

Volume 2

LAWS OF THE
REPUBLIC OF ZAMBIA

1995 Edition (Revised)

Volume 2

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REPUBLIC OF ZAMBIA

THE INTERPRETATION AND GENERAL PROVISIONS ACT

CHAPTER 2 OF THE LAWS OF ZAMBIA

CHAPTER 2 THE INTERPRETATION AND GENERAL PROVISIONS ACTCHAPTER 2

THE INTERPRETATION AND GENERAL PROVISIONS ACT

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CHAPTER 2

INTERPRETATION AND GENERAL PROVISIONS

An Act to amend and consolidate the law relating to the construction, application and interpretation of written law; to provide for the exercise of statutory powers and duties; and to provide for matters incidental to or connected with the foregoing.

[24th October, 1964]60 of 1964

13 of 1965

27 of 1965

29 of 1965

39 of 1965

58 of 1965

69 of 1965

40 of 1967

9 of 1968

4 of 1970

43 of 1970

47 of 1970

51 of 1970

20 of 1971

4 of 1989

13 of 1994

PART I

PRELIMINARY

1. This Act may be cited as the Interpretation and General Provisions Act.Short title

2. (1) The provisions of this Act shall apply to every written law passed or made before or after the commencement, unless a contrary intention appears in this Act or in the written law concerned.Application

(2) The provisions of this Act shall apply to this Act as they apply to an Act passed after the commencement.

PART II

GENERAL PROVISIONS OF INTERPRETATION

3. The following words and expressions shall have the meanings hereinafter assigned to them respectively, that is to say:Interpretation

"Act" and "Act of Parliament" mean an enactment of Parliament;

"act", used with reference to an offence or civil wrong, includes a series of acts, and words which refer to acts done extend to illegal omissions;

"this Act" includes any statutory instrument made and in force under the Act in which the expression appears;

"Administrative Officer" means, a District Secretary and an Assistant District Secretary;

"Appeal Judge" means a Judge of the supreme court or a High Court judge when exercising appellate jurisdiction.

"Applied Act" means an enactment of the Legislature of the former Federation of Rhodesia and Nyasaland in force in the Republic by virtue of the provisions of the Federation of Rhodesia and Nyasaland (Dissolution) Order in Council, 1963; App. 2

"area"- in relation to a City Council, Municipal Council, Town Council or District Council, has the meaning assigned thereto by section two of the Local Government Act; Cap. 281

"Assistant District Secretary" means a public officer appointed as such and, in relation to any District, means an Assistant District Secretary for the time being exercising and performing his functions in that District;

"Attorney-General" means the Attorney-General of Zambia; Cap. 1

"Auditor-General" means the Auditor-General for Zambia; Cap. 1

"British Act" means an Act of the Parliament of the United Kingdom extended or applied to the Republic;

"Cabinet" means the Cabinet established by the Constitution;

"Chief Justice" means the Chief Justice of Zambia;

"Christian name" means any name prefixed to the surname whether received in Christian baptism or not;

"coin" means any coin legally current in Zambia;

"commencement", used in or with reference to any written law, means the date on which the same came or comes into operation;

"commissioner for oaths" means a person appointed as a commissioner for oaths by or under the Commissioners for Oaths Act; Cap. 34

"Common Law" means the Common Law of England;

"Constitution" means the Constitution of Zambia as by law established;

"contravene", in relation to any requirement or condition prescribed in any written law or in any grant, permit, lease, licence or authority granted under any written law, includes a failure to comply with that requirement or condition;

"coroner" means a person empowered or appointed to hold inquests under the Inquests Act; Cap. 37

"council" means a City council, Municipal council, Town council or District council;

"court" means a court of competent jurisdiction for Zambia;

"customs officer" means an officer as defined in section two of the Customs and Excise Act;Cap. 322

"definition" means the interpretation given by any written law to any word or expression;

"Deputy Speaker" means the Deputy Speaker of the National Assembly;

"District" means any one of the administrative districts into which Zambia is divided by the President in exercise of powers conferred on him in that behalf under any written law;

"District Executive Secretary" in relation to a District Council means the chief Executive of a Council, and includes any person for the time being discharging the functions of the Chief Executive

"document" includes any publication and any matter written, expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means, which is intended to be used or may be used for the purpose of recording that matter;

"export" means to take or cause to be taken out of Zambia;

"financial year" means the period of twelve months ending on the 31st December in any year;

"functions" includes powers and duties;

"Gazette" means the official Gazette of the Government and includes any supplement to the Gazette and any matter referred in the Gazette as being published with the Gazette;

"Government" means the Government of Zambia;

"Government Printer" means the Government Printer of Zambia and any other printer authorised by or on behalf of the Government to print any written law or any other document of the Government;

"High Court" means the High Court for Zambia;

"immigration officer" means an immigration officer as defined in section two of the Immigration and Deportation Act;Cap. 123

"import" means to bring or cause to be brought into Zambia;

"Judge" means a Judge of the High Court;

"Junior Minister" means a Deputy Minister;

"land" includes anything attached to the earth or permanently fastened to anything which is attached to the earth, but shall not include any mineral right in or under or in respect of any land;

"legal practitioner" means a person who has been admitted to practice as a

barrister and solicitor under the Legal Practitioners Act and whose name is duly entered on the Roll kept in pursuance of the provisions of the said Act;Cap. 30

"magistrate" means any person empowered to preside over a subordinate court established under the Subordinate Courts Act;Cap. 28

"Minister", in relation to the functions conferred or imposed by any written law or any provision in a written law, means the member of the Cabinet or other person for the time being vested with such functions;

"month" means a calendar month;

"municipal council" has the meaning assigned thereto by section two of the Local Government Act;Cap. 281

"municipality" has the meaning assigned thereto by section two of the Local Government Act;Cap. 281

"National Assembly" means the National Assembly of Zambia;

"oath", "swear" or "affidavit" includes and applies to the affirmation or declaration of any person by law allowed to make an affirmation or declaration in lieu of oath;

"occupy" includes use, inhabit, to be in possession of or enjoy the premises in respect whereof the word is used, otherwise than as a mere servant or for the mere purpose of the care, custody or charge thereof;

"offence" means any crime, felony, misdemeanour, contravention or other breach of, or failure to comply with, any written law, for which a penalty is provided;

"Officer" in relation to a council, has the meaning assigned thereto by section two of the Local Government Act;Cap. 281

"Ordinance" means a statute enacted by the Legislature of Northern Rhodesia before the 24th October, 1964;

"Parliament" means the Parliament of Zambia;

"Part", "regulation", "rule", "Schedule" and "section" denote respectively a Part, regulation, rule and section of, and a Schedule to, the written law in which the word occurs; and a "paragraph" and "subsection" denote respectively a paragraph of the regulation, rule, section or subsection, and a subsection of the section, in which the word occurs;

"Permanent Secretary" means a public officer appointed as such and, in relation to any Ministry or Province means the Permanent Secretary for the time being exercising and performing his functions in that Ministry or Province;

"person" includes any company or association or body or persons, corporate or unincorporate;

"personal property", "personalty" or "goods" includes money, bonds, bills, notes, deeds, chattels real, mining rights in or under or in respect of any land and corporeal property of every description other than real property;

"police officer" means a member of the Zambia Police Force;

"prescribed" means prescribed by or under the written law in which the word occurs;

"President" means the President of Zambia;

"Province" means any one of the Provinces into which Zambia is divided by the President in exercise of powers conferred on him in that behalf under any written law;

"publication" includes all written and printed matter and any record, tape, wire, perforated roll, cinematograph film or other contrivance by means of which any words or ideas may be mechanically or electrically produced, reproduced, represented or conveyed, and everything whether of a nature similar to the foregoing or not, containing any visible representation, or by its form, shape or in any manner capable of producing, reproducing, representing or conveying words or ideas, and every copy and reproduction of any publication;

"public holiday" means any day which is a public holiday by virtue of the provisions of the Public Holidays Act; Cap. 272

"public office", "public officer" and "the public service" have the same meaning as in the Constitution;

"Public Seal" means the Public Seal of the Republic;

"public place" or "public premises" includes any public way and any building, place or conveyance to which, for the time being, the public are entitled or permitted to have access, either without any condition or upon condition of making any payment, and any building or place which is for the time being used for any public or religious meetings, or assembly or as an open court;

"registered", used with reference to a document or the title to any real property or personal property, means registered under the provisions of any written law for the time being applicable to the registration of such document or title;

"the Republic" means the sovereign Republic of Zambia;

"repeal" includes revoke, rescind or cancel;

"sell" includes barter, exchange and offer to sell or expose for sale;

"Speaker" means the Speaker of the National Assembly;

"statutory corporation" means any body directly incorporated by an Act, Applied Act or Ordinance;

"statutory declaration", if made-

(a) in Zambia, means a declaration made under the British Act known as the Statutory Declarations Act, 1835, or under any Act providing for statutory declarations;

(b) in the Commonwealth, elsewhere than in Zambia, means a declaration made before a notary public, commissioner for oaths or other person having authority therein under any law for the time being in force to take or receive a

declaration;

(c) in any other place, means a declaration made before a British consul or vice-consul, or before any person having authority under any Act of Parliament of the United Kingdom for the time being in force to take or receive a declaration;

"statutory instrument" means any proclamation, regulation, order, rule, notice or other instrument (not being an Act of Parliament) of a legislative, as distinct from an executive, character;

"statutory notice" means a notice made by statutory instrument;

"statutory order" means an order made by statutory instrument;

"statutory proclamation" means a proclamation made by statutory instrument;

"street" or "road" includes any highway, street, road, bridge, square, court, alley, lane, footway, parade, thoroughfare, passage or open space to which the public are entitled or permitted to have access, whether on payment or otherwise;

"Supreme Court" means the Supreme for Zambia; Cap. 1

"vessel". includes any ship or boat or other floating craft used for transport by water;

"veterinary surgeon" means a person registered as a veterinary surgeon under the Veterinary Surgeons Act; Cap. 243

"Vice-President" means the Vice-President of Zambia;

"will" includes a codicil and every writing making a voluntary posthumous disposition of property;

"writing" and expressions referring to writing include printing, photography, lithography, typewriting and any other modes of representing or reproducing words in visible form;

"written law" means an Act, an Applied Act, an Ordinance and a statutory instrument.

(As amended by Nos. 29, 39, 58 and 69 of 1965, No. 40 of 1967, No. 9 of 1968, Nos. 43 and 51 of 1970 and No. 20 of 1971)

4. (1) Where any word or expression is defined in a written law, the definition shall extend to the grammatical variations of the word or expression so defined. Grammatical variations, gender and number

(2) Words and expressions in a written law importing the masculine gender include females.

(3) Words and expressions in a written law in the singular include the plural and words and expressions in the plural include the singular.

(4) Where the words "or", "other" and "otherwise" are used in any written law they shall be construed disjunctively and not as implying similarity, unless the

word "similar" or some other word of like meaning is added.

5. Where any written law authorises or requires any document to be served by post, the service shall be deemed to be effected by properly addressing, prepaying and posting by registered post a letter containing the document and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of the post. Service by post

5A. Whenever in any written law any Province, District or other area is referred to by name, the provision in question shall be read and construed as a reference to such Province, District or other area by the name currently assigned thereto by any written law.

(No. 47 of 1970) Names of Provinces, Districts, etc.

PART III

GENERAL PROVISIONS REGARDING WRITTEN LAWS

6. (1) Every Act, Applied Act or British Act shall be a public Act and shall be judicially noticed as such. Acts, Applied Acts and Ordinances to be public Acts or Ordinances

(2) Every Ordinance shall be a public Ordinance and shall be judicially noticed as such.

7. (1) Where any written law is referred to, it shall be sufficient for all purposes to cite such written law either by the short title or citation, if any, by which it is made citable. Citation

(2) An Ordinance or an Act contained in any revised edition or Ordinances and Acts issued under any written law providing for the revised edition of such Ordinances and Acts may be cited by its short title or its chapter number in the revised edition.

(3) An Applied Act contained in any revised edition of Applied Acts issued under any written law providing for the revised edition of such Applied Acts may be cited by its short title or its chapter number in the revised edition.

(4) Any citation as aforesaid of a written law shall be construed as a reference to such written law as amended from time to time by any other written law or other instrument.

8. A British Act may be cited by its short title or citation, if any, or by reference to the regnal or calendar year in which it was passed and by its chapter or number. Citation of Acts of the Parliament of the United Kingdom

9. Every Schedule to or table in any written law, together with notes thereto, shall be construed and have effect as part of such written law. Schedules and tables to be part of written laws

10. When a written law is divided into Parts, titles or other subdivisions, the fact and particulars of such divisions and subdivisions shall, with or without express mention thereof in such written law, be taken notice of in all courts and for all purposes whatsoever. Subdivision of written laws

11. Where any written law repealing in whole or in part any former written

law is itself repealed, such last repeal shall not revive the written law or provisions before repealed unless words be added reviving such written law or provisions. Repealed written law not revived

12. Where any written law which has been amended by any other written law is itself repealed, such repeal shall include the repeal of all those provisions of other written laws by which such first-mentioned written law has been amended. Repeal of amended law to include amendments

13. Where a written law repeals wholly or partially any former written law and substitutes provisions for the written law repealed, the repealed written law shall remain in force until the substituted provisions come into operation. Repeal and substitution

14. (1) Where in any written law a reference is made to another written law or the Constitution, such reference shall be deemed to include a reference to such last-mentioned written law or the Constitution as the same may from time to time be amended. Provisions with respect to amended written law and effect of repealing written law

(2) Where a written law repeals and re-enacts, with or without modification, any provision of a former written law or the Constitution, references in any other written law to the provisions so repealed shall be construed as references to the provisions so re-enacted.

(3) Where a written law repeals in whole or in part any other written law, the repeal shall not-

(a) revive anything not in force or existing at the time at which the repeal takes effect; or

(b) affect the previous operation of any written law so repealed or anything duly done or suffered under any written law so repealed; or

(c) affect any right, privilege, obligation or liability acquired, accrued or incurred under any written law so repealed; or

(d) affect any penalty, forfeiture, or punishment incurred in respect of any offence committed against any written law so repealed; or

(e) affect any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid, and any such investigation, legal proceedings, or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the repealing written law had not been made.

(As amended by No. 43 of 1970)

15. Where any Act, Applied Act or Ordinance or part thereof is repealed, any statutory instrument issued under or made in virtue thereof shall remain in force, so far as it is not inconsistent with the repealing written law, until it has been repealed by a statutory instrument issued or made under the provisions of such repealing written law, and shall be deemed for all purposes to have been made thereunder. Effect of repeal of written law on statutory instrument made under it

16. Where one written law amends another written law, the amending written

law shall, so far as it is consistent with the tenor thereof, be construed as one with the amended written law. Construction of amending written law with amended written law

17. Upon the expiry of any written law, the provisions of subsection (3) of section fourteen shall apply as if such written law had been repealed. Effect of expiry of written law

PART IV

STATUTORY INSTRUMENTS

18. Every statutory instrument shall be published in the Gazette and shall be judicially noticed. Publication of statutory instruments

19. (1) Subject to the provisions of this section-Commencement of statutory instruments

(a) the date of commencement of a statutory instrument shall be the date of its publication in the Gazette or, where a later date is specified therein, such later date; and

(b) every statutory instrument shall be deemed to come into force immediately on the expiration of the day next preceding the date of its commencement.

(2) A statutory instrument made and published on the date of commencement of the written law under which the instrument is made shall be deemed to come into force simultaneously with that written law.

(3) References in this section to the date of commencement of the written law under which a statutory instrument is made shall, where different provisions of that written law come into force on different dates, be construed as references to the date of commencement of the particular provision under which the instrument is made.

(4) The provisions of this section shall be without prejudice to the operation of section twenty-three.

20. (1) Any reference in a statutory instrument to "the Act" or "the Ordinance" shall be construed as a reference to the Act or Ordinance, as the case may be, under which the instrument was made. General provisions relating to statutory instruments

(2) Terms and expressions used in a statutory instrument shall have the same meaning as in the written law under which the instrument was made.

(3) A statutory instrument may at any time be amended or repealed by the authority by which it was made or, if that authority has been lawfully replaced by another authority, by that other authority.

(4) Any provision of a statutory instrument which is inconsistent with any provision of an Act, Applied Act or Ordinance shall be void to the extent of the inconsistency.

(5) A statutory instrument may provide in respect of any contravention of any provision of that statutory instrument:

(a) that the offender shall be liable-

(i) to any fine not exceeding two thousand five hundred penalty units or any term of imprisonment not exceeding two years or both;

(ii) in the case of a continuing offence, to an additional penalty not exceeding a fine of twenty five penalty units in respect of each day on which the offence continues;

(iii) in respect of a second or subsequent contravention, to a higher penalty not exceeding either of the limits prescribed in sub-paragraph (i);

(b) that the court convicting the offender may or shall as the case may be, order the forfeiture to the State of anything with which the contravention was done or which was used in, or for the purpose of, or in relation to or in connection with, the commission of the contravention;

(c) for the punishment of any director or other principal officer of a body of persons or other person purporting to act in any such capacity, where a contravention committed by, or in connection with, the affairs of a body of persons, was done with the consent or connivance of, or was attributable to the neglect of, any such director, principal officer or other person.

(6) Any act done under or by virtue of or in pursuance of a statutory instrument shall be deemed to be done under or by virtue of or in pursuance of the written law conferring power to make the instrument.

(7) Every statutory instrument shall be deemed to be made under all powers thereunto enabling, whether or not it purports to be made in exercise of a particular power or particular powers.

(8) Where a written law confers power on any authority to make a statutory instrument for any general purpose, and also for any special purposes, the enumeration of the special purposes shall not be deemed to derogate from the generality of the powers conferred with reference to the general purpose.

(As amended by Act No. 4 of 1989 and Act No. 13 of 1994)

21. Any reference to a written law in any other written law shall include a reference to any statutory instrument made under the written law to which reference is made. Reference to written law to include statutory instruments

22. (1) All rules, regulations and by-laws shall be laid before the National Assembly as soon as may be after they are made, and, if a resolution is passed within the next subsequent twenty-one days on which the National Assembly has sat after any such rule, regulation or by-law is laid before it that the rule, regulation or by-law be annulled, it shall thenceforth be void but without prejudice to the validity of anything previously done thereunder, or to the making of any new rule, regulation or by-law. Rules to be laid before the National Assembly

(2) The reference to rules in subsection (1) shall not include a reference to rules of court.

PART V

POWERS AND DUTIES

23. Where by an Act which is not to come into force immediately on the publication thereof there is conferred-

- (a) a power to make or a power exercisable by making statutory instruments; or
- (b) a power to make appointments; or
- (c) a power to do any other thing for the purposes of the Act;

that power may be exercised at any time on or after the date of publication of the Act in the Gazette: Exercise of power between publication and commencement of Act

Provided that no instrument, appointment or thing made or done under that power shall, unless it is necessary to bring the Act into force, have any effect until the commencement of the Act.

24. Where any written law confers any power or imposes any duty, the power may be exercised and the duty shall be performed from time to time as occasion requires. Time for exercise of power

25. Where any written law confers a power on any person to do or enforce the doing of an act or thing, all such powers shall be understood to be also given as are reasonably necessary to enable the person to do or enforce the doing of the act or thing. Implied power

26. Where by any written law a power to make any appointment is conferred, the authority having power to make the appointment shall also have power (subject to any limitations or qualifications which affect the power of appointment) to remove, suspend, reappoint or reinstate any person appointed in the exercise of the power. Power to appoint includes power to remove

27. Where by or under any written law any board, commission, committee, council or similar body, whether corporate or unincorporate, is established, any person who is by such written law empowered to appoint any or all of the members thereof may-

- (a) appoint one or more duly qualified persons to be alternate members of the same, and any one such alternate member may attend any meeting of the same when a substantive member is temporarily unable to attend;
- (b) appoint a duly qualified person to be a temporary member of the same in the place of any substantive member who is precluded by illness, absence from Zambia or other cause from exercising his functions as such;

and when attending any meeting of such board, commission, committee, council or similar body, whether corporate or unincorporate, such alternate or temporary member shall be deemed for all purposes to be a member of the same. Power to appoint alternate or temporary members

28. Where by any written law a power is conferred on any authority to appoint the members of any board, commission, committee, council or similar body, that authority may appoint a chairman, a vice-chairman and a secretary of the same. Power to appoint chairman, etc.

29. Where by any written law any authority is empowered to appoint a person-

- (a) to exercise any power or perform any duty; or
- (b) to be a member of any board, commission, committee, council or similar body, whether corporate or unincorporate; or
- (c) to be or do any other thing;

that authority may make the appointment either by appointing a person by name or by appointing the holder of an office by the terms designating his office; and any such appointment of the holder of an office shall be construed as the appointment of the person for the time being lawfully holding, acting in or performing the functions of the office. Appointment by name or office

30. Any reference in a written law to the holder of an office by the term designating his office shall be construed as a reference to the person for the time being lawfully holding, acting in or performing the functions of the office.

(As amended by No. 13 of 1965) Reference to holder of office includes a person discharging functions of office

31. Where by any written law any act or thing may or is required to be done by more than two persons, a majority of them may do it. Power of majority

32. Any power conferred or duty imposed on the Attorney-General by any written law may be exercised or performed by the Solicitor-General-

- (a) in the case where the Attorney-General is unable to act owing to illness or absence; and
- (b) in any case or class of cases where the Attorney-General has authorised the Solicitor-General to do so. Law officers

33. Where by or under any written law any board, commission, committee, council or similar body, whether corporate or unincorporate, is established, the powers of such board, commission, committee, council or similar body shall not be affected by-

- (a) any vacancy in the membership thereof; or
- (b) any defect afterwards discovered in the appointment or qualification of a person purporting to be a member thereof. Powers of board, etc., not affected by vacancy, etc.

34. Where by or under any written law any board, commission, committee, council or similar body is constituted to be a body corporate having perpetual succession and a common seal, and any document is required to be sealed with such common seal, then, in the absence of express provision to the contrary, such common seal shall be affixed by the chairman of such board, commission, committee, council or similar body and shall be authenticated by his signature and by the signature of one other member of such board, commission, committee, council or similar body. Affixing of common seal

PART VI

GENERAL PROVISIONS REGARDING TIME AND DISTANCE

35. In computing time for the purposes of any written law-

(a) a period of days from the happening of an event or the doing of any act or thing shall be deemed to be exclusive of the day on which the event happens or the act or thing is done;

(b) if the last day of the period is Sunday or a public holiday (which days are in this section referred to as "excluded days") the period shall include the next following day, not being an excluded day;

(c) where any act or proceeding is directed or allowed to be done or taken on a certain day, then, if that day happens to be an excluded day, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards, not being an excluded day;

(d) where an act or proceeding is directed or allowed to be done or taken within any time not exceeding six days, excluded days shall not be reckoned in the computation of the time. Computation of time

36. Where no time is prescribed, or allowed within which anything shall be done, such thing shall be done without unreasonable delay, and as often as due occasion arises. Provisions where no time prescribed

37. Where in any written law a time is prescribed for doing any act or taking any proceeding and power is given to a court or other authority to extend such time, then, unless a contrary intention appears, such power may be exercised by the court or other authority although the application for the same is not made until after the expiration of the time prescribed. Construction of power to extend time

38. In the determination of any distance for the purpose of any written law, the measured distance shall be reduced to that distance which would be recorded if the distance were measured in a straight line on a horizontal plane. Measurement of distance

PART VII

GENERAL PROVISIONS REGARDING LEGAL PROCEEDINGS

39. Any civil or criminal proceedings taken by or against any person in virtue of his office shall not be discontinued or abated by his death, resignation, or absence or removal from office, but may be carried on by or against, as the case may be, the person for the time being holding that office. Ex-officio proceedings not to abate on death, etc.

40. The imposition of a penalty or fine by or under the authority of any written law shall not, in the absence of express provision to the contrary, relieve any person from liability to answer for damages to any person injured. Imposition of a penalty no bar to civil action

41. (1) Where an act or omission constitutes an offence against any two or more statutory enactments or both under a statutory enactment and the Common Law or any customary law, the offender shall be liable to be prosecuted and punished under either or any of such statutory enactments or at Common Law or under customary law, but shall not be liable to be punished twice for the same

offence. Provisions as to offences under two or more laws

(2) For the purpose of this section, "statutory enactment" means any order in Council, British Act or written law.

42. Where an act or omission constitutes an offence and the penalty for such offence is amended between the time of the commission of such offence and the conviction therefor, the offender shall, in the absence of express provision to the contrary, be liable to the penalty prescribed at the time of the commission of such offence. Amendment of penalty

43. (1) Where in any written law a penalty is prescribed for an offence against that written law, such provision shall mean that the offence shall be punishable by a penalty not exceeding the penalty prescribed. Penalties prescribed may be maximum penalties, but may be cumulative

(2) Where in any written law more than one penalty is prescribed for an offence, the use of the word "and" shall mean that the penalties may be inflicted alternatively or cumulatively.

44. (1) Where under the provisions of any written law any animal or any thing is adjudged by any court or other authority to be forfeited, it shall, in the absence of express provision to the contrary, be forfeited to the Republic and the net proceeds thereof, if it is ordered by a competent authority to be sold, shall be paid into the general revenues of the Republic, unless other provision is made. Disposal of forfeits

(2) Nothing in this section shall affect any provision in any written law whereby any portion of any fine or forfeit or of the proceeds of any forfeit is expressed to be recoverable by any person or may be granted by any authority to any person.

45. Any fine or penalty imposed by or under the authority of any written law shall, in the absence of express provision to the contrary, be paid into the general revenues of the Republic. Disposal of fines and penalties

46. (1) Where under any written law the consent or authority of the Attorney-General or the Director of Public Prosecutions is necessary before any action or prosecution is commenced, any document purporting to be the consent or authority of the Attorney-General or the Director of Public Prosecutions shall be received as prima facie evidence in any proceedings without proof being given that the signature to such consent or authority is that of the Attorney-General or the Director of Public Prosecutions, as the case may be. Evidence of signature of Attorney-General or Director of Public Prosecutions

(2) Where under section thirty-two the Solicitor-General is exercising the powers of the Attorney-General, the provisions of this section shall apply to the Solicitor-General as they apply to the Attorney-General.

PART VIII

GENERAL MISCELLANEOUS PROVISIONS

47. Save as is otherwise expressly provided, whenever any form is prescribed by any written law, an instrument or document, which purports to be in such form, shall not be void by reason of any deviation therefrom which does not affect the substance of such instrument or document, or which is not calculated

to mislead.Deviation from forms

48. The production of a copy of the Gazette containing any written law, Order in Council, or any notice, or of any copy of any written law, Order in Council, or any notice, purporting to be printed by the Government Printer, shall be prima facie evidence in all courts and for all other purposes whatsoever of the due making and tenor of such written law, Order in Council or notice.Gazette, etc., to be prima facie evidence

49. (1) For the purpose of ascertaining the content of any Applied Act or any statutory instrument made thereunder, published in or with the Federal Gazette, a reference may be made to the Federal Gazette, containing such Applied Act or statutory instrument, or to a copy thereof, purporting to be printed by or on the authority of the Government Printer, and either such copy shall be prima facie evidence for all purposes whatsoever of the Applied Act or statutory instrument so printed.Evidence of Applied Acts

(2) Where in any Applied Act it is stated that such Act has been "Reprinted in terms of section 3 of the Amendments Incorporation Act, 1955" such Applied Act shall, for all purposes, be prima facie evidence of the Applied Act so reprinted.

(3) In this section-

"Federal Gazette" means the Government Gazette of the former Federation of Rhodesia and Nyasaland;

"Government Printer" means the Government Printer of the former Federation of Rhodesia and Nyasaland.

50. (1) Where any written law confers power on any person to make any statutory instrument and provision may be made by such statutory instrument in respect of fees or other charges, such statutory instrument may provide for all or any of the following matters:Provision in statutory instruments relating to fees

(a) specific fees or charges;

(b) maximum or minimum fees or charges;

(c) maximum and minimum fees or charges;

(d) ad valorem fees or charges;

(e) the payment of fees or charges either generally or under specified conditions or in specified circumstances; and

(f) the reduction, waiver or refund, in whole or in part, of any such fees or charges, either upon the happening of a certain event or in the discretion of a specified person.

(2) Where any reduction, waiver or refund, in whole or in part, of any fee or charge is provided for, such reduction, waiver or refund may be expressed to apply or to be applicable either generally or specifically-

(a) in respect of certain matters or transactions or classes of matters or transactions;

- (b) in respect of certain documents or classes of documents;
- (c) when any event happens or ceases to happen;
- (d) in respect of certain persons or classes of persons; or
- (e) in respect of any combination of such matters, transactions, documents, events or persons;

and may be expressed to apply or to be applicable subject to such conditions as may be specified in the statutory instrument or in the discretion of any person specified therein.

51. (1) No written law shall in any manner whatsoever affect the rights of the Republic unless it is therein expressly provided or unless it appears by necessary implication that the Republic is bound thereby. Savings of rights of the Republic

(2) Where any British Act binds the Crown, then that Act mutatis mutandis shall, to the like extent and subject to the same limitations, bind the Republic.

(As amended by No. 27 of 1965)

52. This Act shall bind the Republic. This Act to bind the Republic

REPUBLIC OF ZAMBIA

THE ACTS OF PARLIAMENT ACT

CHAPTER 3 OF THE LAWS OF ZAMBIA

CHAPTER 3 THE ACTS OF PARLIAMENT ACT CHAPTER 3

THE ACTS OF PARLIAMENT ACT

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Enactments to be styled "Acts"
3. Words of enactment
4. Sections and subsections
5. Preparation of presentation copies
6. The assent
7. Numbering
8. Original copies

9. Publication

10. Commencement

FIRST SCHEDULE-Words of enactment

SECOND SCHEDULE-Form of authentication statement

THIRD SCHEDULE-Form of statement of the President's assent

CHAPTER 3

ACTS OF PARLIAMENT⁶⁴ of 1964

An Act to provide for the form and commencement of Acts; to provide for the procedure following the perusing of Bills; and to provide for matters incidental to or connected with the foregoing.

[24th October, 1964]

1. This Act may be cited as the Acts of Parliament Act.Short title

2. All laws made by Parliament shall be styled "Acts".

Enactments to be styled "Acts"

3. (1) The provisions of every Act shall be prefaced by the words of enactment specified in the First Schedule.Words of enactment

(2) The words of enactment shall be taken to extend to all sections of the Act and to any Schedules, tables and other provisions contained therein.

4. Where an Act contains more than one enactment, it shall be divided into sections and sections containing more than one enactment shall be divided into subsections.Sections and subsections

5. (1) As soon as a Bill has been passed by the National Assembly, the Clerk of the National Assembly shall cause the text of the Bill as passed to be sent to the Government Printer who shall print four copies thereof on vellum or on paper of enduring quality and send the copies as printed to the Clerk.Preparation of presentation copies

(2) As soon as may be after a Bill has been received by the Clerk of the National Assembly in pursuance of the provision of subsection (1), the Speaker or the Deputy Speaker or, in their absence or if they are unable to act, the Clerk of the National Assembly shall-

(a) cause to be made in the said copies such corrections as relate to misprints, typographical errors and wrong references, if any, as are necessary;

(b) carefully compare the said copies with the text of the Bill as passed and if he finds them to be correct sign on each copy a statement in the form set out in the Second Schedule; and

(c) cause the said copies to be presented to the President for assent.

(3) Where a special Bill is passed in the National Assembly after having been supported on second and third readings by the votes of not less than two-thirds of all the members of the Assembly, the Speaker, or the Deputy Speaker if the Speaker is absent or otherwise unable to act shall, before the Bill is presented to the President for his assent, insert in the Bill in whatever form he considers appropriate a certificate that the Bill was passed after having been so supported.

(4) For the purposes of this section "special Bill" means a Bill for an Act which is required by the Constitution to be supported in the manner described in subsection (3) before it may be passed in the National Assembly.

6. (1) The President shall signify that he assents to a Bill by signing on each copy of the Bill prepared in accordance with the provisions of section five, a statement to that effect in the form set out in the Third Schedule. The assent

(2) A Bill shall become an Act on the signature by the President of the first of the said copies.

7. (1) Acts shall be numbered consecutively in the order in which they become Acts and the numbering shall begin afresh at the commencement of a calendar year. Numbering

(2) As soon as the President has signed a copy of an Act under the provisions of section six, the Clerk shall cause the number of the Act to be entered on the copy so signed.

8. (1) Whenever the procedure set out in sections five, six and seven purports to have been followed in relation to copies of an Act, the copies shall be deemed to be the original copies of the Act and shall be conclusive evidence of the terms of the Act, its number and the date of assent. Original copies

(2) Two of the original copies of every Act shall be retained by the President who shall cause one each of the remaining copies to be deposited with the Speaker and the Director of National Archives of Zambia, appointed under the National Archives Act. Cap. 175

9. Every Act shall be published by the Government Printer as soon as may be after the President's assent has been signified, and shall be so published-

(a) with the omission of the statements contained in the original copies by virtue of the provisions of sections five and six;

(b) with the insertion of a statement of the date on which the President's assent was signified, and the date of commencement;

(c) where appropriate, with the inclusion of any certificate given in pursuance of the provisions of subsection (3) of section five. Publication

10. (1) Subject to the provisions of this section, the commencement of an Act shall be such date as is provided in or under the Act, or where no date is so provided, the date of its publication as notified in the Gazette. Commencement

(2) Every Act shall be deemed to come into force immediately on the expiration of the day next preceding its commencement.

(3) A provision in an Act regulating the coming into force of the Act or any part thereof shall have effect notwithstanding that the part of the Act containing the provision has not come into operation.

(4) Where an Act is made with retrospective effect, the commencement of the Act shall be the date from which it is given or deemed to be given such effect.

(5) The provisions of subsection (4) shall not apply to an Act until there is a notification in the Gazette as to the date of its publication and until such date is specified the Act shall be without effect.

FIRST SCHEDULE

(Section 3)

WORDS OF ENACTMENT

ENACTED by the Parliament of Zambia.

SECOND SCHEDULE

(Section 5)

FORM OF AUTHENTICATION STATEMENT

This printed impression has been carefully compared by me with the Bill which has passed the National assembly, and found by me to be a true and correctly printed copy of the said Bill.

Signed

Speaker/Deputy Speaker/Clerk
of the National Assembly

Date of Authentication:

THIRD SCHEDULE

(Section 6)

FORM OF STATEMENT OF THE PRESIDENT'S ASSENT

I hereby signify my assent to the Bill.

Signed.....

President

Date of Assent:

REPUBLIC OF ZAMBIA

THE STATUTORY FUNCTIONS ACT

CHAPTER 4 OF THE LAWS OF ZAMBIA

CHAPTER 4 THE STATUTORY FUNCTIONS ACT CHAPTER 4

THE STATUTORY FUNCTIONS ACT

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Meaning of "Minister"
4. Allocation, transfer, etc., of statutory functions
5. Delegation
6. Restrictions on transfer and delegation
7. Formalities and publication
8. Certificate of Secretary to the Cabinet
9. Signification
10. Schedule of statutory functions

CHAPTER 4

STATUTORY FUNCTIONS 43 of 1970

An Act to make provision for the allocation of statutory functions and for the transfer and delegation thereof; and to provide for matters incidental to or connected with the foregoing.

[6th October, 1970]

1. This Act may be cited as the Statutory Functions Act. Short title

2. In this Act, unless the context otherwise requires— Interpretation

"Act" means a written law;

"council" has the meaning assigned thereto in the Local Government Act. Cap. 281

"identified person", in relation to statutory functions, means a person who is identified—

(a) by his title as President, Vice-President, named Minister, Secretary to the Cabinet, Deputy Secretary to the Cabinet, Attorney-General, Solicitor General or Deputy Minister assisting the President or the Vice-President or a named Minister; or

(b) in the case of the holder of a public office or an official post, by the title of such office or post;

(c) in the case of an official body, by the title of such body;

"official body" means a statutory corporation, body or commission or a council, and includes a committee thereof;

"official post" means a post held by a member or employee of an official body;

"President" includes the person for the time being discharging the functions of the President in terms of the Constitution;

"statutory functions" means the powers and duties conferred and imposed by an Act.

3. (1) Whenever in any Act, other than the Interpretation and General Provisions Act, there appears a definition of "Minister", such definition shall be deleted. Meaning of "Minister".

Cap. 2

(2) Unless the context otherwise requires, any reference in any Act to the "Minister" or other person on whom statutory functions are conferred or imposed by any provision thereof shall be construed as a reference to the member of the Cabinet or other person for the time being vested with such functions.

(3) The person for the time being vested with statutory functions shall be-

(a) the identified person, if any, on whom such functions are conferred or imposed by the provision in question; or

(b) the person to whom the President has allocated or transferred such functions; or

(c) if such provision does not confer or impose such functions on an identified person and the President has made no allocation, or if the President has revoked an allocation or transfer, the President; or

(d) during any period when the person on or to whom statutory functions have been conferred or imposed, allocated or transferred, as the case may be, is absent from Zambia or unable through illness or other cause to perform such functions-

(i) in the case of a public officer, the person duly appointed to act in the office in question, or if no such appointment has been made, the President; or

(ii) in any other case, the President.

(4) Save where such functions are expressly conferred or imposed, allocated or transferred on or to some other person, the person for the time being vested with the functions conferred or imposed by a statutory instrument shall be the person for the time being vested with the functions conferred or imposed by the

provision under which such statutory instrument was made.

4. (1) In relation to any provision, other than a provision the functions under which are conferred or imposed on an identified person, the President shall either retain the functions conferred or imposed thereby or allocate such functions to some other person. Allocation, transfer, etc., of statutory functions

(2) In any case where the President has allocated such functions or where the provision in question confers or imposes the functions thereunder on an identified person, the President may, subject to section six, transfer such functions to himself or to some other person, or may revoke such allocation.

(3) Nothing in this Act shall prejudice any power exercisable by the President by virtue of the provisions of the Constitution. Cap. 1

(4) A transfer or revocation under this section shall not affect the validity of any delegation of the functions in question by a previous holder, and such delegation shall continue of force and effect as if it had been made by the person currently vested with the functions.

5. (1) No person may delegate a statutory function with which he is vested unless he is expressly so authorised by the Act by or under which such function was conferred or imposed: Delegation

Provided that the President, the Vice-President, a Minister, the Secretary to the Cabinet, the Attorney-General or a Deputy Minister may, subject only to section six, by writing under his hand, delegate to any other person any statutory function with which he is vested.

(2) Any delegation of a statutory function may be made subject to such conditions, qualifications or exceptions as may be prescribed therein.

(3) Any person who has delegated a statutory function may, notwithstanding such delegation, discharge, such function himself.

6. (1) The President shall not transfer any statutory function- Restrictions on transfer and delegation

(a) conferred on any person by the Constitution; or

(b) conferred on a Judge of the High Court or the Supreme Court; or

(c) which he is expressly prohibited from transferring by any Act.

(2) No person shall delegate any statutory function-

(a) which he is expressly prohibited from delegating by any Act; or

(b) unless a contrary intention is expressed-

(i) which is conferred on him by the Constitution; or

(ii) to make statutory instruments or to hear appeals.

7. (1) Every allocation, transfer, revocation or delegation of statutory functions shall be in writing under the hand of the President or the person

delegating such functions, as the case may be, and shall be deemed to come into effect immediately on the expiration of the day next preceding the day on which it was signed. Formalities and publication

(2) Every such allocation, transfer, revocation or delegation shall be notified for public information by Gazette notice, but no failure so to notify shall invalidate any such allocation, transfer, revocation or delegation or anything done thereunder.

(3) Any appeal, application or other representation required to be made or addressed to the person vested with the functions in question, and made or addressed after the allocation, transfer or delegation of such functions or the revocation thereof came into effect and before the publication of notice thereof, shall be deemed to have been validly made or addressed if made or addressed to the person vested with such functions prior to such allocation, transfer, revocation or delegation.

8. A certificate of the Secretary to the Cabinet that any statutory function or the responsibility for any Government business, department or matter has been retained by the President or allocated, transferred or assigned, as the case may be, to any person, and was so retained, allocated, transferred or assigned at any time or for any period specified in the certificate, shall be prima facie evidence in all courts and for all purposes of the matters stated therein. Certificate of Secretary to the Cabinet

9. (1) Where the President is vested with any statutory function, the discharge of such function by the President may be signified under the hand of the Vice-President, a Minister, the Secretary to the Cabinet, the Attorney-General, a Deputy Minister or a Permanent Secretary: Signification

Provided that Proclamations and warrants shall be issued only under the hand of the President.

(2) Where any person (other than the President) is vested with any statutory function, the discharge by such person of such function may be signified under the hand of a Deputy Minister, a Permanent Secretary or such other public officer as the person concerned may either generally or specifically authorise.

10. Forthwith on the commencement of this Act and thereafter at such intervals as the Minister may direct there shall be notified for public information, by Gazette notice, a schedule setting out the Acts comprising the written laws of Zambia and the person at the time vested with the functions under each Act. Schedule of statutory functions

REPUBLIC OF ZAMBIA

THE OFFICIAL OATHS ACT

CHAPTER 5 OF THE LAWS OF ZAMBIA

CHAPTER 5 THE OFFICIAL OATHS ACT CHAPTER 5

THE OFFICIAL OATHS ACT

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Oath of President
4. Oath of Vice-President, Minister or Deputy Minister
5. Judicial Oath
6. Oath of Office
7. Affirmation
8. Unnecessary repetition of oaths
9. Failure to take Oath
10. Custody of oaths
11. Powers of the President
12. Repeal and savings

FIRST SCHEDULE-Oath of President

SECOND SCHEDULE-Oath of Vice-President

THIRD SCHEDULE-Oath of Speaker

FOURTH SCHEDULE-Oath of Minister or Junior Minister

FIFTH SCHEDULE-Judicial Oath

SIXTH SCHEDULE-Oath of Allegiance

SEVENTH SCHEDULE-Oath of Office

CHAPTER 5

OFFICIAL OATHS

An Act to repeal and replace the Official Oaths Act; to revise the oaths to be taken and subscribed by various office holders, and to provide for matters connected with or incidental to the foregoing.

[11th May, 1990Act No.
4 of 1990
Statutory Instrument
127 of 1991

1. This Act may be cited as the Official Oaths Act.Short title
2. (1) In this Act, unless the context otherwise requires-

"Oath" includes affirmation;

"Vice-President" means the Vice-President of the Republic of Zambia; Interpretation

(2) In this Act, unless the context otherwise requires, a reference to the holder of an office by the term designating his office shall be construed as including a reference to any person for the time being lawfully acting in or performing the functions of that office.

3. A person assuming the Office of President shall take and subscribe the Oath of President as set out in the First Schedule, and the oath shall be administered by and subscribed before the Chief Justice. Oath of President

4. A person assuming the Office of Vice-President, Speaker of the National Assembly, Minister or Deputy Minister shall not perform the duties of his office unless he has taken and subscribed the Oath of Allegiance as set out in the Sixth Schedule and the Oath of his office as set out in the Second, Third, Fourth and Seventh Schedules, respectively.

(As amended by S.I. No. 127 of 1991) Oath of Vice-President Speaker, Minister and Deputy Minister

5. (1) The Chief Justice, the Deputy Chief Justice, a judge of the Supreme Court, a puisne judge or a Commissioner of the High Court shall not enter upon the duties of his office unless he has taken and subscribed the Oath of Allegiance as set out in the Sixth Schedule and the Judicial Oath as set out in the Fifth Schedule, and both oaths shall be administered by and subscribed before the President. Judicial Oath

(2) A judicial officer appointed to an office under Article 91(1)(c) of the Constitution or a person lawfully appointed to act in or perform the functions of that office, shall not enter upon the duties of his office unless he has taken and subscribed the Oath of Allegiance as set out in the Sixth Schedule and the Judicial Oath as set out in the Fifth Schedule, and both oaths shall be administered by and subscribed before the Chief Justice. Cap. 1

6. The Oath of Office shall be in the form set out in the Seventh Schedule. Oath of Office

7. A person required to take an oath under this Act or any other written law who expresses any objection to taking an oath or who expresses a desire to make an affirmation instead, without being questioned as to the grounds of his objection or desire or otherwise, may make a solemn affirmation in the form of the oath, substituting the words "solemnly and sincerely declared and affirm" for the word "swear" and omitting the words "So help me God" and his subscription of the affirmation shall be accordingly amended. Affirmation

8. Where any person who has taken an oath by reason of the provisions of this Act is appointed to, or to act in, some other office whereby he is required to take the Oath of Allegiance, the Judicial Oath or the Oath of Office, or to be in attendance on the Cabinet he shall not be required to take any oath by reason of such appointment unless the oath required to be taken thereon is different from or in addition to any oath already taken by him and duly recorded in respect of any previous appointment: Unnecessary repetition of Oaths

Provided that nothing in this section shall apply to a person on assuming the office of President, Vice-President or Judge.

9. Any act done by any person in the execution or purported execution of his official duties shall not be rendered invalid by reason only of the omission of that person to take or subscribe an oath required by law to be taken or subscribed. Failure to take Oath

10. (1) Every oath subscribed, and a record of every oath taken and subscribed, under this Act or any other written law shall be forwarded to the proper officer, and any oath or record produced from the custody of the proper officer shall be evidence for all purposes that the oath was duly and properly taken or subscribed under the provisions of this Act or the relevant written law, as the case may be. Custody of Oaths

(2) For the purpose of this section, "proper officer" means:

(a) in respect of oaths taken or subscribed before the National Assembly or the House of Chiefs, the Clerk of the National Assembly or the Clerk of the House of Chiefs, as the case may be;

(b) in respect of oaths taken or subscribed under provision of section eight, the Registrar of the High Court;

(c) in respect of any other oaths, the Secretary to the Cabinet:

Provided that the Secretary to the Cabinet, by notice published in the Gazette may appoint any person to be the proper officer in respect of any oath or class of oaths to which this paragraph applies.

11. (1) The President may by statutory instrument-Powers of the President

(a) specify any office to which a person appointed, elected or nominated, shall not act or perform duties of that office unless he has taken and subscribed the Oath of Office as set out in the Seventh Schedule;

(b) require any person, before performing the duties of any other office, to take and subscribe, any oath prescribed in this Act before the official specified in the instrument.

(2) Notwithstanding the provisions of section eight the President may require any person attending directly or indirectly on the President or engaged in any work for the Republic to take and to subscribe, any oath prescribed in this Act before any official the President may designate.

12. (1) The Official Oaths Act is hereby repealed. Repeal and savings
Cap. 436 (of the revised edition of 1972)

(2) Notwithstanding the provisions of subsection (1), any oath which was lawfully taken and subscribed prior to the commencement of this Act shall be deemed to have been properly taken and subscribed under this Act.

FIRST SCHEDULE

(Section 3)

OATH OF PRESIDENT

I

.....
....., having been constitutionally
elected/re-elected to the Office of President of the Republic of Zambia, do
swear/affirm that I will faithfully and diligently discharge my duties and
perform my functions in this high office; that I will uphold and maintain the
Constitution and Laws of Zambia and that I will dedicate my abilities to the
service and welfare of the people of Zambia without fear, favour, or ill will.

SO HELP ME GOD.

.....
President

Sworn at this
..... day of
....., 19.....

Before me,

.....
Chief Justice

SECOND SCHEDULE

(Section 4)

OATH OF VICE-PRESIDENT

I

.....
....., Vice-President do swear/affirm that I will
well and diligently discharge my duties, and perform my functions under the
Constitution of Zambia, that I will not directly or indirectly reveal or
transmit any such information or matter as shall be brought under my
consideration, or shall be made known to me, by reason of my office except as may
be required in the discharge of my duties as such or with the authority of the
President; and that I will, to the best of my ability at all times when so
required, give my counsel and advice to the President for the good management of
the public affairs of the Republic of Zambia.

SO HELP ME GOD.

.....

(Signature)

Sworn at this
..... day of
....., 19.....

Before me,

.....

President

THIRD SCHEDULE

(Section 4)

OATH OF SPEAKER

(Sworn before the National Assembly)

I

.....
.., having been appointed Speaker of the National Assembly do swear/affirm that I will and diligently discharge my duties and perform my functions in the office of the Speaker of the National Assembly; that I will not directly or indirectly reveal or transmit any such information or matter as shall be brought under my consideration, or shall be made known to me, by reason of my office except as may be required in the discharge of my duties as such or with the authority of the President.

SO HELP ME GOD.

FOURTH SCHEDULE

(Section 4)

OATH OF MINISTER OR JUNIOR MINISTER

I

.....
....., having been appointed
..... in the Government of the Republic of Zambia, do swear/affirm that I will in this office well and truly serve the Republic and the President of Zambia; and I will not

directly or indirectly reveal or transmit any such information or matter as shall be brought under my consideration, or shall be made known to me, by reason of my office except as may be required in the discharge of my duties as such or with the authority of the President.

SO HELP ME GOD.

.....

(Signature)

Sworn at this
..... day of
....., 19.....

Before me,

.....

