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GAZETTE NOTICE No. 539 OF 2025

Notice

THE UNDERMENTIONED Bill which it is proposed to be introduced in the National Assembly is published with this *Gazette* for general information:

No. 7 of 2025: The constitution of Zambia (Amendment)
Bill, 2025

LUSAKA
23rd May, 2025
[co.101/12/11]

P. K. KANGWA,
Secretary to the Cabinet

**THE CONSTITUTION OF ZAMBIA (AMENDMENT)
BILL, 2025**

MEMORANDUM

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

- (a) revise the composition of the National Assembly to provide for the increase in the number of constituency-based seats from one hundred and fifty-six to two hundred and eleven to actualise the delimitation report by the Electoral Commission;
- (b) revise the electoral system for election to the National Assembly to provide for a mixed-member proportional representation electoral system to guarantee the representation of women, youths and persons with disabilities;
- (c) revise the provision relating to filing of fresh nominations on resignation of a candidate;
- (d) revise the provisions relating to by-elections;
- (e) revise the number of nominated Members of Parliament;
- (f) harmonise the term of Parliament and council to achieve a five-year term;
- (g) provide for a vacancy in the office of Minister and Provincial Minister ninety days before a general election;
- (h) remove the two-term limit for office of mayor and council chairperson;
- (i) revise the composition of the council to include Members of Parliament holding constituency-based seats;
- (j) revise the qualifications for appointment to the office of Secretary to the Cabinet;
- (k) provide for the Attorney-General and Solicitor-General to continue in office, after a general election, until new office bearers are appointed;
- (l) revise the definition of the words “child” and “adult”;
- (m) provide for clarity on the period within which an election petition shall be concluded; and
- (n) provide for matters connected with, or incidental to, the foregoing.

M. D. KABESHA,
Attorney-General

N. A. B. 7, 2025
23rd May, 2025

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, 2025, 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. Article 47 of the Constitution is amended by the—

Amendment
of Article 47

(a) deletion of clause (2) and the substitution therefor of the following:

(2) Elections to the National Assembly shall be conducted under a mixed-member proportional representation electoral system, as follows:

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(a) first-past-the-post electoral system for Members of Parliament contesting for constituency-based seats; and

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(b) proportional representation electoral system for women, youths and persons with disabilities as prescribed.;

(b) insertion of the following new clause immediately after clause 2:

(3) The seats under the proportional representation electoral system, referred to in clause (2)(b), shall be distributed, after an election, by the Electoral Commission, to political parties, in proportion to the total number of votes obtained by a political party on the proportional representation ballot, as prescribed.; and 5

(c) renumbering of clauses (3) and (4) as clauses (4) and (5), respectively.

Amendment
of Article 51

3. Article 51(a) of the Constitution is amended by the deletion of the words “of the election” and the substitution therefor of the words “for nominations”. 10

Amendment
of Article 52

4. Article 52 of the Constitution is amended —

(a) by the deletion of clause (1) and the substitution therefor of the following: 15

(1) A candidate who intends to contest for an election in accordance with Articles 47(1), 47(2)(a) and 47(4), shall file that candidate’s nomination paper to a returning officer, supported by an affidavit stating that the candidate is qualified for nomination as President, Member of Parliament for a constituency-based seat, mayor, council chairperson or councillor, in the manner, on the day, and at the time and placeset by the Electoral Commission, by regulations. 20

(b) in clause (4), by the insertion of the words “and determine” immediately after the word “hear”; and 25

(c) by the deletion of clause (6) and the substitution therefor of the following:

(6) Where a candidate —

(a) resigns after having been nominated in accordance with this Article, the candidate shall not be eligible to contest the election, and the election shall proceed to be held on the date prescribed for holding the election; 30 35

(b) has been disqualified by a court, after close of nominations, the candidate shall not be eligible to contest the

elections, and the election shall proceed to be held on the date prescribed for holding the election; or

5 (c) dies before the date prescribed for the holding of the election, the Electoral Commission shall cancel the election, and call for the filing of fresh nominations, and the election shall be held within thirty days of receipt of the fresh nominations.

5. The Constitution is amended by the repeal of Article 57 and the substitution therefor of the following:

Repeal and replacement of Article 57

15 57. (1) Where a vacancy occurs in the office of an independent Member of Parliament holding a constituency-based seat, independent mayor, council chairperson or councillor, a by-election shall be held within ninety days of the occurrence of the vacancy.

By-elections for independent member of parliament, mayor, council chairperson or councillor

20 (2) A by-election referred to in clause (1) shall not be held within the one hundred-and eighty-day period that precedes a general election.

(3) The Electoral Commission shall, by regulations, set the place where, and the date and time when, a by-election is to be held.

25 6. Article 58 of the Constitution is amended by the deletion of clause (2) and the substitution therefor of the following:

Amendment of Article 58

(2) The number of constituencies shall be equal to the number of constituency-based seats in the National Assembly, as specified in Article 68(a).

