordingly to the Assembly.

22. The principal Act is amended by the insertion, immediately after section *twenty-eight*, of the following new sections:

Insertion of new sections 28A, 28B and 28C

28A. (1) Where a member is to be admonished in accordance with section *twenty-eight* (1), the Assembly or a committee shall direct the member to stand in the member's seat and the Speaker shall proceed to admonish the member.

Manner of admonition or reprimand

(2) Where a member is to be reprimanded, in accordance with section *twenty-eight*(1), the Speaker shall reprimand the member at the bar of the Assembly.

28B. (1) There is established a committee on privileges, which shall assist the Speaker in determining all matters of privileges and immunities of the Assembly and members.

Establishment of Committee on Privileges

(2) The composition, functions, powers and procedure of the committee shall be prescribed in the Standing Orders.

28C. (1) Proceedings for an offence against the Assembly may be instituted by the Assembly ordering the person alleged to have committed the offence to answer a charge or appear before the Assembly or the committee on privileges to answer the charge, on a date and time specified in the order.

Procedure for dealing with offence against Assembly

(2) The order summoning a person to answer a charge or appear before the Assembly or a committee shall be signed by the Clerk, and personally served on the person summoned.

(3) The person summoned shall be given particulars, in writing, of the matter constituting the alleged offence.

(4) The person summoned shall answer the charge or appear before the Assembly or a committee, personally and may be represented by a legal practitioner.

(5) If the person summoned fails, without reasonable cause, to answer to the charge or appear before the Assembly or the committee on privileges, the Assembly or the committee may proceed to determine the matter.

23. The principal Act is amended by the repeal of section *thirty* and the substitution therefor of the following:

Repeal and replacement of section 30

Admissibility
of votes and
proceedings
printed by or
under authority
of Assembly

30. Upon any inquiry touching the privileges, immunities and powers of the Assembly or of a member, a copy of the votes and proceedings, Standing Orders or other document of the Assembly printed or purporting to be printed by the Assembly or under the authority of the Assembly, or a copy of the votes and proceedings, Standing Orders or other document of the Assembly duly authenticated under the hand of the Clerk, shall be admitted as *prima facie* evidence of the contents thereof in all courts and places without any further proof being given.