President

FIFTH SCHEDULE

(Section 5)

JUDICIAL OATH

I

.....
....., having been appointed

.....
... do swear/affirm that I will well and truly serve the Republic and the President of Zambia, that I shall not directly or indirectly reveal or transmit any such information or matter as shall be brought under my consideration, or shall be made known to me, by reason of my office except as may be required in the discharge of my duties as such or with the authority of the President; and that I will do justice in accordance with the Constitution of Zambia as by law established, and in accordance with the Laws of Zambia, without fear, favour, or ill will.

SO HELP ME GOD.

.....

(Signature)

Sworn at this
..... day of
....., 19.....

Before me,

.....

President

SIXTH SCHEDULE

(Sections 4 and 5)

OATH OF ALLEGIANCE

I

.....
....., do swear/affirm that I will be faithful and bear
allegiance to the President of the Republic of Zambia, and that I will preserve,
protect and defend the Constitution of Zambia, as by law established.

SO HELP ME GOD.

.....

(Signature)

Sworn at this
..... day of
....., 19.....

Before me,

.....

President

SEVENTH SCHEDULE

(Section 11)

OATH OF OFFICE

I

....., having been appointed/elected/nominated.....do swear/affirm that I will well and truly serve the Republic and the President of Zambia; that I will be faithful and bear true allegiance to the President and the Republic of Zambia, that I will preserve, protect and defend the Constitution of Zambia, as by law established; and that I will not directly or indirectly reveal or transmit any such information or matter as shall be brought under my consideration, or shall be made known to me by reason of my office except as may be required in the discharge of my duties as such or with the authority of the President.

SO HELP ME GOD.

.....

(Signature)

Sworn at this day of, 19.....

Before me,

.....

President

REPUBLIC OF ZAMBIA

THE NATIONAL FLAG AND ARMORIAL ENSIGNS ACT

CHAPTER 6 OF THE LAWS OF ZAMBIA

CHAPTER 6 THE NATIONAL FLAG AND ARMORIAL ENSIGNS ACTCHAPTER 6

THE NATIONAL FLAG AND ARMORIAL ENSIGNS ACT

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Declaration of the National Flag, the President's Standard and the Armorial Ensigns
3. Insulting the National Flag, etc., an offence
4. Prohibition of improper use of National Flag, etc.
5. Forfeiture
6. Regulations

SCHEDULE-The National Flag, the President's Standard and the Armorial Ensigns

CHAPTER 6

NATIONAL FLAG AND ARMORIAL ENSIGNS²³ of 1965
13 of 1994

An Act to declare the National Flag, the President's Standard and the Armorial Ensigns; to regulate the uses thereof and to create an offence for any insult thereto; to empower the Minister to make regulations; and to provide for matters incidental to or connected with the foregoing.

[4th June, 1965]

1. This Act may be cited as the National Flag and Armorial Ensigns Act. Short title
2. (1) The flag of which the design and description are set out in Part I of the Schedule is hereby declared to be the National Flag of Zambia (in this Act referred to as "the National Flag"). Declaration of the National Flag, the President's Standard and the Armorial Ensigns

(2) The flag of which the design and description are set out in Part II of the Schedule is hereby declared to be the President's Standard (in this Act referred to as "the Standard").

(3) The heraldic device of which the design and description are set out in Part III of the Schedule is hereby declared to be the Armorial Ensigns of Zambia (in this Act referred to as "the Armorial Ensigns").
3. Any person who does any act or utters any words with intent to insult or bring into contempt or ridicule the National Flag, the Standard or the Armorial Ensigns, or any representation thereof, shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding two years. Insulting the National Flag, etc., an offence
4. (1) No person shall, except with the written permission of the Minister-Prohibition of improper use of National Flag, etc.
 - (a) apply to any goods made, produced or sold by him, or import any goods to

which there has been applied, the National Flag or the Armorial Ensigns or any part of the design thereof (or a flag or device so nearly resembling them as to be calculated to deceive); or

(b) use or permit to be used in connection with any business, trade, calling or profession the National Flag or the Armorial Ensigns or any part of the design thereof (or a flag or device so nearly resembling them as to be calculated to deceive) in a manner calculated to lead to the belief that he is duly authorised to use the National Flag or Armorial Ensigns, as the case may be, in that connection.

(2) Any permission given under subsection (1) may be given subject to such conditions as the Minister may deem fit.

(3) No person, other than the President or a person authorised by the President in that behalf, shall fly, display or otherwise use the Standard.

(4) Any person who contravenes the provisions of this section or who fails to comply with any of the conditions imposed in pursuance of subsection (2) shall be guilty of an offence and liable on conviction to a fine not exceeding fifteen thousand penalty units or to imprisonment for a period not exceeding twelve months, or to both.

(As amended by Act No. 13 of 1994)

5. When a person is convicted of an offence under this Act or any regulations made thereunder, the court before which he is convicted shall, in the case of an offence under section four, and in the case of any other offence, may, in addition to any other punishment provided for in this Act or in any regulations made thereunder, direct that any goods or thing by means or in respect of which the offence was committed shall be forfeited. Forfeiture

6. The Minister may, by statutory instrument, make regulations-

(a) prescribing the occasions upon which, the persons by whom and the manner in which the National Flag or the Armorial Ensigns may be flown or displayed, as the case may be;

(b) prohibiting, controlling or restricting the use of the National Flag or the Armorial Ensigns;

(c) regulating the manner in which application may be made to him for his authority to use the National Flag or the Armorial Ensigns in the connection mentioned in subsection (1) of section four, prescribing a form of licence by which that authority may be given and fixing fees for such applications and licences;

(d) constituting offences in relation to any of the matters referred to in the foregoing paragraphs and prescribing penalties in respect thereof.

Regulations

SCHEDULE

(Section 2)

THE NATIONAL FLAG, THE PRESIDENT'S STANDARD AND THE ARMORIAL ENSIGNS

PART I

THE NATIONAL FLAG OF ZAMBIA

Description

Green with an orange coloured eagle in flight over a rectangular block of three vertical stripes coloured from left to right in red, black and orange; of overall dimensions 3:2; and to the following colour specifications:

- (a) "Spectrum Green", British Colour Council Shade reference 100.
- (b) "Union Jack Red", British Colour Council Shade reference 210.
- (c) "Jet Black", British Colour Council Shade reference 220.
- (d) "Spectrum Orange", British Colour Council Shade reference 57.

PART II

THE PRESIDENT'S STANDARD

Description

The Armorial Ensigns in the dimensions 1:1, on a flag of overall dimensions 3:2 and to the following colour specification:

"Spectrum Orange", British Colour Council Shade reference 57.

PART III

THE ARMORIAL ENSIGNS OF ZAMBIA

Description

SHIELD: Sable six pallets wavy argent.

SUPPORTERS: On the dexter side a Zambian man habited in Bush shirt, short trousers and sandals and on the sinister side a Zambian woman attired in traditional dress proper and both standing on a Compartment of Vegetation thereon a Mine Shaft Head a Maize Cob and a Zebra trotting all proper.

MOTTO: ONE ZAMBIA ONE NATION.

Badge: (Here shown surmounting the shield)

An eagle head to the sinister or rising from a hoe and a pick in saltire proper.

SUBSIDIARY LEGISLATION

SECTION 6-THE NATIONAL FLAG AND ARMORIAL ENSIGNS REGULATIONS

Regulations by the Minister Statutory Instrument
270 of 1965
Act No.
13 of 1994

1. These Regulations may be cited as the National Flag and Armorial Ensigns Regulations. Title

2. Except as provided by these Regulations, the National Flag shall not be flown without written permission from the Minister, and any person who contravenes the provisions of this regulation shall be guilty of an offence. Unauthorised flying of National Flag

3. Notwithstanding anything contained in these Regulations, the National Flag may be flown-

(a) at buildings or premises owned or occupied by the Government;

(b) at buildings or premises owned or occupied by local government authorities;

(c) at buildings or premises owned or occupied by any statutory board or statutory corporation;

(d) at state-aided schools; and

(e) on any motor car, boat or ship in or by which a Minister of Government is for the time being travelling. Certain premises to fly National Flag

4. The Minister may in writing authorise any person to fly the National Flag on any premises or at such buildings and on such days or occasions as he may specify, and such permission may be given subject to any conditions which the Minister may think expedient. Minister's power to authorise National Flag to be flown

5. Subject to the provisions of regulations 6 and 7, the National Flag may be flown by any person-

(a) on the following public holidays, namely: Africa Freedom Day, Heroes Day, Unity Day, and Independence Day; and

(b) on such other days or occasions as the Minister may declare for this purpose. National Flag to be flown on certain occasions

6. (1) The National Flag shall be flown with due respect and, when flown with other flags, the National Flag shall be in a more prominent position than other flags. Manner of flying and maintaining National Flag

(2) The National Flag shall be kept clean and shall be maintained in a reasonable state of repair when flown.

(3) Any person who contravenes the provisions of this regulation shall be guilty of an offence.

7. The National Flag shall be flown only between the hours of sunrise and sunset, and any person who contravenes the provisions of this regulation shall be guilty of an offence. National Flag to be flown during the day-time

8. Except for Government purposes, no person shall use the National Flag for any purpose whatsoever without first obtaining written permission from the Minister, and any person who contravenes the provisions of this regulation shall be guilty of an offence. Use of National Flag

9. The Armorial Ensigns shall not be displayed without written permission from the Minister, except on Government buildings. Display of Armorial Ensigns

10. The design or any part of the design of the National Flag or of the Armorial Ensigns shall not be used or reproduced without written permission from the Minister, except for Government purposes, and any person who contravenes the provisions of this regulation shall be guilty of an offence. Use of design

11. An application for any permission required under the Act or these Regulations shall be made in writing to the Permanent Secretary, in the Ministry responsible for Commerce, Trade and Industry, giving full particulars of the proposed use and, where appropriate, an illustration of the proposed use. Application for permission

12. Any person who is found guilty of an offence under these Regulations shall be liable to a fine not exceeding seven hundred and fifty penalty units or to imprisonment for a period not exceeding three months, or to both.

(As amended by Act No. 13 of 1994) Penalties

REPUBLIC OF ZAMBIA

THE NATIONAL ANTHEM ACT

CHAPTER 7 OF THE LAWS OF ZAMBIA

CHAPTER 7 THE NATIONAL ANTHEM ACT CHAPTER 7

THE NATIONAL ANTHEM ACT

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Declaration of the National Anthem
3. Insulting the National Anthem
4. Regulations

FIRST SCHEDULE-The National Anthem of Zambia

SECOND SCHEDULE-Music for the National Anthem of Zambia

CHAPTER 7

NATIONAL ANTHEM⁴⁰ of 1973
13 of 1994

An Act to declare the National Anthem; to regulate the use thereof and to create an offence for any insult thereto; to empower the President to make regulations; and to provide for matters incidental to or connected with the foregoing.

[14th September, 1973]

1. This Act may be cited as the National Anthem Act. Short title
2. (1) The National Anthem of which the text is set out in the First Schedule is hereby declared to be the National Anthem of Zambia (in this Act referred to as "the National Anthem"). Declaration of the National Anthem
(2) The music set out in the Second Schedule is hereby declared to be the music for the National Anthem.
3. Any person who does any act with intent to insult or bring into contempt or ridicule the National Anthem shall be guilty of an offence and liable on conviction to a fine not exceeding five thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

(As amended by Act No. 13 of 1994) Insulting the National Anthem

4. The President may, by statutory instrument, make regulations-
 - (a) prescribing the occasions upon which, the persons by whom and the manner in which the National Anthem may be sung;
 - (b) prohibiting, controlling or restricting the use of the National Anthem;
 - (c) constituting offences in relation to any of the matters referred to in the foregoing paragraphs and prescribing penalties in respect thereof.

Regulations

FIRST SCHEDULE

(Section 2(1))

THE NATIONAL ANTHEM OF ZAMBIA

Stand and sing of Zambia, proud and free,
Land of work and joy in unity,
Victors in the struggle for the right,
We've won freedom's fight.
All one, strong and free.

Africa is our own motherland,
Fashion'd with and blessed by God's good hand,

Let us all her people join as one,

Brothers under the sun.
All one, strong and free.

One land and one nation is our cry,
Dignity and peace 'neath Zambia's sky,

Like our noble eagle in its flight,
Zambia-praise to thee.
All one, strong and free.

Praise be to God,
Praise be, praise be, praise be,

Bless our great nation,
Zambia, Zambia, Zambia,

Free men we stand

Under the flag of our land,
Zambia-praise to thee.
All one, strong and free.

SECOND SCHEDULE

(Section 2(2))

THE MUSIC FOR THE NATIONAL ANTHEM
OF ZAMBIA

REPUBLIC OF ZAMBIA

THE PUBLIC SEAL ACT

CHAPTER 8 OF THE LAWS OF ZAMBIA

CHAPTER 8 THE PUBLIC SEAL ACT CHAPTER 8

THE PUBLIC SEAL ACT

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. The Public Seal
4. Custody of the Public Seal
5. Authentication

CHAPTER 8

PUBLIC SEAL 56 of 1964

An Act to prescribe the Public Seal of the Republic; to provide for the custody thereof; and to provide for matters incidental thereto or connected therewith.

[24th October, 1964]

1. This Act may be cited as the Public Seal Act. Short title
2. In this Act, unless the context otherwise requires— Interpretation

"the President" means the President of the Republic;

"the Republic" means the Republic of Zambia.

3. The Public Seal of the Republic shall be the following device:

The Public Seal

4. (1) The President may appoint a person holding office in the service of the Republic to be the Custodian of the Public Seal and may give directions as to the manner in which it shall be kept and used. Custody of the Public Seal

(2) In the absence of any such appointment, the President shall be the Custodian of the Public Seal.

5. Whenever the Public Seal is affixed to any document or other thing, the

affixation shall be authenticated by the signature of the Custodian of the Public Seal.

Authentication

REPUBLIC OF ZAMBIA

THE HONOURS AND DECORATIONS
(PREVENTION OF ABUSES) ACT

CHAPTER 9 OF THE LAWS OF ZAMBIA

CHAPTER 9 THE HONOURS AND DECORATIONS (PREVENTION OF ABUSES) ACTCHAPTER 9

THE HONOURS AND DECORATIONS
(PREVENTION OF ABUSES)
ACT

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Prohibition of improper use of insignia
4. Prohibition of undue influence
5. Control of foreign honours
6. Provisions as to evidence in proceedings under this Act
7. Penalties
8. Regulations

CHAPTER 9

HONOURS AND DECORATIONS
(PREVENTION OF ABUSES)5 of 1967
13 of 1994

An Act to provide for the prevention of the improper use of and dealing in insignia; to prohibit the exercise of undue influence in connection with the grant of honours; to provide for the control and regulation of the grant of honours to citizens of Zambia by foreign states; and for matters incidental thereto.

[27th January, 1967]

1. This Act may be cited as the Honours and Decorations (Prevention of Abuses) Act.Short title

2. In this Act, unless the context otherwise requires-Interpretation

"competent authority" means the authority or person to whom an insignia is required to be surrendered under any Proclamation when a person is deprived of an honour or rank of honour;

"foreign state" means any state or the government thereof other than Zambia or the Government of Zambia;

"honour" means an office of honours and decorations instituted and created by the President;

"insignia" includes any badge, chain, cross, decoration, medal, ribbon or star declared by the President to be an insignia by which an honour or rank of honour is to be distinguished;

"Secretary" means Secretary to the Cabinet.

3. (1) Any person who-Prohibition of improper use of insignia

(a) uses or wears any badge, chain, cross, decoration, medal, ribbon or star so nearly resembling any insignia as to be calculated to deceive; or

(b) falsely represents himself to be a person who is or has been entitled to use or wear any insignia; or

(c) without authority, uses or wears any insignia; or

(d) without authority, uses any designation, letters, initials or abbreviations authorised by the President in respect of any insignia; or

(e) uses a description so nearly resembling any designation, letters, initials or abbreviations authorised by the President as to be calculated to deceive; or

(f) being a person who has been deprived of an honour awarded to him refuses to surrender to a competent authority the insignia by which that honour is distinguished when requested to do so by that authority;

shall be guilty of an offence.

(2) Any person who sells or pledges or purchases or takes in pawn any insignia, or solicits or procures any person to sell or pledge any insignia, or acts for any person in connection with the sale or pledging thereof, shall be guilty of an offence:

Provided that it shall be a valid defence to a charge under this subsection if the person charged proves that, at the time of the alleged offence, the person to whom the honour distinguished by that insignia was awarded was dead.

4. (1) Any person who accepts or obtains or agrees to accept or attempts to obtain from any person, for himself or for any other person, or for any purpose, any gift, money, benefit or valuable consideration as an inducement or reward for procuring or assisting or endeavouring to procure the award of any honour to any person or otherwise in connection with the procuring of the award of any honour shall be guilty of an offence. Prohibition of undue influence

(2) Any person who gives or agrees or proposes to give or offers to any person any gift, money or valuable consideration as an inducement or reward for procuring or assisting or endeavouring to procure the award of any honour to any person or otherwise in connection with the procuring of the award of any honour shall be guilty of an offence.

5. (1) Except with the prior approval of the President in writing, no person who is a citizen of Zambia shall accept a title of honour, decoration or other dignity from any foreign state. Control of foreign honours

(2) The approval of the President under subsection (1) may be given subject to such conditions as the President may impose.

(3) Any person who contravenes the provisions of subsection (1) or any condition imposed by the President under subsection (2) shall be guilty of an offence.

6. (1) A certificate purporting to be signed by the President or by a person authorized by the President and alleging-Provisions as to evidence in proceedings under this Act

(a) that a decoration described in or annexed to the certificate is an insignia; or

(b) that a person named in the certificate has or has not, as the case may be, obtained the approval of the President under section five before accepting a title of honour, decoration or other dignity from a foreign state;

shall be admissible in any proceedings under this Act as prima facie evidence of the facts stated therein.

(2) Any document purporting to be a document issued by the President under section five, or purporting to be a true copy thereof certified under the hand of the Secretary, shall be admissible in any proceedings under this Act as prima facie evidence of the facts stated therein.

7. (1) Any person who is guilty of an offence under this Act shall be liable on conviction to a fine not exceeding one thousand and five hundred penalty units or imprisonment for a term not exceeding three months, or to both. Penalties

(2) Where, on the conviction of a person under section four, the person convicted received any gift, money or valuable consideration which is capable of forfeiture, the court may order that such gift, money or valuable consideration shall be forfeited.

(As amended by Act No. 13 of 1994)

8. The President may, by statutory instrument, make regulations providing for-

(a) the manner in which, and the occasions on which, insignia may be worn, and the mode of dress appropriate to the wearing of insignia;

(b) the return of insignia on the death of a person to whom an honour has been awarded.

Regulations

REPUBLIC OF ZAMBIA

THE BRITISH ACTS EXTENSION ACT

CHAPTER 10 OF THE LAWS OF ZAMBIA

CHAPTER 10 THE BRITISH ACTS EXTENSION ACTCHAPTER 10

THE BRITISH ACTS EXTENSION ACT

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. British Acts extended to Zambia
3. Repealed by Act No. 27 of 1987
4. Substitution of the Public Holidays Act for the Bank Holidays Act, 1871, in the Bills of Exchange Act, 1882
5. Amendment of section 1 of the Friendly Societies Act, 1896

SCHEDULE-British Acts applying in Zambia

CHAPTER 10

BRITISH ACTS EXTENSION

An Act to provide for the extension or application of certain British Acts to Zambia; and to provide for amendments to certain British Acts in their application to Zambia.

[4th October, 1923]Government Notices

303 of 1964

497 of 1964

Statutory Instrument

72 of 1964

11 of 1912

9 of 1923

4 of 1924

16 of 1924

4 of 1928

20 of 1932

12 of 1937

32 of 1938

33 of 1938

15 of 1940

13 of 1946

6 of 1947

6 of 1948

17 of 1949

23 of 1949

11 of 1951
43 of 1951
52 of 1953
29 of 1954
33 of 1954
60 of 1955
47 of 1957
2 of 1961
9 of 1961
19 of 1962
14 of 1965
32 of 1965
69 of 1965
8 of 1967
13 of 1967
26 of 1967
27 of 1967
46 of 1968
58 of 1968

1. This Act may be cited as the British Acts Extension Act.

(As amended by S.I. No. 72 of 1964) Short title

2. The Acts of the Parliament of the United Kingdom set forth in the Schedule shall be deemed to be of full force and effect within Zambia. British Acts extended to Zambia

3. Repealed by the Hotels Act. Cap. 153

See the Cheques Act, section 8 (Cap. 424)*4. The Bills of Exchange Act, 1882, of the Parliament of the United Kingdom shall in its application to Zambia be read as if the words "the Public Holidays Act" were substituted for the words "the Bank Holidays Act, 1871," and as if the words "public holiday" were substituted for the words "bank holiday".

* See the Cheques Act, section 8 (Cap. 424)

(No. 13 of 1946) Substitution of the Public Holidays Act for the Bank Holidays Act, 1871, in the Bills of Exchange Act, 1882

5. Section 1 of the Friendly Societies Act, 1896, of the Parliament of the United Kingdom shall in its application to Zambia be amended by the repeal of subsection (4).

(No. 33 of 1954) Amendment of section 1 of the Friendly Societies Act, 1896

*See the Cheques Act, section 8 (Cap. 424).

SCHEDULE

(Section 2)

BRITISH ACTS APPLYING IN ZAMBIA

The Conveyancing Act, 1911

The Forgery Act, 1913

The Industrial and Provident Societies (Amendment) Act, 1913

The Larceny Act, 1916

The Bills of Exchange (Time of Noting) Act, 1917

The Married Women (Maintenance) Act, 1920

The Gaming Act, 1922

The Industrial and Provident Societies (Amendment) Act, 1928

The Limitation Act, 1939

The Law Reform (Enforcement of Contracts) Act, 1954

REPUBLIC OF ZAMBIA

THE ENGLISH LAW
(EXTENT OF APPLICATION) ACT

CHAPTER 11 OF THE LAWS OF ZAMBIA

CHAPTER 11 THE ENGLISH LAW (EXTENT OF APPLICATION) ACTCHAPTER 11

THE ENGLISH LAW
(EXTENT OF APPLICATION) ACT

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Extent to which the Law of England is in force in the Republic

CHAPTER 11

ENGLISH LAW (EXTENT OF APPLICATION)

An Act to declare the extent to which the Law of England applies in the Republic.

[8th March, 1963]4 of 1963

24 of 1973

1 of 1991

Government Notice

497 of 1964

1. This Act may be cited as the English Law (Extent of Application)

Act.Short title

2. Subject to the provisions of the Constitution of Zambia and to any other written law-

(a) the common law; and

(b) the doctrines of equity; and

(c) the statutes which were in force in England on the 17th August, 1911 (being the commencement of the Northern Rhodesia Order in Council, 1911); and

(d) any statutes of later date than that mentioned in paragraph (c) in force in England, now applied to the Republic, or which hereafter shall be applied thereto by any Act or otherwise;

shall be in force in the Republic.

(As amended by Acts No. 24 of 1973 and 1 of 1991)Extent to which the Law of England is in force in the Republic.

Cap. 1

REPUBLIC OF ZAMBIA

THE NATIONAL ASSEMBLY
(POWERS AND PRIVILEGES) ACT

CHAPTER 12 OF THE LAWS OF ZAMBIA

CHAPTER 12 THE NATIONAL ASSEMBLY (POWERS AND PRIVILEGES) ACTCHAPTER 12

THE NATIONAL ASSEMBLY
(POWERS AND PRIVILEGES) ACT

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title

2. Interpretation

PART II

PRIVILEGES OF THE ASSEMBLY AND ITS OFFICERS

3. Freedom of speech and debate

4. Immunity from legal proceedings

5. Freedom from arrest

6. Exemption from certain services

7. Power to exclude strangers

8. Evidence of proceedings in Assembly or committee not to be given without leave

9. Civil process not to be served nor members arrested on civil process within precincts of the Assembly Chamber

PART III

EVIDENCE

10. Power to order attendance of witnesses

11. Attendance to be notified by summons

12. Witnesses may be examined on oath

13. Objection to answer question or produce papers

14. Privileges of witnesses

15. Certificate issued to witnesses making full disclosure to be a bar to civil or criminal proceedings

16. False evidence

17. Interference with witnesses

18. False documents

19. Contempt

Section

20. Questions relating to evidence and production of documents before the Assembly or a committee to be determined in accordance with usage of Parliament

PART IV OFFENCES AND PENALTIESPART IV

OFFENCES AND PENALTIES

21. Penalty where not otherwise provided

22. Corrupt or improper practices

23. Other offences against members and officers

24. Disobedience

25. Other offences

26. Officers of the Assembly to have powers of police officer

27. Sanction of Director of Public Prosecutions for prosecutions

28. Powers of the Assembly

PART V MISCELLANEOUSPART V

MISCELLANEOUS

29. (Repealed by No. 23 of 1976)

30. Votes and proceedings printed by order of the Assembly to be admitted as evidence

31. Protection of persons responsible for publications authorised by the Assembly

32. Publication of proceedings without malice

33. Powers to be supplementary to powers under the Constitution

34. Courts not to exercise jurisdiction in respect of acts of the Assembly, Speaker and officers

35. Absence of the Speaker, etc.

CHAPTER 12

NATIONAL ASSEMBLY (POWERS AND PRIVILEGES)

An Act to declare and define certain powers, privileges and immunities of the National Assembly and of the members and officers of such Assembly; to secure freedom of speech in the National Assembly; to regulate admittance to the precincts of the National Assembly; to give protection to the persons employed in the publication of the reports and other papers of the National Assembly; and to provide for matters incidental to or connected with the foregoing.

[28th September, 1956]34 of 1956

4 of 1957

68 of 1957

6 of 1970

23 of 1976

13 of 1994

Government Notices

421 of 1962

497 of 1964

Statutory Instrument

174 of 1965

PART I PRELIMINARYPART I

PRELIMINARY

1. This Act may be cited as the National Assembly (Powers and Privileges) Act.Short title

2. In this Act, unless the context otherwise requires-Interpretation

"Assembly" means the National Assembly;

"authorised committee" means any standing committee, sessional committee or select committee of the Assembly;

"Clerk" means the Clerk of the Assembly and includes any person acting as such on the authority of the Speaker;

"committee" means any standing, select or other committee of the Assembly;

"meeting" means the period between the time when the Assembly first assembles after being summoned and the time at which it is adjourned sine die;

"member" means any member of the Assembly and includes the Speaker;

"officer" means the Clerk or any other officer or person acting within the precincts of the Assembly Chamber under the orders of the Speaker;

"precincts of the Assembly Chamber" means the chamber in which the Assembly sits in session for the transaction of business, together with the offices, rooms, lobbies, galleries, courtyards, gardens and other places provided for the use or accommodation of members, officers or strangers, and any passages connecting such places, and any other places immediately contiguous thereto as may from time to time be designated by the Speaker;

"Standing Orders" means the Standing Rules and Orders of the Assembly which came into force on the 2nd August, 1974, and any order or rules of procedure amending or replacing them made in pursuance of the provisions of the Constitution;Cap. 1

"stranger" means any person other than a member or an officer;

"votes and proceedings" means the official daily record of the proceedings in the Assembly.

(As amended by No. 68 of 1957, S.I. No. 174 of 1965 and No. 23 of 1976)

PART II PRIVILEGES OF THE ASSEMBLY AND ITS OFFICERSPART II

PRIVILEGES OF THE ASSEMBLY AND ITS OFFICERS

3. There shall be freedom of speech and debate in the Assembly. Such freedom of speech and debate shall not be liable to be questioned in any court or place outside the Assembly.Freedom of speech and debate

4. No civil or criminal proceedings may be instituted against any member for words spoken before, or written in a report to, the Assembly or to a committee thereof or by reason of any matter or thing brought by him therein by petition, Bill, resolution, motion or otherwise.Immunity from legal proceedings

5. For the duration of a meeting members shall enjoy freedom from arrest for any civil debt except a debt the contraction of which constitutes a criminal offence.Freedom from arrest

6. (1) No member or officer shall be required to serve as an assessor at any proceedings in any court or other place.Exemption from certain services

(2) Save by the leave of the Assembly first obtained, no member or officer shall be required, while attending the Assembly, to attend as a witness in any civil proceedings in any court or in any proceedings before any commission appointed under the Inquiries Act, unless that court or commission holds its sittings at the seat of the Assembly. Cap. 41

7. (1) No stranger shall be entitled, as of right, to enter or remain within the precincts of the Assembly Chamber and the Speaker or any officer authorised in that behalf by the Speaker may at any time order any stranger to withdraw therefrom. Power to exclude strangers

(2) The Speaker may issue such orders as he may in his discretion deem necessary or desirable for the regulation of the admittance of strangers to, and the conduct of strangers within, the precincts of the Assembly Chamber.

(3) The exhibition in a conspicuous position in the precincts of the Assembly Chamber of a copy, duly authenticated by the Clerk, of any orders made by the Speaker under this section shall be deemed to be sufficient notice to all persons affected thereby.

8. (1) No member or officer and no person employed to take or transcribe minutes of evidence before the Assembly or any committee shall give evidence elsewhere respecting the contents of such minutes of evidence or of the contents of any document laid before the Assembly or committee, as the case may be, or respecting any proceedings or examination held before the Assembly or committee, as the case may be, without the special leave of the Assembly first had and obtained. Evidence of proceedings in Assembly or committee not to be given without leave

(2) The special leave referred to in subsection (1) may be given during a recess or adjournment by the Speaker.

9. Notwithstanding anything to the contrary, no process issued by any court of Zambia or outside Zambia in the exercise of its civil jurisdiction shall be served or executed within the precincts of the Assembly Chamber while the Assembly is sitting, or through the Speaker or any officer of the Assembly, nor shall any member be arrested on civil process, save by the leave of the Speaker first obtained, while he is within the precincts of the Assembly and while the Assembly is sitting. Civil process not to be served nor members arrested on civil process within precincts of the Assembly Chamber

PART III EVIDENCE PART III

EVIDENCE

10. The Assembly or any authorised committee may, subject to the provisions of sections thirteen, fourteen and twenty, order any person to attend before the Assembly or before such committee and to give evidence or to produce any paper, book, record or document in the possession or under the control of such person.

(As amended by Act No. 23 of 1976) Power to order attendance of witnesses

11. (1) Any order to attend to give evidence or to produce documents before the Assembly or an authorised committee shall be notified to the person required to attend or to produce documents by a summons under the hand of the Clerk issued by the direction of the Speaker. Attendance to be notified by summons

(2) In every summons under subsection (1) there shall be stated the time when and the place where the person summoned is required to attend and the particular documents which he is required to produce. The summons shall be served on the person mentioned therein either by delivering to him a copy thereof or by leaving a copy thereof at his usual or last known place of abode in Zambia with some adult person; and there shall be paid or tendered to the person so summoned, if he does not reside within eight kilometers of the place of attendance specified in the summons, such sum for his expenses as may be specified by standing order.

(3) A summons under this section may be served by an officer or by a police officer.

(As amended by Act No. 23 of 1976)

12. (1) The Assembly or any authorised committee may require that any facts, matters and things relating to the subject of inquiry before the Assembly or such committee be verified or otherwise ascertained by the oral examination of witnesses, and may cause any such witnesses to be examined upon oath. Witnesses may be examined on oath

(2) An oath required to be taken under the provisions of this section may be administered by the Clerk or by any other person appointed by the Assembly for that purpose, or, in the case of a witness before a committee, by the chairman of the committee or by the member presiding in the absence of the chairman, or by the clerk to the committee.

13. (1) Where any person ordered to attend to give evidence or to produce any paper, book, record or document before the Assembly refuses to answer any question that may be put to him or to produce any such paper, book, record or document on the ground that the same is of a private nature and does not affect the subject of inquiry, the Speaker may excuse the answering of such question or the production of such paper, book, record or document, or may order the answering or production thereof. Objection to answer question or produce papers

(2) Where any person ordered to attend to give evidence or to produce any paper, book, record or document before any authorised committee refuses to answer any question that may be put to him or to produce any such paper, book, record or document on the ground that the same is of a private nature and does not affect the subject of inquiry, the chairman of the committee may report such refusal to the Speaker with the reasons therefor; and the Speaker may thereupon excuse the answering of such question or the production of such paper, book, record or document, or may order the answering or production thereof.

14. (1) Every person summoned to attend to give evidence or to produce any paper, book, record or document before the Assembly or an authorised committee shall be entitled, in respect of such evidence or the disclosure of any communication or the production of any such paper, book, record or document, to the same rights and privileges as before a court of law. Privileges of witnesses

(2) Except with the consent of the President, no person shall-

(a) produce before the Assembly or a committee any paper, book, record or document; or

(b) give before the Assembly or a committee evidence;

relating to the correspondence of any naval, military or air force matter, nor shall secondary evidence be received by or produced before the Assembly or a committee of the contents of any such paper, book, record or document.

(3) Except upon the direction of the President, no person shall refuse-

(a) to produce before the Assembly or a committee any paper, book, record or document; or

(b) to give before the Assembly or a committee evidence;

relating to the correspondence of any civil department or to any matter affecting the public service; and secondary evidence shall not be received by or produced before the Assembly or a committee of the contents of any such paper, book, record or document which the President has directed shall not be produced.

(As amended by No. 6 of 1970)

15. (1) Every witness before the Assembly or an authorised committee who shall answer fully and faithfully any questions put to him by the Assembly or such committee to its satisfaction shall be entitled to receive a certificate stating that such witness was upon his examination so required to answer and did answer any such question. Certificate issued to witnesses making full disclosure to be a bar to civil or criminal proceedings

(2) Every certificate under subsection (1) shall, in the case of a witness before the Assembly, be under the hand of the Speaker, and in the case of a witness before a committee, be under the hand of the chairman thereof.

(3) On production of such certificate to any court of law, such court shall stay any proceedings, civil or criminal, except for a charge under section one hundred and four or one hundred and twenty-five of the Penal Code, against such witness for any act or thing done by him before the time and revealed by the evidence of such witness, and may, in its discretion, award to such witness the expenses to which he may have been put. Cap. 87

16. Any person who before the Assembly or any authorised committee intentionally gives a false answer to any question material to the subject of inquiry which may be put to him during the course of any examination shall be guilty of an offence against section one hundred and four of the Penal Code. False evidence
Cap. 87

17. Any person who-

(a) tampers with, deters, threatens, molests, beguiles or in any way unduly influences any witness in regard to any evidence to be given by him before the Assembly or any committee; or

(b) threatens, molests or in any way punishes, damnifies or injures or attempts to punish, damnify or injure any person for having given evidence before the Assembly or any committee or on account of any evidence which he has given before the Assembly or any committee;

shall be liable on conviction to a fine not exceeding five thousand penalty units or to imprisonment with or without hard labour for a term not exceeding twelve months, or to both.

(As amended by Act No. 13 of 1994)Interference with witnesses

18. Any person who presents to the Assembly or to any committee any false, untrue, fabricated or falsified document with intent to deceive the Assembly shall, where such presentation does not constitute an offence under section sixteen, be liable on conviction to a fine not exceeding one thousand penalty units or to imprisonment with or without hard labour for a term not exceeding six months, or to both.

(As amended by Act No. 13 of 1994)False documents

19. Any person shall be guilty of an offence who-

(a) having been called upon to give evidence before the Assembly or an authorised committee thereof refuses to be sworn or make an affirmation; or

(b) being a witness misconducts himself; or

(c) causes an obstruction or disturbance within the precincts of the Assembly Chamber during a sitting of the Assembly or of a committee thereof; or

(d) shows disrespect in speech or manner towards the Speaker; or

(e) commits any other act of intentional disrespect to or with reference to the proceedings of the Assembly or of a committee of the Assembly or to any person presiding at such proceedings. Contempts

20. Where at any time any question arises in the Assembly or in a committee regarding-

(a) the right or power of the Assembly or committee to hear, admit or receive oral evidence; or

(b) the right or power of the Assembly or committee to peruse or examine any paper, book, record or document or to summon, direct or call upon any person to produce any paper, book, record or document before the Assembly or committee; or

(c) the right or privilege of any person (including a member of the Assembly or committee) to refuse to produce any paper, book, record or document or to lay any paper, book, record or document before the Assembly or committee;

that question shall, subject to the preceding provisions of this Act, and except in so far as express provision is made in those provisions for the determination of that question, be determined in accordance with the usage and practice of other Commonwealth Parliaments.

(As amended by Act No. 23 of 1976)Questions relating to evidence and production of documents before the Assembly or a committee to be determined in accordance with usage of Parliament

PART IV OFFENCES AND PENALTIESPART IV

OFFENCES AND PENALTIES

21. For every offence under this Act for which no other penalty is specially provided, the offender shall be liable on conviction to a fine not exceeding

five hundred penalty units or to imprisonment with or without hard labour for a term not exceeding three months, or to both.

(As amended by Act No. 13 of 1994) Penalty where not otherwise provided

22. (1) Any person who offers to any member or officer or to any person who is an employer, a partner or in the service of any member, either directly or indirectly, any bribe, fee, compensation, gift or reward in order to influence such member or officer in his conduct as such member or officer or for or in respect of the promotion of or opposition to any Bill, resolution, matter, rule or thing submitted to, or intended to be submitted to, the Assembly shall be guilty of an offence. Corrupt or improper practices

(2) Any member or officer or any person who is an employer, a partner or in the service of any member who demands, accepts or receives, directly or indirectly, any bribe, fee, compensation, gift or reward the offering of which is or would be an offence under this section shall likewise be guilty of an offence.

(3) Any person who commits an offence under this section shall be liable on conviction to a fine not exceeding ten thousand penalty units or to imprisonment with or without hard labour for a term not exceeding three years, or to both.

(4) In any proceedings against any person for an offence under this section, the court may, if it finds the offence proved-

(a) order that the value or the amount of any bribe, fee, compensation, gift or reward offered or accepted or received in contravention of this section shall be forfeit; or

(b) order that the amount or the value of any bribe, fee, compensation, gift or reward accepted or received in contravention of this section shall be repaid by the person accepting or receiving the same, or by the person on whose behalf the same was accepted or received, to the person from whom it was accepted or received, or to the person on whose behalf such latter person was acting.

(As amended by Act No. 13 of 1994)

23. Any person shall be guilty of an offence who-

(a) assaults, obstructs or insults any member or officer going to or from the precincts of the Assembly Chamber; or

(b) endeavours to compel, either directly or indirectly, any member by force, insult or menace to declare himself in favour of, or against, any Bill, resolution, matter, rule or thing submitted to, or intended to be submitted to, the Assembly; or

(c) assaults, interferes with, resists or obstructs any officer while in the execution of his duty as such officer; or

(d) sends to any member any threatening letter, or challenges any member to a fight, on account of his conduct as such member. Other offences against members and officers

24. Any person commits an offence who wilfully and without lawful cause fails to comply with, or contravenes, any order made under section seven or ten, or who wilfully fails to obey any other order of the Assembly whereby the Assembly

is obstructed in the performance of its functions:Disobedience

Provided that no offence is committed under this section unless the Speaker or an officer has drawn to the attention of the person concerned the fact that such failure or contravention is contrary to such order, and the person thereafter continues in such failure or contravention as aforesaid.

25. Any person who-

(a) publishes, save by the general or special leave of the Assembly, a report of any proceedings of the Assembly or any committee when such proceedings have not been held in public; or

(b) publishes any false or scandalous libel on the Assembly or any report which wilfully misrepresents in any way any proceedings of the Assembly or any committee; or

(c) publishes, save by the general or special leave of the Assembly, any paper, report or other document prepared expressly for submission to the Assembly before the same has been laid on the Table of the Assembly; or

(d) prints or causes to be printed a copy of any Act now or hereafter in force, or a copy of any report, paper or votes and proceedings of the Assembly as purporting to have been printed by the Government Printer, or by or under the authority of the Assembly, or of the Speaker, and the same is not so printed; or

(e) tenders in evidence any such copy as purporting to be so printed knowing that the same was not so printed; or

(f) creates or joins in any disturbance which interrupts or is likely to interrupt the proceedings of the Assembly while it is sitting; or

(g) publishes or prints any libels on any member concerning his character or conduct as a member and with regard to actions performed or words uttered by him in the course of the transaction of the business of the Assembly;

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand penalty units or to imprisonment with or without hard labour for a term not exceeding twelve months, or to both.

(As amended by No. 4 of 1957 S.I. No. 174 of 1965, No. 23 of 1976 and Act No. 13 of 1994)Other offences

26. Every officer of the Assembly shall, for the purposes of this Act and of the application of the provisions of the criminal law, have all the powers and enjoy all the privileges of a police officer.Officers of the Assembly to have powers of police officer

27. No prosecution shall be instituted for an offence under this Act except by the Director of Public Prosecutions upon information given to him in writing by the Speaker.

(As amended by S.I. No. 174 of 1965)Sanction of Director of Public Prosecutions for prosecutions

28. (1) Where any member commits any contempt of the Assembly, whether specified in section nineteen or otherwise, the Assembly may, by resolution,

either direct the Speaker to reprimand such member or suspend him from the service of the Assembly for such period as it may determine: Powers of the Assembly

Provided that such period shall not extend beyond the last day of the meeting next following that in which the resolution is passed, or of the session in which the resolution is passed, whichever shall first occur.

(2) No salary or allowance payable to a member of the Assembly for his service as such shall be paid in respect of any period during which he is suspended from the service of the Assembly under the provisions of this section.

(3) If any person not being a member commits a contempt, whether specified in section nineteen or otherwise, the Assembly may, by resolution, direct that the Speaker shall order such person to appear before the Assembly and that he shall, upon such attendance, reprimand him at the Bar of the Assembly.

(As amended by No. 68 of 1957)

PART V MISCELLANEOUS PART V

MISCELLANEOUS

29. Repealed by Act No. 23 of 1976

30. Upon any inquiry touching the privileges, immunities and powers of the Assembly or of any member, any copy of the votes and proceedings or Standing Orders printed or purporting to be printed by the Government Printer, or any copy of the votes and proceedings, or Standing Orders duly authenticated as such under the hand of the Clerk, shall be admitted as evidence of such votes and proceedings or Standing Orders in all courts and places without any further proof being given.

(As amended by Act No. 23 of 1976) Votes and proceedings, printed by order of the Assembly to be admitted as evidence

31. Any person, being a defendant in any civil or criminal proceedings instituted for or on account or in respect of the publication by such person or by his servant, by order or under the authority of the Assembly of any reports, papers, minutes, votes or proceedings, may, on giving to the plaintiff or prosecutor, as the case may be, twenty-four hours' written notice of his intention, bring before the court in which such civil or criminal proceedings are being held a certificate under the hand of the Speaker stating that the reports, papers, minutes, votes or proceedings in respect whereof such civil or criminal proceedings have been instituted were published by such person or by his servant by order or under the authority of the Assembly together with an affidavit verifying such certificate, and such court shall thereupon immediately stay such civil or criminal proceedings and the same and every process issued therein shall be deemed to be finally determined. Protection of persons responsible for publications authorised by the Assembly

32. In any civil or criminal proceedings instituted for publishing any extract from or abstract of any report, paper, votes and proceedings, referred to in section twenty-five, if the court be satisfied that such extract or abstract was published bona fide and without malice, it shall enter judgment or verdict, as the case may be, for the defendant or accused.

(As amended by Act No. 23 of 1976) Publication of proceedings without malice

33. The powers of the Assembly and of the Speaker under this Act shall be supplementary to any powers conferred by the Constitution or Standing Orders.

(As amended by G.N. No. 421 of 1962 and S.I. No. 174 of 1965) Powers to be supplementary to powers under the Constitution.

Cap. 1

34. Neither the Assembly, the Speaker nor any officer shall be subject to the jurisdiction of any court in respect of the exercise of any power conferred on or vested in the Assembly, the Speaker or such officer by or under the Constitution, the Standing Orders and this Act.

(As amended by Act No. 23 of 1976) Courts not to exercise jurisdiction in respect of acts of the Assembly, Speaker and officers

35. (1) For the purposes of this section "absent", in relation to the Speaker or the Deputy Speaker, means-Absence of the Speaker, etc.

(a) that the office of Speaker or the office of Deputy Speaker is vacant; or

(b) that the Speaker or the Deputy Speaker is incapable of, or is from any cause prevented from, performing the duties of the office of Speaker; or

(c) that the Speaker or the Deputy Speaker is absent from Lusaka.

(2) For the duration of any period during which the Speaker is absent, the powers and privileges vested in the Speaker by this Act shall be vested in the Deputy Speaker.

(3) For the duration of any period during which both the Speaker and the Deputy Speaker are absent-

(a) the powers and privileges vested in the Speaker by the provisions, other than sections fifteen and thirty-one, of this Act shall-

(i) in so far as they relate to any matter arising at a sitting of the Assembly for the transaction of business, be vested in such member of the Assembly as may be elected by the Assembly by virtue of the provisions of the Constitution to preside at the sitting of the Assembly when such matter arises; and

(ii) in so far as they relate to any other matter, be vested in such member of the Assembly as may be appointed for this purpose by the Assembly; and

(b) the powers vested in the Speaker by sections fifteen and thirty-one shall be vested in the Clerk.

(No. 68 of 1957 as amended by G.N. No. 421 of 1962 S.I. No. 174 of 1965 and Act No. 23 of 1976)

REPUBLIC OF ZAMBIA

THE ELECTORAL ACT

CHAPTER 13 OF THE LAWS OF ZAMBIA

CHAPTER 13 THE ELECTORAL ACTCHAPTER 13

THE ELECTORAL ACT

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SCHEDULE

CHAPTER 13

ELECTORAL

An Act to make provision relating to elections to the office of President; to elections to the National Assembly; to empower the Electoral Commission to make regulations providing for the registration of voters and for the manner of conducting elections; to provide for offences and penalties in connection with elections; to make provision with respect to election petitions and the hearing and determination of applications relating to Parliament; to repeal the Electoral Act 1973; and to provide for matters incidental to or connected with the foregoing.

[30th August, 1991]Act No.
2 of 1991
13 of 1994
7 of 1995
23 of 1996

PART I PRELIMINARYPART I

PRELIMINARY

1. This Act may be cited as the Electoral Act.Short title
2. (1) In this Act, unless the context otherwise requires-
- Interpretation
"candidate" means any person nominated as a candidate for election;
"Commission" means an Electoral Commission established under the Constitution;Cap. 1
"constituency" means any of the constituencies into which Zambia is divided under the Constitution;Cap. 1
"the Constitution" means the Constitution set out in the Schedule to the Constitution of Zambia Act;Cap. 1
"corrupt practice" means any offence against this Act which is declared under this Act to be a corrupt practice;
"costs" includes charges and expenses;

"direct election" means an election to the office of President, or an election for a member of the National Assembly;

"Director of Elections" means the person for the time being holding or acting in the public office of Director of Elections;

"election" means, a direct election and cognate expressions shall be construed accordingly;

"election officer" has the meaning assigned thereto in subsection (6) of section fifteen;

"election petition" means an election petition referred to in section eighteen;

"high judicial office" has the meaning assigned to it in the Constitution;Cap. 1

"illegal practice" means any offence against this Act which is declared under this Act to be an illegal practice;

"member" means an elected member of the National Assembly;

"petitioner" means, in relation to an election petition, any person referred to in section nineteen who signs and presents such election petition under section twenty, and includes any person substituted for a petitioner under section twenty-five or section twenty-six;

"political party" means an organisation registered under the Societies Act the objects of which include any political activity or the sponsoring of candidates for election to the office of President or as a member of the National Assembly;Cap. 119

"register of voters" means a register of voters for any constituency, or part of a constituency, prepared and maintained, or deemed to be prepared and maintained under this Act;

"registered" means registered in a register of voters under this Act, and "registration" shall be construed accordingly;

"Registrar" means the Registrar of the High Court;

"respondent" has the meaning assigned thereto in subsection (4) of section twenty-one;

"returning officer" in relation to the election of a President, means the returning officer specified in the Constitution;Cap. 1

"voter" means a person who is entitled to vote at the relevant election.

(2) For the purposes of this Act, the expression "election expenses" means expenses incurred, whether before, during or after an election, on account of or in respect of the conduct or management of such election by or on behalf of a candidate:

Provided that the following expenses shall not be deemed to be election expenses:

(a) any moneys expended or expenses incurred by any association or group of

persons or by any person in the general interests of a political party or organisation or its candidates generally, not being moneys expended or expenses incurred directly in the particular interests of any particular candidate or expenditure incurred by a political party with the consent of a candidate and apportioned to such candidate under this Act; or

(b) any moneys expended or expenses incurred by any political party or organisation in the printing, publication or distribution of the official organ of that political party or organisation; or

(c) any election fee.

PART II REGISTRATION AND VOTING IN DIRECT ELECTIONS

REGISTRATION AND VOTING IN DIRECT ELECTIONS

3. Subject to the provision of section four, every person shall be qualified for registration as a voter in direct elections who-
Qualifications for registration of voters

(a) is a citizen of Zambia; and

(b) has attained the age of eighteen years.