30 7. The Constitution is amended by the repeal of Article 68 and the substitution therefor of the following:

Repeal and replacement of Article 68

68. The National Assembly shall consist of —

Composition of National Assembly

35 (a) two hundred and eleven Members of Parliament directly elected on the basis of a simple majority vote under the first-past-the-post electoral system, in accordance with Article 47(2)(a);

40 (b) not more than twenty women elected on the basis of the proportional representation electoral system in accordance with Article 47(2)(b) as prescribed;

(c) not more than twelve youths elected on the basis of the proportional representation electoral system in accordance with Article 47(2)(b) as prescribed;

(d) not more than three persons with disabilities elected on the basis of the proportional representation electoral system in accordance with Article 47(2)(b) as prescribed;

(e) not more than ten nominated members;

(f) the Vice-President;

(g) the Speaker; and 10

(h) the First and Second Deputy Speakers.

Amendment
of Article 71

8. Article 71 of the Constitution is amended by the deletion of paragraph (b) and the substitution therefor of the following:

(b) in the case of a constituency-based seat, is supported by at least fifteen persons registered as voters in the constituency in which the candidate is contesting an election. 15

Amendment
of Article 72

9. Article 72 of the Constitution is amended by the —

(a) deletion of clause (2)(h) and the substitution therefore of the following: 20

(h) is disqualified in accordance with this Constitution;

(b) deletion of clause 8 and the substitution therefor of the following:

(8) Where a vacancy occurs in the National Assembly for a Member of Parliament, the Speaker shall, within seven days of the occurrence of the vacancy, inform the Electoral Commission of the vacancy, in writing, and the political party that sponsored the member who held the seat shall elect another person to replace that member to assume that seat in the National Assembly. 25 30

(c) insertion of the following new clauses immediately after clause (8):

(9) Where a person is elected to the office of Member of Parliament in accordance with clause (8) that Member of Parliament shall serve for the unexpired term of Parliament.

5 (10) A person elected to the office of Member of Parliament in accordance with clause (8) shall meet the requirements specified under Article 70.

(11) A vacancy under clause (8) shall not be filled within the one-hundred-and-eighty-day period that precedes a general election.

(12) The Electoral Commission shall, by regulations—

(a) set the date and time for submission of the name of the person elected in accordance with clause (8), to the Electoral Commission, to assume the vacant seat in the National Assembly; and

(b) provide the period for completion of the processes specified in clause (8).; and

20 (d) renumbering of clause (9) as clause (13).

10. Article 73(2) of the Constitution is amended by the insertion of the words “and determined” immediately after the word “heard”. Amendment of Article 73

11. The Constitution is amended by the repeal of Article 81 and the substitution therefor of the following: Repeal and replacement of Article 81

81. (1) The term of Parliament and term of office of a Member of Parliament shall be five years commencing from the date of the first sitting of Parliament after a general election. Term and prorogation of Parliament

30 (2) The National Assembly may, when the Republic is at war, by resolution supported by a simple majority vote of the Members of Parliament, extend the term of Parliament for not more than twelve months at a time.

35 (3) Parliament shall stand dissolved a day preceding the date of the next general election.

(4) Notwithstanding clause (3), Parliament shall not sit or conduct any business ninety days before the holding of the next general election.

(5) Subject to clauses (6), (7) and (8), the President may dissolve Parliament if the Executive cannot effectively govern the Republic due to the failure of the National Assembly to objectively and reasonably carry out its legislative function. 5

(6) Where the President intends to dissolve Parliament in accordance with clause (5), the President shall inform the public and refer the matter, within seven days, to the Constitutional Court. 10

(7) The Constitutional Court shall hear and determine the matter referred to it in accordance with clause (6), within seven days of receipt of the matter.

(8) The Constitutional Court shall, where it decides that the situation in clause (5) exists, inform the President and the President shall dissolve Parliament. 15

(9) Where Parliament is dissolved under clauses (3) and (5), the President shall, until the President-elect assumes office, continue to perform the executive functions in accordance with Article 104. 20

(10) Where Parliament is dissolved under clause (5), a general election shall be held within ninety days of the dissolution.

(11) The President may, due to a state of war, state of public emergency or threatened state of public emergency after the— 25

(a) dissolution of Parliament and before the holding of general elections, recall the National Assembly that was dissolved; or 30

(b) suspension of sittings and conduct of business under clause (4), recall the National Assembly. 35

(12) The President may, in consultation with the Speaker, prorogue Parliament by proclamation.

Amendment of Article 103 12. Article 103(2) of the Constitution is amended by the insertion of the words “and determine” immediately after the word “hear”. 35

13. Article 116 of the Constitution is amended by the insertion of the following new clause immediately after clause (3): Amendment of Article 116

(4) Notwithstanding clause (3), the office of Minister shall become vacant ninety days before a general election.

5 14. Article 117 of the Constitution is amended by the— Amendment of Article 117

(a) insertion of the following new clause immediately after clause (2):

(3) Notwithstanding clause (2), the office of Provincial Minister shall become vacant ninety days before a general election.; and

(b) renumbering of clause (3) as clause (4).