4. (1) No person shall be qualified for registration as a voter in direct elections, and no person shall be registered as such a voter, who-
Disqualifications from registration of voters

(a) is under a declaration of allegiance to some country other than Zambia;

(b) under any law in force in Zambia, is adjudged or otherwise declared to be of unsound mind, or is detained under the Criminal Procedure Code during the pleasure of the President;Cap. 88

(c) is under sentence of death imposed on him by any court in Zambia, or a sentence of imprisonment (by whatever name called) imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court; or

(d) is not in possession of a national registration card issued to him under the National Registration Act.Cap. 126

(2) In this section, the reference to a sentence of imprisonment shall be construed as not including a sentence of imprisonment the execution of which is suspended or a sentence of imprisonment imposed in default of payment of a fine.

5. A person qualified for registration as a voter shall, on application in accordance with regulations made by the Commission, be registered as a voter in the register of voters for a constituency in which he is ordinarily resident.Registration in a constituency

6. (1) Subject to the provisions of this section and of section seven, every person who is registered in a register of voters for a constituency shall be entitled to vote at a direct election held in that constituency.
Qualifications for voting

(2) Every person shall, whenever he wishes to vote at a direct election,

identify himself to an election officer in such manner as may be prescribed, and no person shall be entitled to vote more than once in the same such election.

(3) For the avoidance of doubt it is hereby declared that where an election to which this Act applies is held at the same time and place as any other such election, and whether or not the same ballot paper is authorised by the Commission for use in more than one such election, each such election remains a separate election.

7. No person shall be entitled to vote at a direct election who-Disqualifications from voting

(a) has been convicted of any corrupt practice or illegal practice within a period of five years preceding that election;

(b) has been reported guilty of any corrupt practice or illegal practice by the High Court upon the trial of an election petition under this Act within a period of five years preceding that election; or

(c) at the date of the election is in lawful custody or if his freedom of movement is restricted under any law in force in Zambia.

PART III PRESIDENTIAL ELECTIONSPART III

PRESIDENTIAL ELECTIONS

8. The election to the office of President shall be held in every constituency in Zambia.Election to office of President

9. (1) A candidate for election as President shall, on such day, at such time and at such place as may be determined by the Commission, deliver to the Returning Officer-Nomination of presidential candidate

(a) the candidate's nomination paper;

(b) the prescribed election fee:

(c) the prescribed statutory declaration of the candidate's assets and liabilities; and

(d) an oath or affirmation, as set out in the Schedule, of the candidate's Zambian citizenship and that the candidate's parents are Zambian citizens by birth or descent:

Provided that-

(i) subject to sub-paragraph (ii), the contents of such documents referred to in this section shall be accepted prima facie, by the Returning Officer, as complying with the law as to qualification for election as President;

(ii) notwithstanding sub-paragraph (i) if the Returning Officer is satisfied that clause (5) (a) or (c) of Article 34 or clause (2) of Article 35 of the Constitution has not been complied with, he shall immediately reject the nomination of such candidate.

(2) The nomination paper shall be signed by not less than two hundred registered voters.

(3) Any question, by any person, which may arise as to whether any provision of the Constitution or any law relating to nomination or election of President has been complied with shall be referred by the Returning Officer or by such person to the full bench of the Supreme Court within 14 days of the person elected as President being sworn in, in accordance with clause 9 of Article 34 of the Constitution.

(4) A person who swears or affirms falsely under this section shall be guilty of an offence and shall be liable upon conviction to imprisonment for a term of seven years without the option of a fine.

(As amended by Act No. 23 of 1996)

PART IV NATIONAL ASSEMBLY ELECTIONSPART IV

NATIONAL ASSEMBLY ELECTIONS

10. In addition to the persons disqualified by the Constitution-Additional disqualifications for election to National Assembly

(a) an election officer shall not be qualified for election as a member of the National Assembly;

(b) any person who is convicted of any corrupt practice or illegal practice or who is reported guilty of any corrupt practice or illegal practice by the High Court upon the trial of an election petition under this Act shall not be qualified for election as a member of the National Assembly for a period of five years from the date of such conviction or of such report, as the case may be.

11. The election fee for candidates for election to the National Assembly shall be such fee as may be prescribed under this Act.Election fee

PART V ELECTORAL COMMISSION AND REGULATION OF ELECTIONSPART V

ELECTORAL COMMISSION AND REGULATION OF ELECTIONS

12. (1) An Electoral Commission established under Article eight of the Constitution shall consist of a Chairman and two other members, who shall be appointed by the President.Electoral Commission
Cap. 1

Provided that, where an Electoral Commission is established solely for the purpose of a by-election for a member of the National Assembly, the Electoral Commission may consist of a single Commissioner who may exercise all the powers of the Electoral Commission relating to the direction and supervision of that election other than the power to make or alter regulations.

(2) A person shall not be qualified for appointment as Chairman of a Commission or as a Commissioner-

(a) unless he holds or has held high judicial office;

(b) if he is a member of, or nominated as a candidate for election to the National Assembly.

(3) If, after the appointment of a Commission and before the Commission stands

dissolved, the office of Chairman or any member of the Commission falls vacant or the holder of the office becomes unable for any reason to discharge his functions as a member of the Commission, the President may appoint another person qualified for appointment to be the Chairman or a member of the Commission, as the case may be.

(4) A Commission established for the purposes of Article eightyone of the Constitution shall stand dissolved upon such date as the President may determine, and a Commission established for any other purpose shall stand dissolved on such date (not being earlier, in the case of a Commission established upon a dissolution of Parliament, than the date upon which Parliament first sits after that dissolution) as the President may determine. Cap. 1

13. In the exercise of its functions under the Constitution, a Commission shall not be subject to the direction or control of any other person or authority. Independence of Electoral Commission
Cap. 1

14. The registration of voters and the conduct of every election shall be subject to the direction and supervision of the Commission. Supervision by Commission

15. (1) In respect of any election, the Commission shall have power to appoint for any constituency or province such election officers as it may deem necessary for the purposes of such election, and any election officer may exercise his functions in respect of the whole or part of a constituency or province or in respect of more than one constituency as prescribed by the Commission. Appointment, remuneration and functions of election officers

(2) In respect of any election, the election officer may, subject to the general or special directions of the Commission, appoint any fit person to assist him in the exercise of his functions under this Act, and may, at any time, revoke such appointment.

(3) Every election officer shall, before exercising any of the functions of his office, take and subscribe such oath, or make such affirmation in lieu thereof, as the Commission may prescribe.

(4) The Commission may, at any time, revoke the appointment of an election officer.

(5) Every election officer shall be paid such remuneration and allowances in respect of his duties as the Commission may determine.

(6) In this section "election officer" means a person appointed by the Commission to be-

- (a) a registration officer;
- (b) an assistant registration officer;
- (c) an electoral officer;
- (d) a returning officer;
- (e) a presiding officer;

- (f) a polling assistant;
- (g) a counting assistant;

and includes any person appointed to assist an election officer under subsection (2); and, where functions are conferred on the Director of Elections under this Act in respect of any election, includes the Director of Elections.

16. The Commission may-

- (a) require from any election officer such information and returns as it may consider necessary; Power of Commission to require information and issue instructions
- (b) subject to the provisions of this Act, issue instructions to any election officer in connection with his functions under this Act;
- (c) issue instructions to any candidate in an election in respect of the use of motor vehicles by or on behalf of such candidate during the day on which such election is to be held.

17. (1) Subject to the provisions of the Constitution and of this Act, the Commission may, by statutory instrument, make regulations providing for the registration of voters for the purposes of elections and for the procedure and manner of conducting elections; separate regulations may be made in respect of each category of elections. Regulatory powers of Commission
Cap. 1

(2) Without prejudice to the generality of subsection (1), the Commission may, by statutory instrument, make regulations providing for all or any of the following matters-

- (a) the division of constituencies into polling districts;
- (b) the establishment of polling stations in polling districts;
- (c) the registration of voters;
- (d) the preparation of, and the form of, registers to be used in the registration of voters;
- (e) the manner of ascertaining whether persons applying for registration as voters are qualified for registration or for their inclusion in a register for a particular constituency;
- (f) the making and determination of appeals, claims and objections with respect to the registration of voters;
- (g) the correction, amendment and certification of registers of voters;
- (h) the circumstances in which the name of any person may be deleted from a register of voters, the transfer of the names of persons from the register of voters or one polling district to that of another polling district and the restoration of names of registers of voters;
- (i) the nomination of candidates for any election and the manner of

establishing and recording that a candidate at a direct election for the National Assembly is the authorised candidate of a political party;

- (j) the making and determination of appeals against the rejection of nominations by a returning officer;
- (k) the publication of the names of candidates whose nominations are accepted;
- (l) the payment of election fees by candidates, and the circumstances in which such fees are to be returned;
- (m) the use of symbols at an election;
- (n) the appointment of, and the duties of, election agents and polling agents;
- (o) the equipment and facilities to be provided at polling stations;
- (p) the persons who may be admitted to polling stations;
- (q) the manner and procedure of voting at an election;
- (r) the manner of ascertaining the identity of persons wishing to vote at elections and whether such persons are qualified to vote;
- (s) the manner in which persons who are blind, or otherwise incapacitated, may vote;
- (t) voting by persons employed on election duties on the day of an election;
- (u) the maintenance of secrecy at elections;
- (v) the postponement of, and the adjournment and extension of, time for a poll in case of riot or open violence at an election;
- (w) the administering of oaths or affirmations by election officers in respect of such matters as may be prescribed;
- (x) the procedure to be followed at the conclusion of a poll in an election;
- (y) the procedure for counting votes in an election, and the circumstances in which votes in an election may be rejected by a returning officer as invalid;
- (z) for the purpose of declaring any candidate duly elected, the procedure to be followed where there is an equality of votes between candidates in an election for members of the National Assembly;
- (aa) the procedure to be followed where only one person is duly nominated for election to the office of President, or in a constituency for election to the National Assembly;
- (bb) the declaration, notification and publication of the results of an election;
- (cc) the custody and disposal of nomination papers, ballot papers, records, documents or other things relating to the registration of voters and the conduct

of elections;

(dd) election expenses and the return of election expenses;

(ee) the notification and publication of any casual vacancy in the elected membership of the National Assembly and the fixing of a date for an election to fill such vacancy;

(ff) the fixing of a date for an election of a President or an election following a dissolution of the National Assembly;

(gg) the forms and records to be used for any of the purposes of this Act;

(hh) any matter to be prescribed by or under this Act.

(3) Before making any regulations which make any separate or distinct provision in respect of the functions of the returning officer for the election of a President, the Electoral Commission shall consult the returning officer.

(4) Regulations under this section shall not be affected by the dissolution of the Commission by which they are made but shall remain valid and in force, subject to any amendment or revocation by a subsequent Commission.

(5) Regulations under this section may provide in respect of any contravention thereof that the offender shall be liable to a fine not exceeding one thousand six hundred penalty units or to a term of imprisonment not exceeding two years or to both.

(6) No prosecution for an offence against this Act shall be commenced after the lapse of one year from the date on which the offence is alleged to have been committed.

(As amended by Act No. 13 of 1994)

PART VI ELECTION PETITIONS IN RESPECT OF PARLIAMENTARY ELECTIONS

ELECTION PETITIONS IN RESPECT OF PARLIAMENTARY ELECTIONS

18. (1) No election of a candidate as a member of the National Assembly shall be questioned except by an election petition presented under this Part. Avoidance of elections

(2) The election of a candidate as a member of the National Assembly shall be void on any of the following grounds which is proved to the satisfaction of the High Court upon the trial of an election petition, that is to say-

(a) that by reason of any corrupt practice or illegal practice committed in connection with the election or by reason of other misconduct, the majority of voters in a constituency were or may have been prevented from electing the candidate in that constituency whom they preferred; or

(b) subject to the provisions of subsection (4), that there has been a non-compliance with the provisions of this Act relating to the conduct of elections, and it appears to the High Court that the election was not conducted in accordance with the principles laid down in such provisions and that such non-compliance affected the result of the election;

(c) that any corrupt practice or illegal practice was committed in connection with the election by or with the knowledge and consent or approval of the candidate or of his election agent or of his polling agents;

(d) that the candidate was at the time of his election a person not qualified or a person disqualified for election.

(3) Notwithstanding the provisions of subsection (2), where, upon the trial of an election petition, the High Court finds that any corrupt practice or illegal practice has been committed by or with the knowledge and consent or approval of any agent of the candidate whose election is the subject of such election petition, and the High Court further finds that such candidate has proved that-

(a) no corrupt practice or illegal practice was committed by the candidate himself or by his election agent, or with the knowledge and consent or approval of such candidate or his election agent; and

(b) such candidate and his election agent took all reasonable means to prevent the commission of corrupt practice or illegal practice at such election; and

(c) in all other respects the election was free from any corrupt practice or illegal practice on the part of such candidate or his election agent;

then the High Court shall not, by reason only of such corrupt practice or illegal practice, declare that election of such candidate was void.

(4) No election shall be declared void by reason of any act or omission by an election officer in breach of his official duty in connection with an election if it appears to the High Court that the election was so conducted as to be substantially in accordance with the provisions of this Act, and that such act or omission did not affect the result of that election.

19. An election petition may be presented to the High Court by one or more of the following persons-Who may present election petitions

(a) a person who lawfully voted or had a right to vote at the election to which the election petition relates;

(b) a person claiming to have had a right to be nominated as a candidate or elected at the election to which the election petition relates;

(c) a person claiming to have been a candidate at the election to which the election petition relates;

(d) the Attorney-General.

20. (1) Any of the following reliefs may be claimed in an election petition-Relief which may be claimed in election petition

(a) a declaration that the election was void;

(b) a declaration that any candidate was duly elected.

(2) In addition to the foregoing reliefs, a petitioner may apply to the High Court upon the trial of an election petition for a scrutiny to be carried out by the High Court in such manner as the Court may determine.

(3) On a scrutiny at the trial of an election petition, the following votes only shall be held invalid-

(a) the vote of any person whose name was not on the register of voters assigned to the polling station at which the vote was cast or who was not authorised to vote at such polling station under this Act;

(b) the vote of any person whose vote was procured by any corrupt practice or illegal practice;

(c) the vote of any person who committed or procured the commission of personation at the election to which the election petition relates, contrary to the provisions of this Act;

(d) the vote of any person proved to have voted more than once at the election to which the election petition relates;

(e) the vote of any person who was disqualified from voting at the election to which the election petition relates.

(4) In this section "scrutiny" means an enquiry as to the validity of the votes cast, and includes the determination of the number of valid votes cast for each candidate in the election in respect of which the application for a scrutiny is made.

21. (1) Every election petition shall be in such form and shall contain such matters as may be prescribed by rules made by the Chief Justice. Form and procedure for presentation of election petitions

(2) Presentation of an election petition to the High Court shall be made by lodging it with the Registrar in accordance with the provisions of this Act.

(3) Every election petition shall be signed by the petitioner or by all the petitioners if more than one, and shall be presented not later than thirty days after the date on which the result of the election to which it relates is duly declared.

(4) Notwithstanding the provisions of subsection (3), when the election of any person (hereinafter referred to as "the respondent") is questioned upon an allegation of a corrupt practice or an illegal practice, the election petition may be presented-

(a) at any time before the expiry of twenty-one days after the day on which the returning officer receives the return of the election expenses of the respondent; or

(b) if the election petition specifically alleges a payment of money or some other act to have been made or done since the day referred to in paragraph (a) by the respondent or his election agent, or with the privity of the respondent or of his election agent in pursuance or in furtherance of the corrupt practice or illegal practice alleged in the election, at any time within thirty days after the date of payment or other act.

(5) Where an election petition is presented under this section, the Registrar shall in writing inform the Speaker of the National Assembly and the Commission of such presentation.

22. (1) Subject to the provisions of subsection (2), the Registrar, shall make out a list of all election petitions presented under this Act, placing them on such list in the order in which they are presented, and he shall keep at his office a copy of such list which shall be open for inspection by any person making application for inspection thereof. Duty of Registrar to make out list of election petitions

(2) Every election petition shall, unless the High Court orders otherwise, be tried in the order in which it stands on the list made out by the Registrar under subsection (1), but where more election petitions than one are presented in respect of the same election, such election petitions shall be bracketed together and shall be dealt with as one petition, standing, unless the High Court orders otherwise, in such list in the place where the last of such election petitions would have stood if it had been the only election petition presented in respect of that election.

23. (1) Subject to the provisions of this Act the Chief Justice may make rules regulating generally the practice and procedure of the High Court with respect to the presentation and trial of election petitions, including rules as to the fine within which any requirement of such rules is to be complied with and as to the costs of and incidental to the presentation and trial of election petitions and as to the fees to be charged in respect of proceedings therein, and generally in regard to any other matter relating thereto as the Chief Justice may deem necessary or desirable. Rules of practice and procedure, security for costs

(2) After the presentation of an election petition, every petitioner thereto shall give such security for costs, not exceeding in amount the sum of eight hundred fee units, as the High Court may order, and such security shall be given within such time and in such manner and form as the Chief Justice may prescribe by rules under this section or, in the absence of such rules, as the High Court may order.

(3) Where, after the presentation of an election petition, no security for costs is given as required by or under this section, no further proceedings shall be had on that election petition.

(As amended by Act No. 13 of 1994)

24. (1) A petitioner shall not withdraw an election petition without the leave of the High Court.

Withdrawal of election petitions

(2) No application for leave to withdraw an election petition shall be made until notice of intention to withdraw such election petition has been given in such manner as the Chief Justice may prescribe.

(3) Where an election petition is presented by two or more petitioners, an application to withdraw such election petition shall not be made except with the consent of all the petitioners thereto.

(4) The High Court may, upon an application for leave to withdraw an election petition, make such order as to costs as it may think just.

25. (1) Upon the hearing of an application under section twentyfour for leave to withdraw an election petition, any person who might have been a petitioner in

respect of the election to which that election petition relates may, notwithstanding the provisions of section twenty apply to the High Court to be substituted for the petitioner so applying to withdraw, and the High Court may, if it grants leave to such petitioner to withdraw, order that such person (hereinafter referred to as "the substituted petitioner") be substituted for such petitioner. Substitution of new petitioners

(2) Subject to the provisions of this section, the substituted petitioner shall, as nearly as may be, stand in the same position, and be subject to the same liabilities, under this Act as the petitioner for whom he is substituted (hereinafter referred to as "the original petitioner").

(3) Where the High Court makes an order under subsection (1), it may direct that the security for costs given by the original petitioner shall remain as security for any costs caused thereafter by the substituted petitioner upon the trial of the election petition, and may direct that, to the extent of the amount of such security, the original petitioner shall be liable to pay the costs of the substituted petitioner.

(4) Unless the High Court gives directions as in subsection (3), subsections (1) and (2) of section twenty-three shall apply to the substituted petitioner as they apply in relation to a petitioner presenting an election petition.

26. (1) If a sole petitioner or the survivor of several petitioners dies, then subject to the provisions of this section, no further proceedings shall be had upon the election petition. Abatement of election petitions

(2) The death of a petitioner shall not affect his liability for the payment of costs previously incurred.

(3) On the abatement of an election petition under subsection (1), any person who might have been a petitioner in respect of the election to which that election petition relates may, notwithstanding section twenty-one, apply to the High Court to be substituted as a petitioner in place of the deceased petitioner and the High Court may, if it thinks fit, order that such person be substituted accordingly.

(4) Where the High Court makes an order under this section for the substitution of a person in place of a deceased petitioner such person shall, as nearly as may be, stand in the same position, and be subject to the same liabilities, under this Act as the deceased petitioner would have been but for his death, and subsections (1) and (2) of section twenty-three shall apply to such person as they apply in relation to a petitioner presenting an election petition.

27. (1) An election petition shall be tried and determined by the High Court in open court and within one hundred and eighty days of the presentation of the election petition as provided under section twenty-one. Trial of election petitions

(2) The High Court may adjourn the trial of an election petition from time to time and from place to place.

(3) Subject to the provisions of this Act, the High Court may, in respect of the trial of an election petition exercise such powers within its civil jurisdiction as it may deem appropriate.

(4) On the trial of an election petition, a verbatim record of all evidence

given orally in such trial shall be taken and transcripts of such record shall, at the conclusion of the proceedings, be delivered to the Commission by the Registrar.

(As amended by Act No. 7 of 1995)

28. (1) On the trial of an election petition, the High Court may-Provisions as to witnesses

(a) order any person who appears to the High Court to have been concerned in the election to attend as a witness at such trial;

(b) examine any witness or any person who is present at such trial although such witness or person is not called as a witness by any party to the proceedings:

Provided that after such examination by the High Court of such witness or person, such witness or person may be cross-examined by or on behalf of the petitioner or the respondent.

(2) A person who is called as a witness at the trial of an election petition shall not be excused from answering any question relating to any offence connected with an election on the ground that the answer thereto may tend to incriminate him, or on the ground of privilege:

Provided that-

(a) a witness who answers to the satisfaction of the High Court every question which he is required to answer under this section, and the answers to which may tend to incriminate him, shall not be liable to prosecution for any offence committed by him in connection with that election and in respect of which he is so examined and such witness shall be entitled to receive a certificate of indemnity under the hand of the Registrar stating that he is freed and discharged from liability to prosecution for that offence;

(b) an answer by a witness to a question before the High Court under this section shall not, except in the case of any criminal proceedings for giving false evidence in respect of such evidence, be admissible in any proceedings, civil or criminal, in evidence against him.

(3) Where a person has received a certificate of indemnity under subsection (2), and any legal proceedings are at any time brought against him for any offence to which such certificate relates, the court having cognizance of the case shall, on proof of the certificate of indemnity, stay such proceedings and may award to that person such costs as he may have been put to in such proceedings.

(4) All reasonable expenses incurred by any person in attending at or appearing before the High Court to give evidence as a witness at the trial of an election petition shall be allowed to such person according to the scale of allowances and expenses appropriate in civil proceedings before the High Court.

29. (1) At the conclusion of the trial of an election petition, the High Court shall determine whether the respondent, or any other and which person, was duly elected, or whether the election to which the election petition relates was void, and the Registrar shall as soon as may be, submit a copy of such determination to the Speaker of the National Assembly and to the

Commission. Conclusion of trial election petition

(2) Where the High Court determines under subsection (1) that the respondent was duly elected, such election shall be and remain valid.

(3) Where the High Court determines under subsection (1) that the respondent was not duly elected but that some other person was duly elected, such other person shall be deemed to have been elected accordingly.

(4) Where the High Court determines under subsection (1) that the respondent was not duly elected, and that no other person was duly elected, at the election concerned, the vacancy in the membership of the National Assembly in respect of which that election was held shall be deemed to continue until duly filled.

(5) Where a determination under subsection (1) alters the results of an election as previously declared, it shall be the duty of the Commission to publish the results as so altered in the Gazette.

(6) Where it appears to the High Court upon the trial of an election petition that any corrupt practice or illegal practice has been committed by any person in connection with the election to which such election petition relates, the High Court shall, at the conclusion of the proceedings, prepare a report stating-

(a) the evidence given in the proceedings in respect of such corrupt practice or illegal practice;

(b) the names and particulars of any person by whom such corrupt practice or illegal practice was, in the opinion of the Court, committed:

Provided the Court shall not state the name of any person under this paragraph unless such person has been given an opportunity of appearing before the Court and of showing cause why his name should not be so stated.

(7) The Registrar shall deliver a copy of every report prepared by the Constitutional Court under subsection (6) to-

(a) the Commission; and

(b) the Director of Public Prosecutions.

30. (1) Subject to the provisions of this section, all costs, charges and expenses of and incidental to the presentation and trial of an election petition shall be borne in such manner and in such proportions as the High Court may order and in particular, any costs which in the opinion of the High Court have been caused by any vexatious conduct or by any frivolous or vexatious allegations or objections on the part of the petitioner or of the respondent, may be ordered to be paid by the party by whom such costs have been caused. Provisions as to costs

(2) Where, on the trial of an election petition, the High Court determines that the respondent was not duly elected and is of the opinion, having regard to the circumstances, that it would be just and reasonable to relieve any party to the election petition from all or a portion of the costs thereof, then-

(a) if the Court finds that the election of the respondent was due to a mistake or improper performance or failure of performance of any function bona

fide made by any election officer, it may, after sufficient notice to the AttorneyGeneral to show cause to the contrary, make such order as to the payment by the State of the costs of the proceedings or a portion thereof, as it may deem proper;

(b) if the Court finds that the election of the respondent was due to a mistake or improper performance or failure of performance of any function mala fide made by any election officer, it may, after sufficient notice to such officer to show cause to the contrary, make such order as to the payment by such election officer of the costs of the proceedings or a portion thereof, as it may deem proper.

(3) The High Court may, on application made by any person to whom any costs, charges or expenses are payable under this Act, order the same to be paid out of any deposit made to secure the same, or by any surety who gave a recognizance to secure the same:

Provided that notice of such application shall be given, in such manner as may be prescribed by rules of court to the party by or on whose behalf such deposit was made or for whom such surety gave a recognizance, requiring such party, or such surety and such party, as the case may be, to state, within such time and in such manner as may be so prescribed, whether he resists the application.

(4) Where, on the trial of an election petition, any person appears to the High Court to have been guilty of any corrupt practice or illegal practice relating to the election which is the subject of such election petition, the Court may, after giving that person an opportunity of making a statement to show cause why the order should not be made, order the whole or a portion of the costs of or incidental to the trial of such election petition to be paid by the said person to such person or persons as the Court may determine.

(5) Execution may be levied under any order for payment made by the High Court under this section in the same manner and to the same extent as execution may be levied under a judgement of the High Court for the payment of money.

(6) Money deposited as security shall, when no longer needed as security for costs, be returned to the person in whose name it is deposited or to any person entitled to receive the same by order of the High Court, which may be upon motion after notice and proof that all just claims have been satisfied or otherwise sufficiently provided for as the High Court may require.

PART VII OTHER QUESTIONS RELATING TO PARLIAMENTPART VII

OTHER QUESTIONS RELATING TO PARLIAMENT

31. (1) Any question which may arise as to whether-Applications to members and officers of Parliament

(a) Any person has been validly appointed as a nominated member of the National Assembly;

(b) the seat of an elected member or of a nominated member of the National Assembly, has become vacant, other than a question arising from the election of a candidate as a member of the National Assembly; or

(c) any person has been validly elected as Speaker or Deputy Speaker of the National Assembly or, having been so elected, has vacated the office of Speaker

or Deputy Speaker;

may be heard and determined by the High Court upon application made by-

(i) any person to whom the question relates; or

(ii) in the cases referred to in paragraph (a) (b) or (c), any member of the National Assembly; or

(iii) the Attorney-General.

(2) Any person who makes an application to the High Court under subsection (1) shall have the right to appear and be represented before the High Court.

(3) Subject to any rules of courts, the powers, practice and procedure of the High Court in respect of the trial of election petitions under Part VI shall apply mutatis mutandis to the hearing and determination of such applications.

32. Every determination of the High Court under this Part shall have effect, subject to the provisions of Article seventy-one of the Constitution, in accordance with the terms thereof. Effect of determination
Cap. 1

PART VIII MISCELLANEOUS AND REPEALS AND TRANSITIONAL PART VIII

MISCELLANEOUS AND REPEALS AND TRANSITIONAL

33. Repealed by Act No. 17 of 1994.

34. Whenever a person has become subject to any incapacity under this Act by reason of a conviction or by reason of any declaration or report of any court, and any witness who gave evidence against such person upon the proceeding for such conviction, declaration or report is convicted of perjury in respect of that evidence, such person may apply to the High Court which, if satisfied that the conviction, declaration or report, so far as it concerns that person, was based upon perjured evidence, may order that his incapacity shall from that time cease, and the same shall cease accordingly. When incapacity may be removed

35. No person who has voted at an election shall in any proceedings, whether brought under this Act or otherwise, be required, to state for whom he has voted. No person required to state how he voted

36. Upon any charge of a corrupt practice or an illegal practice, or any other offence against this Act, alleged to have been committed at or in connection with an election, the certificate of a returning officer that the election mentioned therein was being or had been held shall be sufficient evidence of the fact that such election was being or had been held. Evidence as to holding of election

37. No misnomer or any inaccurate description of any person or place in any register, list, nomination paper, notice or other document required for the purposes of this Act shall affect the full operation of the document with respect to that person or place in any case where the description of the person or place is such as to be commonly understood. Validation of certain documents

38. The Electoral Act, 1973, is hereby repealed: Repeals and saving

Provided that, notwithstanding the repeal of the Electoral Act, 1973, any statutory instrument made thereunder by an Electoral Commission established under the Constitution of Zambia 1973, which is in force immediately before the commencement of this Act shall, so far as it is not inconsistent with the Constitution and this Act, continue in force after the commencement of this Act as if it had been made by a Commission under this Act;

and any such statutory instrument shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with the Constitution and this Act, and such statutory instrument or rules of practice may be amended or revoked by the Commission in exercise of powers conferred under this Act.

39. Has had its effect.

40. Has had its effect.

SCHEDULE

(Section 9)

OATH/AFFIRMATION OF ZAMBIAN CITIZENSHIP OF PRESIDENTIAL CANDIDATE AND PRESIDENTIAL CANDIDATE'S PARENTS

I, (full names)
.....
.....

of (residential address) of (postal
address) and holder of National Registration
Card No being a candidate for election to the office of President of
the Republic of Zambia.

MAKE OATH/AFFIRMATION AND SAY THAT:

1. I was born on
Village/Township/Town
District Country
2. That I have attained the age of thirty-five years;
3. That I am a Zambian citizen;
4. That both my parents are Zambian citizens by birth/descent;*
That my father (full names)
was born on
Village/Township/Town

District Country

and that my mother (full names)

was born on

Village/Township/Town

District Country

- 5. That I am qualified to be elected as a member of the National Assembly;
- 6. That I have been domiciled in Zambia for a period of at least twenty years;
and
- 7. That I have not twice been elected as President.

The above information has come to my knowledge by

Date Signature

SWORN/AFFIRMED BY THE SAID:

At:

This day of
..... 199

BEFORE ME:

Notary Public

*Delete whichever is not applicable.

(As amended by Act No. 23 of 1996)

SUBSIDIARY LEGISLATION

THE ELECTORAL (REGISTRATION OF VOTERS) REGULATIONS

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OFFENCES

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283 of 1973

79 of 1992

111 of 1996

Act. No.

13 of 1994

PART I PRELIMINARY PART I

PRELIMINARY

1. These Regulations may be cited as the Electoral (Registration of Voters) Regulations. Title

2. (1) In these Regulations, unless the context otherwise requires- Interpretation

"assistant registration officer" means an assistant registration officer appointed under regulation 5;

"electoral officer" means a person appointed as an electoral officer under regulation 5;

"functions" includes powers and duties;

"national registration card" means a national registration card, issued under the National Registration Act, which is not cancelled or required to be cancelled under such Act, and, in relation to any person, means a national registration card in the lawful possession of such person under such Act;Cap. 126

"national registration number", in relation to a national registration card, means the serial number inserted on such national registration card under the National Registration Act;Cap. 126

"polling district" means any polling district declared as a polling district under regulation 3;

"provisional register of voters" means a provisional register of voters prepared under regulation 15 or 38;

"register of voters" means a register of voters prepared and certified under these Regulations;

"registration officer" means a person appointed as a registration officer under regulation 5;

"true copy", in relation to a provisional register of voters or a register of voters, means a copy of such provisional register, or of such register, which is certified as a true copy thereof under the hand of the Director of Elections;

"voter's registration card" means a card in Form RV.2 in the Second Schedule;

"voter's registration record" means a record in Form RV.1 in the Second Schedule.

(2) Any person whose name appears in a register of voters shall, until such register of voters is replaced by virtue of the operation of regulation 29 or 49, be deemed to be registered as a voter.

(3) Any person whose name does not appear in a register of voters shall not be deemed to be registered as a voter.

(4) Where a registration officer or an assistant registration officer is satisfied, for the purpose of the exercise of his functions under regulation 36 or 37, that a voter's registration card is lost or destroyed, such voter's registration card shall, for the purpose of regulation 58, be deemed to be lost or destroyed.

(5) Where a magistrate determines under regulation 42 that any voter's registration card is lost or destroyed, such voter's registration card shall, for the purposes of regulations 42 and 58, be deemed to be lost or destroyed.

(6) Any person who is in possession of a voter's registration card which is deemed to be lost or destroyed under sub-regulation (4) or (5) shall, for the purposes of regulation 61, be deemed to be in possession of a voter's registration card which was not given to him in pursuance of these Regulations.

3. (1) The Director of Elections shall divide Zambia into polling districts, and shall declare and publish, by Gazette notice, the names by which such

polling districts are to be known and the descriptions of the boundaries of such polling districts. Division and declaration of polling districts

(2) The Director of Elections may at any time vary the boundaries or the descriptions of the boundaries of a polling district and such variation shall be published by Gazette notice.

4. The Director of Elections shall-Functions of Director of Elections

(a) ensure that every electoral officer, registration officer and assistant registration officer performs his functions under these Regulations in accordance with the provisions thereof;

(b) issue to any electoral officer, registration officer or assistant registration officer such instructions as he may deem necessary to ensure due compliance with the provisions of these Regulations;

(c) perform all such functions as are conferred or imposed upon him by these Regulations.

5. (1) In respect of each polling district, there shall be-Election officers for registration of voters

(a) an electoral officer who shall be such person as the Commission shall specify, by Gazette notice, as the electoral officer for that polling district; and

(b) a registration officer, who shall be such person as the Commission shall specify, by Gazette notice, as the registration officer for that polling district; and

(c) such approved numbers of assistant registration officers as the registration officer for that polling district may, by notice in writing, appoint for the purpose of assisting him in the exercise of his functions in respect of that polling district.

(2) Whenever a registration officer appoints any person to be an assistant registration officer under paragraph (c) of sub-regulation (1), he shall deliver a copy of the notice referred to in that paragraph to the Director of Elections.

(3) In this regulation-

"approved" means approved by the Director of Elections.

6. Every electoral officer, registration officer or assistant registration officer shall, before exercising any of the functions conferred upon him under these Regulations or under any other written law, take and subscribe an oath, or make an affirmation in lieu thereof, before a magistrate in the appropriate form set out in the First Schedule. Form of oath or affirmation for election officers

7. (1) Where the Commission revokes the appointment of an electoral officer or of a registration officer, the Commission shall publish a notice of such revocation in the Gazette. Revocation of appointments of election officers to be notified

(2) Where a registration officer revokes the appointment of an assistant registration officer appointed by him, such registration officer shall give

notice in writing of such revocation to such assistant registration officer and shall deliver a copy of such notice to the Director of Elections.

PART II GENERAL REGISTRATION OF VOTERSPART II

GENERAL REGISTRATION OF VOTERS

A. Applications for Registration and Provisional Registers

8. A general registration of voters shall be carried out under these Regulations in all polling districts at such intervals as the Commission shall, by Gazette notice, determine and may be carried out in different polling districts at different times as the Commission may deem necessary. General registration of voters

9. (1) A general registration of voters in a polling district shall be carried out under these Regulations within such registration period as the Commission shall, by Gazette notice, specify in respect of that polling district. Period for general registration of voters and extension thereof

(2) The Commission may, where it appears necessary or expedient having regard to the number of persons applying for registration or to the length of time required for the consideration of applications for registration in any polling district, extend, by Gazette notice, the registration period specified under sub-regulation (1) in respect of that polling district.

10. Subject to the provisions of these Regulations, a general registration of voters in any polling district shall be carried out by the registration officer for that polling district or by any assistant registration officer appointed by him under paragraph (c) of regulation 5 (1). Conduct of registration of voters

11. Any person who considers that he is qualified for registration as a voter may make application to be registered as a voter to the registration officer, or to the assistant registration officer, for the polling district in which the applicant ordinarily resides and any such application shall be made within the registration period specified in respect of that polling district under regulation 9. Application for registration in general registration

12. (1) Every registration officer to whom application is made under regulation 11 shall satisfy himself that the applicant ordinarily resides in the polling district in which the application is made. Procedure for registration of voters in general registration

(2) Upon application for registration as a voter under regulation 11, the applicant shall prove his identity to the registration officer by producing to such registration officer a national registration card issued to such applicant under the National Registration Act, and no applicant shall be registered as a voter unless he possesses and so produces such national registration card. Cap. 126

(3) Every registration officer to whom application is made under regulation 11 shall determine whether the applicant is qualified for registration as a voter.

(4) If a registration officer to whom application is made under regulation 11 is satisfied-

(a) that the applicant has properly identified himself under sub-regulation

(2); and

(b) that the applicant ordinarily resides in the polling district in which the application is made; and

(c) that the applicant is qualified for registration as a voter;

the registration officer shall register the applicant-

(i) by completing a voter's registration record and a voter's registration card in relation to the applicant; and

(ii) by giving to the applicant such voter's registration card completed as aforesaid.

(5) For the purposes of sub-regulation (4), the details of the names of an applicant which shall be entered on a voter's registration record and a voter's registration card in relation to that applicant shall be identical to the details recorded on the national registration card produced by such applicant under sub-regulation (2):

Provided that the surname and one forename, only, of the applicant shall be recorded in full, together with not more than two initials in respect of other forenames, if any, of such applicant.

(6) A voter's registration record shall be as in Form RV.1 in the Second Schedule, and a voter's registration card shall be as in Form RV.2 in the Second Schedule.

(7) If a registration officer to whom application is made under regulation 11 is not satisfied-

(a) that the applicant has properly identified himself under sub-regulation (2); or

(b) that the applicant ordinarily resides in the polling district in which the application is made; or

(c) that the applicant is qualified for registration as a voter;

the registration officer shall refuse the application and, if so required by the applicant, shall give to the applicant a written statement, as in Form RV.3 in the Second Schedule, setting out the grounds of such refusal, and shall inform the applicant that he may appeal against such refusal under regulation 19.

(8) In this regulation-

"registration officer" includes an assistant registration officer.

13. (1) Every registration officer shall, in any premises being used by him for the purposes of registering persons as voters, keep order in such premises and shall regulate the number of applicants to be admitted at a time to such premises. Control of persons in premises used for registration of voters

(2) A registration officer may require any person, other than a member of the Commission or the Director of Elections, or any person authorised in writing by the Director of Elections to enter and remain thereon, to leave premises being

used by him for the purpose of registering voters.

(3) The powers conferred by this regulation shall not be exercised so as to prevent any person from having an opportunity to make application to be registered as a voter.

(4) In this regulation-

"registration officer" includes an assistant registration officer.

14. At the close of the registration period specified in respect of any polling district under regulation 9, the registration officer for that polling district shall forward to the Director of Elections, in accordance with such directions as the Director of Elections may give to such registration officer, all voter's registration records completed by him under regulation 12 in respect of such polling district. Voter's registration records to be sent to Director of Elections

15. (1) The Director of Elections shall, on receipt by him of the voter's registration records completed under regulation 12 in respect of any polling district and forwarded to him under regulation 14, cause to be prepared a provisional register of voters for that polling district. Provisional registers of voters to be prepared by Director of Elections

(2) A provisional register of voters prepared under this regulation shall be in such form as the Director of Elections may determine.

16. Subject to the provisions of regulation 17, there shall be entered in a provisional register of voters prepared under regulation 15 in respect of each polling district-Particulars to be entered in provisional registers of voters

(a) the number of each voter's registration record completed under regulation 12 in that polling district; and

(b) the surname of the person to whom such voter's registration record relates; and

(c) one forename and the initials, if any, of such person as recorded under regulation 12; and

(d) the residential address of such person; and

(e) the number of the national registration card as recorded in respect of such person under regulation 12.

17. (1) Where the Director of Elections has reasonable cause to suspect that any person has committed an offence against regulation 60, he may refuse to make an entry in a provisional register of voters under regulation 16 in respect of that person. Director of Elections may refuse to enter particulars of person suspected of offence

(2) The Director of Elections shall cause any person refused under sub-regulation (1) to be notified thereof in writing as in Form RV.3 in the Second Schedule, together with a statement setting out the grounds of such refusal, and shall deliver the same to the registration officer for the polling district in which such person applied for registration as a voter, and such registration officer shall cause the same to be delivered to the address

recorded in the voter's registration record relating to such person.

(3) Any person refused under sub-regulation (1) may appeal against such refusal under regulation 19.

(4) Where the Director of Elections refuses to make an entry in a provisional register of voters in respect of any person under this regulation, the registration of such person under regulation 12 shall be deemed to be cancelled, and such person shall surrender the voter's registration card given to him in respect of such registration to the registration officer for the polling district to which such voter's registration card relates.

18. (1) As soon as practicable after a provisional register of voters is prepared in respect of any polling district under regulation 15, the Director of Elections shall deliver such number of true copies thereof as he may deem necessary to the registration officer for that polling district for publication. Procedure after provisional registers of voters prepared

(2) A registration officer shall publish a true copy of a provisional register delivered to him under sub-regulation (1) by-

(a) making it available for inspection at the office of the Town Clerk or Council Secretary in whose District the polling district to which such provisional register relates is situated, and at such other places as he may deem fit, for a period of fourteen days after the publication of the notice referred to in paragraph (b); and

(b) publishing at the office of such Town Clerk or Council Secretary, in such manner as he may deem fit, a notice stating that a true copy of such provisional register is available for inspection by the public at such places and at such times as may be specified in such notice.

(As amended by S.I. No. 111 of 1996)

B. Appeals, Claims and Objections

19. (1) Any person-Appeals against refusal under regulation 12 or 17

(a) whose application for registration as a voter is refused under sub-regulation (7) of regulation 12; or

(b) who is notified under regulation 17 that the Director of Elections has refused to make an entry in a provisional register of voters in respect of that person;

may appeal against such refusal to a magistrate (hereinafter referred to as "the magistrate") empowered to preside over a subordinate court of the first or second class and having jurisdiction in the polling district in which such application was made or, as the case may be, to which such provisional register relates.

(2) Every appeal under this regulation shall be as in Form RV.4 in the Second Schedule and shall be delivered to the magistrate not later than seven days after the date of publication under regulation 18 of a true copy of the provisional register of voters for the polling district in which the appellant made application for registration as a voter.

(3) Every appeal under this regulation shall be accompanied by a deposit of ten fee units.

(4) Every appeal under this regulation shall be determined within a period of not more than twenty-three days after the date of publication of a true copy of the provisional register of voters referred to in subregulation (2).

(As amended by Act No. 13 of 1994 and S.I. No. 111 of 1996)

20. (1) On receipt of an appeal under regulation 19, the magistrate shall appoint a day and a place for hearing the appeal and shall cause the appellant, and the Director of Elections, and the registration officer for the polling district in which the appellant made application for registration as a voter, to be notified thereof. Procedure for appeals under regulation 19

(2) The decision of the magistrate on an appeal under regulation 19 shall be final and shall not be challenged in any proceedings whatsoever.

(3) For the purpose of determining an appeal under regulation 19, the magistrate may-

(a) summon any person to appear before him to give evidence on oath or affirmation, and may order the production of any document relating to the appeal at the hearing thereof;

(b) adjourn, subject to the provisions of regulation 19, the hearing of the appeal to any convenient time or place, as he may deem proper.

(4) Where an appellant under regulation 19 fails to appear at the hearing of an appeal on the day and at the place appointed by the magistrate for the hearing of the appeal, the magistrate shall disallow the appeal.

(5) The magistrate shall, upon determination of an appeal under regulation 19, notify the registration officer referred to in sub-regulation (1), in writing, of the result of such appeal.

(6) If the magistrate allows an appeal under regulation 19, the registration officer, upon being so notified under sub-regulation (5), shall register the appellant in accordance with sub-regulation (4) of regulation 12, and the deposit paid by the appellant under regulation 19 shall be refunded to the appellant.

(7) If the magistrate disallows an appeal under regulation 19, and is of opinion that the appeal was made without reasonable cause, he may order that the deposit paid by the appellant under regulation 19 be forfeited, but otherwise he shall order that the deposit be refunded to the appellant.

21. (1) Any person registered in a polling district under subregulation (4) of regulation 12 may, if his name is omitted (otherwise than in accordance with the provisions of regulation 17) from the provisional register of voters prepared in respect of that polling district under regulation 15, submit a claim under this regulation to be included in such provisional register. Claims

(2) A claim under this regulation shall be as in Form RV.5 in the Second Schedule and shall be delivered to the registration officer for the polling district in respect of which the claim is made not later than fourteen days after the date of publication under regulation 18 of a true copy of the

provisional register of voters for that polling district.

(3) All claims delivered to a registration officer under this regulation shall be determined by that registration officer not later than twenty-three days after the date of publication of a true copy of the provisional register of voters referred to in sub-regulation (2).

(4) The determination of a registration officer under this regulation shall be final and shall not be challenged in any proceedings whatsoever.

(5) If a registration officer determines under this regulation that the claimant was registered in a polling district under sub-regulation (4) of regulation 12 and that the claimant's name is omitted from the provisional register of voters for that polling district, he shall uphold such claim.

(As amended by S.I. No. 111 of 1996)

22. (1) Any person whose name appears in the provisional register of voters prepared under regulation 15 for any polling district may object under this regulation to the inclusion therein of the name of any person appearing therein, on the grounds that such person is not qualified for registration as a voter or is dead. Objections

(2) A registration officer for any polling district or the Director of Elections may object under this regulation to the inclusion of the name of any person appearing in the provisional register of voters prepared under regulation 15 for such polling district, on the grounds that such person is not qualified for registration as a voter or is dead.

(3) An objection-

(a) under sub-regulation (1), shall be as in Form RV.6 in the Second Schedule;

(b) under sub-regulation (2), shall be as in Form RV.7 in the Second Schedule;

and shall be determined by a magistrate (hereinafter referred to as "the magistrate") empowered to preside over a subordinate court of the first or second class and having jurisdiction in the polling district to which the objection relates.

(4) An objection under this regulation shall be delivered to the magistrate not later than fourteen days after the date of publication under regulation 18 of a true copy of the provisional register of voters to which the objection relates, and, in the case of an objection under sub-regulation (1), shall be accompanied by a deposit of ten fee units.

(5) Every objection under this regulation shall be determined by the magistrate not later than twenty-three days after the date of publication under regulation 18 of a true copy of the provisional register of voters to which the objection relates.

(6) The magistrate shall appoint a day and a place for the hearing of an objection delivered to him under this regulation and shall-

(a) cause a copy of the objection to be served on the person whose name is

the subject of the objection; and

(b) cause such person and the person by whom the objection is made (hereinafter called "the objector") to be notified, in such manner as he may determine, of such day and such place.

(7) The objector may appear in person, or may be represented by any person appointed by him in writing for the purpose, at the hearing of the objection.

(8) The person whose name is the subject of an objection under this regulation may appear in person, or may be represented by any person appointed by him in writing for the purpose, at the hearing of the objection, or he may deliver a statement in writing, signed by him, to the magistrate setting forth his answer to the objection.

(9) Where the objector or the person whose name is the subject of the objection is represented at the hearing of the objection under this regulation, the magistrate may, if he deems it necessary, but subject to the provisions of sub-regulation (5), adjourn the hearing to enable the objector or such person to appear in person and may make an order accordingly.

(As amended by Act No. 13 of 1994 and S.I. No. 111 of 1996)

23. (1) The procedure for the hearing of objections under regulation 22 shall, subject to the provisions of regulations 22 and 24, be such as the magistrate may direct. Powers of magistrate on hearing of objections

(2) For the purpose of determining any objection under regulation 22, the magistrate may summon any person to appear before him to give evidence on oath or affirmation and may order the production of any document relating to the objection at the hearing thereof.

(3) Subject to the provisions of regulation 22, the magistrate may adjourn the hearing of an objection to any convenient time or place, as he may deem proper.

24. (1) The decision of the magistrate on any objection under regulation 22 shall be final and shall not be challenged in any proceedings whatsoever. Determination of objections

(2) Where an objector, or any person representing him under regulation 22, fails to appear at the hearing of an objection on the day and at the place appointed by the magistrate for the hearing of the objection, the magistrate shall disallow the objection.

(3) Where the magistrate upholds an objection under regulation 22, he shall require the person whose name is the subject of the objection to surrender the voter's registration card given to such person under regulation 12 to the registration officer for the polling district to which such voter's registration card relates, and, for that purpose, the magistrate may order such person and such registration officer to appear before him at such time and place as the magistrate may determine.

(4) Where the magistrate disallows an objection under regulation 22 and if, in his opinion, the objection was made without reasonable cause, the magistrate may, in the case of an objection under sub-regulation (1) of regulation 22, order-

(a) that the deposit paid by the objector under sub-regulation (4) of regulation 22 be forfeited; and

(b) that the objector shall pay to the person whose name is the subject of the objection such sum, not exceeding one thousand fee units, as the magistrate considers will compensate such person for the trouble and expense to which he may have been put by reason of the objection.

(5) Any sum ordered to be paid under paragraph (b) of sub-regulation (4) shall be recoverable as a civil debt.

(6) When the magistrate has determined the validity of all objections delivered to him under regulation 22, he shall cause to be sent to the appropriate registration officer a statement containing the particulars of each of such objections and his decision thereon.

(As amended by Act No. 13 of 1994)

25. Not later than thirty-five days after the date of publication under regulation 18 of a true copy of the provisional register of voters for any polling district, the registration officer for that polling district shall deliver to the Director of Elections-Registration officer to deliver copies of determinations, etc., to Director of Elections

(a) a copy of the determination of every appeal as notified to such registration officer under sub-regulation (5) of regulation 20; and

(b) every voter's registration record completed by such registration officer under sub-regulation (6) of regulation 20; and

(c) a copy of every determination made by such registration officer under regulation 21; and

(d) every voter's registration card surrendered to such registration officer under sub-regulation (3) of regulation 24 and a copy of every statement received by such registration officer under sub-regulation (6) of regulation 24; and

(e) every true copy of the provisional register of voters for such polling district delivered to such registration officer under regulation 18.

(As amended by S.I. No. 111 of 1996)

C. Certification of Registers of Voters

26. (1) The Director of Elections shall, as soon as practicable after the expiry of the period allowed under regulation 25 for the delivery to him of the documents therein referred to, cause a register of voters for each polling district to be prepared for certification under regulation 27. Preparation of registers of voters for certification

(2) A register of voters prepared under this regulation shall be in such form as the Director of Elections may determine.

(3) Subject to the provisions of this regulation, the particulars entered under regulation 16 in a provisional register of voters for any polling district shall be entered in a register of voters prepared for that polling district under this regulation.

(4) No entry shall be made in a register of voters prepared under this regulation in respect of any person who is required under subregulation (3) of regulation 24 to surrender a voter's registration card in consequence of an objection.

(5) The particulars prescribed in regulation 16 shall be entered in a register of voters prepared for any polling district under this regulation in respect of-

(a) any person registered in such polling district under subregulation (4) of regulation 12-

(i) whose name is, in the opinion of the Director of Elections, inadvertently omitted from the provisional register of voters for such polling district; and

(ii) who has not been notified of a refusal in respect of such provisional register of voters under regulation 17; and

(iii) who has not made a claim in respect of such provisional register of voters under regulation 21;

(b) any person whom the registration officer for such polling district is required to register under sub-regulation (6) of regulation 20 in consequence of an appeal;

(c) any person whose claim to be included in the provisional register of voters for such polling district is upheld under regulation 21.

27. (1) When the preparation of any register of voters for any polling district is completed under regulation 26, the Director of Elections shall, in the manner provided in Form RV.8 in the Second Schedule, certify such register of voters as the register of voters for that polling district. Certification of registers of voters

(2) Upon certification of a register of voters under this regulation, such register of voters shall have full force and effect in respect of the polling district to which it relates, and any other register of voters prepared in respect of that polling district prior to such certification shall thereupon cease to have effect.

(3) When the certification of the register of voters for any polling district is completed under this regulation, the Director of Elections shall publish a notice in the Gazette stating-

(a) that the certification of the register of voters for such polling district has been so completed; and

(b) that such certified register of voters replaces all registers of voters previously prepared in respect of such polling district.

28. (1) The Director of Elections shall, as soon as practicable after the certification of a register of voters under regulation 27, deliver such number of true copies thereof as he may deem necessary to the electoral officer for the polling district to which such register of voters relates. Electoral officers to publish registers of voters certified under regulation 27

(2) On receipt of a true copy of a register of voters delivered to him under

sub-regulation (1), the electoral officer shall publish, at the office of the District Secretary within whose District the polling district to which such register of voters relates is situated, and at such other places as he may determine, a notice that such register of voters has been duly certified and that a true copy thereof is open for inspection at such place or places, and at such times, as may be specified in such notice.

(3) The Director of Elections may re-open for public inspection a current register of voters to allow for claims to be made by registered voters in accordance with regulation 21 and to be processed in accordance with regulations 25 and 26 of the principal Regulations.

(As amended by S.I. No. 79 of 1992)

29. (1) A register of voters prepared for any polling district under this Part shall, upon certification thereof under this Part and by virtue of the operation of this regulation, replace any register of voters previously prepared and certified for the same polling district under this Part or under Part III. Replacement, control and custody of certified registers, provisional registers and true copies thereof

(2) Every register of voters prepared and certified under this Part shall be kept under the control and custody of the Director of Elections and shall not, save with the consent of the Commission or by order of a court of competent jurisdiction, be removed from such custody.

(3) Every true copy of a register of voters prepared and certified under this Part shall, subject to the provisions of this Part, be kept under the control and custody of the Director of Elections and shall not, save as the Commission may otherwise direct or for the purposes of these Regulations or of any proceedings before a court of competent jurisdiction under these Regulations, be removed from such custody.

(4) Every provisional register of voters, and every true copy thereof, prepared under this Part shall, subject to the provisions of this Part, be kept under the control and custody of the Director of Elections and shall not, save for the purposes of these Regulations or of any proceedings before a court of competent jurisdiction under these Regulations, be removed from such custody.

(5) Every true copy of a provisional register of voters prepared under this Part and delivered to a registration officer under regulation 18 for publication, shall, until such true copy is delivered to the Director of Elections under regulation 25, be kept under the control and custody of such registration officer and shall not, save for the purposes of these Regulations or of any proceedings before the court of competent jurisdiction under these Regulations, be removed from such custody.

(6) Every true copy of a register of voters prepared and certified under this Part and delivered to an electoral officer under regulation 28 for publication, shall during the period of such publication be kept under the control and custody of such electoral officer and shall not, save in accordance with the directions of the Director of Elections be removed from such custody.

PART III ANNUAL REVISION AND REPLACEMENT OF REGISTERS OF VOTERSPART III

ANNUAL REVISION AND REPLACEMENT OF REGISTERS OF VOTERS

A. Applications and Provisional Registers

30. In this Part-Interpretation

"current", in relation to a register of voters, means a register of voters prepared and certified under these Regulations which has not been replaced by virtue of the operation of regulation 29 or 49;

"revision" means a revision of a register of voters carried out under this Part.

31. Subject to the provisions of this Part, a revision of every current register of voters shall be carried out in each calendar year under this Part. Annual revision of registers

32. In any calendar year a revision shall not be required in respect of any polling district-When revision not required

(a) if a general registration of voters is commenced during that year under Part II in that polling district; or

(b) if the Commission, by Gazette notice, directs that a revision shall not be carried out during that year in that polling district.

33. (1) For the purpose of carrying out a revision, the Commission shall, by Gazette notice, specify the period during which such revision shall be carried out in any polling district specified in such notice. Period for carrying out revision

(2) The Commission may, where it appears necessary or expedient having regard to the number of persons making applications in pursuance of regulation 35, 36 or 37 or to the length of time required for the consideration of such applications in any polling district, extend, by Gazette notice, the period specified in sub-regulation (1) in respect of that polling district.

34. Subject to the provisions of these Regulations, a revision in any polling district shall be carried out by the registration officer for that polling district or by any assistant registration officer appointed by him under paragraph (c) of regulation 5 (1). Conduct of revision

35. (1) During the period specified in respect of any polling district under regulation 33, any person ordinarily resident in such polling district who considers that he is qualified for registration as a voter and who is not registered in a current register of voters may make application to be registered as a voter to the registration officer for such polling district. Application for registration as a voter during revision

(2) Every registration officer to whom application is made under this regulation shall satisfy himself that the applicant ordinarily resides in the polling district in which the application is made.

(3) The provisions of regulation 12 shall apply in relation to an application under this regulation as they apply to an application under regulation 11:

Provided that where a registration officer refuses an application under this regulation, he shall inform the applicant that he may appeal against such refusal under regulation 42.

(4) At the close of the period specified in respect of any polling district under regulation 33, the registration officer for that polling district shall forward to the Director of Elections, in accordance with such directions as the Director of Elections may give to such registration officer, all voter's registration records completed by him under this regulation in respect of such polling district.

(5) In this regulation-

"registration officer" includes an assistant registration officer.

36. (1) During the period specified in respect of any polling district under regulation 33, any person ordinarily resident in such polling district to whom a voter's registration card has been issued under these Regulations by the registration officer for such polling district may, unless such voter's registration card is deemed to be cancelled under paragraph (a) or (c) of regulation 58, apply to such registration officer as in Form RV.9 in the Second Schedule for a voter's registration card on any of the following grounds, that is to say: Application for new voter's registration card

(a) that such first-mentioned voter's registration card is lost or destroyed; or

(b) that by reason of a change of the name of such person, the particulars recorded on such first-mentioned voter's registration card do not correspond to the particulars recorded on the national registration card issued to such person under the National Registration Act by reason of such change of name. Cap. 126

(2) In the case of an application under paragraph (a) of sub-regulation (1), the applicant shall prove his identity to the registration officer by producing to such registration officer a national registration card issued to such applicant under the National Registration Act, and the registration officer shall determine whether the applicant is qualified for registration as a voter. Cap. 126

(3) In the case of an application under paragraph (b) of sub-regulation (1), the applicant shall surrender to the registration officer the voter's registration card therein referred to.

(4) If a registration officer to whom application is made under this regulation is satisfied-

(a) in the case of an application under paragraph (a) of subregulation (1)-

(i) that the voter's registration card therein referred to is lost or destroyed; and

(ii) that the applicant has properly identified himself under sub-regulation (2); and

(iii) that the applicant is qualified for registration as a voter; or

(b) in the case of an application under paragraph (b) of subregulation (1)-

(i) that the applicant has, in compliance with sub-regulation (3), surrendered the voter's registration card referred to in the said paragraph (b); and

(ii) that the particulars recorded on such voter's registration card do not correspond to the particulars recorded on the national registration card referred to in the said paragraph (b);

he shall register the applicant by completing a voter's registration record and a voter's registration card in relation to the applicant and by giving to the applicant such voter's registration card completed as aforesaid.

(5) Where, upon application under paragraph (a) of sub-regulation (1), a registration officer registers the applicant under sub-regulation (4), such registration officer shall forward to the Director of Elections the Form RV.9, together with the voter's registration record completed in relation to the applicant on which there shall be endorsed the words "DUPLICATE-REPLACES No." and the number of the voter's registration card which has been lost or destroyed.

(6) Where, upon application under paragraph (b) of sub-regulation (1), a registration officer registers the applicant under sub-regulation (4), the registration officer shall endorse on the voter's registration card surrendered by the applicant under sub-regulation (4) the word "CANCELLED" and shall forward it to the Director of Elections, together with the Form RV.9 and the voter's registration record completed in relation to the applicant, and there shall be endorsed on such voter's registration record the words "DUPLICATE-REPLACES No." and the number of the voter's registration card surrendered as aforesaid.

(7) Where a registration officer to whom application is made under this regulation is not satisfied-

(a) in the case of an application under paragraph (a) of subregulation (1), as to the matters in respect of which he is required to be satisfied under paragraph (a) of sub-regulation (4); or

(b) in the case of an application under paragraph (b) of subregulation (1), as to the matters in respect of which he is required to be satisfied under paragraph (b) of sub-regulation (4);

he shall refuse the application and, if so required by the applicant, shall give to the applicant a written statement, as in Form RV.3 in the Second Schedule, setting out the grounds of such refusal, and shall inform the applicant that he may appeal against such refusal under regulation 42.

(8) In this regulation-

"registration officer" includes an assistant registration officer.

37. (1) Any person registered in the current register of voters for any polling district who becomes ordinarily resident in another polling district may, during the period specified in respect of such other polling district under regulation 33, make application, as in Form RV.9 in the Second Schedule, to the registration officer for such other polling district to be registered as a voter in such other polling district. Applications for transfer from one register of voters to another during revision

(2) Every registration officer to whom application is made under this regulation shall satisfy himself that the applicant ordinarily resides in the

polling district in which the application is made.

(3) Upon application under this regulation, the applicant shall prove his identity to the registration officer by producing to such registration officer a national registration card issued to such applicant under the National Registration Act. Cap. 126

(4) Every registration officer to whom application is made under this regulation shall determine whether the applicant is qualified for registration as a voter.

(5) Subject to the provisions of sub-regulation (6), an applicant under this regulation shall surrender to the registration officer the voter's registration card relating to the current register of voters in which he is registered.

(6) Where an applicant is unable to surrender a voter's registration card under sub-regulation (5) on the ground that such voter's registration card is lost or destroyed, he shall so declare in his application.

(7) A registration officer to whom application is made under this regulation shall, if he is satisfied as to the matters in respect of which he is required to be satisfied under sub-regulations (2), (3) and (4), and-

(a) if the applicant surrenders the voter's registration card referred to in sub-regulation (5); or

(b) if such registration officer is satisfied that such voter's registration card is lost or destroyed;

register the applicant by completing a voter's registration record and a voter's registration card in relation to the applicant, and by giving to the applicant such voter's registration card completed as aforesaid.

(8) If a registration officer to whom application is made under this regulation is not satisfied as to the matters in respect of which he is required to be satisfied under sub-regulations (2), (3) and (4) or-

(a) If the applicant fails to surrender the voter's registration card referred to in sub-regulation (5); and

(b) if such registration officer is not satisfied that such voter's registration card is lost or destroyed;

he shall refuse the application and, if so required by the applicant, shall give to the applicant a written statement, as in Form RV.3 in the Second Schedule, setting out the grounds of such refusal, and shall inform the applicant that he may appeal against such refusal under regulation 42.

(9) Where a registration officer registers an applicant under this regulation, there shall be endorsed on the voter's registration record completed under sub-regulation (7) the words "TRANSFER FROM POLLING DISTRICT" and the name of the polling district to which the current register of voters in which the applicant is registered relates, and such registration officer shall forward to the Director of Elections such voter's registration record and the Form RV.9 completed by the applicant under sub-regulation (1), together with the voter's registration card, if any, surrendered by the applicant under sub-regulation (5), on which there shall be endorsed the word "CANCELLED".

(10) In this regulation-

"registration officer" includes an assistant registration officer.

38. (1) At the close of the period specified in respect of any polling district under regulation 33, the Director of Elections shall cause to be prepared a provisional register of voters for that polling district. Provisional registers of voters to be prepared on revision

(2) A provisional register of voters prepared under this regulation shall be in such form as the Director of Elections may determine.

39. (1) Subject to the provisions of this regulation and of regulation 40, there shall be entered in a provisional register of voters prepared under regulation 38 in respect of each polling district-Particulars to be entered in provisional register of voters on revision

(a) any entry in the current register of voters relating to that polling district; and

(b) the number of each voter's registration record completed under regulations 35, 36 and 37 in that polling district; and

(c) the surname of the person to whom such voter's registration record relates; and

(d) one forename and the initials, if any, of such person as recorded under regulation 35, 36 or 37; and

(e) the residential address of such person; and

(f) the number of the national registration card as recorded in respect of such person under regulation 35, 36 or 37.

(2) No entry shall be made under paragraph (a) of sub-regulation (1) in respect of any person to whom a voter's registration card is given under regulation 36 or 37 or in respect of any person whose voter's registration card has been surrendered under regulation 51.

40. (1) Where a Director of Elections has reasonable cause to suspect that any person has committed an offence against regulation 60, he may refuse to make an entry in a provisional register of voters under regulation 39 in respect of that person. Director of Elections may refuse to enter particulars of person suspected of offence

(2) The Director of Elections shall cause any person refused under sub-regulation (1) to be notified thereof in writing as in Form RV.3 in the Second Schedule, together with a statement setting out the grounds of such refusal, and shall deliver the same to the registration officer for the polling district in which such person made application under regulation 35, 36 or 37, as the case may be, and such registration officer shall cause the same to be delivered to the address recorded in the voter's registration record completed in respect of such person under regulation 35, 36 or 37.

(3) Any person refused under sub-regulation (1) may appeal against such refusal under regulation 42.

(4) Where the Director of Elections refuses to make an entry in a provisional register of voters in respect of any person under this regulation, the registration of such person under regulation 35, 36 or 37, as the case may be, shall be deemed to be cancelled, and such person shall surrender the voter's registration card given to him in respect of such registration to the registration officer for the polling district to which such voter's registration card relates.

41. (1) As soon as practicable after a provisional register of voters is prepared in respect of any polling district under this Part, the Director of Elections shall deliver such number of true copies thereof as he may deem necessary to the registration officer for that polling district for publication. Procedure after provisional register of voters prepared on revision

(2) A registration officer shall publish a true copy of a provisional register of voters delivered to him under sub-regulation (1) by-

(a) making it available for inspection at the office of the District Secretary in whose District the polling district to which such provisional register of voters relates is situated, and at such other places as he may deem fit, for a period of seven days after the publication of the notice referred to in paragraph (b); and

(b) publishing at the office of such District Secretary, in such manner as he may deem fit, a notice stating that a true copy of such provisional register of voters is available for inspection by the public at such place and at such times as may be specified in such notice.

B. Appeals, Claims and Objections

42. (1) Any person-Appeals against refusal under regulation 35, 36, 37 or 40

(a) whose application for registration as a voter is refused under sub-regulation (3) of regulation 35; or

(b) whose application for a voter's registration card is refused under sub-regulation (7) of regulation 36; or

(c) whose application to be registered as a voter in another polling district is refused under sub-regulation (8) of regulation 37; or

(d) who is notified under regulation 40 that the Director of Elections has refused to make any entry in a provisional register of voters in respect of that person;

may appeal against such refusal to a magistrate (hereinafter referred to as "the magistrate") empowered to preside over a subordinate court of the first or second class and having jurisdiction in the polling district in which such application was made or, as the case may be, to which such provisional register of voters relates.

(2) Every appeal under this regulation shall be as in Form RV.4 in the Second Schedule and shall be delivered to the magistrate not later than seven days after the date of publication under regulation 41 of a true copy of the provisional register of voters for the polling district in which the appellant made application under regulation 35, 36 or 37, as the case may be.

(3) Every appeal under this regulation shall be accompanied by a deposit of ten fee units.

(4) Every appeal under this regulation shall be determined within a period of not more than twenty days after the date of publication under regulation 41 of a true copy of the provisional register of voters referred to in sub-regulation (2).

(5) Subject to the provisions of this regulation, the provisions of regulation 20 shall, *mutatis mutandis*, apply in relation to an appeal under this regulation as they apply in relation to an appeal under regulation 19.

(6) If the magistrate allows an appeal under this regulation, the registration officer for the polling district in which the appellant made application under regulation 35, 36 or 37, as the case may be, shall-

(a) in the case of an appeal under paragraph (a) or (d) of subregulation (1), register the appellant in accordance with sub-regulation (3) of regulation 35; or

(b) in the case of an appeal under paragraph (b) of sub-regulation (1), register the appellant in accordance with sub-regulation (4) of regulation 36; or

(c) in the case of an appeal under paragraph (c) of sub-regulation (1), register the appellant in accordance with sub-regulation (7) of regulation 37.

(7) Any appellant who is registered by a registration officer under paragraph (b) of sub-regulation (6) shall-

(a) if the application to which the appeal relates was made under paragraph (a) of sub-regulation (1) of regulation 36, complete Form RV.9 in the Second Schedule in respect of the voter's registration card referred to in the said paragraph (a); or

(b) if the application to which the appeal relates was made under paragraph (b) of sub-regulation (1) of regulation 36, surrender to such registration officer, upon being so registered, the voter's registration card referred to in paragraph (b) of sub-regulation (1) of regulation 36 and complete Form RV.9 in the Second Schedule in respect thereof.

(8) Where a registration officer registers an appellant under paragraph (b) of sub-regulation (6), he shall-

(a) in the case of an appellant to whom paragraph (a) of subregulation (7) applies, comply with the provisions of subregulation (5) of regulation 36; or

(b) in the case of an appellant to whom paragraph (b) of subregulation (7) applies, comply with the provisions of subregulation (6) of regulation 36.

(9) Any appellant who is registered by a registration officer under paragraph (c) of sub-regulation (6) shall, upon being so registered, complete Form RV.9 in the Second Schedule and shall comply with sub-regulation (5) or (6), as the case may be, of regulation 37.

(10) Where a registration officer registers an appellant under paragraph (c) of

sub-regulation (6), he shall comply with the provisions of sub-regulation (9) of regulation 37.

(As amended by Act No. 13 of 1994)

43. (1) Any person whose name appears in the current register of voters for any polling district, or who is registered in a polling district under regulation 35, 36 or 37, may, if his name is omitted from the provisional register of voters prepared in respect of that polling district under regulation 38, submit a claim under this regulation to be included in such provisional register. Claims

(2) A claim under this regulation shall be as in Form RV.5 in the Second Schedule and shall be delivered to the registration officer for the polling district in respect of which the claim is made not later than seven days after the date of publication under regulation 41 of a true copy of the provisional register of voters for that polling district.

(3) All claims delivered to a registration officer for any polling district under this regulation shall be determined by that registration officer not later than twenty days after the date of publication under regulation 41 of a true copy of the provisional register of voters for that polling district.

(4) The determination of a registration officer under this regulation shall be final and shall not be challenged in any proceedings whatsoever.

(5) If a registration officer determines under this regulation that the claimant was registered in a polling district under regulation 35, 36 or 37, as the case may be, and that the claimant's name is omitted from the provisional register of voters for that polling district, he shall uphold such claim.

44. (1) Any person whose name appears in the provisional register of voters prepared under regulation 38 for any polling district may object under this regulation to the inclusion therein of the name of any person appearing therein on the grounds that such person is not qualified for registration as a voter or is dead. Objections

(2) A registration officer for any polling district or the Director of Elections may object under this regulation to the inclusion of the name of any person appearing in the provisional register of voters prepared under regulation 38 for such polling district on the grounds that such person is not qualified for registration as a voter or is dead.

(3) Subject to the provisions of this regulation, the provisions of regulations 22, 23 and 24 shall apply to an objection under this regulation as they apply to an objection under regulation 22, and the said provisions shall, for the purposes of an objection under this regulation, be construed as if for the words "the date of publication under regulation 18" there were substituted the words "the date of publication under regulation 41".

(4) Where an objection under this regulation is upheld, the magistrate shall require the person whose name is the subject of the objection to surrender the voter's registration card given to such person under these Regulations to the registration officer for the polling district to which such voter's registration card relates, and, for that purpose, the magistrate may order such person and such registration officer to appear before him at such time and place as the magistrate may determine.

(5) When the magistrate has determined the validity of all objections delivered to him under this regulation, he shall cause to be sent to the appropriate registration officer a statement containing the particulars of each of such objections and his decision thereon.

45. Not later than thirty days after the date of publication under regulation 41 of a true copy of the provisional register of voters for any polling district, the registration officer for that polling district shall deliver to the Director of Elections-Registration officer to deliver copies of determination, etc., to Director of Elections

(a) a copy of the determination of every appeal as notified to such registration officer under sub-regulation (5) of regulation 42; and

(b) every voter's registration record completed by such registration officer under sub-regulation (6), (8) or (10) of regulation 42, together with any voter's registration card surrendered to such registration officer, and any Form RV.9 completed by an appellant under sub-regulation (7) or (9) of regulation 42; and

(c) a copy of every determination made by such registration officer under regulation 43; and

(d) every voter's registration card surrendered to such registration officer under sub-regulation (4) of regulation 44 and a copy of every statement received by such registration officer under sub-regulation (5) of regulation 44; and

(e) every true copy of the provisional register of voters for such polling district delivered to such registration officer under regulation 44.

C. Certification of Registers of Voters on Revision

46. (1) The Director of Elections shall, as soon as practicable after the expiry of the period allowed under regulation 45 for the delivery to him of the documents therein referred to, cause a register of voters for each polling district to be prepared for certification under regulation 47. Preparation of registers of voters for certification on revision

(2) A register of voters prepared under this regulation shall be in such form as the Director of Elections may determine.

(3) Subject to the provisions of this regulation, the particulars entered under regulation 39 in a provisional register of voters for any polling district shall be entered in a register of voters prepared for that polling district under this regulation.

(4) No entry shall be made in a register of voters prepared under this regulation in respect of any person who is required under subregulation (4) of regulation 44 to surrender a voter's registration card in consequence of an objection.

(5) The particulars prescribed in regulation 39 shall be entered in a register of voters prepared for any polling district under this regulation in respect of-

(a) any person registered in such polling district under regulations 35, 36 or 37-

(i) whose name is, in the opinion of the Director of Elections, inadvertently omitted from the provisional register of voters prepared under regulation 38 for such polling district; and

(ii) who has not been notified of a refusal in respect of such provisional register of voters under regulation 40; and

(iii) who has not made a claim in respect of such provisional register of voters under regulation 43;

(b) any person whom the registration officer for such polling district is required to register under sub-regulation (6) of regulation 42 in consequence of an appeal; and

(c) any person whose claim to be included in the provisional register of voters prepared under regulation 38 for such polling district is upheld under regulation 43.

47. (1) When the preparation of a register of voters for any polling district is completed under regulation 46, the Director of Elections shall, in the manner provided in Form RV.8 in the Second Schedule, certify such register of voters as the register of voters for that polling district. Certification of registers of voters prepared on revision

(2) Upon certification of a register of voters under this regulation, such register of voters shall have full force and effect in respect of the polling district to which it relates, and any other register of voters prepared in respect of that polling district prior to such certification shall thereupon cease to have effect.

(3) When the certification of the register of voters for any polling district is completed under this regulation, the Director of Elections shall publish a notice in the Gazette stating-

(a) that the certification of the register of voters for such polling district has been so completed; and

(b) that such certified register of voters replaces all registers of voters previously prepared in respect of such polling district.

48. (1) The Director of Elections shall, as soon as practicable after the certification of a register of voters under regulation 47, deliver such number of true copies thereof as he may deem necessary to the electoral officer for the polling district to which such register of voters relates. Electoral officers to publish registers of voters certified under regulation 47

(2) On receipt of a true copy of a register of voters delivered to him under sub-regulation (1), the electoral officer shall publish, at the office of the District Secretary within whose District the polling district to which such register of voters relates is situated, and at such other places as he may determine, a notice that such register of voters has been duly certified and that a true copy thereof is open for inspection at such place or places, and at such time, as may be specified in such notice.

49. (1) A register of voters prepared for any polling district under this Part shall, upon certification thereof under this Part and by virtue of the operation

of this regulation, replace any register of voters previously prepared and certified for the same polling district under Part II or under this Part. Replacement, control and custody of registers, provisional registers and true copies thereof

(2) Every register of voters prepared and certified under this Part shall be kept under the control and custody of the Director of Elections and shall not, save with the consent of the Commission or by order of a court of competent jurisdiction, be removed from such custody.

(3) Every true copy of a register of voters prepared and certified under this Part shall, subject to the provisions of this Part, be kept under the control and custody of the Director of Elections and shall not, save as the Commission may otherwise direct or for the purposes of these Regulations or of any proceedings before a court of competent jurisdiction under these Regulations, be removed from such custody.

(4) Every provisional register of voters, and every true copy thereof, prepared under this Part shall, subject to the provisions of this Part, be kept under the control and custody of the Director of Elections and shall not, save for the purposes of these Regulations or of any proceedings before a court of competent jurisdiction under these Regulations, be removed from such custody.

(5) Every true copy of a provisional register of voters prepared under this Part and delivered to a registration officer under regulation 41 for publication shall, until such true copy is delivered to the Director of Elections under regulation 45, be kept under the control and custody of such registration officer and shall not, save for the purposes of these Regulations or of any proceedings before a court of competent jurisdiction under these Regulations, be removed from such custody.

(6) Every true copy of a register of voters prepared and certified under this Part and delivered to an electoral officer under regulation 48, shall, during the period of such publication, be kept under the control and custody of such electoral officer and shall not, save in accordance with the directions of the Director of Elections, be removed from such custody.

PART IV MISCELLANEOUSPART IV

MISCELLANEOUS

50. (1) The Director of Elections may, at any time after the certification of any register of voters under these Regulations, make such insertions, alterations and amendments therein as may be reasonably required-Formal correction of registers of voters

(a) to correct any clerical errors;

(b) to correct any misnomer or incorrect description;

(c) to ensure that the name of any person does not appear in more than one register of voters or in the same register of voters more than once.

(2) Where the Director of Elections makes any insertion, alteration or amendment in a register of voters under this regulation, he shall cause such insertion, alteration or amendment to be made in every true copy of such register of voters.

51. (1) Where any person to whom a voter's registration card is issued dies, any person who is in possession of such voter's registration card shall, not later than thirty days after the death of such person, surrender such voter's registration card to a registration officer. Surrender of voter's registration card in case of death

(2) A registration officer to whom a voter's registration card has been surrendered under sub-regulation (1) shall make such inquiries as may be necessary to satisfy himself that the person to whom the card was issued is dead.

(3) Where, pursuant to sub-regulation (2), a registration officer is satisfied that the person whose name appears on the voter's registration card is dead, he shall so inform the Director of Elections and shall forward such voter's registration card to the Director of Elections.

52. (1) Any registration officer or the Director of Elections may, for the purpose of considering or determining any matter which he is required to consider or determine under these Regulations or of satisfying himself as to the necessity of making any insertion, alteration or amendment in a register of voters, summon any person to appear before him to give evidence on oath or affirmation and may administer oaths or affirmations for such purpose, and may order the production of any document bearing on any issue relevant thereto. Director of Elections and registration officers may administer oaths, etc.

(2) In this regulation-

"registration officer" includes an assistant registration officer.

53. In any proceedings before a magistrate under these Regulations, a true copy of a provisional register of voters prepared under these Regulations shall, for the purpose of such proceedings, be admissible in evidence in proof of the contents of such provisional register of voters. Evidence

54. Where any notice is required by these Regulations to be published and, in the opinion of the authority who is required to publish the notice, the prescribed mode of publication does not give sufficient publicity to the notice, he may, in addition to publishing the notice as required by these Regulations, exhibit copies of the notice in prominent places within the polling district to which the notice relates, or take such other steps as he may deem necessary for giving sufficient publicity thereto. Publication of notices

55. (1) A certificate under the hand of the registration officer for any polling district certifying the manner and date of publication under regulation 18 or 41 of a true copy of the provisional register of voters prepared for such polling district under regulation 15 or 38, as the case may be, shall be admissible as prima facie evidence of the matters therein certified in all legal proceedings. Certificate of registration officer as to date of publication of provisional registers

(2) A certificate under sub-regulation (1) purporting to be signed by a registration officer shall be presumed, until the contrary is proved, to have been signed by such registration officer.

56. (1) A certificate under the hand of the electoral officer for any polling

district certifying the manner and date of publication under regulation 28 or 48 of a true copy of the register of voters prepared for such polling district under regulation 26 or 46, as the case may be, shall be admissible as prima facie evidence of the matters therein certified in all legal proceedings. Certificate of electoral officer as to date of publication of registers

(2) A certificate under sub-regulation (1) purporting to be signed by an electoral officer shall be presumed, until the contrary is proved, to have been signed by such electoral officer.

57. A voter's registration card completed under these Regulations shall be admissible as prima facie evidence of the matters contained therein in any proceedings under these Regulations. Voter's registration card prima facie evidence of contents

58. Any voter's registration card-When voter's registration card deemed to be cancelled

(a) required to be surrendered under these Regulations; or

(b) which is lost or destroyed; or

(c) which relates to any register of voters replaced by virtue of the operation of regulation 29;

shall be deemed to be cancelled.

59. Any interested person may apply to the Director of Elections for a copy of any register of voters and the Director of Elections may, if such copy is available and upon payment by such person of a sum sufficient to meet the cost of such copy, supply such copy to such person. Director of Elections may supply copy of register of voters to interested persons

PART V OFFENCESPART V

OFFENCES

60. Any person who-Offences in relation to registration

(a) knowing that he is not qualified for registration as a voter, makes application to be registered under regulation 11, 35, 36 or 37;

(b) having been registered under regulation 12 during a registration period specified under regulation 9, applies to be registered as a voter during such period;

(c) is registered as a voter and makes application, during a period specified under regulation 33, to be registered as a voter under regulation 35;

(d) having been registered under regulation 35 during a period specified under regulation 33, applies to be registered as a voter during such period;

shall be guilty of an offence.

61. Any person who-Offences relating to voter's registration card

(a) being required to surrender a voter's registration card under these Regulations, wilfully fails to do so;

(b) without lawful authority, the onus of proving which shall lie upon him, is in possession of a voter's registration card which was not given to him in pursuance of these Regulations;

(c) without lawful authority, the onus of proving which shall lie upon him, asks or requires any other person to give to him the voter's registration card given to such other person in pursuance of these Regulations;

shall be guilty of an offence.

62. (1) No person shall in any public place, or in or at any dwelling-house, require or ask for the production, or use any words (whether written or spoken) or signs which may reasonably be taken to indicate that he is requiring or asking for the production by any person of that person's voter's registration card: Prohibition against requiring or asking for production of voter's registration card

Provided that nothing hereinbefore contained shall make it unlawful for any person to require or ask for the production of any voter's registration card under the provisions of these Regulations or of any law.

(2) In this regulation-

"dwelling-house" and "public place" shall have the meaning assigned thereto in section four of the Penal Code. Cap. 87

(3) Any person who contravenes the provisions of sub-regulation (1) shall be guilty of an offence.

63. Any registration officer or assistant registration officer who-Offence by registration officers

(a) wilfully fails to perform the functions of his office under these Regulations;

(b) fraudulently completes, alters or destroys a voter's registration record or a voter's registration card;

(c) gives to a person a voter's registration card otherwise than in pursuance of these Regulations;

shall be guilty of an offence.

64. Any person who knowingly gives false information to a registration officer or to an assistant registration officer shall be guilty of an offence. False information

65. Any person who forges, or falsifies in any material particular, or fraudulently destroys- Forgery, falsification and fraudulent destruction

(a) a voter's registration record; or

(b) a voter's registration card; or

- (c) a register of voters; or
- (d) a true copy of a register of voters; or
- (e) a provisional register of voters; or
- (f) a true copy of a provisional register of voters;

shall be guilty of an offence.

66. Any person who, without lawful excuse, is in possession of any voter's registration record or any voter's registration card which is forged or is false in any material particular shall be guilty of an offence. Possession of forged or false documents

67. Any appellant, claimant or objector who knowingly makes any false entry in the form completed by him in pursuance of these Regulations for the purposes of his appeal, claim or objection, as the case may be, shall be guilty of an offence. False entries

68. Any person who fails to leave any premises being used by a registration officer or an assistant registration officer for the purpose of registering persons as voters under these Regulations upon being lawfully required to leave such premises by such registration officer or assistant registration officer, shall be guilty of an offence. Refusal to leave premises when required

69. Any person who is guilty of an offence against these Regulations shall be liable on conviction to a fine not exceeding one thousand six hundred penalty units or to imprisonment for a period not exceeding one year, or to both. Penalty

(As amended by Act No. 13 of 1994)

PART VI REVOCATION AND SAVINGS PART VI

REVOCATION AND SAVINGS

70. (1) Has had its effect.

FIRST SCHEDULE

FORM RV.0

REPUBLIC OF ZAMBIA

THE ELECTORAL (REGISTRATION OF VOTERS) REGULATIONS
(Regulation 6)

OATH OR AFFIRMATION BY ELECTION OFFICER

I,
having been appointed as _____ swear/solemnly and sincerely
affirm that I will carry out the duties required of me as a result of my
appointment, impartially and to the best of my ability without favour to any
person or persons, and that I will not directly or indirectly reveal to any
person any matter that may come to my knowledge or notice as a result of my
appointment unless so authorised by law.

Signed

Sworn/Affirmed before me this day
of , 19

Signed

Name in BLOCK CAPITALS

Magistrate

SECOND SCHEDULE

PRESCRIBED FORMS

FORM RV.1

REPUBLIC OF ZAMBIA

The Electoral (Registration of Voters) Regulations

(Regulations 12 and 35)

VOTER'S ROLL NO.. POLLING DISTRICT

SURNAME

OTHER NAME(S). (first name in full-other names, initials only.)

RESIDENTIAL ADDRESS (NOT P.O..Box No.)

NATIONAL REGISTRATION NUMBER

COMPLETED AND SIGNED IN MY PRESENCE

.....
.....

Date Stamp Registration Officer

I declare that I am a Zambian citizen over the age of 18 years and am entitled
to be Registered as a Voter and am not disqualified from Registration as a

Voter. I further declare that the details recorded above of my name, address and National Registration Number are correct.

.....

Signature or Thumbprint of Voter

FORM RV.2

REPUBLIC OF ZAMBIA

The Electoral (Registration of Voters) Regulations

(Regulations 12 and 35)

Parliamentary Elections

VOTER'S REGISTRATION CARD

This card must be produced by the Voter at the Polling Station for the Polling District in which the Voter is registered, as evidence that he or she is entitled to claim a Vote. This card does not entitle the person named to vote unless his or her name appears on the Voters' Roll and the person's National Registration Card is also produced to prove his or her identity.

Any person who unlawfully alters or possesses or disposes of this card may be prosecuted and may incur the penalties prescribed by law.

When the Voter is issued with a Ballot Paper this card should be stamped in one of the boxes below with the Official Stamp (Mark) of the Polling Station.

This card must be kept in a safe place as it has to be produced at a Polling Station every time the Voter wishes to vote in a Parliamentary Election.

VOTER'S ROLL NO. POLLING DISTRICT

SURNAME

OTHER NAME(S). (first name in full-other names, initials only.)

RESIDENTIAL ADDRESS (NOT P.O.Box No.)

NATIONAL REGISTRATION NUMBER

COMPLETED AND SIGNED IN MY PRESENCE

.....

Date Stamp Registration Officer

I declare that I am a Zambian citizen over the age of 18 years and am entitled to be Registered as a Voter and am not disqualified from Registration as a Voter. I further declare that the details recorded above of my name, address and National Registration Number are correct.

.....

Signature or Thumbprint of Voter

FORM RV.3

REPUBLIC OF ZAMBIA

THE ELECTORAL (REGISTRATION OF VOTERS) REGULATIONS
(Regulations 12, 17, 35, 36, 37 and 40)

STATEMENT OF REFUSAL TO REGISTER

Polling District

To (name of applicant)

Of (address of applicant)

I hereby refuse to register you in the above Polling District on the grounds that-

*(i) I am not satisfied as to your identity;

*(ii) I am not satisfied that you are ordinarily resident in the said Polling District;

*(iii) I am not satisfied that you are qualified for registration;

*(iv) You are suspected of having committed an offence contrary to regulation 60 of the above Regulations;

for the following reasons:

.....
.....

.....
.....

.....
.....

.....
.....

Date , 19

.....
.....
Registration Officer/Director of Elections

*Delete paragraphs which do not apply.

An appeal against this refusal to register you may be lodged in accordance with regulation 19 or 42.

FORM RV.4

REPUBLIC OF ZAMBIA

THE ELECTORAL (REGISTRATION OF VOTERS) REGULATIONS
(Regulations 19 and 42)

APPEAL BY A PERSON WHOSE APPLICATION TO BE
REGISTERED AS A VOTER IS REJECTED BY A REGISTRATION
OFFICER OR BY THE DIRECTOR OF ELECTIONS

To: The Magistrate

.....
District

Name of appellant (BLOCK CAPITALS)

Residential Address of appellant

Postal Address of appellant

(i) I, the above-named appellant, applied to be registered as a voter under the Electoral (Registration of Voters) Regulations in the Polling District but the *Registration Officer/Director of Elections rejected my application to be so registered on the following grounds:

(ii) I *attach/do not attach a certificate in the Form RV.3 given to me by the *Registration Officer/Director of Elections.

(iii) I hereby appeal against the rejection of my application on the following grounds:

Date, 19

.....

.....
Signature or Thumbprint of Appellant

PENALTY FOR MAKING A FALSE ENTRY

By virtue of the Electoral (Registration of Voters) Regulations, the penalty for making a false entry is imprisonment for a period not exceeding one year or a fine not exceeding four thousand penalty units, or both.

*Delete any words which do not apply.

(As amended by Act No. 13 of 1994)

FORM RV.5

REPUBLIC OF ZAMBIA

THE ELECTORAL (REGISTRATION OF VOTERS) REGULATIONS
(Regulations 21 and 43)

CLAIM BY A REGISTERED PERSON WHOSE NAME
IS OMITTED FROM A PROVISIONAL REGISTER OF VOTERS

To: The Registration Officer

.....
Polling District

Name of claimant (BLOCK CAPITALS)

Residential Address of claimant

Postal Address of claimant

Number of Voter's Registration Card given to claimant under the Regulations

(i) I, the above-named claimant, applied to be registered under the Electoral (Registration of Voters) Regulations as a voter in the Polling District. I have been given a voter's registration card which bears the number set out above.

(ii) I hereby claim to have my name included in the register of voters for the Polling District.

Date,, 19

.....
Signature or Thumbprint of Claimant

PENALTY FOR MAKING A FALSE ENTRY

By virtue of the Electoral (Registration of Voters) Regulations, the penalty for making a false entry is imprisonment for a period not exceeding one year or a fine not exceeding four thousand penalty units, or both.

(As amended by Act No. 13 of 1994)

FORM RV.6

REPUBLIC OF ZAMBIA

THE ELECTORAL (REGISTRATION OF VOTERS) REGULATIONS
(Regulations 22 and 44)

OBJECTION BY A REGISTERED PERSON TO THE RETENTION
OF A NAME ON A REGISTER OF VOTERS

To: The Magistrate

.....
District

Name of objector (BLOCK CAPITALS)

Residential Address of objector

Postal Address of objector

Polling District in which registered

Number of Voter's Registration Card

(i) I, the above named objector, being registered under the Electoral
(Registration of Voters) Regulations in the above-named Polling District, do
hereby object to the retention in the Register of Voters of that Polling
District of:

Name of person objected to

.....

Number on Register of Voters

.....

(ii) The grounds of objection are:

Date.....,19.....

.....

.....
Signature or Thumbprint of objector

PENALTY FOR MAKING A FALSE ENTRY

By virtue of the Electoral (Registration of Voters) Regulations, the penalty for making a false entry is imprisonment for a period not exceeding one year or a fine not exceeding four thousand penalty units, or both.

(As amended by Act No. 13 of 1994)

FORM RV.7

REPUBLIC OF ZAMBIA

THE ELECTORAL (REGISTRATION OF VOTERS) REGULATIONS
(Regulations 22 and 44)

OBJECTION BY A REGISTRATION OFFICER OR THE DIRECTOR
OF ELECTIONS TO THE RETENTION OF A NAME ON A
REGISTER OF VOTERS

To: The Magistrate

.....
. District

Name of objector (BLOCK CAPITALS)

Residential Address of objector .

Postal Address of objector

(i) *I, the above-named objector, being Registration Officer for the
Polling District,

*Director of Elections,

do hereby object to the retention in the register of voters of the
Polling District of:

Name of person objected to

Number on Register of Voters

(ii) The grounds of objection are:

Date, 19

Objector

PENALTY FOR MAKING A FALSE ENTRY

By virtue of the Electoral (Registration of Voters) Regulations, the penalty for making a false entry is imprisonment for a period not exceeding one year or a fine not exceeding four thousand penalty units, or both.

*Delete whichever is not applicable.

(As amended by Act No. 13 of 1994)

FORM RV.8

REPUBLIC OF ZAMBIA

THE ELECTORAL (REGISTRATION OF VOTERS) REGULATIONS
(Regulations 27 and 47)

CERTIFICATION OF REGISTER OF VOTERS

I hereby certify that this is the register of voters for the
Polling District prepared in accordance with the Electoral (Registration of
Voters) Regulations and that this register shall come into force with effect
from (date)
replacing all previous registers, and shall remain legally in force until a new
register of voters is prepared and certified in accordance with the Regulations.

Date, 19

.....

Director of Elections

FORM RV.9

REPUBLIC OF ZAMBIA

THE ELECTORAL (REGISTRATION OF VOTERS) REGULATIONS
(Regulations 36 and 37)

APPLICATION TO A REGISTRATION OFFICER BY A
REGISTERED VOTER

I, (name in BLOCK CAPITALS)
of (residential address)

hereby apply-

*(a) for the issue of a new voter's registration card under regulation
36;

*(b) or transfer to the register of voters for the
Polling District under regulation 37.

I declare that-

*(i) my voter's registration card has been lost or destroyed;

*(ii) I have changed my name, which was formerly:

;

*(iii) I have resided at the above address since (approximate date)

....., 19
.....

*I attach my voter's registration card for cancellation.

Date ,19.....

.....

Signature or Thumbprint of Applicant

*Delete paragraphs which do not apply.

Application *accepted: new details below.

*rejected for reasons endorsed overleaf.

Date,.....

19.....

.....

Registration Officer

NEW VOTER'S ROLL NO.POLLING DISTRICT OF
NEW REGISTRATION//

SURNAME

OTHER NAME(S). (first name in full-other names, initials only,)

RESIDENTIAL ADDRESS (NOT P.O.Box No.)

NATIONAL REGISTRATION NUMBER

//

OLD VOTER'S ROLL. NO. (If known)

POLLING DISTRICT OF
OLD REGISTRATION//

THE ELECTORAL PETITION RULES

ARRANGEMENT OF RULES

Rule

1. Title
2. Election petition
3. Petition to be in paragraphs
4. Petition to state right of petitioner, etc.
5. Prayer
6. Evidence
7. Service of petition
8. Addresses
9. Security for costs
10. Time and place of hearing
11. Notice of intention to withdraw petition
12. Notice of application to withdraw petition
13. Procedure on withdrawal of petition
14. Date of hearing
15. Costs
16. Payment of costs, etc.
17. Postponement of trial
18. Prescribed fees

FIRST SCHEDULE-Election petition

SECOND SCHEDULE-Prescribed fees

RULES MADE UNDER THE ELECTORAL ACT-CHAPTER 19 OF THE
REVISED EDITION

(Section 15 of the Interpretation and General Provisions Act)
(Cap. 2) Statutory Instruments
426 of 1968
443 of 1968
107 of 1986

THE ELECTORAL PETITION RULES

Rules by the Chief Justice

1. These Rules may be cited as the Electoral Petition Rules. Title
2. An election petition shall be in the form in the First Schedule, with such variations as circumstances may require, or in form to the like effect. Election petition
3. The petition shall be in paragraphs, each of which shall be confined, as nearly as may be, to a distinct portion of the subject and each paragraph shall be numbered consecutively. Petition to be in paragraphs
4. (1) The petition shall state the right of the petitioner to petition within section eighteen of the Act. Petition to state right of petitioner, etc.

(2) The petition shall state the holding and result of the election and shall briefly state the facts and grounds relied on to sustain the prayer.
5. The petition shall conclude with a prayer that the election should be declared void or that some specified person should be declared duly elected. Prayer
6. Evidence shall not be stated in the petition but the court may order such particulars as may be necessary to prevent surprise and unnecessary expense and to ensure a fair and effectual trial in the same way as in ordinary proceedings before the court and upon such terms as to costs and otherwise as may be ordered. Evidence
7. The petitioner shall serve or cause to be served a copy of the petition on the respondent. Such service shall ordinarily be personal: Service of petition

Provided that the Registrar may, in his discretion, with or without application in that behalf, and whether or not any attempt has been made at personal service, make such order for substituted or other service, or for the substitution for service of notice by registered letter addressed to the respondent at the postal address declared in his nomination paper, or by publication in a newspaper circulating in Zambia.

(As amended by No. 443 of 1968)

8. (1) The petitioner shall, when presenting the petition, also give to the Registrar an address within the City of Lusaka at which notices and other proceedings addressed to him may be left, and if no such address is given, any notices and other proceedings may be given by sticking up the same in the High Court Registry. Addresses

(2) The respondent shall, within seven days after service of the petition, give the Registrar an address within the City of Lusaka at which notices and other proceedings addressed to him may be left, and if no such address is given, any notices and other proceedings may be given by sticking up the same in the High Court Registry.
9. (1) As soon as may be after receiving a petition, the Registrar shall place

the petition before a judge who shall fix the amount of security for costs to be furnished by the petitioner and shall direct whether such security shall be given by cash deposit or by recognizance with or without sureties or partly by the one and partly by the other, and for this purpose may, if he thinks fit, hear the petitioner and the respondent in chambers. Security for costs

(2) The Registrar shall notify the petitioner of the amount of the security fixed by the judge and the manner in which it is to be furnished, and the petitioner shall furnish such security within seven days of such notification.

(3) Where security is given by way of recognizance, the person furnishing such recognizance shall, at the time of leaving the recognizance with the Registrar, leave with him an affidavit that the person so furnishing the recognizance is seized or possessed of real or personal property, or both, above what will satisfy his debts of the clear value of the sum for which he is bound by his recognizance.

(No. 443 of 1968)

10. The time and place of hearing of an election petition shall be fixed by a judge and the Registrar shall give notice thereof to the petitioner and respondent not less than seven days before the day appointed for the trial. Time and place of hearing

11. (1) Notice of intention to withdraw an election petition shall be given by a notice in writing signed by the petitioner, or by all the petitioners if there are more than one, and lodged with the Registrar. Notice of intention to withdraw petition

(2) The notice shall state the name and address of the petitioner and respondent and the intention of the petitioner to apply to the court to withdraw the election petition.