15 15. Article 149(7) of the Constitution is amended by the insertion of the word “electoral” immediately before the word “boundaries”. Amendment of Article 149

15 16. Article 153 of the Constitution is amended — Amendment of Article 153

(a) in clause (1) by the deletion of the figure “47(3)” and the substitution therefor of the figure “47(4)”;

(b) in clause (2) by the —

(i) insertion of the following new paragraph immediately after paragraph (a):

(b) a Member of Parliament from each constituency within the district; and

(ii) renumbering of paragraphs (b) and (c) as paragraphs (c) and (d), respectively;

25 (c) by the repeal of clause (6) and the substitution therefor of the following:

(6) The term of a council shall be five years commencing from the date of the first sitting of a council after a general election and ending on the day Parliament is dissolved.; and

30 (d) by the insertion of the following new clause immediately after clause (6):

(7) Notwithstanding clause (6), a council shall not sit or conduct any business ninety days before the holding of the next general election.

Repeal and
replacement
of Article
154

17. The Constitution is amended by the repeal of Article 154 and the substitution therefor of the following:

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Mayor,
deputy
mayor,
council
chairperson
and deputy
chairperson

154. (1) There shall be a mayor and deputy mayor or council chairperson and deputy council chairperson for every council, as prescribed.

(2) A person is eligible to be elected as a mayor or council chairperson, if that person—

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(a) is a citizen;

(b) is at least twenty-one years old;

(c) is a registered voter;

(d) has obtained, as a minimum academic qualification, a grade twelve certificate or its equivalent; and

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(e) declares that person's assets and liabilities, as prescribed.

(3) A mayor and council chairperson shall be elected directly, in accordance with Article 47(4) during elections for councillors, as prescribed.

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(4) A deputy mayor and a deputy council chairperson shall be elected by the councillors from amongst themselves.

Repeal and
replacement
of Article
158

18. The Constitution is amended by the repeal of Article 158 and the substitution therefor of the following:

Vacancy in
office of
mayor,
council
chairperson
or councillor

158. (1) Where a vacancy occurs in the office of mayor, council chairperson or councillor, the Town Clerk or Council Secretary of the local authority shall, within seven days of the occurrence of the vacancy, inform the Electoral Commission of the vacancy, in writing, and the political party that sponsored the mayor, council chairperson or councillor who held the seat, shall elect another person to replace that mayor, council chairperson or councillor and that person shall assume that seat in a council.

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(2) Where a person is elected to the office of mayor, council chairperson or councillor in accordance with clause (1) that mayor, council chairperson or councillor, shall serve for the unexpired term of a council.

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(3) A person elected to the office of councillor in accordance with clause (1) shall meet the requirements specified under Article 153(4).

5 (4) A person elected to the office of mayor or council chairperson in accordance with clause (1) shall meet the requirements specified under Article 154(2).

(5) A vacancy under clause (1) shall not be filled within the one-hundred-and-eighty-day period that precedes a general election.

10 (6) The Electoral Commission shall, by regulations—

(a) set the date and time for submission of the name of the person elected in accordance with clause (1), to the Electoral Commission, to assume the vacant seat in a council; and

15 (b) provide the period for completion of the processes specified in clause (1).

19. Article 159 (4) of the Constitution is amended by the insertion of the words “and determined” immediately after the word “heard”. Amendment of Article 159

20 20. Article 176(3) of the Constitution is amended by the deletion of the word “ten” and the substitution therefor of the word “five” immediately before the word “years”. Amendment of Article 176

21. Article 178(1) of the Constitution is amended by the— Amendment of Article 178

(a) deletion of paragraph (b); and

25 (b) renumbering of paragraphs (c) and (d) as paragraphs (b) and (c), respectively.

22. Article 179(4) of the Constitution is amended by the— Amendment of Article 179

(a) deletion of paragraph (b); and

30 (b) renumbering of paragraphs (c) and (d) as paragraphs (b) and (c), respectively.

23. Article 266 of the Constitution is amended by — Amendment of Article 266

(a) the deletion of the definitions of “adult”, “by-election”, “child”, “election”, “general election” and “term” and the substitution therefor of the following in the appropriate places in alphabetical order:

“adult” means a person who has attained the age of eighteen years;

“by-election” means an election to fill a vacancy in the office of an independent Member of Parliament holding a constituency-based seat, independent mayor, council chairperson or councillor;

“child” means a person who is below the age of 5 eighteen years;

“election” means an election to the office of President, Member of Parliament, mayor, council chairperson or a councillor;

“general election” means elections to the office of 10 President, Member of Parliament, mayor, council chairperson or a councillor when held on the same day;

“term” means a period commencing when Parliament or a council first sits, after a general election, 15 ending when Parliament is dissolved, except as is provided under Article 106; and

“youth” means a person who has attained the age of eighteen years, but is below the age of thirty-five years; and 20

(b) the insertion of the following new definition in the appropriate place:

“constituency-based seat” means a seat in the National Assembly that is held by a Member of Parliament elected under the first-past-the-post 25 electoral system