(3) A copy of the notice shall be served on the respondent and a copy shall be published forthwith in a newspaper in circulation in Zambia.

12. (1) Notice of application to withdraw a petition shall be in writing and shall be signed by the petitioner, or by all the petitioners if there are more than one. Notice of application to withdraw petition

(2) The notice shall state the grounds on which the application is intended to be supported.

13. A copy of the notice of application to withdraw the petition shall be served on the respondent and a copy shall be published forthwith by the petitioner in a newspaper circulating in Zambia. Procedure on withdrawal of petition

14. (1) Notice of the date of hearing of an application to withdraw a petition shall be given by the Registrar to the petitioner and respondent. Date of hearing

(2) Notice of the date of hearing of an application to withdraw a petition shall also be published in at least one newspaper circulating in Zambia, and the notice shall also state that any person who might have been a petitioner in respect of the election may at the hearing apply to the High Court to be substituted for the petitioner so applying to withdraw.

(3) An application to be substituted as a petitioner shall be supported by an affidavit stating the applicant is qualified to be a petitioner under section eighteen of the Act, and the facts which so qualify him.

15. The High Court may make such order for costs as it thinks fit in relation to the presentation and trial of an election petition or other proceedings connected therewith. Costs

16. (1) Notice of application by a person to whom any costs, charges or expenses are payable under the Act, for an order that the same shall be paid out of any deposit made to secure the same or by any surety who gave a recognizance to secure the same, shall be given by a notice in writing signed by the applicant, addressed to the party by or on whose behalf such deposit was made or for whom such surety gave a recognizance, or such surety and such party, as the case may be, to state within seven days from the date of such service on him, whether he resists the application. Payment of costs, etc.

(2) Service of such notice shall be effected, mutatis mutandis, in accordance with the provisions of rule 7.

(No. 443 of 1968)

17. The High Court may postpone the beginning of the trial of an election petition or an application to withdraw a petition to such day as may be named, but in such cases notice of such postponement shall be published in a newspaper circulating in Zambia at least seven days before the new date of trial. Any trial may be adjourned from time to time. Postponement of trial

18. The fees set out in the Second Schedule shall be paid in respect of the matters therein set out. Prescribed fees

FIRST SCHEDULE

(Rule 2)

ELECTION PETITION

HIGH COURT FOR ZAMBIA

THE ELECTORAL ACT

ELECTION FOR (here state Constituency) HELD ON THE
DAY OF

The Petition of A _____ of _____ (or of A of _____
-and B of-as the case may be) whose
names are subscribed.

1. Your petitioner A is-

(insert which of the following is appropriate)

(a) a person who lawfully voted;

(b) a person who lawfully had a right to vote;

- (c) a person who had a right to be nominated as a candidate at the aforesaid election;
- (d) a person who had a right to be elected as a member at the aforesaid election;
- (e) a person who was a candidate at the aforesaid election;
- (f) the Attorney-General.

Your petitioner B is (here state in like manner the right of the petitioner).

2. And your petitioner/s states/state that the election was held on the _____ day of _____ when A.B., C.D. and E.F. (as the case may be) were candidates and the returning officer has returned A.B. as being duly elected.

3. And your petitioner/s says/say that (here state the facts and grounds on which the petitioner/s relies/rely).

WHEREFORE your petitioner/s prays/pray that it may be determined that the said A.B. was not duly elected or returned and that the election was void (or that the said E.F. was duly elected or ought to have been returned).

SIGNED A

B

SECOND SCHEDULE

(Rule 18)

PRESCRIBED FEES	FEE UNITS
On presenting a petition
375	
On presenting an application to withdraw a petition
. . . 30	
On application to be substituted as a petitioner
. . . 188	
On entering a recognizance for security for costs
. . . 38	

(As amended by S.I. No. 107 of 1986, No. 176 of 1990 and Act No. 13 of 1994)

THE ELECTORAL (GENERAL) REGULATIONS

ARRANGEMENT OF REGULATIONS

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PRELIMINARY

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GENERAL PROVISIONS

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4. Elections officers
5. Form of oath or affirmation for election purposes
6. Revocation of appointments of election officers to be notified
7. Vacancies in National Assembly to be notified
8. Appointment of election dates
9. Procedure upon death of a candidate
10. Allocation and registration of symbols
11. Determination of question whether candidate supported by political party
12. Appointment and control of nomination office

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ELECTION TO THE NATIONAL ASSEMBLY

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Regulation

21. Establishment of polling stations
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23. Adjournment of poll in case of emergency
24. Nature of poll
25. Ballot paper
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27. Preparations for taking of poll
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35. Presiding officer may assist incapacitated voter
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Regulation

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CORRUPT AND ILLEGAL PRACTICES AND ELECTION OFFENCES

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52. Personation
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64. Penalty for breach of secrecy
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MISCELLANEOUS

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SCHEDULE-FORMS:

GEN 1-Oath or Affirmation

GEN 2-Nomination Paper

GEN 3-Statutory Declaration of Candidate

GEN 4-Ballot Paper

GEN 5-Ballot Paper for Presidential Elections

GEN 6-Certificate of Authority to Vote at Polling Station

GEN 7-Ballot Paper Account

GEN 8-Statement of Rejected Ballot Papers

GEN 9-Declaration of Result of Poll

GEN 10-Report of Verification of Ballot Paper Accounts

SECTION 17-ELECTORAL (GENERAL) REGULATIONS

Regulations by the Chief JusticeStatutory Instrument

108 of 1991

124 of 1991

93 of 1994

178 of 1996

Act No.

13 of 1994

PART I PRELIMINARYPART I

PRELIMINARY

1. These Regulations may be cited as the Electoral (General) Regulations.Title

2. (1) In these Regulations, unless the context otherwise requires-Interpretation

"assistant returning officer" means a person appointed as such under regulation 4;

"ballot box" means a ballot box provided to a presiding officer under regulation 27, for the taking of a poll;

"ballot paper" in relation to an election, means the document prescribed in respect of that election by regulation 33;

"ballot paper account" means a document in Form GEN 7 set out in the Schedule;

"candidate" means a person who, in relation to an election, has lodged or intends to lodge his nomination papers;

"counting assistant" means a person appointed as such under regulation 4;

"election agent" means a person appointed as such under regulation 67;

"electoral officer" means a person appointed as such under the Electoral (Registration of Voters) Regulations;

"local notice" means notice given at the nomination office, the office of the District Council within which the constituency is situated, and such other places as the returning officer thinks desirable;

"national registration card" means a national registration card issued under the National Registration Act, which is not cancelled or required to be cancelled under that Act, and, in relation to any person, means a national registration card in the lawful possession of such person under that Act;Cap. 126

"national registration number", in relation to a national registration card, means the serial number inserted on such national registration card under the National Registration Act;Cap. 126

"nomination office" means a place appointed as such under regulation 12;

"nomination paper" means a document in Form GEN 3 in the Schedule;

"official mark" means a mark provided to a presiding officer under regulation 27 for the taking of a poll;

"official seal" means a seal provided to a presiding officer under regulation 27 for the taking of a poll;

"polling agent" means a person appointed as such under regulation 68;

"polling assistant" means a person appointed as such under regulation 4;

"polling day" means-

(a) in relation to a poll at an election to the National Assembly, a day appointed under regulation 8 for the taking of such poll; and

(b) in relation to a poll in an election to the office of President, a day appointed under the Electoral (Presidential Elections) Regulations, for the taking of such poll.S.I. No. 109 of 1991

and, in relation to any poll, includes any day appointed under regulation 23;

"polling district" means a polling district prescribed under the Electoral (Registration of Voters) Regulations;

"polling station" means a place established as a polling station under regulation 21;

"presiding officer" means a person appointed as such under regulation 4;

"registered" means registered in a register of voters;

"register of voters" means register of voters prepared and certified and in force, or deemed to have been prepared and certified and to be in force, under the Electoral (Registration of Voters) Regulations;

"Speaker" means the Speaker of the National Assembly;

"voter" means a person entitled to vote in an election;

"voters registration card" means a voter's registration card issued or deemed to have been issued under the Electoral (Registration of Voters) Regulations which is not cancelled or deemed to have been cancelled under the provisions of the said Regulations;

"voters' roll" means a register of voters.

(2) Where any act or thing is required or authorised to be done under these Regulations in the presence of a candidate or an election agent or a polling agent, the non-attendance of any of such persons at the time and place appointed for the purpose shall not, if such act or thing is otherwise properly done, invalidate the act or thing done.

(3) Except as otherwise provided or unless the context otherwise required, the provisions of Parts II and III of these Regulations apply only to election to the National Assembly, and the words "candidate", "count", "election", "nomination", "poll" and the like shall be construed as having reference to such elections:

Provided that the powers and duties of the Director of Elections and other election officers prescribed in those Parts of these Regulations shall be construed as having reference to procedures for, elections to the National Assembly and elections to the office of President.

PART II GENERAL PROVISIONSPART II

GENERAL PROVISIONS

3. The Director of Elections shall-Functions of Director of Elections

(a) ensure that every election officer performs his functions under these Regulations with impartiality and in accordance with the provisions hereof;

(b) issue to any election officer such instructions as he may deem necessary to ensure due compliance with the provisions of these Regulations;

(c) perform all such functions as are conferred or imposed upon him by these Regulations.

4. (1) In respect of each constituency, there shall be-Election officers

(a) a returning officer who shall be such person as the Commission shall specify, by notice in the Gazette, as the returning officer for that constituency; and

(b) such approved number of assistant returning officers as the electoral officer for the constituency may, by notice in writing, appoint for the purpose of assisting him in the exercise of his functions; and

(c) such approved number of counting assistants as the electoral officer for that constituency may, by notice in writing, appoint.

(2) In respect of each polling district, there shall be such approved number of presiding officers and polling assistants as the electoral officer may, by notice in writing, appoint.

(3) Whenever an electoral officer-

(a) appoints any person to be an assistant returning officer under paragraph (b) of sub-regulation (1);

(b) appoints any person to be a counting assistant under paragraph (c) of sub-regulation (1); or

(c) appoints any person to be a presiding officer or a polling assistant under sub-regulation (2);

he shall deliver a copy of the notice therein referred to, to the Director of Elections.

(4) In this regulation-

"approved" means approved by the Director of Elections.

5. Every returning officer, assistant returning officer, counting assistant, presiding officer and polling assistant shall before exercising any of the functions conferred upon him under these Regulations or under any other written law, take and subscribe an oath, or make an affirmation in lieu thereof, before a magistrate in Form GEN 1 in the Schedule. Form of oath or affirmation for election purposes

6. (1) Where the Commission revokes the appointment of a returning officer, it shall publish a notice of such revocation in the Gazette. Revocation of appointment of election officers to be notified

(2) Where an electoral officer revokes the appointment of an assistant returning officer or of a presiding officer or of a polling assistant or of a counting assistant appointed by him, such electoral officer shall give notice in writing of such revocation to the person concerned and shall deliver a copy of such notice to the Director of Elections.

7. (1) The Speaker shall, upon a vacancy occurring in the elected membership of the National Assembly otherwise than by reason of a dissolution of Parliament, inform the President and the Commission, by notice in writing, of such vacancy, and of the constituency concerned, as soon as practicable after it occurs. Vacancies in National Assembly to be notified

(2) These regulations shall apply to any vacancy in the elected membership of the National Assembly deemed to continue by virtue of the provisions of subsection (4) of section twenty-nine of the Act, as it applies to a vacancy occurring therein otherwise than by reason of a dissolution of Parliament.

(3) The Electoral Commission shall cause every such vacancy as is referred to in this regulation to be filled as soon as practicable.

8. (1) For the purpose of the election of members to the National Assembly, whether after a dissolution of Parliament or after the Speaker has informed the President and the Commission of a vacancy in the elected membership of the National Assembly under regulation 7, the Commission shall, in respect of each constituency in which an election is to be held, by statutory order-Appointment of election dates

(a) appoint the day on which, and the hours on such day within which, returning officers may receive nominations of candidates for any election under the Act; and

(b) appoint the day on which, and the hours on such day within which, presiding officers may take the poll at any election under the Act:

Provided that different days may be appointed in respect of different constituencies, and different hours may be appointed in respect of different constituencies or different polling districts.

(2) The Commission may, from time to time, by statutory order, vary or amend any statutory order made under sub-regulation (1).

9. Where the Commission is satisfied that a candidate validly nominated for election in a constituency had died before the close of the poll in that election, the Commission shall declare all proceedings relating to the election in such constituency to be void, and shall in respect of that constituency again exercise its powers under regulation 8. Procedure upon death of a candidate

10. (1) The Director of Elections shall keep a register of symbols for use by candidates at elections, and such register shall be in such form as the Director of Elections may determine. Allocation and registration of symbols

(2) A political party contesting an election shall apply through its secretary to the Director of Elections for registration of a symbol chosen by that party for use by candidates supported by that party at elections and, subject to sub-regulations (4) and (5), the Director of Elections shall register such symbol.

(3) The Director shall allocate and register, in respect of any candidate stated under sub-regulation (5) of regulation 10 to be an independent candidate for election in any constituency, a symbol for use by such candidate in such election:

Provided that such candidate may apply to the Director of Elections to cancel the registration of a symbol allocated by the Director of Elections as aforesaid and for the registration of a symbol chosen by such candidate.

(4) The following shall not be registered or used as symbols:

- (a) the Armoria Ensigns or the National Flag of Zambia;
- (b) any device or emblem which, in the opinion of the Director of Elections, is normally associated with any tribe or religion or the regalia of a chief;
- (c) any symbol or part of a symbol which, under the provisions of this regulation, is currently registered in respect of any political party or candidate;
- (d) any symbol which is not distinctive from any other registered symbol;
- (e) any symbol the use of which may, in the opinion of the Director of Elections, be offensive or objectionable.

(5) The Director of Elections shall not register a symbol under this regulation in respect of any political party or candidate until any other symbol registered in respect of such party or such candidate is cancelled.

11. If any question arises, in respect of the allocation and registration of a symbol under regulation 23, as to whether the nomination of a candidate is supported by a political party, such question shall be referred to and determined by the Commission whose decision thereon shall be final: Determination of question whether candidate supported by political party

Provided that the Commission shall consult the leader or secretary of such political party before determining such question.

12. (1) The Commission shall, by notice in the Gazette, appoint for each constituency in respect of which a statutory order is made under regulation 8 a place to be the nomination office for receiving nomination papers. Appointment and control of nomination office

(2) The returning officer for a constituency shall attend at the nomination office during the periods appointed in respect of that constituency under regulation 8 to receive nomination papers in that constituency.

(3) The returning officer shall keep order at the nomination office and in its precincts and shall control the number of persons to be admitted at a time to the nomination office.

(4) The returning officer may require any person, other than-

(a) members of the Commission or members of its staff authorised in that behalf;

(b) the Director of Elections;

(c) the electoral officer for any polling district in the constituency;

(d) a person wishing to lodge a nomination paper in accordance with regulation 22, whether in respect of himself or another person;

(e) anyone who is accompanying a person wishing to lodge a nomination paper in accordance with regulation 22 and whose name appears on the nomination paper whether as candidate, proposer, seconder or supporter;

(f) a police officer on duty;

(g) any person authorised in writing by the Director of Elections to enter and remain in such nomination office;

to leave the nomination office and its precincts:

Provided that any of the persons mentioned in this sub-regulation may be required by the returning officer to leave the nomination office and its precincts if, in the opinion of the returning officer, such person is causing a disturbance which is likely to interfere with the receiving of nomination papers.

(5) The powers conferred by this regulation shall not be exercised so as to prevent any person from lodging or subscribing a nomination paper.

PART III ELECTION TO THE NATIONAL ASSEMBLYPART III

ELECTION TO THE NATIONAL ASSEMBLY

A. Procedure for Nomination

13. (1) It shall be the duty of the returning officer for a constituency to provide nomination papers to persons who are qualified for nomination and who request for such papers. Nomination for election

(2) Every person who desires to be a candidate for election in any constituency shall lodge with the returning officer for that constituency his nomination paper in accordance with the provisions of this Part.

(3) The nomination paper referred to in sub-regulation (2) shall be in Form GEN 2 set out in the Schedule hereto and shall-

(a) state the name of the political party of which the candidate is the authorised candidate or, if he is not the authorised candidate of any political party, that he is standing as an independent candidate;

(b) be completed in all respects, save that the supporters shall sign it in the presence of the returning officer;

(c) be signed by the candidate or by any person authorised in that behalf by him in writing:

Provided that if the nomination paper is signed on behalf of the candidate, a copy of the written authority shall be attached thereto;

(d) State the name and address of his election agent, if any;

(e) be lodged within the period appointed for that purpose in respect of such constituency;

(f) be accompanied by an election fee in the sum of twenty thousand kwacha which fee shall not be refunded once the nomination has been lodged;

(g) be accompanied by a declaration in Form GEN 3 set out in the Schedule hereto which the declarant has made and subscribed before a magistrate.

(4) At the time of lodging a nomination paper, the candidate, or a person duly

authorised by him, shall present himself to the returning officer together with his nine supporters who shall produce their voters registration cards and national registration cards to the returning officer. The supporters shall complete that part of the nomination paper which relates to their signatures in the presence of the returning officer.

(As amended by Act No. 13 of 1994 and S.I. No. 178 of 1996)

14. (1) If a person intending to lodge his nomination as a candidate in a constituency requests the returning officer for that constituency to examine his nomination paper before it is lodged, or to guide him on any matter relating thereto, the returning officer shall guide such person to the best of his ability:Guidance by returning officer

Provided that where the nomination paper is to be lodged on behalf of the person intending to be a candidate, the returning officer shall owe the same duty to the person authorised to lodge the nomination paper.

(2) The fact or nature of any advice or guidance given under subregulation (1) shall not be inquired into in any proceedings before a court.

15. (1) Subject to sub-regulation (2), a nomination may be withdrawn at any time before the expiry of the period appointed for lodging nomination papers in respect of the constituency concerned. Withdrawal of nomination

(2) The withdrawal referred to in sub-regulation (1) shall be effected only if the candidate, or a person authorised in that behalf by him in writing, delivers to the returning officer a written notice in that behalf.

16. (1) Upon the expiry of the period appointed for lodging nominations in any constituency the returning officer for that constituency shall determine the validity of each nomination lodged with him under regulation 13, and shall declare invalid any nomination in respect of which he is satisfied that-Determination of validity of nominations

(a) the nomination paper was not duly completed, or properly signed or lodged as required by regulation 13;

(b) the nomination paper is not accompanied by the declaration referred to in paragraph (g) of sub-regulation (3) of regulation 13 or such declaration is defective in a material particular; or

(c) the appropriate fee was not paid.

(2) Where the returning officer determines that a nomination is invalid, he shall reject the nomination and shall endorse on the nomination paper his reason for such determination, and shall sign such endorsement.

(3) Where a returning officer determines that a nomination is valid, he shall sign the nomination paper to signify his acceptance.

(4) The determination of the returning officer that a nomination is valid or invalid shall not be questioned save by way of an election petition presented in accordance with the provisions of the Act.

17. (1) In any election, no person shall seek to lodge nomination papers in more than one constituency.Nomination in more than one constituency

(2) If upon the expiry of the period for lodging nomination papers in any two or more constituencies, a person is found to have lodged and not withdrawn nomination papers in more than one constituency, then every one of those nominations shall be invalid.

18. (1) A returning officer shall, after he has determined the validity of the nominations lodged with him, inform the Commission of the names of the candidates validly nominated. Procedures after determination of validity of nominations

(2) Where a returning officer for any constituency determines that only one candidate has been validly nominated for election in that constituency, the returning officer shall declare such candidate to be elected in that constituency, and shall inform the Commission accordingly.

(3) Where a returning officer for any constituency determines that no candidate has been validly nominated for election in that constituency, the returning officer shall inform the Commission accordingly.

(4) Where the Commission is informed under sub-regulation (3) that no candidate has been validly nominated in a constituency, the Commission shall, in respect of that constituency, again exercise its powers contained in regulation 8.

19. (1) Where two or more candidates have been validly nominated for election in a constituency, the returning officer for that constituency shall give local notice that a poll shall be taken in such constituency on the day appointed therefor and such notice shall set out the names of such candidates in alphabetical order of surnames. Returning officer to publish information locally

(2) Where no candidate or only one candidate has been validly nominated for election in a constituency, the returning officer for that constituency shall give local notice that a poll shall not be taken in that constituency for that reason.

(3) Where in respect of a constituency the same day has been appointed for the poll for elections to the National Assembly and for the poll for the election to the office of President, the returning officer for that constituency shall-

(a) in the notice referred to in sub-regulation (1), state that the two polls shall be at the same time; and

(b) in the notice referred to in sub-regulation (2), state that notwithstanding that a poll for election to the National Assembly shall not be taken in that constituency, the poll for the election to the office of President shall nevertheless be taken on the appointed day.

20. After a returning officer for a constituency has given notice under regulation 19 and before the day appointed for the taking of a poll in that constituency, any person registered in such constituency may, at any reasonable time, inspect, at the office of the returning officer, any of the nomination papers of the candidate in that constituency. Inspection of nomination papers

B. The Poll and the Ballot

21. (1) For the purpose of the taking of a poll in a polling district the electoral officer for that polling district shall appoint a place at which the

polling station for such polling district shall be established, and shall, in that behalf, give local notice and such other notice as the Director of Elections may direct. Establishment of polling stations

(2) With the approval of the Director of Elections, the same polling station may be appointed under this regulation for two or more polling districts.

22. (1) The poll shall commence and, subject to regulation 23, shall close at such time as the Commission shall appoint, and notice of such times shall be published in the Gazette and in such other manner as the Director of Elections may direct. Appointment of times of polling

(2) The Commission may appoint different commencement or closing times for different constituencies or polling districts.

(3) The presiding officer shall permit every voter to cast his vote before closing the poll if such voter, at the time appointed for the closing of the poll-

(a) is inside the polling station; or

(b) was, in his opinion, within the precincts of the polling station and was prevented from entering the polling station owing to congestion therein.

23. (1) Notwithstanding the terms of any statutory order made under regulation 8, a presiding officer may in his discretion postpone until later in the day, and, if necessary, adjourn to some other day, the polling at his polling station where it cannot be started or is interrupted by reason of riot, open violence, flood, natural catastrophe or other similar cause but where he does so, he shall start or restart the polling at the earliest practicable moment. Adjournment of poll in case of emergency

(2) A presiding officer may in his discretion extend the hours or adjourn the day of polling at his polling station where polling has not started or has been interrupted by reason of any of the causes referred to in sub-regulation (1), and references in these Regulations to the close of the poll shall be construed accordingly.

(3) If a poll is adjourned under this regulation at any polling station, the hours of polling on the day to which it is adjourned shall be the same as for the original day, and references in these Regulations to the closing of the poll shall be construed accordingly.

(4) Where a presiding officer postpones or adjourns the poll under this regulation, he shall take such precautions as are necessary to safeguard the ballot boxes, ballot papers and other election requisites, and shall forthwith notify the returning officer of such postponement or such adjournment, as the case may be.

(5) Where a returning officer is notified under sub-regulation (4) of the postponement or adjournment of a poll, he shall forthwith notify the Director of Elections of such postponement or such adjournment, as the case may be.

24. (1) A voter shall be entitled to vote at the polling station appointed for the polling district in which he is registered and shall not be entitled to vote at any other polling station. Nature of poll

(2) At the taking of a poll a voter shall be entitled to cast one, and only one, vote and if a voter's name appears in error or for any other reason in more than one voter's roll or more than once in the same voter's roll he shall be entitled to cast more than one vote.

(3) Every poll taken for the purposes of the Act shall be taken by means of a secret ballot in accordance with the provisions of these regulations.

25. (1) For a poll in an election to the National Assembly, the ballot paper shall be in Form GEN 4 set out in the Schedule and, in respect of any constituency, shall show the names in alphabetical order of surnames of the candidates for election in that constituency and the symbol allocated under regulation 10 of each candidate for election in that constituency. Ballot paper

(2) For a poll in an election to the office of President, the ballot paper shall be in Form GEN 5 set out in the Schedule and shall show the name of the candidates in that election and the symbol of each candidate.

(3) Every ballot paper under this regulation shall be attached to a counterfoil bearing the same serial number as that printed on the ballot paper.

26. (1) Every person applying for a ballot paper shall- Issuance ballot paper

(a) present himself at the polling station at which he is entitled to vote;

(b) produce his voter's registration card to the presiding officer or polling assistant at such polling station;

(c) identify himself by producing his national registration card; and

(d) if so required by the presiding officer or polling assistant, present both his hands for inspection by such officer;

and no person shall be issued with a ballot paper unless he complies with the requirements contained in this registration.

(2) A presiding officer or polling assistant at a polling station may put to any applicant for a ballot paper such questions as he may consider necessary to enable him to identify the applicant with the name on the copy of the voter's roll for such polling station.

(3) No person shall be issued with a ballot paper or permitted to vote at a polling station unless the presiding officer or polling assistant for such polling station is satisfied that such person-

(a) is entitled to vote at that polling station;

(b) has produced his voter's registration card;

(c) has properly identified himself under paragraph (c) of subregulation (1);

(d) has not previously voted in the poll in respect of which he is applying for a ballot paper; and

(e) is not disqualified from voting at such election under section seven of the Act.

26A. (1) Where a voter's registration card has been lost destroyed or defaced as to be illegible in any material particular, the voter in question shall, apply in person to the Electoral Officer in accordance with sub-regulation (2) by producing his national registration card for the issue of a certificate in Form GEN 11 as set out in the Schedule:Lost, etc., voter's registration card

Provided that no certificate shall be issued unless the electoral officer is satisfied that the applicant is a voter registered in a polling district for which he is responsible under section five of the Act.

(2) An application for a certificate shall be made not later than four days before the date specified under sub-regulation (1) of regulation 8 for the taking of the poll in the elections.

(3) Any voter to whom a certificate is issued under sub-regulation (1) shall deliver that certificate to the presiding officer at the time he applies for a ballot paper.

(As amended by S.l. No. 124 of 1991)

C. Conduct of Poll

27. (1) For the taking of a poll, a returning officer shall, in respect of each polling station within his constituency-Preparations for taking of poll

(a) ensure that there are sufficient compartments within which voters may mark their ballot papers in secrecy and screened from observation;

(b) provide each presiding officer with such number of ballot boxes, ballot papers, official seals, official marks, copies of the voters' roll relating to such polling station and such other things as may be necessary;

(c) make such arrangements to facilitate the taking of the poll as may be necessary for ensuring that it is taken in the manner provided in these Regulations and in accordance with any instructions issued by the Commission or the Director of Elections;

(d) publish, both inside and outside each polling station, notices instructing voters as to the procedure for casting their votes, and notices showing-

(i) the names in alphabetical order of surnames of the candidates for election in that constituency; and

(ii) the symbol allocated under regulation 10 in respect of each candidate for election in the constituency.

(2) The returning officer for each constituency in which a poll is to be taken shall give notice in writing to each candidate for election in such constituency, prior to the day appointed for the taking of the poll, of the time and place at which the votes cast in such election shall be counted:

Provided that the returning officer shall ensure that such counting shall take place as soon as practicable after the close of the poll.

28. (1) Every ballot box shall be constructed that, after it is sealed under regulation 29, the ballot papers can be placed therein by voters but not taken

out without breaking the seals. Ballot boxes, official seals and official marks

(2) In respect of every poll, the official seals and official marks shall be in such form as the Director of Elections may determine.

29. (1) Immediately before the commencement of the poll, the presiding officer at each polling station shall show every ballot box, open and empty, to any person whose presence for that purpose is permitted under regulation 30 so that such person may see that it is empty, and shall then lock and seal with the official seal every such ballot box, and shall permit any candidate, election agent or polling agent who may be present to affix their seals thereto, and such seal or seals shall not be broken until the ballot box is opened in accordance with the provisions of these Regulations. Procedure before commencement of poll

(2) The presiding officer at each polling station shall place the key to every ballot box in a packet marked "A" as soon as such ballot box has been locked in accordance with sub-regulation (1), and shall then seal such packet with the official seal, and shall permit any candidate, election agent or polling agent who may be present to affix their seals thereto, and such seal or seals shall not be broken except for the purpose of opening such ballot box under the provisions of these Regulations.

(3) The presiding officer at each polling station shall place every ballot box locked and sealed under sub-regulation (1) in such position in the polling station that it can be seen throughout the taking of the poll by the presiding officer and by such candidate, election agent or polling agent as may be present at the polling station.

(4) The presiding officer at each polling station shall ensure that there is available throughout the taking of the poll in each compartment provided under regulation 27 (1) (a) a suitable pencil or pen for the use of every voter when marking his ballot paper.

30. (1) The presiding officer at each polling station shall keep order in such polling station and in its precincts, and shall regulate the number of voters to be admitted at a time to such polling station. Control of persons entering polling stations

(2) The presiding officer at each polling station may require any person, other than-

(a) members of the Commission and members of its staff authorised in that behalf;

(b) the Director of Elections;

(c) the returning officer for the constituency in which such polling station is situated;

(d) the electoral officer for the area;

(e) the polling assistants appointed under regulation 4 in respect of such polling station;

(f) the candidates in an election to the office of President;

(g) the candidates for election in the constituency in which such polling

station is situated;

(h) the election agents of such candidates;

(i) any polling agent appointed under regulation 38 in respect of such polling station;

(j) a police officer on duty;

(k) any person authorised in writing by the Director of Elections to enter and remain in such polling station;

to leave such polling station and its precincts:

Provided that any of the above persons may be required by the presiding officer to leave the polling station and its precincts if, in the opinion of the presiding officer, such person is causing a disturbance which is likely to interfere with the taking of the poll.

(3) Every candidate, election agent, polling agent or person authorised in writing by the Director of Elections to enter and remain in a polling station shall, before attending the taking of a poll at any polling station, take and subscribe an oath or make an affirmation in lieu thereof, in Form GEN I set out in the Schedule before the returning officer for such constituency.

(4) The powers conferred by this regulation shall not be exercised so as to prevent any voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at such polling station.

31. If a presiding officer or polling assistant at a polling station is satisfied under regulation 26 that an applicant is entitled to be issued with a ballot paper, and to vote, the following procedure shall, subject to the provisions of regulation 35 be followed, that is to say: Procedure for casting vote

(a) the voter shall, prior to receiving a ballot paper, impress in ink provided for that purpose by the presiding officer or polling assistant, a thumb up to at least the whole of the exposed nail;

Provided that-

(i) in the case of a voter without any thumb, such shall impress a finger up to at least the whole of the exposed nail;

(ii) in the case of a voter without any thumb or fingers, this paragraph shall not apply; and

(b) before issuing a ballot paper to the voter the officer or polling assistant shall-

(i) call out the name and the number of the voter as recorded in the copy of the voters' roll at such polling station;

(ii) draw a line through the entry relating to the voter in such copy of the voters' roll as evidence that such voter has received a ballot paper;

(iii) stamp such ballot paper with the official mark;

(iv) on the counterfoil of such ballot enter the number of the voter as recorded in such copy of the voters' roll;

(v) perforate the voter's registration card with a perforator, in the appropriate numbered space in the numerical order of each election, when such card is produced by the voter, in compliance with regulation 26.

(c) the presiding officer or polling assistant shall then detach the ballot paper from its counterfoil and deliver it to the voter; and

(d) the voter, on receiving the ballot paper, shall enter one of the compartments provided in the polling station for that purpose and signify his vote by secretly marking such ballot paper with a cross in the appropriate place and shall then fold the ballot paper in such a way that the official mark stamped thereon is visible and the mark signifying his vote is not visible; and

(e) the voter shall then leave the compartment and shall, in the presence of the presiding officer or polling assistant, place the folded ballot paper in the ballot box provided in the polling station for that purpose.

(As amended by S.I. No. 178 of 1996)

32. (1) A voter shall cast his vote without undue delay and shall leave the polling station as soon as he has placed his ballot paper in the ballot box. Votes to be cast without undue delay

(2) Where the presiding officer is of the opinion that any voter is causing undue delay in casting his vote and that such delay is likely to hinder the adequate or orderly conduct of the poll, he may require such voter to complete the procedures set out in regulation 31 (d) within a period of two minutes immediately thereafter.

(3) On or after the expiry of the period of two minutes referred to in sub-regulation (2) the presiding officer may direct the voter concerned to place the ballot paper issued to such voter in the ballot box and to leave the polling station and its precincts and not to return thereto during the period of the poll.

33. No person, other than a presiding officer, polling assistant, police officer or person on duty in an official capacity at a polling station, shall have any communication whatsoever with a voter while the voter is in the precincts of a polling station for the purpose of voting. Restriction on communication in precincts of polling station

34. Where a voter inadvertently deals with a ballot paper in such a manner that it cannot be used as a valid ballot paper, he shall deliver such ballot paper (hereinafter referred to as a "spoilt ballot paper") to the presiding officer and, if the presiding officer is satisfied that such ballot paper has been spoilt inadvertently, he shall issue another ballot paper to such voter, and shall cancel the spoilt ballot paper and the counterfoil to which it relates. Spoilt ballot papers

35. (1) A presiding officer, a relative or a friend may, upon application by and with the assent of Presiding officer may assist incapacitated voter

(a) a voter who is incapacitated by blindness or other physical cause from

voting in accordance with the procedure prescribed by regulation 31; and

(b) a voter who declares orally that he is unable to read or otherwise asks for assistance of the presiding officer, relative or a friend;

enter a compartment with such voter in order to assist him to cast his vote pursuant to the provisions of regulation 31 (d) and subject to the said provisions, mark the ballot paper issued to such voter in such manner as the voter may signify and place it in the ballot box on behalf of such voter:

Provided such relative or friend proves himself to be a registered voter in that polling district and has not already assisted another voter in that election.

(2) A presiding officer acting under this regulation shall record in the copy of the voters' roll, by means of a mark placed next to the name of the voter concerned, that he or a relative or friend of a voter has marked that ballot paper as aforesaid on the application of the voter, and the reasons for doing so.

(3) Where the presiding officer is of the opinion that, by reason of the number of voters making application under this regulation the conduct of the poll is being or is likely to be delayed he may authorise a polling assistant to assist him in the performance of the functions imposed upon him by the regulation.

36. (1) Notwithstanding the provisions of regulation 26 where a person entitled to vote in any constituency is employed as a returning officer, presiding officer, polling assistant, police officer or in any other official capacity at a polling station within such Constituency other than the polling station at which he is entitled to vote, the returning officer for such constituency may authorise the voter, by certificate under his hand in Form GEN 6 in the Schedule, to vote at the polling station at which he is employed. Voting by persons employed on election duties

(2) Any voter to whom a certificate is issued under sub-regulation (1) shall deliver such certificate to the presiding officer when he applies for a ballot paper.

37. At any polling station, the presiding officer may, during a temporary absence from such polling station, delegate his powers, subject to the directions of the Director of Elections, to a polling assistant and, during the period of such absence, such polling assistant shall have and may exercise the powers of such presiding officer. Polling assistant may act during absence of presiding officer

38. (1) As soon as practicable after the close of the poll, the presiding officer at a polling station, in the presence of such candidates or election agents or polling agents as may be present at such polling station, shall- Procedures after close of poll

(a) close and seal with the official seal the aperture of every ballot box used for the poll and permit any such candidate or elections agent or polling agent to affix his seal thereto; and

(b) in respect of the poll, complete the ballot paper account which shall be in Form GEN 7 set out in the Schedule; and

(c) place in separate packets, which shall be sealed with official seal and

with the seals of such candidates or elections agents or polling agents, if any, who wish to affix their seals thereto, the following items in the manner hereinafter provided, that is to say:

- (i) in a packet marked "B", the unused ballot papers, which shall remain attached to their respective counterfoils, and the spoilt ballot papers;
- (ii) in a packet marked "C", the copy of the voters' roll marked in accordance with regulation 31 (b) subparagraph (ii) and sub-regulation (2), of regulation 35 together with the certificates delivered to the presiding officer under regulation 36;
- (iii) in a packet marked "D", the counterfoils of the used ballot papers including the counterfoils of any spoilt ballot papers;
- (iv) in a packet marked "E", the ballot paper account completed under paragraph (b);
- (v) in a packet marked "F", the official mark and the official seal:

Provided that such packet shall not be sealed but shall be securely fastened.

(2) The presiding officer shall, in accordance with such directions as may be issued by the Director of Elections, dispatch each packet sealed in accordance with the provisions of regulation 28 of this regulation, together with the ballot boxes sealed in accordance with this regulation, in safe custody to the returning officer for the constituency in respect of which the poll was conducted.

(3) The returning officer for a constituency in which a poll has been taken shall take into his custody, and issue a receipt for, all packets and ballot boxes delivered to him in accordance with the provisions of sub-regulation (2).

D. The Count

39. (1) No person shall attend at the counting of the votes cast in an election in any constituency, other than Persons who may attend at counting of votes

- (a) members of the Commission or members of the staff authorised in that behalf;
- (b) the Director of Elections;
- (c) the returning officer of such constituency;
- (d) the counting assistants appointed by the electoral officer;
- (e) the electoral officer of any area within such constituency;
- (f) the candidates for election to the office of President;
- (g) the candidates for elections in such constituency;
- (h) the election agents appointed by such candidates;

- (i) one polling agent in respect of each candidate for election;
- (j) a police officer on duty;
- (k) any person authorised in writing by the Director of Elections.

(2) Every person authorised to attend the counting of the votes in any constituency, other than a member of the Commission, shall take and subscribe an oath, or make an affirmation in lieu thereof, in Form GEN 1 set out in the Schedule and for that purpose the returning officer for such constituency shall have power to administer such oath:

Provided that if such person has, in respect of that election already complied with regulation 5 or sub-regulation (3) of regulation 30 shall not be required to comply with this sub-regulation.

40. (1) When the returning officer for a constituency in which a poll has been taken is satisfied that he has received all the packets and ballot boxes in respect of all the polling stations in such constituency he shall, at the time and place notified under sub-regulation (2) of regulation 27 for the counting of the votes, examine the seals of all such packets and ballot boxes and shall permit such candidates, election and polling agents as are present to examine such seals. Examination of seals of packets and ballot boxes received by returning officer

(2) The returning officer shall submit to the Director of Elections a written report of the result of the examination carried out under sub-regulation (1) if such examination reveals that the seals of any packet or ballot box are broken.

41. (1) The presiding officer for a polling station at which a poll has been taken shall, with the aid of the counting assistants for such polling station, count all the votes cast in the election at such polling station in accordance with the provisions of this regulation. The count

(2) The counting of the votes shall, so far as circumstances permit, proceed continuously until the count is completed, allowing only a reasonable time for refreshment.

(3) The procedure for counting shall be as follows:

(a) the presiding officer shall open each ballot box and, after removing all the ballot papers therefrom, shall count and record the total number of ballot papers contained in each ballot box without reference to the manner in which such ballot papers are marked;

(b) subject to the provisions of regulation 42, the presiding officer shall then count and record the total number of valid ballot papers in respect of each candidate;

(c) in the case of ballot papers relating to an election to the office of President, the presiding officer shall count and record the total number of valid ballot papers in respect of each candidate in accordance with the other provisions of this regulation; and

(d) the presiding officer shall ensure that, while counting the ballot papers, the counting assistants keep the side of each ballot paper on which the vote is recorded upwards, and shall take all precautions to prevent any person

present at the count from seeing the number printed on each ballot paper.

(As amended by S.I. No. 178 of 1996)

42. (1) The presiding officer shall, subject to sub-regulation (4), not count, any ballot paper-Rejection of ballot papers

(a) which does not bear the official mark, unless the presiding officer is satisfied that such omission was a bona fide error; or

(b) which contains more than one vote; or

(c) on which anything, other than the number printed on such ballot paper, is written or marked in such manner that the voter can be identified; or

(d) which is unmarked or invalid for uncertainty.

(2) The presiding officer shall write words "Proposed Rejected Ballor Paper" on any Ballot Paper which the presiding officer considers invalid, under this regulation, and the presiding officer shall, immediately after the count send that ballot paper to the returning officer for confirmation.

(3) The returning officer shall write the word "rejected" on any ballot paper which has been sent to him by the presiding officer under sub-regulation (2) and shall add "rejection objected to" if any objection to the returning officer's decision is made by a candidate, his election agent or his polling agent present at the count.

(4) A ballot paper on which the vote is marked-

(a) elsewhere than in the proper place;

(b) otherwise than by means of a cross; or

(c) by more than one mark;

shall not by reason thereof be invalid if the intention of the vote clearly appears, and the manner in which the paper is marked does not of itself identify the voter and it is not shown that he can be identified thereby.

(5) The returning officer shall draw up a statement in the Form GEN 9 in the Schedule showing the number of ballot papers rejected under the several heads of:

(a) want of official mark;

(b) more than one vote;

(c) writing or mark by which voter could be identified; or

(d) unmarked or invalid for uncertainty;

and any candidate, his election agent or his polling agent present may copy such statement.

(As amended by S.I. No. 178 of 1996)

43. The decision of a returning officer on any question arising in respect of any ballot paper shall not be questioned except on an election petition presented under the provisions of the Act. Questions arising on decision of returning officer

44. (1) A candidate, his election agent or his polling agent may, if present when the counting or any recounting of the votes is completed, require the presiding officer or the returning officer to have the votes recounted or again recounted, or the presiding officer or the returning officer may, on his own initiative, have the votes recounted or again recounted: Recounting of votes

Provided that the presiding officer or the returning officer may refuse the request, if in his opinion, it is unreasonable.

(2) Where an equality of votes is found to exist between any candidate and the addition of one vote to the votes counted for any such candidate would materially affect the result of the election, the presiding officer or the returning officer shall make a recount of the votes cast in respect of such candidates.

(3) No step shall be taken by the presiding officer or the returning officer on the completion of the counting or of any recounting of the votes until the candidates, election agents and polling agents present at the completion thereof have been given a reasonable opportunity to exercise the right conferred by this regulation.

(As amended by S.I. No. 178 of 1996)

45. If upon the completion of the counting of votes, it is found that an equality of votes exists between two or more candidates and the addition of one vote would entitle any one of the candidates to be declared elected, the returning officer shall, subject to the provisions of regulation 44, forthwith decide between those candidates by lot in such manner as the Commission may determine and shall proceed as if the candidate on whom the lot falls has received an additional vote. Equality of votes

E. Procedure after the Count

46. On the completion of the counting and totalling of votes cast in an election, the returning officer shall seal up in separate, marked packets the ballot papers counted in respect of each candidate, and shall place the rejected ballot papers in a single marked packet. Ballot papers to be sealed in packets after completion of counting and totalling

(As amended by S.I. No. 178 of 1996)

47. (1) The returning officer for a constituency in which a poll is taken shall appoint a time and place at which the verification of the ballot paper accounts completed under paragraph (b) of sub-regulation (1) of regulation 38 in that constituency shall take place and shall give notice in writing to the candidates in such election of such time and place. Verification of ballot paper accounts

(2) At the time and place appointed under sub-regulation (1) the returning officer shall, in the presence of the assistant returning officers for that constituency and of such candidates and their election agents as may be present, proceed with the verification of the ballot paper accounts according to the

following procedure, that is to say:

(a) he shall open the envelopes marked "B" containing the unused ballot papers together with their counterfoils and the spoilt ballot papers, and the envelopes delivered to him under regulation 38, in respect of each polling station in that constituency;

(b) he shall, in respect of each polling station, compare the ballot papers contained in the ballot boxes as recorded under regulation 41, and with the total number of unused and spoilt ballot papers contained in the envelope marked "B" for that polling station;

(c) he shall reseal the envelopes marked "B" with their respective contents; and

(d) he shall place all ballot paper accounts for that constituency in one envelope marked "E" and shall seal such envelope.

(3) The returning officer shall then prepare and deliver to the Director of Elections a report on the verification of the ballot paper accounts in Form GEN 11 in the Schedule, and shall permit such candidates and election agents as may be present at the verification to make a copy thereof.

48. (1) Upon the completion of the verification of the ballot paper accounts under regulation 47 the returning officer shall forthwith deliver to the Commission-Custody and destruction of election matters

(a) in respect of each polling station within his constituency, the packet marked "B" containing the unused ballot papers together with their counterfoils and the spoilt ballot papers; and

(b) in respect of each polling station within his constituency, the packet marked "C" containing the copy of the voters' roll and the certificates placed therein under sub-paragraph (ii) of paragraph (c) of sub-regulation (1) of regulation 38; and

(c) the packet sealed under regulation 46 and containing the ballot papers counted in respect of each of the candidates; and

(d) the packet containing the rejected ballot papers and sealed under regulation 46;

and shall forthwith deliver to the Director of Elections in respect of each polling station within his constituency-

(i) the packet marked "D", containing the counterfoils of the used and the spoilt ballot papers delivered to the returning officer under regulation 38;

(ii) the packet marked "E" containing the ballot paper account; and

(iii) the packet marked "F" containing the official seal and the official mark, delivered to the returning officer under sub-paragraph (v) of paragraph (c) of sub-regulation (1) of regulation 38.

(2) The Commission shall retain the packets delivered under subregulation (1) in respect of any poll in an election for a period of thirty days after the day on which the result of such election was declared and shall then cause them to

be destroyed by burning, pulping or by any other efficacious method:

Provided that where the Commission has been informed under sub-section (5) of section twenty-one of the Act that an election petition has been presented in respect of such election, the packets shall not be destroyed until such time as the trial of such election petition has been finally determined.

(3) The Director of Elections shall retain the packets marked "D" delivered to him under sub-regulation (1) for a period of thirty days after the day on which the result of such election was declared and shall then cause them to be destroyed by burning, pulping or by any other efficacious method approved by the Commission and shall notify the commission accordingly:

Provided that where the Commission has been informed under sub-section (5) of section twenty-one of the Act that an election petition has been presented in respect of such election, the packets shall not be destroyed until such time as the trial of such election petition has been finally determined.

F. Declaration of Results

49. (1) When the counting of the votes has been completed and the result of the poll ascertained, the returning officer shall-Declaration of results of poll

(a) complete in duplicate a declaration of the result of the poll in Form GEN 10 set out in the Schedule;

(b) declare to be elected the candidate to whom the majority of votes was cast by reading aloud in public, at the place where such counting was conducted, such completed form; and

(c) cause to be delivered to the Commission without delay the original of such completed form.

(2) In every constituency where a poll in respect of an election to the office of President has been taken, the returning officer for such constituency shall, without delay after the counting of the votes has been completed, inform the Commission, in such manner as the Commission may direct, of the total number of valid votes cast in the election and of the number of valid votes cast for each candidate.

(3) The Commission shall, upon receipt of the information referred to in sub-regulation (2), notify the same in writing to the Chief Justice in his capacity as the returning officer for the purposes of election to the office of President.

50. (1) The Commission shall, in respect of each candidate declared elected in accordance with the provisions of regulations 18 and 49 (1), give notice in the Gazette of-Notice of result

(a) the full name of such person; and

(b) the constituency in which such person was elected.

(2) Notwithstanding anything contained in regulation 18 or 49, a person declared elected under either of the said regulations shall be deemed to have been elected with effect from the date appointed for the taking of the poll at the election in the constituency concerned.

PART IV CORRUPT AND ILLEGAL PRACTICES AND ELECTION OFFENCESPART IV

CORRUPT AND ILLEGAL PRACTICES AND ELECTION OFFENCES

51. (1) Any person who directly or indirectly, by himself or any other person-Bribery

(a) gives, lends, or procures, or offers, promises or agrees to give, lend or procure any money to or for any person on behalf of any voter or to or for any other person in order to induce any voter to vote or refrain from voting or who corruptly does any such act as aforesaid on account of such voter having voted or refrained from voting at any election;

(b) gives, lends, or procures, or offers, promises or agrees to give, lend, or procure, any money to or for any voter or to or for any other person on behalf of any voter or to or for any other person for acting or joining in any procession or demonstration before, during or after any election;

(c) makes any such gift, loan, offer, promise, procurement or agreement to or for any person in order to induce such person to procure or to endeavour to procure the return of any candidate at any election or the vote of any voter at any election;

(d) upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure, the return of any candidate at any election or the vote of any voter at any election;

(e) advances or pays or causes to be advanced or paid any money to or for the use of any other person with the intent that such money or any part thereof shall be expended in bribery at any election, or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election;

(f) before or during any election, receives or contracts for any money or loan for himself or for any other person for voting or agreeing to vote or for refraining or agreeing to refrain from voting at any election;

(g) after any election, receives any money on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting at any election; or

(h) conveys or transfers or is concerned with the conveyance or transfer of any property, or pays or is concerned with the payment of any money, to any person for the purpose of enabling him to be registered as a voter, thereby to influence his vote at any future election, or pays to or is concerned with the payment of any money on account of any voter for the purpose of inducing him to vote or refrain from voting;

shall be guilty of the offence of bribery.

(2) Nothing in this regulation shall be construed as applying to any money paid or agreed to be paid for or on account of any expenditure bonafide and lawfully incurred in respect of the conduct or management of an election.

52. Any person who-Personation

(a) at any election, applies for a ballot paper in the name of some other person, living or dead, or of a fictitious person; or

(b) having voted once at any election, applies again at the same election for a ballot paper; or

(c) votes at any election knowing that he is not entitled to vote at that election or induces or procures any person to vote at any election knowing that that person is not entitled to vote at that election;

shall be guilty of the offence of personation.

53. Any person who corruptly by himself or by any other person either before, during or after an election, directly or indirectly gives or provides or pays wholly or in part the expenses of giving or providing any food, drink, entertainment, lodging or provisions to or for any person for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at an election shall be guilty of the offence of treating. Treating

54. (1) Any person who directly or indirectly, himself or by any other person-Undue influence

(a) makes use of or threatens to make use of any force, violence or restraint upon any other person; or

(b) inflicts or threatens to inflict by himself or by any other person, or by any supernatural or non-natural means or pretended supernatural or non-natural means, any physical, psychological, mental or spiritual injury, damage, harm or loss upon or against any person; or

(c) does or threatens to do anything to the disadvantage of any person;

in order to induce or compel that person-

(i) to sign a nomination paper or refrain from signing a nomination paper; or

(ii) to vote or refrain from voting; or

(iii) to refrain from claiming registration as a voter; or

(iv) to refrain from offering himself as a candidate for election;

or on account of that person having-

A. signed or refrained from signing a nomination paper; or

B. voted or refrained from voting at any election; or

C. refrained from claiming registration as a voter; or

D. refrained from offering himself as a candidate;

shall be guilty of the offence of undue influence.

(2) Any person who, by abduction, duress or any fraudulent device or

contrivance, impedes or prevents the free exercise of his vote by any voter or thereby compels, induces or prevails upon any voter either to give or to refrain from giving his vote at any election, shall be guilty of the offence of undue influence.

55. Any person who is guilty of the offence of bribery, personation, treating or undue influence shall be guilty of a corrupt practice and shall be liable on conviction to a fine not exceeding eight hundred penalty units or to imprisonment for a period not exceeding two years, or to both.

(As amended by Act No. 13 of 1994) Penalties for corrupt practices

56. (1) Any person who, before or during an election, publishes a false statement of the illness, death or withdrawal from election of a candidate at that election for the purpose of promoting or procuring the election of another candidate, knowing that statement to be false or not believing it to be true, shall be guilty of an illegal practice. Illegal practice of publishing false statements in respect of candidates

(2) Any person who, before or during an election, publishes any false statement of fact in relation to the personal character or conduct of a candidate in that election, shall be guilty of an illegal practice, unless he can show that he had reasonable grounds for believing, and did believe, the statement to be true.

57. (1) Any person who forges or fraudulently destroys any written authority of a candidate or nomination paper, or delivers to a returning officer any written authority of a candidate or nomination paper knowing the same to be forged shall be guilty of an illegal practice. Illegal practice in respect of nomination of candidates

(2) Any person who knowingly makes a false statement in a statutory declaration made and subscribed under regulation 13 shall be guilty of an illegal practice.

(3) Any person who wilfully prevents or attempts to prevent any other person from complying with any of the provisions of regulation 13, 14, 15 or 16 shall be guilty of an illegal practice.

58. Any person who, at a lawful public meeting held in connection with the election of any person between the day of the publication of a notice appointing nomination day and the day on which the result of the election is published, acts or incites others to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting is called, shall be guilty of an illegal practice. Illegal practice in respect of public meetings

59. Any person who, with intent to influence persons to give or refrain from giving their votes at an election, uses or procures the use of any wireless transmitting station outside the Republic shall be guilty of an illegal practice. Illegal practice in respect of broadcasts

60. (1) Any person who-Illegal practices relating to the poll

(a) forges or counterfeits or fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper;

(b) without authority supplies any ballot paper to any person;

(c) without authority puts into any ballot box any ballot paper which he is not authorised by law to put in;

(d) sells or offers to sell any ballot paper to any person or purchases or offers to purchase any ballot paper from any person;

(e) not being a person entitled under these Regulations to be in possession of a ballot paper, has any such ballot paper in his possession;

(f) without authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers in use or intended to be used for the purpose of an election;

(g) without authority prints or makes any ballot paper or what purports to be or is capable of being used as a ballot paper at an election;

(h) manufactures, constructs, has in his possession, supplies, or uses for the purpose of an election, or causes to be manufactured, constructed, supplied or used for the purposes of any election any appliance, device or mechanism by which a ballot paper may be extracted or manipulated after having been deposited in a ballot box in the course of polling at any polling station;

(i) at an election obstructs a voter either at the polling station or on his way thereto or there from;

shall be guilty of an illegal practice.

(2) Any person who attempts to commit an illegal practice under sub-regulation (1) shall be guilty of an illegal practice.

61. Any person who is guilty of an illegal practice shall be liable on conviction to a fine not exceeding eight hundred penalty units or to imprisonment for a period not exceeding two years, or to both. Penalty for illegal practices

(As amended by Act No. 13 of 1994)

62. (1) Any person who-Election offences

(a) within a period appointed under regulation 9 for the receipt of nominations, loiters in any public place within four hundred metres from the entrance to a nomination office;

(b) having been required under sub-regulation (4) of regulation 12 to leave a nomination office, fails to leave such nomination office or the precincts thereof;

(c) puts into any ballot box anything other than the ballot paper which he is authorised by law to put therein;

(d) without due authority takes out of the polling station any ballot paper or is found in possession of any ballot paper outside a polling station;

(e) on any polling day, at the entrance to or within a polling station, or in any public place or in any private place within four hundred metres from the entrance to such polling station-

- (i) canvasses for votes;
- (ii) solicits the vote of any person;
- (iii) induces any person not to vote; or
- (iv) induces any person not to vote for a particular candidate;
- (f) on any polling day loiters in any public place within four hundred metres from the entrance to any polling station;
- (g) on any polling day exhibits in any public or private place within one hundred metres from the entrance to any polling station any notice or sign, other than an official notice or sign authorised by any officer under the provisions of these Regulations, relating to the election;
- (h) not being a presiding officer, a polling assistant, a candidate, an election agent or a polling agent in the course of his functions within a polling station, makes any record showing that any particular person has voted in an election;
- (i) without lawful authority, destroys, mutilates, defaces or removes any notice which is exhibited under these Regulations, or any document made available for inspection under these Regulations;
- (j) wilfully obstructs or interferes with a returning officer, presiding officer, or polling assistant in the execution of his duties;
- (k) makes a false answer to any question put to him by a presiding officer or a polling assistant under the provisions of regulation 26 (2);
- (l) in contravention of regulation 33, has any communication with a voter while such voter is in the precincts of a polling station for the purpose of voting;
- (m) having been required or directed under regulation 30 (2) refuses or fails to comply with that requirement or direction to leave a polling station or the precincts thereof;
- (n) being a candidate uses a symbol in the course of an election other than the symbol registered with the Director of Elections in accordance with regulation II, or in the case of any other person associates any candidate with, any symbol in the course of an election other than such candidates' registered symbol;

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding eight hundred penalty units or to imprisonment for a period not exceeding two years, or to both.

(2) Any person who attempts to commit an offence against this regulation shall be liable to the punishment prescribed for that offence.

(As amended by Act No. 13 of 1994)

63. In a prosecution for an offence in relation to a nomination paper, ballot box or ballot paper, the property in such nomination paper, ballot box, as well as the property in the counterfoil of any ballot paper, shall be deemed to be

vested in the returning officer at that election. Property in certain election equipment

64. (1) Every person in attendance at a polling station shall maintain, and aid in maintaining the secrecy of the voting at such station and shall not communicate, except for some purpose authorised by law, to any person any information as to the name or number on the register of voters of any voter who has or has not applied for a ballot paper or voted at such polling station, or as to the official mark or official seal at such polling station. Penalty for breach of secrecy

(2) No person, except a presiding officer or polling assistant acting under the provisions of regulation 35 shall obtain or attempt to obtain in a polling station information as to the candidate for whom any person in such polling station is about to vote or has voted or communicate at any time to any person any information obtained in a polling station as to the candidate for whom any person in such polling station is about to vote or has voted, or as to the number on the ballot paper issued to any person at such polling station.

(3) Every person in attendance at the counting of the votes shall maintain, and aid in maintaining, the secrecy of the voting and shall not ascertain or attempt to ascertain at such counting the number on any ballot paper or communicate any information obtained at such counting as to the manner in which any vote is given by any particular ballot paper.

(4) Any person who contravenes any of the provisions of this regulation shall be guilty of an offence and shall be liable on conviction to a fine not exceeding eight hundred penalty units or to imprisonment for a term not exceeding two years, or to both.

(As amended by Act No. 13 of 1994)

65. Any election officer who wilfully fails to perform the functions of his office under these regulations shall be guilty of an offence and liable on conviction to a fine not exceeding eight hundred penalty units or to imprisonment for a term not exceeding two years, or to both.

(As amended by Act No. 13 of 1994) Offences by election officers

66. (1) Every bill, placard, poster, pamphlet, circular or other printed matter having reference to an election shall bear upon the face thereof the name and address of the printer and of the publisher, and any person who prints, publishes or posts, or causes to be printed, published or posted any such matter which fails to bear upon the face thereof such names and addresses shall be guilty of an offence. Offence by printers and publishers

(2) The proprietor and publisher of every newspaper shall cause the word "advertisement" to be printed as a headline to each article or paragraph appearing in his newspaper containing electoral matter, the insertion of which is or is to be paid for, and any proprietor or publisher who fails to comply with this provision shall be guilty of an offence.

(3) For the purposes of this regulation-

(a) any process for producing copies of a document, other than by copying it by hand, shall be deemed to be printing, and the expression "printed" shall be construed accordingly; and

(b) "electoral matter" shall be deemed to include all matters which, on the face of them, are intended or calculated to affect the result of an election.

(4) Any person who is guilty of an offence against this regulation shall be liable on conviction to a fine not exceeding four hundred penalty units.

(As amended by Act No. 13 of 1994)

PART V MISCELLANEOUSPART V

MISCELLANEOUS

67. (1) A candidate shall name his election agent in his nomination paper and, subject to the other provisions of this regulation, such person shall be the election agent of that candidate for the purpose of that election. Election agents

(2) A candidate may revoke the appointment of his election agent at any time, or an election agent may resign his appointment, by giving written notice to the other party.

(3) Where the election agent of a candidate ceases to be his election agent for any reason, he shall give written notice thereof to the returning officer for the constituency in which he is a candidate and, if another person is appointed to be his election agent, such notice shall set out the full name and address of the new election agent.

(4) No person shall exercise the rights, under these Regulations, of an election agent unless he has been appointed in accordance with the provisions of this regulation.

(5) Each candidate in an election to the office of President may, for the purposes of that election, appoint one person in each constituency to be his election agent for that constituency, or appoint the same election agent to be the election agent for two or more constituencies, and the other provisions of this regulation shall apply to each such candidate and such election agent.

68. (1) Subject to the other provisions of this regulation a candidate or his election agent may, in respect of each polling station within the constituency in which the candidate is nominated, appoint a person to be the polling agent of such candidate. Polling agents

(2) At least four days before the day appointed as polling day for the constituency in which he is candidate, the candidate, or his election agent, shall give written notice to the returning officer for that constituency stating the names and addresses of the polling agents appointed under sub-regulation (1) and specifying the polling station for which each such person is appointed the polling agent.

(3) No person shall exercise the rights, under these Regulations, of a polling agent unless he has been appointed in accordance with the provisions of this regulation.

(4) Each candidate in an election to the office of President may, for the purposes of that election, appoint, in respect of any polling station in the country, a person to be his polling agent for that polling station; or the

election agent of such candidate may, in respect of any polling station in the constituency for which he is election agent, appoint a person to be the polling agent of such candidate; and the other provisions of this regulation shall apply to each such candidate, his election agents and his polling agents.

69. Any fees collected under these Regulations shall be paid into the general revenues of the Republic. Fees

70. The Electoral (General) Regulation, are hereby revoked. Revocation of S.I. No. 78 of 1983

SCHEDULE

FORM GEN 1

REPUBLIC (CREST) OF ZAMBIA

THE ELECTORAL (GENERAL) REGULATIONS

(Regulations 5, 30 and 39)

OATH OR AFFIRMATION

I,

Having been appointed do hereby
*swear/solemnly and sincerely affirm that-

(a) I will carry out the duties required of me as a result of my appointment impartially and to the best of my ability without fear or favour to any person or persons; and

(b) I will not directly or indirectly reveal to any person any matter that may come to my knowledge or notice as a result of my appointment unless so authorised by law.

Signed

*Sworn/Affirmed before me this day of, 19
.....

Signed

Name in BLOCK LETTERS

*Magistrate/Returning Officer

*Delete as necessary.

In case of candidate, election agents or polling agent delete paragraph (a).

FORM GEN 2

REPUBLIC (CREST) OF ZAMBIA

THE ELECTORAL (NATIONAL ASSEMBLY ELECTIONS)
REGULATIONS

(Regulation 13)

NOMINATION PAPER

To: The Returning officer, Constituency.
We, the undersigned, being registered voters in the above-named constituency, do hereby nominate-

First Names (in BLOCK CAPITALS)

Surname (in BLOCK CAPITALS)

Residential Address

Postal Address

to stand as a candidate for election in the constituency.

And I, the said (full name in BLOCK CAPITALS)

.....
hereby declare-

(a) that I accept the nomination:

(b) that my nomination is supported by the (name of political party)

.....

..... /that I am an independent candidate* and

(c) that I have appointed (full name)

..... of (address)

In accordance with regulation to be my Election Agent. A statutory declaration in respect of my nominations as a candidate.

Date

Signature of Candidate

Received by me at (time) on the

day of,
19

Signature of Returning Officer

FORM GEN 3

REPUBLIC (CREST) OF ZAMBIA

THE ELECTORAL (GENERAL) REGULATIONS, 1991

(Regulation 13 (3) (g))

STATUTORY DECLARATION OF CANDIDATE

I . do solemnly and sincerely declare that

- (1) I am a citizen of Zambia;
- (2) My National Registration number is
- (3) I have attained the age of twenty-one years;
- (4) I am the authorised candidate of

..... for the

constituency in the forthcoming election for the National Assembly in that Constituency*/1 intend to stand as an independent candidate at the forthcoming election for the National Assembly in the constituency.

(5) I am not disqualified for election under article 65 of the Constitution of Zambia or section 10 of the Electoral Act 1991 .

(6) I am literate and conversant with the official language of Zambia.

(7) My proposed symbol is

I make this declaration conscientiously believing the same to be true.

Signature .

Name in BLOCK CAPITALS

Magistrate
District

PENALTY FOR GIVING FALSE INFORMATION
(SET OUT AS APPROPRIATE)

(As amended by S.l. No. 93 of 1994)

FORM GEN 4

REPUBLIC (CREST) OF ZAMBIA
THE ELECTORAL (GENERAL) REGULATIONS

(Regulation 25)

BALLOT PAPER

FRONT

Series	Series	_____
No.	No.	Official Mark:

Republic of Zambia
National Assembly
Elections

19

.....

Constituency

Number of voters in Register
of voters

.....

BACK

Constituency

INSTRUCTIONS

Vote for ONE candidate ONLY by making ONE cross in the blank box opposite the name and symbol of the candidate for whom you wish to vote. DO NOT make any other mark on this paper by which you can be identified.

Name
of
CandidatePartySymbol

FORM GEN 6

REPUBLIC (CREST) OF ZAMBIA

THE ELECTORAL (GENERAL) REGULATIONS

(Regulation 36)

CERTIFICATE OF AUTHORITY TO VOTE AT POLLING STATION

To: Presiding Officer,
Polling Station

Constituency.

In accordance with regulation 36 authority is hereby given for the person specified below to cast his vote at the above polling station:

- (i) Full name of voter as shown in Voters' Roll

- (ii) Election duties

- (iii) Name of polling station at which normally entitled to vote .

- (iv) Number of voter in Voters' Roll

- (v) National Registration Number of voter

Date, 19

(Signature of Returning Officer)

INSTRUCTIONS

1. This certificate may only be issued to a person who is unable to vote at the polling station at which he is entitled to vote owing to the fact that he is employed in an official capacity on election duties at some other polling station within the same constituency.

2. In addition to this certificate, the national registration card and the voter's registration card must be produced to the presiding officer when application is made for a ballot paper.

3. On the issue of a ballot paper to the voter this certificate must be

surrendered to the presiding officer who must attach it to his marked copy of the Voters' Roll.

FORM GEN 7

REPUBLIC (CREST) OF ZAMBIA

THE ELECTORAL (GENERAL) REGULATIONS

(Regulations 2 and 38)

Ballot Paper Account

Polling Station Constituency
.....
..

Date of Poll , 19

To be completed by Returning Officer on issue of ballot papers
To be completed by Presiding Officer at close of poll

Ballot papers

Supplied

Total

Number

Supplied Number used excluding spoilt ballot papers

Number of spoilt ballot papers

Number of unused ballot papers

Total of Cols 2-4 (This must equal Col. 1) (1)(2)(3)(4)(5) Ballot papers numbered

(a) to inc

(b) to inc

(c) to inc

(d) to inc

(e) to inc

(g) to inc

(h) to inc

(i) to inc

- (j) to inc
- (k) to inc
- (l) to inc
- (m) to inc
- (n) to inc
- (o) to inc
- (p) to inc
- (q) to inc
- (r) to inc
- (s) to inc
- (t) to inc

Total

I hereby certify that this is a correct statement of all ballot papers supplied to me.

Date, 19

(Signature of Presiding Officer)

FORM GEN 8

REPUBLIC (CREST) OF ZAMBIA

THE ELECTORAL (GENERAL) REGULATIONS

(Regulation 42)

STATEMENT OF REJECTED BALLOT PAPERS

Constituency

Date of Poll

.....
....., 19

Reasons for rejection by Returning Officer Total

- 1. No official mark
- 2. Votes shown for more than one candidate
- 3. Voter identified by mark
- 4. Unmarked or invalid due to uncertainty

Total number of Rejected Ballot Papers

Hereby certify that this is a correct statement of the ballot papers rejected by me as invalid.,

Date

....., 19
.....
.....

(Signature of Returning Officer)

INSTRUCTIONS

- 1. To be completed by the Returning Officer at the conclusion of the count and before announcing the result.
- 2. The rejected ballot papers must be placed together in a marked envelope which must be sealed by the Returning Officer.

FORM GEN 9

REPUBLIC (CREST) OF ZAMBIA

THE ELECTORAL (GENERAL) REGULATIONS

(Regulation 49)

DECLARATION OF RESULT OF POLL

I, (full name of Returning Officer)

.....

being the Returning Officer for the

.....

Constituency, do hereby declare that I have, in accordance with the law, ascertained the result of the Poll of the said constituency and that there have been given to:

- | | |
|------|-------|
| (1) | Votes |
| (2) | Votes |
| (3) | Votes |
| (4) | Votes |
| (5) | Votes |
| (6) | Votes |
| (7) | Votes |
| (8) | Votes |
| (9) | Votes |
| (10) | Votes |
| (11) | Votes |
| (12) | Votes |
| (13) | Votes |
| (14) | Votes |
| (15) | Votes |
| (16) | Votes |
| (17) | Votes |
| (18) | Votes |

(19) Votes

(20) Votes

and I therefore declare the said

Constituency

Date , 19 Signed

.....

Full name in BLOCK CAPITALS

INSTRUCTIONS

1. This form must be completed in duplicate by the Returning Officer and to declare the result of the poll, the text of the original must be read out aloud in public at the place where the counting of the votes takes place.

2. The full names of the candidates should be inserted in the spaces marked (1) to (20), the successful candidate's name being inserted at (1).

3. The original of this form must be delivered to the Electoral Commission by the quickest possible means. The duplicate must be retained by the Returning officer.

FORM GEN 10

REPUBLIC (CREST) OF ZAMBIA

THE ELECTORAL (GENERAL) REGULATIONS

(Regulation 47)

REPORT ON VERIFICATION OF BALLOT PAPER ACCOUNTS

To: Director of Elections
P.O. Box 50272
Lusaka.

I, the undersigned, being the Returning Officer for the Constituency, hereby report that I have, in accordance with regulation 55 of the Regulations, verified the ballot paper accounts received from the Presiding Officer of every Polling Station in the Constituency by comparing them with the total number of ballot papers contained in each ballot box and the total number of unused and spoilt papers delivered to me by such Presiding Officers.

The results of such verification is as follows:

1. Total number of ballot papers issued by me to Presiding Officers
 2. Details obtained from Ballot Paper Accounts
 3. Number used excluding spoilt ballot papers
 4. Number of spoilt ballot papers
 5. Total number of ballot papers contained in all boxes ..
 6. Total number of spoilt ballot papers on hand
 7. Total number of un- used ballot papers returned by Presiding Officer
- Date, 19
-
-

(Signature of Returning Officer)

Instructions

1. The verification of the ballot paper accounts shall take place at a time and a place notified by the Returning Officer to the candidates and in the presence of such candidates and election agents as may wish to attend.
2. The totals to be entered at 1, 2, 3 and 4 above are obtained by adding the totals of all columns 1, 2, 3 and 4 respectively shown on the ballot paper accounts submitted by the Presiding Officer.
3. The totals to be entered at 5, 6 and 7 above are those obtained by the Returning Officer at the counting of the votes.
4. Explanation of any discrepancies must be made by the Returning Officer on

the back of this form.

FORM GEN 11

REPUBLIC OF ZAMBIA

THE ELECTORAL (GENERAL) REGULATIONS CERTIFICATE OF REGISTRATION TO VOTE AT POLLING STATION UNDER ELECTORAL (GENERAL)

(Regulation 26A)

To: Presiding officer, Polling Station
.....

.....
Constituency.

The person specified below has applied under Regulation 26A for a certificate of registration as a voter and I am satisfied that such person is registered as a voter in accordance with the details shown.

VOTER'S ROLL NO.

POLLING DISTRICT

SURNAME

OTHER NAME(s) (First name in full other names initials only)

RESIDENTIAL ADDRESS (Not P.O. Box No.)

NATIONAL REGISTRATION NUMBER

Date, 19

Electoral Officer

1. This certificate may only be issued to a voter whose name and National Registration Number as shown on his National Registration Card agree with the details shown in the register of voters for the polling district in which he claims he was registered.

2. This certificate may not be issued later than four days before the date appointed for the taking of the Poll in a Presidential and General Elections.

3. In addition to this certificate the National Registration Card must be produced to the presiding officer when application is made for a ballot paper.

4. On the issue of a ballot paper to the voter this certificate must be surrendered to the presiding officer.

(As amended by S.1. No. 124 of 1991 and No. 93 of 1994)

THE ELECTORAL (PRESIDENTIAL ELECTIONS) REGULATIONS

ARRANGEMENT OF REGULATIONS

PART I PRELIMINARYPART I

PRELIMINARY

Regulation

1. Title and application
2. Interpretation

PART II NOMINATION PROCEDUREPART II

NOMINATION PROCEDURE

3. Appointment of day for receiving nominations in election of President
4. Attendance of returning officer
5. Nominations of candidates
6. Withdrawal of nomination
7. Determination of validity of nomination papers
8. Procedure where more than one candidate is validly nominated
9. Procedure where only one candidate is validly nominated
10. Procedure where no candidate is validly nominated

PART III ELECTION PROCEDUREPART III

ELECTION PROCEDURE

11. Appointment of a day for a poll for a Presidential election
12. Election procedure
13. Procedure for ascertaining number of votes received by each candidate
14. Failure of candidate to receive more than fifty per cent of votes
15. Declaration of results of election for President in Parliament
16. Declaration of result of election

PART IV MISCELLANEOUSPART IV

MISCELLANEOUS

17. Corrupt and illegal practices and election offences

18. Has had its effect

SCHEDULE

SECTION 7-ELECTORAL (PRESIDENTIAL ELECTIONS) REGULATIONS

Regulations by the Chief Justice Statutory Instrument
109 of 1991
Act No.
13 of 1994

PART I PRELIMINARY PART I

PRELIMINARY

1. (1) These Regulations may be cited as the Electoral (Presidential Elections) Regulations. Title and application

(2) These Regulations shall apply to every election to the office of President of the Republic.

2. In these Regulations, unless the context otherwise requires- Interpretation

"candidate" means-

(a) in relation to any period before the close of the period appointed under regulation 3 for receiving nominations in an election, any person intending to stand for election in such election; and

(b) in relation to any period after the close of the period appointed under regulation 3 for receiving nominations in an election, any person validly nominated as a candidate in such election;

"Commission" means an Electoral Commission established under Article seventy-six of the Constitution;

"election" means an election of a President held in pursuance of Article thirty-four or thirty-eight of the Constitution, and cognate expressions shall be construed accordingly;

"nomination paper" means a document in the Form PE 1 in the Schedule;

"register of voters" means a register of voters prepared and certified, and in force, under the Electoral (Registration of Voters) Regulations;

"registered" means registered in a register of voters under the Electoral (Registration of Voters) Regulations;

"returning officer" means the returning officer specified in Article forty-one of the Constitution.

PART II NOMINATION PROCEDURE PART II

NOMINATION PROCEDURE

3. (1) Subject to the provisions of sub-regulation (2) and (3) the Commission shall, by statutory order, appoint the day on which, and the hours on such day within which, and the place at which, the returning officer shall receive the nominations of candidates in an election to which these Regulations apply. Appointment of day for receiving nomination in election of President

(2) A day appointed under this regulation for an election in any circumstances including a dissolution of the National Assembly, shall be such as will enable a contested election to be held in accordance with these regulations (and if necessary Article thirty-four of the Constitution) within the relevant time prescribed by Article thirty-eight of the Constitution.

(3) Subject to the provisions of sub-regulation (2) the Commission may by statutory order, vary or amend any statutory order made under sub-regulation (1);

Provided that the Returning Officer may extend the closing time of the hours within which to receive nominations on the appointed day without the need for a statutory order under this sub-regulation if he is satisfied that a candidate and his supporters duly presented themselves to him before the close of the period fixed for the receipt of nominations but were prevented from lodging their nomination before the expiry of such period solely because the Returning Officer was then still receiving the nomination of another candidate.

4. It shall be the duty of the returning officer to attend at the place appointed under sub-regulation (1) of regulation 3, on the day and during the hours so appointed, for the purpose of receiving the nomination of candidates. Attendance of returning officer

5. (1) Every candidate shall lodge a nomination paper with the returning officer on the day and during the hours appointed in accordance with regulation 3. Nomination of candidates

(2) A nomination paper shall-

(a) state the political party of which the candidate is a member or by which he is sponsored, and the symbol that the candidate proposes to use;

(b) be completed in all respects;

(c) be signed by the candidate in the presence of the returning officer;

(d) be subscribed by not less than two hundred registered voters who support the candidate;

(e) be accompanied by the declaration as in the Form PE 2 in the Schedule made under paragraph (b) of clause (5) of Article thirty-four of the Constitution;

(f) be accompanied by such evidence as the returning officer may accept that the proposed symbol is registered with the Director of Elections in respect of the candidate;

(g) be accompanied by an election fee in the sum of one thousand six hundred fee units, which fee shall not be refunded once the nomination has been lodged.

(As amended by Act No. 13 of 1994)

6. A candidate may withdraw his nomination paper by notice in writing signed by him and delivered by him to the returning officer before the close of the period appointed under regulation 3 for receiving nominations. Withdrawal of nominations

7. (1) The returning officer shall, within forty-eight hours after the close of the period appointed under regulation 3 for receiving nominations, determine the validity of each nomination paper lodged under regulation 5, and shall declare any nomination paper invalid if he is satisfied—Determination of validity of nomination papers

(a) that the nomination paper is not subscribed or endorsed or lodged in compliance with regulation 5; or

(b) that the nomination paper is not accompanied by the declaration referred to in paragraph (b) of clause (5) of Article thirty-four of the Constitution; or

(c) that the election fee was not paid.

(2) The returning officer shall, not later than forty-eight hours after the close of the period, appointed under regulation 3 for receiving nominations, notify each candidate in writing of his decision in respect of such candidate under sub-regulation (1) and shall, if the nomination paper of any such candidate is declared invalid, notify such candidate of the reasons therefor:

Provided that it shall be a sufficient compliance with this subregulation if such notice is served upon such candidate by post at his last known postal address.

8. Where the returning officer determines under regulation 7 that more than one candidate is validly nominated, he shall forthwith publish, in such manner as he may deem necessary for giving sufficient publicity thereto, the names of the candidates validly nominated, and shall cause notice thereof to be published in the Gazette and shall inform the Commission accordingly. Procedure where more than one candidate is validly nominated

9. Where the returning officer determined under regulation 7 that one candidate only is validly nominated, he shall, in accordance with the provisions of clause (12) of Article thirty-four of the Constitution declare such candidate to be elected as President, and shall forthwith publish such declaration in such manner as he may deem necessary for giving sufficient publicity thereto, and shall cause notice thereof to be published in the Gazette and shall inform the Commission accordingly. Procedure where only one candidate is validly nominated

10. Where the returning officer determines under regulation 7 that no candidate is validly nominated, he shall forthwith notify the Commission in writing of such determination, and the Commission shall exercise its powers under regulation 3 to appoint another day for receiving nominations. Procedure where no candidate is validly nominated

PART III ELECTION PROCEDUREPART III

ELECTION PROCEDURE

11. Where two or more candidates are validly nominated under these Regulations, or where it is necessary in a poll in accordance with clause (7) of Article thirty-four of the Constitution to take a further poll, the Commission shall appoint the day on which and the hours on such day within which, presiding officers may take a poll for the election of a President. Appointment of a day for a Presidential election

12. (1) A poll for the election of a President shall be taken in each constituency, and the provisions of Part III (other than Head A and Part V of the Electoral (General) Regulations) shall with necessary modification apply to, and in relation to, the taking of such poll. Election procedure
Cap. 13

(2) The Director of Elections may give such directions as in his opinion are necessary to give effect to the provisions of sub-regulation (1).

13. For the purpose of determining whether any candidate is entitled to be declared elected under clause (7) or clause (9) of Article thirty-four of the Constitution, the returning officer shall refer to the information notified to him by the Commission under sub-regulation (3) of regulation 49 of the Electoral (General) Regulations, and ascertain the total number of votes cast in favour of each candidate in accordance with such information; and if a Presidential candidate records more than fifty per cent of the valid votes cast, the returning officer shall declare him to be elected as President. S.I. No. 108 of 1991

14. If-Failure of candidate to receive more than fifty per cent of votes

(a) on an initial poll, no candidate receives more than fifty per cent of the valid votes cast at the election the returning officer shall so inform the Commission, and the Commission shall, in accordance with regulation 11 appoint a day for taking a further poll;

(b) on a second poll, no candidate receives more than fifty per cent of the valid votes cast, or there are two candidates who have received an equal number of votes the returning officer shall so inform the President in accordance with clause (9) of Article thirty-four of the Constitution.

15. Where a vote is taken at a session of the National Assembly in accordance with clauses (10) and (11) of Article thirty-four of the Constitution, the result shall be declared by the returning officer. Declaration of results of election for President in Parliament

16. For the purpose of declaring the result of an election determined otherwise than in accordance with clause (10) and (11) of Article thirty-four of the Constitution, the returning officer shall complete a declaration in writing of the result of the election as in the Form PE 3 in the Schedule, and, where more than one candidate is validly nominated for election, the returning officer shall-Declaration of result of election

(a) publish the details in respect of each candidate in such manner as he may deem necessary for giving sufficient publicity thereto; and

(b) cause notice of such declaration to be published in the Gazette; and

(c) deliver such declaration, completed as aforesaid, to the Commission, together with a statement in writing in respect of each candidate of the details

of such result.

(2) Where a President is elected in accordance with Article thirtyfour of the Constitution, the returning officer shall certify the result to the Commission.

PART IV MISCELLANEOUSPART IV

MISCELLANEOUS

17. The provisions of Part IV of the Electoral (General) Regulations, shall apply with necessary modification to an election of a President as they apply to, and in respect of elections of members of the National Assembly. Corrupt and illegal practices and election offences

18. Has had its effect.

FORM PE 1

REPUBLIC OF ZAMBIA

THE ELECTORAL (PRESIDENTIAL ELECTIONS) REGULATIONS

(Regulation 5)

NOMINATION PAPER FOR ELECTION TO THE OFFICE OF PRESIDENT

To: THE CHIEF JUSTICE

I,

.....
... (full names)

being a candidate for election to the office of President of the Republic of Zambia do solemnly and sincerely declare that:

- (i) I am a citizen of Zambia;
- (ii) I have attained the age of thirty five years;
- (iii) I am a member of/sponsored by
- (iv) I am qualified to be elected as a member of the National Assembly;
- (v) my residential address is
- (vi) my postal address is
- (vii) my proposed symbol is .

I make this solemn declaration conscientiously believing the same to be true

Signed

Chief Justice/Returning Officer

We, being registered voters for the purposes of elections to the National Assembly support the candidature of

of candidate)

(full names

Full name in
BLOCK CAPITALS Number of voter's
Registration
Card Polling District
in which regis-

tered as a voter

Signature

Thumbprint 1 2 3 4 5 6 7 8 9 10 to 200

FORM PE 2

REPUBLIC OF ZAMBIA

THE ELECTORAL (PRESIDENTIAL ELECTIONS) REGULATIONS

(Regulation 6)

STATUTORY DECLARATION OF ASSETS AND LIABILITIES LODGED AT NOMINATION

I, (full names)

being a candidate for election to the office of President of the Republic of Zambia do solemnly and sincerely declare that the statement annexed hereto* is made by me for the purposes of Articles 32 of the Constitution and is a true and complete statement of my assets and liabilities.

AND I make this solemn declaration conscientiously believing the same to be true.

Signed

Subscribed and solemnly declared before me this day of

.....,19.....

Chief Justice/Returning Officer

NOTE: A typed or clearly printed/written statement of assets and liabilities must be annexed to this declaration.

FORM PE 3

REPUBLIC OF ZAMBIA

THE ELECTORAL (PRESIDENTIAL ELECTIONS) REGULATIONS

(Regulation 15)

DECLARATION OF THE RESULT OF AN ELECTION TO THE OFFICE OF PRESIDENT

WHEREAS Parliament was dissolved on the day of

.....,19.....

AND WHEREAS an election to the office of President has been pursuant to Article thirty-two of the Constitution.

NOW THEREFORE, I (full name of Returning Officer)

being the Returning Officer for the election to the office of President do hereby declare that I have, in accordance with law, ascertain the result of such election and I therefore declare (name of elected candidate in BLOCK LETTERS) being the only candidate validly nominated in such election* to be duly elected as

President of the Republic of Zambia, this day of

.....,19.....
....

Signed

Chief Justice/Returning Officer

LUSAKA
ZAMBIA

*Where more than one candidate has contested the election delete the words *being the only candidate validly nominated in such election".

Regulations by the Electoral Commission

1. These Regulations may be cited as the Electoral (Conduct) Regulations. Title

2. In these Regulations, unless the context otherwise requires, "monitor" includes an observer, a pressman and a photographer. Interpretation

3. Every person shall during election campaigns and elections promote conditions conducive to the conduct of a free and fair election. Duty of every person during election campaigns and elections

4. Every person shall have the right to-Rights of every person

(a) express his political opinions;

(b) debate and contest the policies and programmes of other parties;

(c) canvas freely for membership and support from voters;

(d) hold public meetings;

(e) distribute electoral literature and campaign materials;

(f) publish and distribute notices and advertisements;

(g) erect banners, placards and posters;

(h) campaign freely; and

(i) participate freely in political activities.

5. Every political party shall establish and maintain effective lines of communication with the Commission, and with other registered parties, at national and local level, including the exchange of names, addresses and contact telephone and facsimile numbers of party election agents and of other relevant office bearers and representatives. Duties of every political party

6. A person shall not coerce or intimidate another person during election campaigns, public debates or elections. Prohibition of coercion or intimidation

7. (1) A person shall not-Prohibition of violence and other unlawful acts

(a) cause violence or use any language or do any kind of action which may lead to violence or intimidation during election campaigns or elections;

(b) carry or display arms or weapons of any kind at a political meeting or in the course of any march, demonstration or other event of a political nature;

(c) make false, defamatory or inflammatory allegations concerning any person or party in connection with an election, but shall confine criticism and comments to policies and programmes of the parties;

- (d) arrange a public meeting, demonstration, rally or march at the same time and venue as another similar political event organised by another party;
- (e) impede the democratic right of any party, through its candidates canvassers or representatives, to have reasonable access to voters for the purposes of conducting voter education, fund raising, canvassing membership and soliciting support;
- (f) plagiarize the symbols, colours or acronyms of other parties;
- (g) remove, disfigure or destroy any political campaign materials of any party;
- (h) offer any inducement or reward to any person in consideration of such person-
 - (i) joining or not joining any party;
 - (ii) attending or not attending any political event;
 - (iii) voting or not voting; or
 - (iv) accepting, refusing or withdrawing such person's nomination as a candidate in the election;
- (i) abuse or attempt to abuse a position of power, privilege or influence, including parental, patriarchal or traditional authority, for political purposes, including any offer of a reward or threat;
- (j) propagate any opinion or action which in any manner is prejudicial to the sovereignty, integrity or security of the country, to the maintenance of public order, or to the independence of any institution;
- (k) in any way campaign either individually or collectively on polling day;
- (l) use government transport or facility for campaign purposes or to carry voters to polling stations:

Provided that this paragraph shall not apply to the President and the Vice-President; or

(m) in any way discriminate against any person on grounds of race, sex, ethnicity, class, gender or religion in connection with the election or political activity.

(2) Where any form of Government transport or property is available for hire, it shall be made accessible to all political parties at a fee on the first come, first serve basis.

8. (1) All electronic media shall provide-Duty of media

(a) fair and balanced reporting of the campaigns, policies, meetings, rallies and press conferences of all registered political parties during the period of campaigning; and

(b) news of the electoral process up to the close of poll.

(2) All media shall-

(a) report election news in an accurate manner and shall not make any abusive editorial comment or encourage racism, religious intolerance or hatred;

(b) identify any editorial comment they wish to make and separate it from the news.

(3) All media personnel shall-

(a) conduct interviews with candidates with fairness both in the style of the interview and in the amount of the time given;

(b) not broadcast their own political opinion, commentary or assessment, but where they wish to do so, they shall clearly identify the opinion, commentary or assessment as their own and shall carefully balance it in order to avoid bias.

9. (1) All television and radio broadcasters shall allocate equal air-time to parties for their political broadcasts. Air time

(2) A party shall not buy more than thirty minutes air-time on television or radio, except where one party's allocated time is totally or partially unused, in which case other parties may buy that extra time on a first come, first serve basis.

(3) A party shall not buy more than fifteen minutes air-time in any one language on the television or radio in any one week:

Provided that if one party's allocated time is totally or partially unused, other parties may buy that extra time on a first come, first serve basis.

(4) Television and radio broadcasters shall not schedule any party's political broadcast or other political discussion or interview, opinion poll results or broadcast prediction of the result of polling day until the polls have closed.

10. (1) All media shall devise an election results programme which shall keep the electorate up to date with the progress of the vote-counting process shall avoid unfounded speculation which may cause instability and shall broadcast confirmed election results as they become available. Election results programme

(2) Television and radio stations shall-

(a) maintain full records of all radio and television news bulletins and recordings of all other programmes related to the election, including party political broadcasts and shall institute a close and meticulous monitoring system to ensure balance throughout the campaign and up to the close of poll.

(b) provide the Electoral Commission at any reasonable time with all such records, information and recordings as the Commission may require to fulfil its monitoring role.

(3) The Commission may require newspapers to provide the possibility for inspection of back copies in the event of a complaint.

(4) Any candidate or party who wishes to make a complaint of unfair treatment or coverage in the course of the election campaign, shall send it in writing to

the Commission.

(5) Where any complaint made under sub-regulation (5) has the effect of asking any media outlet to correct a mistake, the candidate making the complaint shall send the complaint to that media outlet and a copy of it to the Electoral Commission, which shall respond to any such complaint.

(6) Where a right of reply, a retraction or the correction of a matter of significance is necessary, such a response must be placed or scheduled in a position of equal prominence.

11. (1) A person shall not act as a local or foreign monitor, during election campaigns and elections unless he is duly recognised and authorised by the Electoral Commission. Monitors

(2) Local monitors shall be nominated by their organisations and shall undergo training and assessment by their organisations.

(3) Monitors shall be provided with necessary identification by the Electoral Office and their organisations.

(4) The conduct of monitors shall conform to the Constitution, the Electoral Act and Regulations made under it, the Code of Conduct for monitors and the directives of the electoral officials or any lawful instructions of any person acting on their behalf.

(5) Monitors shall-

(a) be impartial in the conduct of their duty, and shall at no time publicly indicate or express any bias or preference with reference to any party or candidate;

(b) be in a sufficient number at each polling station and shall ensure that their presence is widely known and recognised by the electorate;

(c) not under any circumstances whatsoever, interfere with the duties of the election officials in anyway, and shall immediately report any violation to the proper authority;

(d) ensure that any material information or reports which they receive, any event, occurrence or statement of which they have been notified or which indicates the commission of an offence or infringement of the Electoral Act or these Regulations are brought to the attention of their organisations, the enforcement agents, the Elections Office and other parties concerned;

(e) maintain secrecy with reference to any matter affecting voting and counting of votes and shall not by themselves or through their organisation declare the result of any election before the declaration by the Electoral Commission;

(f) when so requested immediately identify themselves to any election officer, or law enforcement officer and shall during the conduct of their activities, at all times carry, wear or otherwise prominently display the prescribed identification badges or cards issued by the Electoral Commission;

(g) not display allegiance to any party at any time and shall refrain from carrying, wearing and displaying electoral material or any article of clothing,

emblem, colours, badges or other items denoting support for or opposition to, any party or candidates or any of the issues in contention in the elections;

(h) not be involved in corrupt practices or accept any favours, so as to make statements in favour or against any candidate or political party;

(i) refrain from carrying or displaying arms or other dangerous weapons during the conduct of their activities or while wearing their monitor identification.

(6) Monitors and their sponsoring organisations shall, whenever requested by the Electoral Commission, attend such briefings, training workshops and other meetings convened in order to co-ordinate their activities.

(7) After the results of the elections, monitors shall handover to the Electoral Commission any identification they received from it.

12. Any person who contravenes these Regulations shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding three hundred thousand kwacha or to imprisonment for a term not exceeding three months or to both. Offences and penalties

REPUBLIC OF ZAMBIA

THE REFERENDUM ACT

CHAPTER 14 OF THE LAWS OF ZAMBIA

CHAPTER 14 THE REFERENDUM ACT CHAPTER 14

THE REFERENDUM ACT

ARRANGEMENT OF SECTIONS

PART I PRELIMINARY PART I

PRELIMINARY

Section

1. Short title
2. Power to order a referendum
3. Method of taking the poll at a referendum

PART II ESTABLISHMENT AND PROCEDURE OF REFERENDUM COMMISSION PART II

ESTABLISHMENT AND PROCEDURE OF REFERENDUM COMMISSION

4. Establishment of Referendum Commission
5. Secretary to Commission
6. Procedure of Commission
7. Conduct of referendum

8. Appointment of referendum officers
9. Power of Commission to require information and to issue instructions
10. Regulations

PART III REFERENDUM PETITIONS PART III

REFERENDUM PETITIONS

11. Referendum petitions
12. Operation of declared result or of Act submitted to referendum
13. Persons who may present referendum petitions
14. Respondent to a referendum petition
15. Form and procedure for presentation of referendum petitions
16. Duty of Registrar to make out list of referendum petitions
17. Practice, procedure and security for costs
18. Death of or delay by petitioner
19. Trial of referendum petitions
20. Provisions as to witnesses
21. Scrutiny of votes

Section

22. Retaking a referendum in a constituency
23. Conclusion of trial of referendum petition
24. Provisions as to costs of trial of referendum petition

PART IV GENERAL PART IV

GENERAL

25. Repealed by Act No. 17 of 1994
26. No person required to state how he voted
27. Evidence as to holding of referendum
28. Validation of certain documents
29. Meaning of "corrupt practice"

CHAPTER 14

REFERENDUM

An Act to provide for the manner in which a referendum shall be held and for matters connected with or incidental thereto.

[21st July, 1967]39 of 1967
5 of 1969
13 of 1994

PART I PRELIMINARYPART I

PRELIMINARY

1. This Act may be cited as the Referendum Act.Short title

2. (1) The President may, if in his opinion it is necessary or desirable so to do, by See the Referendum (Constitution Amendment) Order, 1969 (S.I. No. 246 of 1969), which refers to the first referendum held under the provision of this Act.*statutory order, direct that a referendum be held on any question or questions specified in the order.

*See the Referendum (Constitution Amendment) Order, 1969 (S.I. No. 246 of 1969), which refers to the first referendum held under the provisions of this Act.Power to order a referendum

(2) Any question submitted to a referendum shall be framed in such a manner as to require no answer other than the answer "yes" or the answer "no".

(3) An order made under subsection (1) shall specify the day or days on which voting in the referendum shall take place or, where it is desirable that voting in different areas should take place on different dates, the day or days on which voting shall take place in each such area.

3. (1) All persons who at the time of a referendum are registered as voters and entitled to vote at elections to the National Assembly shall be entitled to vote in the referendum.Method of taking the poll at a referendum

(2) For the purpose of taking the poll at a referendum, the Republic shall be divided into the constituencies for the time being established by law for the purpose of electing members to the National Assembly, and the poll shall be taken separately in each such constituency.Cap. 13

(3) For the purpose of taking the poll at a referendum, each constituency shall be divided into the polling districts for the time being established by law for the purpose of electing members to the National Assembly.

(No. 5 of 1969)

*See the Referendum (Constitution Amendment) Order, 1969 (S.I. No. 246 of 1969), which refers to the first referendum held under the provisions of this Act.

PART II ESTABLISHMENT AND PROCEDURE OF REFERENDUM COMMISSIONPART II

(No. 5 of 1969)

ESTABLISHMENT AND PROCEDURE OF REFERENDUM COMMISSION

4. (1) There is hereby established a Referendum Commission (hereinafter in this Act referred to as "the Commission") for the purpose of supervising the conduct of any referendum held pursuant to section two. Establishment of Referendum Commission

(2) The Commission shall consist of a Chairman and two other members who shall be appointed by the President.

(3) A person shall not be qualified for appointment as Chairman of the Commission unless he holds or has held high judicial office.

(4) A person shall not be qualified for appointment as a member of the Commission if he is a member of the National Assembly.

(5) If the office of Chairman or any member of the Commission falls vacant or the holder of the office becomes unable for any reason to discharge his functions as a member of the Commission, the President may appoint another person qualified for appointment to be the Chairman or, as the case may be, a member of the Commission.

(6) In the exercise of its functions under this Act, the Commission shall not be subject to the direction or control of any other person or authority.

5. The president shall appoint a secretary to the Commission who shall discharge such functions as the Commission may direct. Secretary to Commission

6. (1) The Commission may, by regulation or otherwise, regulate its own procedure and confer powers or impose duties on any officer or authority of the Government for the purpose of discharging its functions. Procedure of Commission

(2) Any decision of the Commission shall require the support of the Chairman and one member.

(3) Subject to the provisions of subsection (2), the Commission may act notwithstanding the absence of any member or any vacancy in the office of any member.

7. The conduct of every referendum shall be subject to the direction and supervision of the Commission. Conduct of referendum

8. (1) The Commission shall have power to appoint such referendum officers as it may deem necessary for the purposes of any referendum and, subject to the provisions of this section, any referendum officer may exercise such functions relating to a referendum as may be prescribed by the Commission. Appointment of referendum officers

(2) In respect of any referendum, a referendum officer may, if so empowered by the Commission under regulations made under section ten, appoint any fit person to be a referendum officer and may in any case, subject to the general or special directions of the Commission, appoint any fit person to assist him in the exercise of his functions under this Act:

Provided that a referendum officer may at any time, in such manner as may be prescribed, revoke any appointment made by him in pursuance of this subsection.

(3) Every referendum officer shall, before exercising any of the functions of his office, take and subscribe such oath or make such affirmation in lieu thereof, as the Commission may prescribe.

(4) The Commission may at any time revoke the appointment of a referendum officer.

(5) Every referendum officer shall be paid such remuneration and allowances in respect of his duties as the Commission may determine.

(6) In this section-

"referendum officer" means a person appointed under this Act to be-

- (a) a district referendum officer;
- (b) a returning officer;
- (c) a presiding officer;
- (d) a polling assistant;
- (e) a counting assistant;

and includes any person appointed by a referendum officer under subsection (2); and, where functions are conferred on the Director of Elections under this Act in respect of a referendum, includes the Director of Elections.

9. The Commission may at any time-

- (a) require from any referendum officer such information and returns as it may consider necessary;
- (b) subject to the provisions of this Act, issue instructions to any referendum officer in connection with his functions under this Act. Power of Commission to require information and to issue instructions

10. (1) Subject to the provisions of this Act, the Commission may, by statutory instrument, make regulations providing for the procedure and manner of conducting any referendum. Regulations

(2) Without prejudice to the generality of subsection (1), the Commission may, by statutory instrument, make regulations providing for all or any of the following matters:

- (a) the establishment of polling stations in polling districts;
- (b) the equipment and facilities to be provided at polling stations;
- (c) the persons who may be admitted to polling stations;
- (d) the manner and procedure of voting at a referendum;
- (e) the manner of ascertaining the identity of persons wishing to vote at a referendum, and whether such persons are qualified to vote;
- (f) the manner in which persons who are blind, or otherwise incapacitated,

may vote;

(g) voting by persons employed on referendum duties on the day of a referendum;

(h) the maintenance of secrecy at a referendum;

(i) the postponement of, adjournment of and extension of time for a poll in case of riot or open violence at a referendum;

(j) the administering of oaths or affirmations by referendum officers in respect of such matters as may be prescribed;

(k) the procedure to be followed at the conclusion of a poll in a referendum;

(l) the procedure for counting votes in a referendum and the circumstances in which votes in a referendum may be rejected by a returning officer as invalid;

(m) the declaration, notification and publication of the results of a referendum;

(n) the custody and disposal of ballot papers, records, documents or other things relating to the conduct of a referendum;

(o) the forms and records to be used for any of the purposes of this Act;

(p) any matter to be prescribed under this Act.

(3) Regulations under this section may provide in respect of any contravention thereof that any such contravention shall be a corrupt practice and that any offender shall be liable to a fine not exceeding six thousand penalty units or to a term of imprisonment not exceeding two years, or to both.

(4) No prosecution for an offence against this Act shall be commenced after the lapse of one year from the date on which the offence is alleged to have been committed.

(5) Subject to the provisions of subsection (4), a police officer may arrest without warrant any person reasonably suspected by the police officer of having committed or attempted to commit an offence against this Act.

PART III

REFERENDUM PETITIONS(No. 5 of 1969 and Act No. 13 of 1994)

11. (1) The result of every referendum shall be declared by the Commission in such manner as may be prescribed, and such result (hereinafter referred to as "the declared result") shall not be capable of being questioned in any manner save only by a referendum petition presented to the High Court under this Act.Referendum petitions

(2) A referendum petition may be presented on any of the following grounds, that is to say:

(a) in respect of the result of the voting in any one constituency, on the ground that corrupt practice prevailed extensively at or in relation to the taking of the referendum in that constituency or on the ground of error or

misconduct (whether by act or omission) on the part of any referendum officer;
or

(b) in respect of the declared result of the referendum, on the ground of error on the part of the Commission.

12. (1) Unless a referendum petition is presented to the High Court in respect of any referendum within the time limited by section fifteen, the declared result of such referendum shall-Operation of declared result or of Act submitted to referendum

(a) have effect as from the date on which such declared result is duly declared; and

(b) be final and incapable of being questioned in any court; and

(c) be conclusive evidence of the voting at the referendum and of the result thereof.

(2) Nothing in this Act shall be construed as preventing or delaying the coming into operation of any Act in respect of which a referendum is held pursuant to the provisions of the Constitution if-Cap. 1

(a) it is stated in the declared result of such referendum that the provisions of the said Act are supported by the votes of a majority of the persons entitled to vote in such referendum; and

(b) the question or questions raised by any referendum petition or, if more than one, by all referendum petitions presented to the High Court in respect of such referendum within the time limited by section fifteen would not, if decided in favour of the petitioner or petitioners, as the case may be, lead to a declaration by the Commission under section twenty-three showing that the votes of a majority of the persons entitled to vote in such referendum did not support the provisions of the said Act.

13. A referendum petition may be presented to the High Court by one or more of the following persons:

(a) in the case of a petition in respect of the result of the voting in any one constituency, any person who lawfully voted or had a right to vote in that constituency at the referendum;

(b) in the case of a petition in respect of the declared result of the referendum, any person who voted at the referendum or had a right to vote at the referendum;

(c) in any case, the Attorney-General. Persons who may present referendum petitions

14. (1) Where a referendum petition is presented by a person other than the Attorney-General, the Attorney-General shall be named therein as the respondent thereto. Respondent to a referendum petition

(2) Where a referendum petition is presented by the Attorney-General, no person shall be named therein as the respondent thereto but the High Court may, if it so thinks proper, assign a legal practitioner to present the case against the petition.

(3) Where, in a referendum petition or any particulars filed in relation thereto or at the hearing of a referendum petition, any particular person is alleged to have been guilty of a corrupt practice in relation to the referendum or where a copy of a referendum petition is served on a particular person by direction of the High Court, the High Court may, on the application of that person, add or name him as a respondent to such petition.

(4) Where, at the trial of a referendum petition presented by the Attorney-General, a question of law arises in relation to anything done or omitted by a referendum officer, the High Court may, on the application of the Attorney-General, name the referendum officer as respondent to such petition to argue the said question of law, but for no other purpose.

15. (1) Every referendum petition shall be in such form and shall contain such matters as may be prescribed by rules made by the Chief Justice. Form and procedure for presentation of referendum petitions

(2) Presentation of a referendum petition to the High Court shall be made by lodging it with the Registrar of the High Court (hereinafter in this Act referred to as "the Registrar") in accordance with the provisions of this Act.

(3) Every referendum petition shall be signed by the petitioner or by all the petitioners if more than one, and shall be presented not later than twenty-one days (which period shall not be extended or deemed to be capable of being extended by order of a court or otherwise) after the date on which the declared result of the referendum is duly declared.

(4) Whenever a referendum petition is presented under this section, the Registrar shall forthwith, in writing, inform the Commission of such presentation.

16. (1) Subject to the provisions of subsection (2), the Registrar shall make out a list of all referendum petitions presented under this Act, placing them on such list in the order in which they are presented, and he shall keep at his office a copy of such list which shall be open for inspection by any person making application for inspection thereof. Duty of Registrar to make out list of referendum petitions

(2) Every referendum petition shall, unless the High Court orders otherwise, be tried in the order in which it stands on the list made out by the Registrar under subsection (1), but where two or more referendum petitions are presented in respect of the same constituency or on the ground, only, of error on the part of the Commission, such referendum petitions shall be bracketed together and shall be dealt with as one petition, standing, unless the High Court orders otherwise, in such list in the place where the last of such referendum petitions would have stood if it had not been so bracketed.

17. (1) Subject to the provisions of this Act, the Chief Justice may, by statutory instrument, make rules regulating generally the practice and procedure of the High Court with respect to the presentation and trial of referendum petitions, including rules as to the time within which any requirement of such rules is to be complied with, and as to the costs of and incidental to the presentation and trial of referendum petitions and as to the fees to be charged in respect of proceedings therein, and generally in regard to any other matter relating thereto as the Chief Justice may deem necessary or desirable. Practice, procedure and security for costs

(2) After the presentation of a referendum petition, every petitioner thereto shall give security for costs in the sum of thirty thousand fee units and such security shall be given within such time and in such manner and form as the Chief Justice may prescribe by rules under this section or, in the absence of such rules, as the High Court may order.

(3) Where, after the presentation of a referendum petition, no security for costs is given as required by or under this section, such petition shall be dismissed by the High Court and shall be struck off the list made out under section sixteen:

Provided that the High Court may, in respect of any referendum petition dismissed as aforesaid, make such order as to costs as it may deem just.

(As amended by Act No. 13 of 1994)

18. The following provisions shall apply and have effect in relation to every referendum petition presented by a person other than the Attorney-General, that is to say:

(a) where there are two or more petitioners and one or more but not all of them dies or die at any time before the final order of the court on the trial of the petition, the surviving petitioner or petitioners shall be entitled to carry on the petition subject to such application or order as may be required by rules made under section seventeen;

(b) where the only or the last surviving petitioner dies at any time before the final order of the court on the trial of the petition, the High Court shall, on the application of the Attorney-General, transfer the carriage of the petition to the Attorney-General and thereupon all subsequent proceedings on the petition shall be conducted as if the petition were a petition presented by the Attorney-General;

(c) if the petitioner fails to proceed with reasonable speed with the proceedings on the petition, the High Court may, on the application of the Attorney-General, either forthwith make a final order confirming without alteration the declared result to which the petition relates or transfer the carriage of the petition to the Attorney-General and authorise him to proceed on the petition as if it had been presented by him;

(d) nothing in this section shall operate to prevent the High Court ordering the costs or part of the costs of the Attorney-General to be paid out of or by means of the security for costs given by a deceased petitioner or by a petitioner who has failed to proceed with reasonable speed. Death of or delay by petitioner

19. (1) Subject to the provisions of this Act, every referendum petition presented under this Act shall be tried and determined by the High Court. Trial of referendum petitions

(2) A referendum petition shall be tried in open court.

(3) The High Court may adjourn the trial of a referendum petition from time to time and from place to place.

(4) Subject to the provisions of this Act, the High Court may, in respect of

the trial of a referendum petition, exercise such powers within its civil jurisdiction as it may deem appropriate.

(5) At the trial of a referendum petition, a record of all evidence given orally in such trial shall be taken, and a transcript of such record shall, at the conclusion of the proceedings, be delivered to the Commission by the Registrar.

20. (1) At the trial of a referendum petition, the court trying the petition shall have power-Provisions as to witnesses

(a) to order any person who appears to the court to be concerned in or affected by the referendum petition to attend as a witness at such trial;

(b) to examine any witness or any person who is present at such trial although such witness or person is not called as a witness by any party to the proceedings:

Provided that after such examination by the court, such witness or person may be cross-examined by or on behalf of the petitioner or the respondent.

(2) Where any person is ordered to attend as a witness under subsection (1), the court may direct that a copy of the referendum petition be served on that person.

(3) A person who is called as a witness at the trial of a referendum petition shall not be excused from answering any question relating to any offence connected with the referendum on the ground that the answer thereto may tend to criminate him or on the ground of privilege:

Provided that-

(i) a witness who answers to the satisfaction of the court every question which he is required to answer under this section, and the answers to which may tend to criminate him, shall not be liable to prosecution for any offence committed by him in connection with the referendum and in respect of which he is so examined, and such witness shall be entitled to receive a certificate of indemnity under the hand of the Registrar stating that he is freed and discharged from liability to prosecution for that offence;

(ii) an answer by a witness to a question before the court under this section shall not, except in the case of any criminal proceedings for giving false evidence in respect of such evidence, be admissible in any proceedings, civil or criminal, in evidence against him.

(4) Where a person has received a certificate of indemnity under subsection (3), and any legal proceedings are at any time brought against him for any offence to which such certificate relates, the court having cognizance of the case shall, on proof of the certificate of indemnity, stay such proceedings and may award to that person such costs as he may have been put to in such proceedings.

(5) All reasonable expenses incurred by any person in attending at or appearing before the High Court to give evidence as a witness at the trial of a referendum petition shall be allowed to such person according to the scale of allowances and expenses appropriate in civil proceedings before the High Court.

21. (1) A petitioner may apply to the High Court upon the trial of a referendum petition for a scrutiny to be carried out by the High Court in such manner as the court may determine. Scrutiny of votes

(2) On a scrutiny at the trial of a referendum petition, the following votes only shall be held invalid:

(a) the vote of any person whose name was not on the register of voters assigned to the polling station at which the vote was cast or who was not authorised to vote at such polling station;

(b) the vote of any person whose vote was procured by any corrupt practice;

(c) the vote of any person who committed or procured the commission of personation at the referendum;

(d) the vote of any person proved to have voted more than once in respect of the same question;

(e) the vote of any person who was disqualified from voting at the referendum.

(3) In this section, "scrutiny" means an inquiry as to the validity of the votes cast, and includes the determination of the number of valid votes cast, in a constituency at a referendum.

22. (1) At the trial of a referendum petition which questions the validity of the result of the voting in any one constituency, the court trying the petition may order that the referendum be taken again in that constituency and, when the court so orders, the following provisions shall have effect, that is to say: Retaking a referendum in a constituency

(a) the court shall, in the said order, appoint the day which shall be the polling day for the purpose of such retaking of the referendum;

(b) the Registrar shall forthwith deliver a certified copy of the said order of the court to the Commission and to the Director of Elections;

(c) the referendum shall be retaken in the said constituency and the provisions of this Act in relation to the taking of a referendum shall apply to such retaking, with the substitution of the polling day appointed by the said order of the court for the day appointed under section two in respect of that constituency;

(d) the Commission shall report the result of the counting of the votes at such retaking to the court.

(2) An order under this section shall not be made in respect of any constituency merely on account of a non-compliance with any regulations made under this Act, or a mistake in the use of forms prescribed under this Act, where it appears to the court that the referendum was conducted in that constituency in accordance with the general principles laid down in this Act and that such non-compliance or mistake did not affect the result of the referendum in that constituency.

23. (1) At the conclusion of the trial of a referendum petition, the court

shall either-Conclusion of trial of referendum petition

(a) confirm without alteration the declared result of the referendum; or

(b) direct that the declared result of the referendum shall be amended in accordance with the findings of the court, including the result of any retaking of the referendum.

(2) The Registrar shall forthwith deliver to the Commission a certified copy of any order made under subsection (1).

(3) Where only one referendum petition has been duly presented, the Commission shall declare and publish the result of the referendum as confirmed or amended, as the case may be, under subsection (1).

(4) Where two or more referendum petitions have been duly presented, the Registrar shall, at the conclusion of the proceedings in respect of all such referendum petitions, deliver to the Commission a certificate under his hand stating that the proceedings upon the trial of every referendum petition have been concluded, and the Commission shall, upon receipt of such certificate, declare and publish the result of the referendum in accordance with the findings of the High Court in respect of each such referendum petition, including the result of any retaking of the referendum.

(5) A declaration made by the Commission under subsection (3) or (4), as the case may be, shall be final and incapable of being further questioned in any court and shall be conclusive evidence of the voting at the referendum to which it relates and of the result of such referendum.

24. (1) Subject to the provisions of this section, all costs, charges and expenses of and incidental to the presentation and trial of a referendum petition shall be borne in such manner and in such proportions as the High Court may order, and in particular, any costs which in the opinion of the High Court have been caused by any vexatious conduct or by any frivolous or vexatious allegations or objections on the part of the petitioner or of the respondent, may be ordered to be paid by the party by whom such costs have been caused. Provisions as to costs of trial of referendum petition

(2) The High Court may, on application made by any person to whom any costs, charges or expenses are payable under this Act, order the same to be paid out of any deposit made to secure the same or by any surety who gave a recognizance, provided that notice of such application shall be given in such manner as may be prescribed by rules under section seventeen to the party by or on whose behalf such deposit was made or for whom such surety gave a recognizance, requiring such party, or such surety and such party, as the case may be, to state within such time and in such manner as may be so prescribed whether he resists the application.

(3) Where on the trial of a referendum petition, any person appears to the High Court to have been guilty of any corrupt practice relating to the referendum, the High Court may, after giving that person an opportunity of making a statement to show why the order should not be made, order the whole or a portion of the costs of or incidental to the trial of such referendum petition to be paid by the said person to such person or persons as the High Court may determine.

(4) Execution may be levied under any order for payment made by the High Court

under this section in the same manner and to the same extent as execution may be levied under a judgment for the payment of money.

(5) Money deposited as security shall, when no longer needed as security for costs, be returned to the person in whose name it is deposited or to any person entitled to receive the same by order of the High Court, which may be made upon motion after notice and proof that all just claims have been satisfied or otherwise sufficiently provided for as the High Court may require.

PART IV GENERALPART IV

(No. 5 of 1969)

GENERAL

25. Repealed by Act No. 17 of 1994.

26. No person who has voted at a referendum shall in any proceedings, whether brought under this Act or otherwise, be required to state how he has voted.No person required to state how he voted

27. In any prosecution for an offence against this Act alleged to have been committed at or in connection with a referendum in any constituency, the certificate of the returning officer for that constituency stating that the referendum mentioned therein was being or had been held shall be sufficient evidence of the fact that such referendum was being or had been held in that constituency.Evidence as to holding of referendum

28. No misnomer or any inaccurate description of any person or place in any register, notice or other document required for the purposes of this Act shall affect the full operation of the document with respect to that person or place in any case where the description of the person or place is such as to be commonly understood.Validation of certain documents

29. In this Act-Meaning of "corrupt practice"

"corrupt practice" means any offence against this Act which is prescribed by the Commission as a corrupt practice.

SUBSIDIARY LEGISLATION

REFERENDUM

THE REFERENDUM REGULATIONS Cap. 14

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PROCEDURE FOR THE COUNT AND DECLARATION OF RESULT OF REFERENDUM

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PART I PRELIMINARYPART I

PRELIMINARY

1. These Regulations may be cited as the Referendum Regulations.Title
2. In these Regulations, unless the context otherwise requires-Interpretation
"assistant returning officer" means a person appointed as an assistant returning officer under regulation 4;

"ballot box" means a ballot box provided to a presiding officer under regulation 11 for the taking of a poll;

"ballot paper" means a document in Form REF. 2 in the Schedule;

"ballot paper account" means a document in Form REF. 6 in the Schedule;

"Commission" means the Referendum Commission established by section four of the Act;

"constituency" shall have the meaning assigned to it in section three of the Act;

"counting assistant" means a person appointed as a counting assistant under regulation 4;

"Director of Elections" means the person for the time being holding or acting in the public office of Director of Elections;

"district referendum officer" means the person appointed as a district referendum officer under regulation 4;

"national registration card" means a national registration card, issued under the National Registration Act, which is not cancelled or required to be cancelled under that Act, and, in relation to any person, means a national registration card in the lawful possession of that person under the Act;Cap. 126

"national registration number" means the serial number inserted on the national registration card under the National Registration Act;Cap. 126

"official mark" means a mark provided to a presiding officer under regulation 11 for the taking of a poll;

"official seal" means a seal provided to a presiding officer under regulation 11 for the taking of a poll;

"polling assistant" means a person appointed as a polling assistant under regulation 4;

"polling day" means a day specified under section two of the Act as a day on which voting in a referendum shall take place, and includes any day appointed under regulation 26;

"polling district" has the meaning assigned to it in section three of the Act;

"polling station" means a place established as a polling station under regulation 8;

"presiding officer" means a person appointed as a presiding officer under regulation 4;

"registered" means, in relation to a person, a person registered in a register of voters under the Electoral (Registration of Voters) Regulations;Cap. 13

"register of voters" means a register of voters prepared and certified and, in force, under the Electoral (Registration of Voters) Regulations, and "copy", in

relation to a register of voters means a copy of the register of voters provided to a presiding officer under regulation 11 for the taking of the poll;Cap. 13

"returning officer" means a person appointed as a returning officer under regulation 4;

"voter" means a person registered in a register of voters;

"voter's registration card" means a voter's registration card issued under the Electoral (Registration of Voters) Regulations, which is not cancelled or deemed to be cancelled under the provisions of those Regulations.Cap. 13

3. The Director of Elections shall-

(a) ensure that every referendum officer performs his functions under these Regulations with impartiality and in accordance with the provisions of these Regulations;

(b) issue to any referendum officer such instructions as he may deem necessary to ensure due compliance with the provisions of these Regulations; and

(c) perform all such functions as are conferred or imposed upon him by these Regulations.Functions of Director of Elections

4. (1) In respect of each polling district, there shall be-Appointment of referendum officers

(a) a district referendum officer;

(b) such approved number of presiding officers and polling assistants as the district referendum officer for that polling district may, by notice in writing, appoint.

(2) In respect of each constituency, there shall be-

(a) a returning officer who shall be such person as the Commission shall specify, by Gazette Notice, as the returning officer for that constituency;

(b) such approved number of assistant returning officers and counting assistants for a constituency as the district referendum officer may, by notice in writing, appoint.

(3) Whenever a district referendum officer appoints any person to be a presiding officer, polling assistant, an assistant returning officer or a counting assistant under paragraphs (b) and (c) of sub-regulation (2) of regulation 4, he shall deliver a copy of the notice referred to in paragraphs (b) and (c) to the Director of Elections.

(4) In this regulation-

"approved" means approved by the Director of Elections.

5. (1) Every returning officer shall, before exercising any of the functions conferred upon him under these Regulations, take and subscribe an oath, or make an affirmation in lieu thereof, before a magistrate in the appropriate form set out in Form REF. 1 in the Schedule.Form of oath or affirmation for referendum officers

(2) Every presiding officer, polling assistant, assistant returning officer and counting assistant appointed under paragraphs (b) and (c) of sub-regulation (2) of regulation 4 to assist a returning officer in the exercise of his functions shall, before exercising any of the functions conferred upon him under these Regulations, take and subscribe an oath, or make an affirmation in lieu thereof, before a magistrate or returning officer in the appropriate form set out in Form REF. 1 in the Schedule.

6. (1) Where the Commission revokes the appointment of a returning officer, it shall publish a notice of such revocation in the Gazette. Revocation of appointment of referendum officer to be notified

(2) Where a district referendum officer revokes the appointment of an assistant returning officer, a presiding officer, a counting assistant or a polling assistant, he shall give notice, in writing, of the revocation to the person concerned and shall deliver a copy of the notice to the Director of Elections.

PART II PROCEDURE FOR THE POLL PART II

PROCEDURE FOR THE POLL

7. At any referendum held pursuant to section two or paragraph (a) of subsection (1) of section twenty-two of the Act, the poll shall be taken by means of a secret ballot and the result of such referendum shall be ascertained in accordance with the provisions of Part III. Poll to be conducted by secret ballot

8. (1) The district referendum officer for a polling district shall appoint a place at which the polling station for that polling district shall be established, and shall cause notice of every place so appointed to be published in such manner as the Director of Elections may direct. Establishment of polling stations

(2) With the approval of the Director of Elections, the same polling station may be appointed under this regulation for two or more polling districts.

9. The poll shall commence and, subject to the provisions of regulation 26, close at such time as the Commission shall, by Gazette Notice, direct: Commencement and close of poll

Provided that the presiding officer shall permit every voter who at the time of closing the poll-

(i) is inside the polling station; or

(ii) is in his opinion, in the immediate precincts of the polling station and was prevented from entering the polling station owing to congestion therein;

to cast his vote before closing the poll.

10. (1) A voter shall be entitled to vote in a referendum at the polling station appointed for the polling district in which he is registered and, except by virtue of the provisions of regulation 22 or 23, shall not be entitled to vote at any other polling station. Right to vote

(2) At the taking of a poll in a referendum a voter shall be entitled to cast

one, and only one, vote in respect of the question submitted to the referendum and, if a voter's name appears in error or for any other reason in more than one register of voters or more than once in the same register of voters, he shall not be entitled to cast more than one vote in respect of such question.

11. For the taking of a poll in a referendum a returning officer shall, in respect of each polling district within his constituency-

(a) ensure that in each polling station there are sufficient compartments within which voters may mark their ballot papers in secrecy and screened from observation;

(b) provide each presiding officer with such number of ballot boxes, ballot papers, official marks, official seals, copies of the register of voters relating to that polling district and such other things as may be necessary for the purposes of these Regulations;

(c) do such other acts and make such arrangements to facilitate the taking of the poll as may be necessary for ensuring that it is taken in the manner provided in these Regulations and in accordance with any instructions issued by the Commission or the Director of Elections; and

(d) publish, both inside and outside each polling station, notices showing the question submitted to the referendum. Duty of returning officer and publication of notices at polling stations

12. (1) Every ballot box shall be so constructed that, after it is sealed under regulation 14, the ballot papers can be placed in it by voters but not taken out without breaking the seals. Ballot boxes, official seals and official marks

(2) In respect of every referendum, the official seals and official marks shall be in such form as the Director of Elections may determine.

13. (1) Every ballot paper shall be as in Form REF. 2 in the Schedule and shall show-Ballot papers

(a) the question submitted to the referendum;

(b) the word "YES" and the word "NO" printed separately on it; and

(c) the symbol of a hand with the index finger raised representing the word "YES" and the symbol of a foot representing the word "NO".

(2) Every ballot paper shall be attached to a counterfoil bearing the same serial number as that printed on the ballot paper.

14. (1) Immediately before the commencement of a poll, the presiding officer at each polling station shall, in the presence of at least one polling assistant, show every ballot box, open and empty, to any person whose presence is permitted under regulation 15 so that such person may see that it is empty, and shall then lock and seal with the official seal every ballot box, and the seal shall not be broken until the ballot box is opened in accordance with the provisions of these Regulations. Procedure before commencement of poll

(2) The presiding officer at each polling station, shall, in the presence of at least one polling assistant, place the key to every ballot box in an envelope

marked "A" as soon as such ballot box has been locked in accordance with sub-regulation (1), and shall then seal the envelope with the official seal, and the seal shall not be broken until the ballot box is opened in accordance with the provisions of these Regulations.

(3) The presiding officer at each polling station shall place every ballot box locked and sealed under sub-regulation (1) in such a position in the polling station that it can be seen throughout the taking of the poll by the presiding officer and by any person whose presence is permitted under regulation 15.

(4) The presiding officer at each polling station shall ensure that there is available throughout the taking of the poll in each compartment provided under paragraph (a) of regulation 11 a suitable pencil or pen for the use of every voter when marking his ballot paper.

15. (1) The presiding officer at each polling station shall keep order in such polling station and in its precincts, and shall regulate the number of voters to be admitted at a time to such polling station. Control of persons entering polling station

(2) The presiding officer at each polling station may require any person, other than-

(a) Members of the Commission or its members of staff;

(b) the Director of Elections;

(c) the returning officer and any assistant returning officer for the constituency in which such polling station is situated;

(d) the district referendum officer for the polling district;

(e) the polling assistants appointed under regulation 4 in respect of such polling station;

(f) a police officer on duty; or

(g) any person authorised in writing by the Director of Elections to enter and remain in such polling station;

to leave such polling station and its precincts:

Provided that any of the above persons may be required by the presiding officer to leave the polling station and its precincts if, in the opinion of the presiding officer, such person is causing a disturbance which is likely to interfere with the taking of the poll.

(3) Every person authorised in writing by the Director of Elections to enter and remain in a polling station shall, before attending at the taking of a poll in any polling station in a constituency, take and subscribe an oath, or make an affirmation in lieu thereof, in the form prescribed in regulation 5 and, for that purpose, the returning officer for such constituency shall have the power to administer such oath.

(4) The powers conferred by this regulation shall not be exercised so as to prevent any voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at such polling station.

16. (1) A person, in order to vote at a referendum, shall apply for a ballot paper and, for that purpose, shall-Application for ballot paper

(a) except where the provision of regulation 22 or 23 apply, present himself at the polling station appointed under regulation 8 for the polling district in which he is registered;

(b) except where the provisions of regulation 24 apply, produce his voter's registration card to the presiding officer or polling assistant at such polling station;

(c) identify himself by producing the national registration card bearing the national registration number recorded on his voter's registration card; and

(d) if so required by the presiding officer or polling assistant, present both his hands for inspection by that officer;

and no person shall be issued with a ballot paper unless he complies with the above requirements.

(2) A presiding officer or polling assistant at a polling station may put to any applicant for a ballot paper such question as he may consider necessary to enable him to identify the applicant with a name on the copy of the register of voters at such polling station.

(3) No applicant for a ballot paper shall be issued with a ballot paper or permitted to vote at a polling station unless the presiding officer or polling assistant for that polling station is satisfied-

(a) except where the provisions of regulation 22 or 23 apply, that the applicant is registered in the polling district for which that polling station is appointed;

(b) except where the provisions of regulation 24 apply, that the applicant has produced the voter's registration card issued to him in respect of such registration;

(c) that the applicant has properly identified himself under paragraph (c) of sub-regulation (1);

(d) that the applicant has not previously voted in the referendum in respect of which he is applying for ballot paper; and

(e) that the applicant is not disqualified from voting at elections to the National Assembly.

17. If a presiding officer or polling assistant at a polling station is satisfied under regulation 16, 22, 23 or 24 that an applicant is entitled to be issued with a ballot paper and to vote, the following procedure shall, subject to the provisions of regulation 21, be followed:

(a) the voter shall, prior to receiving a ballot paper immerse a thumb up to at least the whole of the exposed nail in ink provided by the presiding officer:

Provided that-Procedure for casting vote

(i) in the case of a voter without any thumb, such voter shall immerse a finger up to at least the whole of the exposed nail; and

(ii) in the case of a voter without any thumb or fingers, this paragraph shall not apply;

(b) before issuing a ballot paper to the voter the presiding officer or polling assistant shall-

(i) except where the provisions of regulation 22 or 23 apply, draw a line through the number and name of the voter in the copy of the register of voters as evidence that such voter has received a ballot paper;

(ii) stamp the ballot paper with the official mark;

(iii) enter on the counterfoil of the ballot paper the number of the voter as recorded in the copy of the register of voters; and

(iv) except where the provisions of regulation 24 apply, stamp the voter's registration card produced by the voter under regulation 16 with the official mark;

(c) the presiding officer or polling assistant shall then detach the ballot paper from its counterfoil and deliver it to the voter;

(d) the voter, on receiving the ballot paper, shall enter one of the compartments provided under regulation 11 in the polling station and shall record his vote by secretly marking the ballot paper with the mark X opposite either the word "YES" or the word "NO" and shall then fold the ballot paper in such a way that the official mark stamped on it is visible and the mark signifying his vote is not visible; and

(e) the voter shall then leave the compartment and shall, in the presence of the presiding officer or polling assistant, place the folded ballot paper in the ballot box provided in the polling station for that purpose.

18. (1) A voter shall vote without undue delay and shall leave the polling station as soon as he has placed his ballot paper in the ballot box. Votes to be cast without undue delay

(2) Where the presiding officer is of the opinion that any person present in the compartment has delayed unduly in it and that the delay may hinder the adequate or orderly conduct of the poll, he may require that person to complete the produce set out in paragraph (d) of regulation 17 within a period of two minutes immediately thereafter.

(3) On or after the expiry of the period of two minutes referred to in sub-regulation (2), the presiding officer may direct the person concerned to place the ballot paper issued to that person in the ballot box and to leave the polling station, and its precincts and not to return to it during the period of the poll.

19. At any polling station the presiding officer, may during a temporary absence from the polling station, delegate his powers, subject to the directions of the Director of Elections, to a polling assistant and, during the period of that delegation, the polling assistant shall have and may exercise the powers of the presiding officer. Polling assistant may act during temporary absence of

presiding officer

20. Where a voter inadvertently deals with a ballot paper in such manner that it cannot be used as a valid ballot paper, he shall deliver that ballot paper (hereinafter referred to as a "spoilt ballot paper") to the presiding officer and if the presiding officer is satisfied that the ballot paper has been spoilt inadvertently, he shall issue another ballot paper to that voter, and shall cancel the spoilt ballot paper and the counterfoil to which it relates. Spoilt ballot papers

21. (1) A presiding officer, a relative or a friend may, upon application by and with the consent of- Presiding officer, a relative or a friend may assist incapacitated voter

(a) a voter who is incapacitated by blindness or other physical cause from voting in accordance with the procedure prescribed by regulation 17; or

(b) a voter who orally declares that he is unable to read or otherwise asks for the assistance of the presiding officer, a relative or a friend:

and with the assent of such voter, enter a compartment with that voter in order to assist him cast his vote pursuant to the provisions of paragraph (d) of regulation 17 and, subject to those provisions, mark the ballot paper, issued to that voter, opposite either the word "YES" or the word "NO" as the voter may signify, and place it in the ballot box on behalf of that voter:

Provided that the relative or friend proves himself to be a registered voter in that polling district and has not already assisted another voter in voting in that referendum.

(2) A presiding officer acting under this regulation shall record in the copy of the voter's roll, by means of a mark placed next to the name of the voter concerned, that he or a relative or a friend of a voter has marked the ballot paper as aforesaid on application by the voter, and the reasons for doing so.

22. (1) Where a voter is employed as a returning officer, assistant returning officer, presiding officer, polling assistant, police officer or in any other official capacity on referendum duties, and is unable by reason of that employment to vote in the polling district in which he is registered, the returning officer for the constituency in which he is so employed shall, on application in person and upon production of his voter's registration and national registration cards authorise that voter by certificate in Form REF. 3 in the Schedule to vote at the polling station at which, or which is most easily accessible from the place at which, he is so employed. Voting by persons employed on election duties

(2) Any voter to whom a certificate is issued under sub-regulation (1) shall deliver that certificate to the presiding officer when he applies for a ballot paper.

23. (1) Where a voter wishes to vote at a polling station in a district council area, other than that in which he is registered, the district referendum officer for the polling district in question shall, on application in person in accordance with sub-regulation (2) and upon production of his voter's registration and national registration cards, authorise that voter by certificate in Form REF. 4 in the Schedule, to vote at that polling station. Voting elsewhere than where registered

(2) Application for the certificate shall be made not later than four days before the date specified under section two of the Act for the taking of the poll in the referendum.

(3) Any voter to whom a certificate of authority is issued under sub-regulation (1) shall deliver that certificate to the presiding officer when he applies for a ballot paper.

24. (1) Where a voter's registration card has been lost, destroyed or so defaced as to be illegible in any material particular, the district referendum officer of the polling district in which the voter in question is registered shall, on application in person in accordance with sub-regulation (2) and on production of his national registration card issue a certificate in Form REF. 5 in the Schedule:Lost, etc., voter's registration card

Provided that no certificate shall be issued unless the district referendum officer is satisfied that the applicant is a voter registered in a polling district for which he is responsible under regulation 4.

(2) Application for a certificate shall be made not later than four days before the date specified under section two of the Act for the taking of the poll in the referendum.

(3) Any voter to whom a certificate is issued under sub-regulation (1) shall deliver that certificate to the presiding officer when he applies for a ballot paper.

25. No person, other than a presiding officer, polling assistant, police officer or person on duty in an official capacity at a polling station, shall have any communication whatsoever with a voter while the voter is in the precincts of a polling station for the purpose of voting. Restriction on communication in precincts of polling station

26. (1) Notwithstanding the terms of any order made under section two or twenty-two of the Act, a presiding officer may, in his discretion, postpone until later in the day, and if, necessary, adjourn to some other day, the proceedings at his polling station where they are interrupted by riot, open violence, flood, natural catastrophe or other similar cause, but where he does so, he shall start or restart the proceedings at the earliest practicable moment. Adjournment of poll in case of emergency

(2) A presiding officer may, in his discretion, extend the hours or adjourn the day of polling at his polling station where polling has been interrupted by any of the causes aforesaid, and reference in these Regulations to the close of the poll shall be construed accordingly.

(3) If a poll is adjourned under this regulation at any polling station, the hours of polling on the day to which it is adjourned shall be the same as for the original day, and references in these Regulations to the closing of the poll shall be construed accordingly.

(4) Where a presiding officer postpones or adjourns the poll under this regulation, he shall take such precautions as are necessary to safeguard the ballot boxes, ballot papers and other referendum requisites, and shall forthwith notify the returning officer of the postponement or adjournment, as the case may be.

(5) Where a returning officer is notified under sub-regulation (4) of the postponement or adjournment of a poll, he shall forthwith notify the Director of Elections of the postponement or adjournment, as the case may be.

27. (1) As soon as practicable after the closing of the poll, the presiding officer at a polling station, in the presence of at least one polling assistant shall-Procedure after close of poll

(a) close and seal with the official seal the aperture of every ballot box used for the poll;

(b) complete the ballot paper account in respect of the poll which shall be as in Form REF. 6 in the Schedule; and

(c) place in separate envelopes, which shall be sealed with the official seal, the following items in the manner hereinafter provided:

(i) in an envelope marked "B", the unused ballot papers which shall remain attached to their respective counterfoils and the spoilt ballot papers;

(ii) in an envelope marked "C", the copy of the register of voters marked in accordance with regulation 17 and 21, together with the certificates delivered to the presiding officer under regulation 22 and 23;

(iii) in an envelope marked "D", the counterfoils of the used ballot papers including the counterfoil of any spoilt paper;

(iv) in an envelope marked "E", the ballot paper account completed under paragraph (b);

(v) in an envelope marked "F", the official mark and the official seals; and

(vi) in a plain envelope, the certificates delivered to the presiding officer in terms of regulation 24.

(2) The presiding officer shall, in accordance with such directions as may be issued by the Director of Elections, despatch each envelope sealed in accordance with the provisions of sub-regulation (2) of regulation 14 and of this regulation together with the ballot boxes sealed in accordance with this regulation, in safe custody to the returning officer for the constituency in respect of which the poll was conducted.

PART III PROCEDURE FOR THE COUNT AND DECLARATION OF RESULT OF REFERENDUMPART III

PROCEDURE FOR THE COUNT AND DECLARATION OF RESULT OF REFERENDUM

28. (1) The returning officer for a constituency in which a poll is taken shall arrange for the counting of the votes to take place as soon as practicable after the close of the poll in that constituency and shall, so far as circumstances permit, proceed continuously with the counting, allowing only reasonable time for refreshment, until the count is completed. Duty of returning officer to arrange for counting of votes and notification of public

(2) The returning officer for each constituency in which a poll is to be taken shall, by public notice, prior to the day appointed for the taking of the poll, state the place at which he will count the votes cast in the poll.

(3) Every assistant returning officer appointed for a constituency shall attend at the counting of the votes cast in the poll in that constituency.

29. (1) At the counting of the votes cast in a referendum in any constituency no person other than—Persons who may attend counting of votes

(a) members of the Commission or its members of staff;

(b) the Director of Elections;

(c) the returning officer and any assistant returning officer appointed for such constituency;

(d) the counting assistants appointed by the district referendum officer;

(e) the district referendum officer of any polling district within such constituency;

(f) a police officer on duty; or

(g) any person authorised in writing by the Director of Elections;

may attend.

(2) Every person authorised to attend the counting of the votes in any constituency, other than the Commission and its members of staff, shall, unless he has taken the oath or made an affirmation under the provisions of regulation 5 or 15, before so attending, take and subscribe an oath, or make an affirmation in lieu thereof, in the form prescribed in regulation 5, and for that purpose the returning officer for that constituency shall have power to administer the oath.

30. (1) The returning officer for a constituency in which a poll has been taken shall take into his custody, and issue a receipt for, all envelopes and ballot boxes delivered to him in accordance with the provisions of sub-regulation (2) of regulation 27. Examination of seals of envelopes and ballot boxes received by returning officer

(2) When the returning officer for a constituency in which a poll has been taken is satisfied that he has received all the envelopes and ballot boxes in respect of all the polling stations in that constituency he shall, at the place notified under sub-regulation (2) of regulation 28 for the counting of the votes, examine the seals of all the envelopes and ballot boxes.

(3) The returning officer shall submit to the Director of Elections a written report of the result of the examination carried out under sub-regulation (2) if that examination reveals that the seals of any envelope or ballot box are broken.

31. The returning officer for a constituency in which a poll has been taken shall, with the aid of the counting assistants for that constituency, count all the votes cast in the referendum in that constituency according to the following procedure:

(a) the returning officer shall open each ballot box and, after removing all the ballot papers from them, shall count and record the total number of ballot

papers contained in each ballot box without reference to the manner in which the ballot papers are marked;

(b) subject to the provisions of regulation 32, the returning officer shall count and record the total number of valid ballot papers signifying the answer "YES", and the total number of valid ballot papers signifying the answer "NO":

Provided that the ballot papers contained in any ballot box shall be mixed with those from at least one other ballot box before being so counted;

(c) the returning officer shall ensure that, while counting the ballot papers, the counting assistants keep the side of each ballot paper on which the vote is recorded upwards, and shall take all precautions for preventing any person present at the count from seeing the number printed on each ballot paper. The count

32. (1) The returning officer shall, subject to sub-regulation (2) reject as invalid, and shall not count, any ballot paper- Rejection of ballot papers

(a) which does not bear the official mark, unless the returning officer is satisfied that the omission was a bona fide error;

(b) on which votes are cast signifying more than one answer;

(c) on which anything is written or marked by which the voter can be identified, other than the number printed on the ballot paper; or

(d) which is unmarked or invalid for uncertainty.

(2) A ballot paper on which the vote is marked-

(a) elsewhere than in the proper place;

(b) otherwise than by means of the mark X; or

(c) by more than one mark;

shall not by reason thereof be invalid if an intention that the vote shall signify either the answer "YES" or the answer "NO" clearly appears, and the way the paper is marked does not of itself identify the voter and it is not shown that he can be identified thereby.

(3) The returning officer shall endorse the word "rejected" on any ballot paper which under this regulation is not to be counted.

(4) The returning officer shall draw up and deliver to the Director of Elections a statement in the Form REF. 7 in the Schedule showing the number of ballot papers rejected under the several heads of-

(a) want of official mark;

(b) votes signifying more than one answer;

(c) writing or mark by which voter could be identified; or

(d) unmarked or invalid for uncertainty.

33. If, when the counting of votes is completed pursuant to the foregoing provisions of these Regulations, the returning officer considers it necessary or desirable, he may cause the votes to be recounted before declaring the result under regulation 34. Recounting of votes

34. When the counting of the votes has been completed and the result of the poll ascertained in respect of a constituency, the returning officer shall-

(a) complete in duplicate a declaration of the result of the poll in that constituency as in Form REF.8 in the Schedule;

(b) read aloud in public, at the place where the counting was conducted the completed form; and

(c) cause to be delivered to the Commission without delay the original of such completed form. Declaration of result of Poll in constituency and notification of Commission

35. The Commission, on receipt of Form REF.8 completed under paragraph (a) of regulation 34 in respect of all constituencies shall-

(a) ascertain from such forms the total number of votes cast in the referendum signifying the answer "YES" and the total number of votes cast in the referendum signifying the answer "NO";

(b) complete in duplicate a declaration of the result of the referendum as in Form REF.9 in the Schedule, which declaration shall state whether the total number of votes cast in the referendum signifying the answer "YES" is greater or less than the total number of votes cast in the referendum signifying the answer "NO"; and

(c) cause to be delivered to the President without delay the original of the completed form;

(d) cause the result of the referendum to be announced publicly; and

(e) cause the said result to be published in the Gazette. Declaration of result of referendum by Commission

36. A declaration made by the Commission at the conclusion of the trial of a referendum petition in accordance with subsection (3) or (4), as the case may be, of section twenty-three of the Act, shall be as in Form REF.10 in the Schedule. Form of declaration under section 23 of the Act

37. The decision of a returning officer on any question arising in respect of any ballot paper or as to the declaration by him of the result of a poll shall not be questioned except by a referendum petition presented under the provisions of the Act. Questions arising on decision of returning officer

38. On the completion of the counting of the votes cast in a referendum in any constituency, the returning officer for that constituency shall seal up in separate, marked envelopes the ballot papers signifying the answer "YES" and the ballot papers signifying the answer "NO" and shall place the rejected ballot papers in separate, marked envelopes. Ballot papers to be sealed in marked envelopes after completion of counting

39. (1) The returning officer for a constituency shall, as soon as possible

after the completion of the counting of the votes for that constituency and in the presence of the assistant returning officers for that constituency, proceed with the verification of the ballot paper accounts according to the following procedure:Verification of ballot paper accounts

(a) he shall open the envelopes marked "B" containing the unused ballot papers together with their counter-foils and the spoilt ballot papers, and the envelopes marked "E" containing the ballot paper accounts, delivered to him under regulation 27, in respect of each polling district in that constituency;

(b) he shall, in respect of each polling district compare the ballot paper account with the total number of ballot papers contained in the ballot boxes as recorded under paragraph (a) of regulation 31, and with the total number of unused and spoilt ballot papers contained in the envelope marked "B" for that polling district;

(c) he shall reseal the envelopes marked "B"with their respective contents; and

(d) he shall place all ballot paper accounts for that constituency in one envelope marked "E" and shall seal that envelope.

(2) The returning officer shall then prepare and deliver to the Director of Elections a report on the verification of the ballot paper accounts in Form REF. 11 in the Schedule.

40. (1) Upon the completion of the verification of the ballot paper accounts under regulation 39, the returning officer shall forthwith deliver to the Commission-Custody and destruction of referendum matter

(a) in respect of each polling district within his constituency, the envelope marked "B" containing the unused ballot papers together with their counterfoils and the spoilt ballot papers;

(b) in respect of each polling district within his constituency, the envelope marked "C" containing the copy of the register of voters and the certificates placed in it under regulation 27;

(c) the envelope containing the ballot papers and sealed under regulation 38; and

(d) the envelope containing the rejected ballot papers and sealed under regulation 38;

and shall forthwith deliver to the Director of Elections in respect of each polling district within his constituency-

(i) the envelope marked "D" containing the counter-foils of the used and the spoilt ballot papers, delivered to the returning officer under regulation 27;

(ii) the envelope marked "E" containing the ballot paper account;

(iii) the envelope marked "F" containing the official seal and the official mark, delivered to the returning officer under regulation 27; and

(iv) the plain envelope containing the certificate delivered to the returning officer in terms of regulation 27.

(2) The Commission shall retain the envelope delivered under sub-regulation (1) in respect of any referendum for a period of twenty-one days after the day on which the result of the referendum was declared and shall then cause them to be destroyed by burning, pulping or by any other efficacious method:

Provided that where the Commission has been informed under subsection (4) of section fifteen of the Act that a referendum petition has been presented in respect of the referendum, the envelopes shall not be destroyed until such time as the trial of that referendum petition has been finally determined.

(3) The Director of Elections shall retain the envelopes marked "D" and the plain envelopes delivered to him under sub-regulation (1) for a period of twenty-one days after the day on which the result of the referendum was declared and shall then cause them to be destroyed by burning, pulping or by any other efficacious method approved by the Commission and shall notify the Commission accordingly:

Provided that where the Commission has been informed under subsection (4) of section fifteen of the Act that a referendum petition has been presented in respect of the referendum, the envelopes shall not be destroyed until such time as the trial of that referendum petition has been finally determined.

PART IV CORRUPT PRACTICES AND REFERENDUM OFFENCESPART IV

CORRUPT PRACTICES AND REFERENDUM OFFENCES

41. (1) Any person who idirectly or indirectly, by himself or any other person-Bribery

(a) gives, lends or procures, or agrees to give, lend or procure or offers, promises or promises to procure, any money to, or for, any person on behalf of any voter or to, or for, any other person in order to induce any voter to vote or refrain voting or who corruptly does any such act as aofresaid on account of such voter having voted or refrained from voting at an referendum;

(b) gives, lends or agrees to give or lend, or offers, or promises to procure or to endeavour to procure, any money to, or for, any voter or to, or for, any other person on behalf of any voter or to, or for, any other person for acting or joining in any processing or demonstration before, during or after, any referendum;

(c) makes any such gift, loan, offer, promise, procurement or agreement to, or for, any person in order to induce such person to procure or to endeavour to procure the vote of any voter at any referendum;

(d) upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises, endeavours to procure, the vote of any voter at at any referendum;

(e) advances or pays or causes to be advanced or paid any money to or for the use of any other person with the intent that such money or any part thereof shall be expended in bribery at any referendum, or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any referendum;

(f) before or during any referendum receives or contracts for any money or

loan for himself or for any other person for voting or agreeing to vote or for refraining or agreeing to refrain from voting at such referendum;

(g) after any referendum receives any money on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting at such referendum; or

(h) conveys or transfers or is concerned with the conveyance or transfer of any property, or pays or is concerned with the payment of any money, to any person for the purpose of inducing him to vote or refrain from voting;

shall be guilty of the offence of bribery.

(2) Nothing in this regulation shall be construed as applying to any money paid or agreed to be paid for or on account of any expenditure bona fide and lawfully incurred in respect of the conduct or management of a referendum.

42. Any person who-

(a) at any referendum applies for a ballot paper in the name of some other person, living or dead, or of a fictitious person;

(b) having voted once at any referendum applies again at the same referendum for a ballot paper; or

(c) votes or induces or procures any person to vote at any referendum knowing that he or that person is not entitled to vote at that referendum;

shall be guilty of the offence of personation. Personation

43. Any person who corruptly by himself or by any other person either before, during or after the referendum, directly or indirectly, gives or provides or pays wholly or in part the expenses of giving or providing any food, drink, entertainment, lodging or provisions to, or for, any person for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at a referendum shall be guilty of the offence of treating. Treating

44. (1) Any person who directly or indirectly, by himself or by any other person-Undue influence

(a) makes use of or threatens to make use of any force, violence or restraint upon any other person;

(b) inflicts or threatens to inflict by himself or by any other person, or by any supernatural or non-natural means or pretended supernatural or non-natural means, any temporal or spiritual injury, damage, harm or loss upon or against any person; or

(c) does or threatens to do anything to the disadvantage of any person;

in order to induce or compel that person to vote or refrain from voting or on account of that person having voted or refrained from voting at any referendum, shall be guilty of the offence of undue influence.

(2) Any person who, by abduction, duress, or any fraudulent device or contrivance, impedes or prevents the free exercise of his vote by any voter or

thereby compels, induces or prevails upon any voter either to give or to refrain from giving his vote at any referendum, shall be guilty of the offence of undue influence.

45. Any person who is guilty of the offence of bribery, personation, treating or undue influence shall be guilty of a corrupt practice and shall be liable on conviction to a fine not exceeding sixty penalty units or to imprisonment for a period not exceeding two years, or to both.

(As amended by Act No. 13 of 1994) Corrupt practices and penalties

46. Any person who at a referendum obstructs a voter either at the polling station or on his way thereto or therefrom shall be guilty of an offence. Obstruction of voter

47. Any person who, at a lawful public meeting held in connection with a referendum prior to the holding of that referendum, acts or incites others to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting is called, shall be guilty of an offence. Unlawful conduct at public meeting

48. Any person who, with intent to influence any person to give or refrain from giving his vote at a referendum, uses or procures the use of any wireless transmitting station outside the Republic shall be guilty of an offence. Unlawful broadcasting

49. (1) Any person who - Referendum offences

(a) forges or counterfeits or fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper;

(b) without due authority supplies any ballot paper to any person;

(c) without due authority puts into any ballot box any ballot paper which he is not authorised by law to put in;

(d) sells or offers to sell any ballot paper to any person or purchases or offers to purchase any ballot paper from any person;

(e) not being a person entitled under these Regulations to be in possession of a ballot paper, has any such ballot paper in his possession;

(f) puts into any ballot box anything other than the ballot paper which he is authorised by law to put in;

(g) without due authority takes out of the polling station any ballot paper or is found in possession of any ballot paper outside a polling station;

(h) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers intended for the use or purpose of a referendum;

(i) without due authority prints or makes any ballot paper or what purports to be or is capable of being used as a ballot paper at a referendum;

(j) manufactures, constructs, has in his possession, supplies, or uses for the purpose of a referendum or causes to be manufactured, constructed, supplied

or used for the purpose of a referendum any appliance, device or mechanism by which a ballot paper may be extracted or manipulated after having been deposited in a ballot box in the course of polling at any polling station;

(k) on any polling day, at the entrance to or within a polling station, or in any public or private place within four hundred metres from the entrance to such polling station-

(i) canvasses for votes;

(ii) solicits the vote of any person;

(iii) induces any person not to vote; or

(iv) induces any person not to vote in a particular manner;

(l) on any polling day loiters in any public place within four hundred metres from the entrance to any polling station;

(m) on any polling day exhibits in any public or private place within one hundred metres from the entrance to any polling station any notice or sign, other than an official notice or sign authorised by any officer under the provisions of these Regulations, relating to the referendum;

(n) not being a presiding officer or a polling assistant in the course of his functions within a polling station, makes any record showing that any particular person has voted in a referendum;

(o) without lawful authority, destroys, mutilates, defaces or removes any notice which is exhibited under these Regulations, or any document made available for inspection under these Regulations;

(p) wilfully obstructs or interferes with a returning officer, presiding officer or polling assistant in the execution of his duties;

(q) makes a false answer to any question put to him by a presiding officer or a polling assistant under the provisions of sub-regulation (2) of regulation 16;

(r) in contravention of regulation 25, has any communication with a voter while such voter is in the precincts of a polling station for the purpose of voting; or

(s) having been required under sub-regulation (2) of regulation 15 or directed under sub-regulation (3) of regulation 18 to leave a polling station, fails to leave that polling station or its precincts;

shall be guilty of an offence.

(2) In a prosecution for an offence in relation to a ballot box or ballot paper, the property in that ballot box or ballot paper as well as the property in the counterfoil of any ballot paper, may be stated to be in the returning officer for the constituency to which such ballot box or ballot paper, as the case may be, relates.

50. (1) Every person in attendance at a polling station shall maintain, and aid in maintaining the, secrecy of the voting at that station and shall not communicate, except for some purpose authorised by law, to any person any

information as to the name or number on the register of voters of any voter who has or has not applied for a ballot paper or voted at that polling station, or as to the official mark or official seal at that polling station. Prohibition of breach of secrecy

(2) No person, except a presiding officer acting under the provisions of regulation 21, shall obtain or attempt to obtain in a polling station information as to how any person in that polling station is about to vote or has voted, or communicate at any time to any person any information obtained in a polling station as to how any person in that polling station is about to vote or has voted, or as to the number on the ballot paper issued to any person at that polling station.

(3) Every person in attendance at the counting of the votes shall maintain, and aid in maintaining, the secrecy of the voting and shall not ascertain or attempt to ascertain at the counting the number on any ballot paper or communicate any information obtained at that counting as to the vote signified by any particular ballot paper.

(4) Any person who contravenes any of the provisions of this regulation shall be guilty of an offence.

51. Any referendum officer who wilfully fails to perform the functions of his office under these Regulations shall be guilty of an offence. Offences by referendum officers

52. (1) Every bill, placard, poster, pamphlet, circular or other printed matter having reference to a referendum shall bear upon its face the name and address of the printer and of the publisher and any person who prints, publishes or posts, or causes to be printed, published or posted any matter which fails to bear upon its face such names and addresses shall be guilty of an offence. Offences by printers and publishers

(2) The proprietor and publisher of every newspaper shall cause the word "advertisement" to be printed as a headline to each article or paragraph appearing in his newspaper containing referendum publicity matter, the insertion of which is or is to be paid for and any proprietor or publisher who fails to comply with this provision shall be guilty of an offence.

(3) For the purposes of this regulation-

(a) any process for producing copies of a document, other than by copying it by hand, shall be deemed to be printing and "printed" shall be construed accordingly; and

(b) "referendum publicity matter" shall be deemed to include all matters which, on the face of them, are intended or calculated to affect the result of a referendum.

53. (1) Except as provided for in regulation 45, any person guilty of an offence under these Regulations shall be liable on conviction to a fine not exceeding sixty penalty units or to imprisonment for a period not exceeding two years, or to both. Penalties

(2) Any person who attempts to commit an offence against these Regulations shall be liable to the punishment prescribed for that offence.

(As amended by Act No. 13 of 1994)

PART V CANVASSINGPART V

CANVASSING

54. This Part shall apply to a referendum to be held on the question of whether or not to re-introduce a multi-party system of politics.Application

55. In this Part, "public media" means any newspaper, publication or broadcasting service which is owned or controlled by or on behalf of the State.Interpretation

56. The Director of Elections shall-

(a) ensure that every district referendum officer performs his functions under this Part with impartiality and in accordance with the provisions of this Part;

(b) issue to any district referendum officer and to any officer or authority of the Government upon whom any power has been conferred or any duty imposed by the Commission under section six of the Act such instructions as he may consider necessary to ensure due compliance with the provisions of this Part; and

(c) perform all such functions as are conferred or imposed upon him by the provisions of this part.Functions of Director of Elections

57. Public canvassing for, or of, votes in favour of or against any question submitted to the referendum under section two of the Act is permitted but shall take place only in accordance with the provisions of this Part.Canvassing

58. (1) Any written statement intended for publication to the public and having reference to the referendum for the purpose of canvassing for votes in favour of or against any question submitted to the referendum under section two of the Act and being a statement not issued by or on behalf of the Commission shall-Contents of Written statements

(a) bear the names and addresses of the authors, printers and publishers and shall otherwise conform with the requirements of regulation 52;

(b) be in the form of a statement for or against the question setting out the merits or demerits of one or the other political system;

(c) be confined to discussing or arguing the case for, or against, one system or the other as a political model and shall not discuss particular individual persons nor shall it contain defamatory imputations, criticisms or attacks against any individual person or the personal character of any individual whether holding or thought to hold opposing views or not; and

(d) not be seditious or inflammatory or against any written law and shall not be intemperate, offensive, hysterical, provocative, or in any way calculated to incite hatred, public disorder, breaches of the peace and violence.

(2) In this Part, a written statement shall include a bill, placard, poster, pamphlet, or any other printed matter having reference to the referendum.

59. A written statement may be published by or on behalf of any person

canvassing for votes in favour or against any any question submitted to the referendum under section two of the Act by-

- (a) distributing copies to the public;
- (b) being read out for broadcasting over the Zambia National Broadcasting Corporation radio and television networks;
- (c) being advertised in the local press in conformity with regulation 52;
- (d) being read out at a public meeting; and
- (e) any other lawful method. Publication of written statements

60. Any person who publishes any written statement having reference to the referendum in contravention of regulation 58 shall be guilty of an offence. Contravention an offence

61. (1) An oral statement made to the public having reference to the referendum for the purpose of canvassing for votes in favour or against any question submitted to the referendum under section two of the Act and not being made by or on behalf of the Commission shall-Content etc., of oral statement

- (a) be in the form of a statement for or against the question setting out the merits or demerits of one or the other political system;
- (b) be confined to discussing or arguing the case for, or against, one system or the other as a political model and shall not discuss any particular individual person or contain defamatory imputations, criticisms or attacks against any individual person or the personal character of any individual person whether holding or thought to hold opposing views or not; and
- (c) not be seditious or inflammatory or against any written law and shall not be intemperate, offensive, hysterical, provocative, or in any way calculated to incite hatred, public disorder, breaches of the peace and violence.

(2) An oral statement, as specified in sub-regulation (1), may be made only at a public meeting arranged and supervised by or on behalf of the Commission at which the speakers shall be persons who have previously indicated in writing to the Commission or the district referendum officer their wish to address a public meeting and have indicated the side of the question they support:

Provided that-

- (a) separate meetings shall be arranged for persons speaking on one side of the question and those on the other side; and
- (b) the district referendum officer shall arrange an equal number of meetings for both sides unless no person has come forward to indicate his or her wish to speak on one of the sides of the question.
- (3) An oral statement, as specified under sub-regulation (1), made at a public meeting may consist of reading a written statement.
- (4) The district referendum officer shall publicise the time and venue of each public meeting indicating the side of the question the speakers will support.

(5) The district referendum officer shall notify, in advance, the officer commanding or the officer-in-charge of police in the locality of any meeting and the officer commanding or the officer-in-charge shall cause the attendance of an adequate number of police officers to ensure the maintenance of law and order and compliance with the provisions of this Part.

(6) A public meeting held or proposed to be held under this Part may be discontinued or disallowed only by the Commission or the district referendum officer if satisfied, from their own assessment or on the advice of the officer commanding or officer-in-charge of police in attendance, that the meeting cannot continue or take place by reason of riot, open violence or other similar cause but, where a meeting has been discontinued or disallowed, another meeting shall be convened in its stead at the earliest practicable opportunity.

62. The Commission may request any person in charge of the public media, in the case of a newspaper, to allot space, and in the case of broadcasting services, to allot time for the purpose of enabling any person, at his own cost, to canvass in accordance with this Part:Request to public media

Provided that the Commission may arrange for some broadcasts at its own cost to be allotted equally to both sides of the question.

63. (1) Any district referendum officer who wilfully fails to perform the functions of his office under this Part shall be guilty of an offence.Offences

(2) Any police officer who wilfully fails to perform the functions of his office under this Part shall be guilty of an offence.

(3) Any person in charge of the public media who, having received a request from the Commission under regulation 62, wilfully obstructs or prevents the publication of an oral or written statement by any person lawfully canvassing with reference to the referendum in accordance with this Part shall be guilty of an offence.

(4) Any person who, at a lawful public meeting held in connection with the referendum, prior to the holding of such referendum, acts or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting is called, shall be guilty of an offence.

(5) Any person who directly or indirectly, himself or by any other person-

(a) makes use of, or threatens to make use of, any force, violence or restraint upon any other person; or

(b) inflicts or threatens to inflict by himself or any other person or by any supernatural or non-natural means or pretended supernatural or non-natural means any temporal or spiritual injury, damage, harm or loss upon or against any person; or

(c) does or threatens to do anything to the disadvantage of any person-

(i) in order to induce or compel that person to canvass or refrain from canvassing or on account of that person having canvassed or refrained from canvassing in connection with the referendum; or

(ii) in order to induce or compel that person to attend or refrain from attending a public meeting or on account of that person having attended or

refrained from attending a public meeting held in connection with the referendum;

shall be guilty of an offence.

(6) Any person who, by abduction, duress or any fraudulent device or contrivance, impedes or prevents the free exercise of his right to canvass under this Part, by any person or thereby compels, induces or prevails upon any person either to canvass or to refrain from canvassing with reference to the referendum shall be guilty of an offence.

64. (1) Any person guilty of an offence under this Part shall be liable on conviction to a fine not exceeding sixty penalty units or imprisonment for a period not exceeding two years or to both. Penalties

(2) Any person who attempts to commit an offence against this Part shall be liable to the punishment prescribed for that offence.

(As amended by Act No. 13 of 1994)

SCHEDULE

PRESCRIBED FORMS

FORM REF. 1

REPUBLIC OF ZAMBIA

THE REFERENDUM REGULATIONS

(Regulations 5, 15 and 29)

OATH OR AFFIRMATION

I, . having

been appointed as

swear/solemnly and sincerely affirm that-

(a) I will carry out the duties required of me as a result of my appointment impartially and to the best of my ability without fear or favour to any person or persons; and

(b) I will not directly or indirectly reveal to any person any matter that may come to my knowledge or notice as a result of my appointment unless so authorised by law.

Signed

Sworn/Affirmed before me this

day of 19
.....

Signed

Name in BLOCK CAPITALS

Magistrate/Returning Officer

FORM REF. 2

REPUBLIC OF ZAMBIA

THE REFERENDUM REGULATIONS

(Regulations 2 and 13)

BALLOT PAPER Front Series No. Series No.

Referendum Official Mark: _____ Republic of Zambia

_____, 19
.....

..... Constituency
Number of Voter in Register of Voters

.....
.....

Back

..... CONSTITUENCY

INSTRUCTIONS: MARK ONE CROSS X ONLY IN THE BLANK BOX

AGAINST EITHER

YES OR NO

Question Answer Symbol Mark X in This Column

The Question will be printed here

Yes No.

FORM REF. 3

REPUBLIC OF ZAMBIA

THE REFERENDUM REGULATIONS

(Regulation 22)

CERTIFICATE OF AUTHORITY TO VOTE AT A POLLING STATION

To: Presiding Officer, Polling Station
Constituency.

In accordance with regulation 22, authority is hereby given for the person specified below to cast his vote at the above polling station

- (i) Full name of voter as shown in Register of Voters
- (ii) Referendum duties
- (iii) Name of polling district in which registered
- (iv) Number of voter in Register of Voters
- (v) National Registration Number of Voter .

Dated , 19
.....
.....

Returning Officer

INSTRUCTIONS

1. This certificate may only be issued to a person who is unable to vote at the polling station appointed for the polling district in which he is registered due to the fact that he is employed in an official capacity on referendum duties at some other polling station.
2. In addition to this certificate, the Voter's Registration Card (Form RV. 2) and National Registration Card must be produced to the Presiding Officer when application is made for a ballot paper.

3. On the issue of a ballot paper to the voter this certificate must be surrendered to the Presiding Officer who must attach it to his marked copy of the Register of Voters.

FORM REF. 4

REPUBLIC OF ZAMBIA

THE REFERENDUM REGULATIONS

(Regulation 23)

CERTIFICATE OF AUTHORITY TO VOTE AT A POLLING STATION

To: Presiding Officer, Polling Station,
Constituency.

In accordance with regulation 23, authority is hereby given for the person specified below to cast his vote at the above polling station:

- (i) Voter's Registration Card Number .
- (ii) Name of polling district in which registered
- (iii) Province in which registered
- (iv) Full name of voter as shown on his Voter's Registration Card
- (v) National Registration Number of voter

Dated , , 19
.....
.....

for District Referendum Officer

INSTRUCTIONS

1. This certificate may only be issued to a person who, by reason of his change of residence, wishes to vote at a polling station in a different District from that in which he was originally registered as a voter.
2. This certificate may not be issued later than four days before the date appointed for the taking of the Poll in a referendum.
3. This certificate may only be issued to the voter in person and upon

production by the voter of his Voter's Registration Card (Form RV. 2) and his National Registration Card.

4. In addition to this certificate, the Voter's Registration Card and National Registration Card must be produced to the Presiding Officer when application is made for a ballot paper.

5. On the issue of a ballot paper to the voter this certificate must be surrendered to the Presiding Officer who must attach it to his marked copy of the Register of Voters.

for District Referendum Officer

Instructions

1. This certificate may only be issued to a person whose name and National Registration Number as shown on his National Registration Card agree with the details shown in the register of voters for the polling district in which he claims he was registered.
2. This certificate may not be issued later than four days before the date appointed for the taking of the Poll in a referendum.
3. In addition to this certificate, the National Registration Card must be produced to the Presiding Officer when application is made for a ballot paper.
4. On the issue of a ballot paper to the voter this certificate must be surrendered to the presiding officer.

FORM REF. 6

REPUBLIC OF ZAMBIA

THE REFERENDUM REGULATIONS

(Regulations 2 and 27)

BALLOT PAPER ACCOUNT

Polling Station		Constituency	
.....			
.....			

Date of Poll			
.....			
..... , 19			

To be completed by Returning Officer on issue of ballot papers
 To be completed by Presiding Officer at close of the poll
 Ballot Papers Supplied Total Number
 Supplied Number used excluding spoilt ballot papers Number of spoilt ballot
 papers Number of unused ballot papers Total of Cols 2-4 (This must equal Col. 1
) Ballot Papers numbered (1)(2)(3)(4)(5)(a) to inc.

- (b) to inc.
- (c) to inc.
- (d) to inc.
- (e) to inc.
- (f) to inc.
- (g) to inc.
- (h) to inc.
- (i) to inc.
- (j) to inc.

(k) to inc.
(l) to inc.
(m) to inc.
(n) to inc.
(o) to inc.
(p) to inc.
(q) to inc.
(r) to inc.
(s) to inc.
(t) to inc .

Totals

I hereby certify that this is a correct statement of all ballot papers supplied to me.

Date , 19

Presiding Officer

INSTRUCTIONS

In every case the total in Column 5 must equal the total in Column 1. If these totals do not agree it is the responsibility of the Presiding Officer to trace and correct the error before signing this form.

FORM REF. 7

REPUBLIC OF ZAMBIA

THE REFERENDUM REGULATIONS

(Regulation 32)

STATEMENT OF REJECTED BALLOT PAPERS

Constituency

Date of Poll, 19

Reason for rejection by Returning Officer Total 1. Want of official mark 2. Votes signifying more than one answer 3. Voter identified by mark 4. Marked or invalid for uncertainty Total number of rejected ballot papers I hereby certify that this is a correct statement of the ballot papers rejected as invalid by me.

Dated , 19

Returning Officer

Instructions

1. To be completed by the Returning Officer at the conclusion of the count and before announcing the result.
2. The rejected ballot papers must be placed together in a marked envelope which must be sealed by the Returning Officer.

Constituency No.

FORM REF. 8

REPUBLIC OF ZAMBIA

THE REFERENDUM REGULATIONS

(Regulation 34)

DECLARATION OF THE RESULT OF THE POLL IN A CONSTITUENCY

I, (full names of Returning Officer)

being the Returning Officer for the

Constituency, do hereby declare that I have, in accordance with the law ascertained the result of the Poll in the said constituency and that I have found:

- (1) the number of valid votes signifying the answer "YES" to be
- (2) the number of valid votes signifying the answer "NO" to be
- (3) the total number of valid votes received to be , and
- (4) the number of rejected ballot papers to be

This declaration is made only in respect of the Poll taken in this constituency. The details I have announced will be transmitted forthwith to the Referendum Commission whose responsibility it is to determine and to declare their national result of the referendum.

Dated, 19

Signed

FULL NAME IN BLOCK CAPITALS

.....

INSTRUCTIONS

1. This form must be completed in duplicate by the Returning Officer and the original must be read aloud in public at the place where the counting of votes takes place.

2. The original of this form must be delivered personally to the Referendum Commission by the Returning Officer. The duplicate must be retained by the Returning Officer.

FORM REF. 9

REPUBLIC OF ZAMBIA

THE REFERENDUM ACT

(Section II)

THE REFERENDUM REGULATIONS

(Regulation 35)

DECLARATION OF THE RESULT OF REFERENDUM

WHEREAS a Referendum has been held within the Republic on the

..... day of
..... , 19
.....

pursuant to section 2 of the Referendum Act;

AND WHEREAS the Commission has received, pursuant to regulation 35 of the Referendum Regulations, the result of the said Referendum in respect of all constituencies;

AND WHEREAS the Commission has ascertained, pursuant to regulation 35 of the Referendum Regulations, the total number of votes cast in the said Referendum signifying the answer "YES" and the total number of votes cast in the said Referendum signifying the answer "NO";

AND WHEREAS the total number of persons who were entitled to vote in the said Referendum is

NOW THEREFORE the Commission hereby declares as follows:

(i) the total number of votes cast in the said Referendum signifying the answer "YES"

is

(ii) the total number of votes cast in the said Referendum signifying the answer "NO"

is

(iii) the total number of votes cast in the said Referendum signifying the answer "YES" Delete as necessary **represents/does not represent the votes of the majority of all persons entitled to vote in the said Referendum.

Dated this day of

....., 19
.....

Chairman, Referendum Commission

LUSAKA

ZAMBIA

*Delete as necessary

FORM REF. 10

REPUBLIC OF ZAMBIA

THE REFERENDUM ACT

(Section 23)

THE REFERENDUM REGULATIONS

(Regulation 36)

DECLARATION OF THE RESULT OF REFERENDUM

WHEREAS a Referendum has been held within the Republic on the

day of

.....
....., 19....., pursuant to section 2 of the Referendum Act;

AND WHEREAS the High Court has made an order, pursuant to section 23 of the Referendum Act, relating to the result of the said Referendum:

NOW THEREFORE the Commission, in pursuance of the said section 23 and in conformity with the said order of the High Court, hereby declares as follows:

(i) the total number of votes cast in the said Referendum signifying the answer "YES"

is ;

(ii) the total number of votes cast in the said Referendum signifying the answer "NO"

is ;

(iii) the total number of votes cast in the said Referendum signifying the answer "YES"

*represents/does not represent the votes of the majority of all the persons entitled to vote in the said Referendum.

.

Dated this day of
.....,
19

.....

Chairman, Referendum Commission

LUSAKA

ZAMBIA

*Delete as necessary

FORM REF. 11

REPUBLIC OF ZAMBIA

THE REFERENDUM REGULATIONS

(Regulation 39)

REPORT ON VERIFICATION OF BALLOT PAPER ACCOUNTS

o: Director of Elections,
P.O. Box 50274,
Lusaka.

I, the undersigned, being the Returning Officer for the Constituency hereby report that I have, in accordance with regulation 39 of the above Regulations, verified the ballot paper accounts received from the Presiding Officer of every Polling Station in the Constituency by comparing them with the total number of ballot papers contained in each ballot box and the total number of unused and spoilt ballot papers delivered to me by such Presiding Officers.

The result of such verification is as follows:

1. Total number of ballot papers issued by me to Presiding Officers

Details obtained from Ballot

Paper Accounts
Details obtained from physical
check by Returning Officer
2. Number used excluding spoilt ballot papers
5. Total number of ballot papers contained in all boxes
3. Number of spoilt ballot papers
6. Total number of ballot papers on hand
4. Number of unused ballot papers
7. Total number of unused ballot papers returned by Presiding Officers
Total
Total

INSTRUCTIONS

1. The verification of the ballot paper accounts shall take place as soon as possible after the counting of votes in a constituency has been completed.
2. The totals to be entered at 1, 2, 3 and 4 above are obtained by adding the totals of all Columns 1, 2, 3 and 4 respectively shown on the ballot paper accounts submitted by the Presiding Officers.
3. The totals to be entered at 5, 6 and 7 above are those obtained by the Returning Officer at the counting of the votes.
4. Explanation of any discrepancies must be made by the Returning Officer on the back of this form.

REPUBLIC OF ZAMBIA

THE BENEFITS OF FORMER PRESIDENTS ACT

CHAPTER 15 OF THE LAWS OF ZAMBIA

CHAPTER 15 THE BENEFITS OF FORMER PRESIDENTS ACT CHAPTER 15

THE BENEFITS OF FORMER PRESIDENTS ACT

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Application
4. Pension and other retirement benefits
5. Circumstances when benefits not payable
6. Death of President
7. Retirement benefits not payable under repealed Act

CHAPTER 15

BENEFITS OF FORMER PRESIDENTS

An Act to provide for the pension and other retirement benefits of former Presidents of the Republic of Zambia; and to provide for matters connected with or incidental to the foregoing.

[24th December, 1993]40 of 1993

33 of 1994

1. This Act may be cited as the Benefits of Former Presidents Act.Short title
2. In this Act, unless the context otherwise requires-Interpretation

"President" means President of the Republic of Zambia; and

"repealed Act" means the State Leaders Retirement Benefits Act, 1990, or the Specified Offices (Terminal Benefits) Act, 1989.5 of 1990
9 of 1989

3. This Act applies to all former Presidents, including those that ceased to hold office before the commencement of this Act.Application
4. (1) Subject to the other provisions of this Act, a former President shall,

upon ceasing to hold office, be entitled to-Pension and other retirement benefits

(a) a tax free monthly pension at the rate of eighty per cent of the incumbent President's emoluments; and

(b) the benefits set out in Schedule of this Act;

all of which shall be a charge on the general revenues of the Republic.

(2) The pension referred to in paragraph (a) of subsection (1) and item 10 of the Schedule shall be paid retrospectively.

5. (1) The pension and other benefits conferred by this Act shall not be paid and shall not accrue during any period when a former President is in receipt of a salary from the State.Circumstances when benefits not payable

(2) A former President shall be disqualified from the pension and other benefits conferred by this act-

(a) if he ceases to hold office on the ground of wilful violation of the Constitution or of misconduct; or

(b) if he is convicted of an offence and sentenced to imprisonment for a term exceeding six months;

and the National Assembly, on a motion supported by not less than two-thirds of the members of the Assembly, resolves that the former President shall not receive the whole or such part of the pension and other benefits as it may determine.

6. Where a former President who is entitled to the pension and other benefits conferred by this Act dies while in or after having left office, his spouse and any children of the family who have not attained the age of twenty-one years shall be entitled jointly to-

(a) a tax free monthly pension at the rate of fifty per cent of the incumbent President's emoluments; and

(b) the benefits set out in items 4, 5, 7, 8, 9, 10 and 11 of the Schedule.Death of President

7. (1) Except as provided in subsection (2) of section four, no person shall be entitled to receive any pension or other retirement benefit under any repealed Act, whether he claimed for benefits before or after the commencement of this Act.Retirement benefits not payable under repealed Act

(2) Any person who has received a pension or any benefit under any repealed Act before the commencement of this Act shall refund to the Government such pension and surrender the benefit received or the monetary equivalent of such benefit within six months of the commencement of this Act.

(3) Where any proceedings to claim any pension or other benefit under any repealed Act have been instituted before the commencement of this Act, the court shall, on the application of the Attorney-General, forthwith dismiss the claim.

SCHEDULE

(Sections 4 and 6)

OTHER BENEFITS

1. An office.
2. One personal secretary.
3. Three security persons.
4. Three cars, with free maintenance, and petrol entitlement to the extent determined by the Cabinet, but only one car for the surviving spouse.
5. Three drivers, but only one for the surviving spouse.
6. One Administrative Assistant, who shall be at the level of Deputy Permanent Secretary.
7. Three house employees, which number may be increased by Cabinet.
8. A diplomatic passport for the former President and his spouse.
9. A furnished house built or bought in Zambia by the State at a place of the former President's choice and ownership of the house shall be transferred to him.
10. Medical insurance for the former President and his spouse.
11. In each year, one return air ticket for the former President and one for his spouse.
12. Funeral Expenses on his death.

(As amended by Act No. 33 of 1994)

REPUBLIC OF ZAMBIA

THE PARLIAMENTARY AND MINISTERIAL CODE OF
CONDUCT ACT

CHAPTER 16 OF THE LAWS OF ZAMBIA

CHAPTER 16 THE PARLIAMENTARY AND MINISTERIAL CODE OF CONDUCT ACT CHAPTER 16

THE PARLIAMENTARY AND MINISTERIAL CODE OF
CONDUCT ACT

ARRANGEMENT OF SECTIONS

PART I PRELIMINARY PART I

PRELIMINARY

Section

1. Short title
2. Interpretation

PART II CODE OF CONDUCT APPLICABLE TO ALL MEMBERSPART II

CODE OF CONDUCT APPLICABLE TO ALL MEMBERS

3. Relationship between this Part and the Constitution
4. Member not to acquire dishonestly any pecuniary advantage
5. Member to disclose pecuniary interest to National Assembly
6. Declarations of interest in Government contracts
7. Failure to make declaration or making of false declaration under section 10

PART III SUPPLEMENTARY PROVISIONS NOT APPLICABLE TO ALL MEMBERSPART III

SUPPLEMENTARY PROVISIONS NOT APPLICABLE TO ALL MEMBERS

8. Relationship between this Part and the Constitution
9. Collective responsibility of Ministers
10. Annual declaration of assets, liabilities and income

PART IV ADMINISTRATION AND ENFORCEMENTPART IV

ADMINISTRATION AND ENFORCEMENT

11. Registration of declarations of interest and of assets
12. Declarations deemed to be statutory declarations
13. Complaints of breaches of Part II
14. The Tribunal
15. Payment of fees, remuneration or expenses
16. Complaints of breaches of Part III

PART V MISCELLANEOUSPART V

MISCELLANEOUS

17. Offence of false allegation
18. This Act does not prevent Member or Minister from resigning
19. This Act does not derogate from other Acts

20. Regulations

CHAPTER 16

PARLIAMENTARY AND MINISTERIAL CODE OF CONDUCT Act No. 35 of 1994

An Act to establish a code of conduct for Ministers and Deputy Ministers for the purposes of Article 52 of the Constitution; to establish a code of conduct for Members of the National Assembly for the purposes of Article 71 of the Constitution; and to provide for matters connected with or incidental to the foregoing.

[21st October, 1994]

PART I PRELIMINARY PART I

PRELIMINARY

1. This Act may be cited as the Parliamentary and Ministerial Code of Conduct Act. Short title

2. In this Act, unless the context otherwise requires— Interpretation

"Constitution" means the Constitution of the Republic of Zambia; Cap. 1

"Member" means any Member of the National Assembly (including a person holding Ministerial office);

"Ministerial office" means any office of Vice-President, Minister or Deputy Minister;

"tribunal" means a tribunal appointed under section thirteen.

PART II CODE OF CONDUCT APPLICABLE TO ALL MEMBERS PART II

CODE OF CONDUCT APPLICABLE TO ALL MEMBERS

3. (1) The provisions of this Part shall constitute part of the code of conduct for Members for the purposes of the Constitution, a breach of which results in the vacation of the seat of the Member concerned. Relationship between this Part and the Constitution

(2) The provisions of this Part, in their application to Ministers and Deputy Ministers, shall constitute part of the code of conduct for Ministers for the purposes of the Constitution.

4. A Member shall be considered to have breached the code of conduct if he knowingly acquires any significant pecuniary advantage, or assists in the acquisition of pecuniary advantage by another person, by—

(a) improperly using or benefitting from information which is obtained in the course of his official duties and which is not generally available to the

public;

(b) disclosing any official information to unauthorised persons;

(c) exerting any improper influence in the appointment, promotion, or disciplining or removal of a public officer;

(d) directly or indirectly converting Government property for personal or any other unauthorized use; or

(e) soliciting or accepting transfers of economic benefit, other than-Member not to acquire dishonestly or improperly any pecuniary advantage

(i) benefits of nominal value, including customary hospitality and token gifts;

(ii) gifts from close family members; or

(iii) transfers pursuant to an enforceable property right of the Member or pursuant to a contract for which full value is given.

5. A Member shall not speak in the National Assembly, or in a committee thereof, on a matter in which he has a direct pecuniary interest unless he has disclosed the nature of that interest to the Assembly or Committee. Member to disclose pecuniary interest to National Assembly

6. (1) Where a Member has an interest in a contract that is made, or is proposed to be made, by the Government, and has not made a sufficient declaration under subsection (4) in relation to the contract, the Member shall as soon as practicable make a declaration of his interest in relation to the contract, specifying the nature and extent of his interest. Declarations of interest in Government contracts

(2) Where-

(a) immediately before the commencement of this Act, a Member has an interest in a contract that has been made by the Government; and

(b) the contract is not completely performed by all parties within thirty days after the commencement of this Act;

the Member shall, within thirty days after the commencement of this Act, declare the interest in accordance with this section.

(3) A declaration for the purposes of this section shall be made to the Chief Justice in writing.

(4) A declaration by a Member that-

(a) states that he has an interest in a specified body corporate or firm;

(b) specifies the nature and extent of the interest;

(c) where the interest is a shareholding or partnership, specifies the proportion of the ownership of the company or firm represented by the shareholding or partnership;

and

(d) states that he is to be regarded as interested in any contract which may, after the date of the notice, be made with the Government by that body corporate or firm;

shall be a sufficient declaration of interest in relation to any contract so made unless, at the time the question of confirming or entering into any contract is first taken into consideration by the Government, the extent of his interest in the body corporate or firm is greater than is stated in the declaration.

(5) For the purposes of this section, a Member has an interest in a contract if-

(a) he will derive any material benefit, whether direct or indirect, from the contract; or

(b) one party to the contract is a firm or body corporate and he has a material interest, whether direct or indirect, in the firm or body corporate.

(6) For the purposes of paragraph (b) of subsection (5), a Member shall not be considered to have a material interest in a body corporate by reason only that-

(a) he holds debentures of the body corporate; or

(b) he holds shares in the body corporate with a total market value of less than the annual emoluments from office of the Member concerned.

(7) A Member shall be considered to have breached the code of conduct if-

(a) he fails, without reasonable cause, to make a declaration required by this section; or

(b) he knowingly makes a declaration that is false or misleading in a material particular.

7. A Member who is subject to section ten shall be considered to have breached the code of conduct if-

(a) he fails, without reasonable cause, to make a declaration required by this section; or

(b) he knowingly makes a declaration that is false or misleading in a material particular. Failure to make declaration, or making of false declaration, under section 10

PART III SUPPLEMENTARY PROVISIONS NOT APPLICABLE TO ALL MEMBERSPART III

SUPPLEMENTARY PROVISIONS NOT APPLICABLE TO ALL MEMBERS

8. The provisions of this Part in their application to Ministers and Deputy Ministers shall constitute part of the code of conduct for Ministers for the purposes of the Constitution. Relationship between this Part and the Constitution

9. A person holding Ministerial office shall not do anything that is inconsistent with the principle of the collective responsibility of Ministers for the policy of the Government and the conduct of its affairs, and in

particular shall not-

(a) publicly contradict or disassociate himself from any policy adopted by Cabinet;

(b) issue public statements criticising another person holding Ministerial office; or

(c) make unauthorised disclosures of Cabinet discussions, decisions or documents, Collective responsibility of Ministers

(2) Subject to subsection (3), a person holding Ministerial office shall ensure that meetings of Cabinet (in the case of a Minister or the Vice-President) and the National Assembly take precedence over other duties.

(3) A person holding Ministerial office may derogate from subsection (2) in an urgent case if he has obtained the consent of the President, in the case of a Cabinet meeting, or of the Speaker, the Leader of the House or the Chief Whip, in the case of a meeting of the National Assembly.

10. (1) This section applies to a Ministerial office or the office of Speaker or Deputy Speaker, and in this section a person holding such an office is called "an Officer". Annual declaration of assets, liabilities and income`

(2) An Officer shall-

(a) within thirty days after his appointment; and

(b) within thirty days after each anniversary of his appointment to the office concerned;

submit to the Chief Justice an annual declaration of assets, liabilities and income in accordance with this section.

(3) An annual declaration shall fairly state-

(a) the value of the assets (other than personal and household effects) and liabilities of the Officer as at the declaration date; and

(b) the total income of the Officer, together with his income from each source, for the twelve months preceding the declaration date.

(4) For the purposes of this section-

(a) an Officer appointed to an office before the commencement of this Act shall be deemed to have been appointed on the commencement of this Act; and

(b) where an Officer is appointed to another office to which this section applies without ceasing to be an Officer, a reference to his appointment to an office shall be read as a reference to his first appointments to an office to which this section applies.

(5) In this section, "declaration date" means the date of the Officer's appointment or the anniversary thereof, as the case may be.

(6) Where an Officer was appointed to his office before the commencement of this Act, his first declaration shall state-

(a) the value of the assets (other than personal and household effects) and liabilities of the Officer as at-

(i) the date of his appointment to office or 31st October, 1991, whichever is later; and

(ii) the declaration date; and

(b) the total income of the Officer, together with his income from each source, for the period since the date referred to in sub-paragraph (a) (i) or the date twelve months before the commencement of this Act, whichever is earlier.

PART IV ADMINISTRATION AND ENFORCEMENTPART IV

ADMINISTRATION AND ENFORCEMENT

11. (1) On receiving a declaration of interest under section six or a declaration of assets and income under section ten, the Chief Justice shall cause the particulars of the declaration to be entered in a register.Registration of declarations of interest and of assets

(2) The register shall be kept in such form as the Chief Justice approves and shall be made available for inspection by members of the public at all reasonable times.

12. A declaration made for the purposes of section six or ten shall be deemed to be a statutory declaration.Declarations deemed to be statutory declarations

13. (1) An allegation that a Member has breached Part II may be made to the Chief Justice by any person, in writing giving particulars of the breaches or breaches alleged, signed by the complainant and giving the complainant's name and address.Complaints of breaches of Part II

(2) Where a Member considers that a statement made in the press or through the other public media alleges, directly or by implication, that he has breached Part II, he may report the particulars of the breach or breaches alleged, in writing, to the Chief Justice and request that the matter be referred to a tribunal.

(3) The Chief Justice shall notify the President and the Speaker of the allegation and shall appoint a tribunal in accordance with section fourteen to investigate the allegation.

(4) The tribunal shall, within forty-five days after its being appointed, submit a report on its findings to the President and to the Speaker and shall furnish a copy to the Member concerned.

(5) The Speaker shall, not later than seven sitting days after the first sitting of the National Assembly next after receiving the report, cause a copy of the report to be laid before the National Assembly.

14. (1) A tribunal for the purposes of this Act shall consist of three persons appointed by the Chief Justice from amongst persons who hold or have held the office of Judge of the Supreme Court or of the High Court.The tribunal

(2) Where a tribunal has been constituted under subsection (3) of section thirteen, the Chief Justice may commission it to investigate further allegations received by him under that section, whether against the Member concerned or another Member.

(3) The Chief Justice shall appoint one Member of the tribunal as Chairman.

(4) If a member of a tribunal becomes unwilling to act or dies, the Chief Justice may appoint another member in his place.

(5) A tribunal shall conduct its inquiry in public:

Provided that it may exclude representatives of the press or any or all other persons if it considers it necessary so to do for the preservation of order, for the due conduct of the inquiry or for any other reason.

(6) A tribunal may engage the services of such technical advisors or other experts as it considers necessary for the proper conduct of the inquiry.

(7) A tribunal may request assistance from other investigative organs, including the Police, the Anti-Corruption Commission and the Commission for Investigations, and those organs shall be empowered to provide information to the tribunal and to conduct investigations on its behalf.

(8) In its report, the tribunal may make such recommendations as to administrative actions, criminal prosecutions or other further actions to be taken as it thinks fit.

(9) If the tribunal considers that an allegation was malicious, frivolous or vexatious, or that the particulars accompanying it are insufficient to allow a proper investigation to proceed, it shall say so in its report.

(10) Sections seven, eleven, thirteen, fourteen, fifteen and seventeen of the Inquiries Act shall apply to a tribunal as if—Cap. 41

(a) the tribunal were a commission appointed under the Act;

(b) a reference to a commissioner were a reference to a member of the tribunal; and

(c) a reference to the President were a reference to the Chief Justice.

15. Any fees, remuneration or expenses payable in respect of a tribunal under this Act shall be paid out of moneys appropriated by Parliament for that purpose. Payment of fees, remuneration or expenses

16. (1) An allegation that a person holding Ministerial office has breached section eight may be made to the President by any person in writing signed by the complainant and giving the complainant's name and address. Complaints of breaches of section 8

(2) The President shall give a copy of the allegation to the Minister concerned.

PART V MISCELLANEOUS PART V

MISCELLANEOUS

17. A person who makes an allegation under section thirteen or sixteen knowing it to be false, shall be guilty of an offence and shall be liable on conviction to a term of imprisonment not exceeding one year. Offence of false allegation

18. Nothing in this Act shall have the effect of limiting the right of a Minister to resign as Minister, or of a Member to resign as a Member. This Act does not prevent Member or Minister from resigning

19. Nothing in this Act shall have the effect of limiting or derogating from the Corrupt Practices Act or any other written law. This Act does not derogate from other Acts

Cap. 91

20. (1) The President may make regulations for or with respect to any matter that is necessary or convenient to be prescribed for carrying out or giving effect to this Act. Regulations

(2) Without restricting the generality of subsection (1), the regulations may prescribe-

(a) the values of gifts or benefits referred to paragraph (e) of section four;

(b) fees for the inspection of the register referred to in section eleven;

(c) particulars of the manner in which the register referred to in section eleven shall be made public; and

(d) particulars of assets or income which must be disclosed in a declaration under section ten.

SUBSIDIARY LEGISLATION

THE PARLIAMENTARY AND MINISTERIAL CODE OF CONDUCT ACT Cap. 16

SECTION 20-THE PARLIAMENTARY AND MINISTERIAL CODE OF CONDUCT (DECLARATIONS) REGULATIONS

Regulations by the President Statutory Instrument No. 154 of 1994

1. These Regulations may be cited as the Parliamentary and Ministerial Code of Conduct (Declarations) Regulations. Title

2. (1) A declaration for the purposes of subsection (1) or (2) of section six of the Act shall be made in accordance with Form INT. 1 set out in Schedule 1. Forms for declarations of interest under section 6

(2) A declaration for the purposes of subsection (4) of section six of the Act shall be made in accordance with Form INT. 2 set out in Schedule 1.

3. (1) For the purposes of this Regulation-Usual forms for declarations of assets and income under section 10

(a) the declaration dates of an Officer appointed before 21st October, 1994

are 21st October, 1995 and each anniversary of that date; and

(b) the declaration dates of an Officer appointed on or after 21st October, 1994 are the date of his appointment to office; and each anniversary of his appointment.

(2) An officer shall make a declaration for the purposes of section ten of the Act in accordance with the Form AL and I set out in Schedule 2 within 30 days after each declaration date for the Officer.

4. (1) Where an Officer was appointed to office after 21st October, 1993 but before 21st October, 1994, his first declaration for the purposes of section ten of the Act shall be made in accordance with Form TR. 1 set out in Schedule 3, within 60 days after 21st October, 1994. Transitional forms for first declarations under section 10 by Officers appointed before commencement of Act

(2) Where an officer was appointed to office before 21st October, 1993, his first declaration for the purposes of section ten of the Act shall be made in accordance with Form TR. 2 set out in Schedule 3, within 60 days after 21st October, 1994.

5. A person may inspect the register of declarations kept by the Chief Justice for the purposes of section ten of the Act only on payment of a fee of ten fee units. Fees for inspection of register of declarations

SCHEDULE 1

(Regulation 2)

Forms for declaration under section 6 of the Parliamentary and Ministerial Code of Conduct Act, 1994.

FORM INT. 1:

I, (name), Member of the National Assembly for (name of seat) do solemnly and sincerely declare that:

(1) I have an interest in the following contract made, or proposed to be made, by the Government of Zambia:

..... (particulars of parties to the contract or proposed contract and its terms sufficient clearly to identify the contract)

(2) My interest in the contract is as follows:

..... (nature and extent of interest) ; and

(3) I have no other direct or indirect interest in the contract.

AND I make this solemn declaration conscientiously believing the same to be true.

Signed

.....
Subscribed and solemnly declared before me this

..... day of

....., 19

.....
.....
Chief Justice/Commissioner for Oaths

FORM INT. 2:

I, (name)

.....
., Member of the

National Assembly for..... (name of seat)do solemnly and sincerely

declare that I have an interest in:

.....(particulars of the name, identifying number (if any), partners (if any) and trading name (if any) of the body corporate or firm) ;
and that the interest is as follows:

.....
. (particulars of the nature and extent of the interest, including, where the interest is a shareholding or partnership, the proportion of the ownership of the body corporate or firm represented by the shareholding or partnership) .

I FURTHER declare that I am to be regarded as interested in any contract which may be made, after the date of this declaration, with the Government of Zambia by the abovementioned *body corporate/firm.

AND I make this solemn declaration conscientiously believing the same to be true.

Signed

Subscribed and solemnly declared before me this day of

....., 19.....

.....
Chief Justice/Commissioner for Oaths

*Delete whichever is not applicable.

NOTE: Where it is desired to make a declaration in relation to more than one body corporate or firm, the form may be adapted by using the words:

"I further declare that I have an interest in:

;

and that the interest is as follows:

"

for each such body corporate or firm, and adapting the final declaration to "any of the abovementioned body corporates or firms."

SCHEDULE 2

(Regulation 3)

Usual form of declarations for the purposes of section ten of the Parliamentary and Ministerial Code of Conduct Act, 1994.

FORM AL and I.

I, (name) , holding the office

of (name of office)

do solemnly and sincerely declare that the statement annexed hereto* is made by me for the purposes of section ten of the Parliamentary and Ministerial Code of Conduct Act, 1994 and is a true and complete account of:

(a) my assets and liabilities as at (declaration date)..... ; and

(b) my income for the period of twelve months before that date.

And I make this solemn declaration conscientiously believing the same to be true.

Signed

Subscribed and solemnly declared before me this day of ,19

.....

Chief Justice/Commissioner for Oaths

*A typed or clearly printed statement of the assets and liabilities (other than personal and household effects) and of the income must be annexed.

SCHEDULE 3

(Regulation 4)

Transitional forms for first declarations under section ten of the Parliamentary and Ministerial Code of Conduct Act, 1994 for officers appointed before the commencement of the Act.

FORM TR. 1:

(Form of first declaration of an Officer appointed between 21st October, 1993 and 21st October, 1994.)

I, (name)

, holding the office

of (name of office) do solemnly and sincerely

declare that the statement annexed hereto* is made by me for the purposes of section ten of the Parliamentary and Ministerial Code of Conduct Act, 1994 and is a true and complete account of:

(a) my assets and liabilities as at (actual date of appointment

to office) ;

(b) my assets and liabilities as at 21st October, 1994, and

(c) my income for the period of twelve months before 21st October, 1994.

And I make this solemn declaration conscientiously believing the same to be true.

Signed

Subscribed and solemnly declared before me this day of ,19.....

Chief Justice/Commissioner for Oaths

*A typed or clearly printed statement of the assets and liabilities (other than personal and household effects) and of the income must be annexed.

FORM TR. 2:

(Form of first declaration by an Officer appointed 21st October, 1993)

I, (name)
, holding the office

of (name of office)

do solemnly
declare that the statement annexed hereto* is made by me for the purposes of
section ten of the Parliamentary and Ministerial Code of Conduct Act, 1994 and
is a true and complete account of:

- (a) my assets and liabilities as at (actual date of appointment
to office or 31st October, 1991, whichever is later) ;
- (b) my assets and liabilities as at 21st October, 1994, and
- (c) my income for the period between those dates.

And I make this solemn declaration conscientiously believing the same to be true.

Signed

Subscribed and solemnly declared before me this day of
..... 19

Chief Justice/Commissioner for Oaths

*A typed or clearly printed statement of the assets and liabilities (other than personal and household effects) and of the income must be annexed.

REPUBLIC OF ZAMBIA

THE ELECTORAL COMMISSION ACT

CHAPTER 17 OF THE LAWS OF ZAMBIA

CHAPTER 17 THE ELECTORAL COMMISSION ACTCHAPTER 17

THE ELECTORAL COMMISSION ACT

ARRANGEMENT OF SECTIONS

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PRELIMINARY

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THE ELECTORAL COMMISSION

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4. Functions and Composition of Commission
5. Tenure of office and vacancy
6. Filling of casual vacancy
7. Remuneration and allowances
8. Proceedings of Commission
9. Committees
10. Disclosure of interest
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ADMINISTRATION

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PART IV FINANCIAL AND OTHER PROVISIONSPART IV

FINANCIAL AND OTHER PROVISIONS

13. Funds of Commission

14. Financial Year
15. Accounts
16. Annual report
17. Transition provisions
18. Transfer of staff
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CHAPTER 17

ELECTORAL COMMISSION Act 24 of 1996

An Act to provide for the composition of the Electoral Commission; and to provide for matters connected with or incidental to the foregoing.

[16th October, 1996]

PART I PRELIMINARY PART I

PRELIMINARY

1. This Act may be cited as the Electoral Commission Act. Short title

2. In this Act, unless the context otherwise requires- Interpretation

"Chairperson" means the person appointed as Chairperson under section four;

"Commission" means the Electoral Commission established under the Constitution; Cap. 1

"Director" means the person appointed as Director under section twelve; and

"member" means a person appointed as member of the Commission under section four.

PART II THE ELECTORAL COMMISSION PART II

THE ELECTORAL COMMISSION

3. (1) The seal of the Commission shall be such device as may be determined by the Commission and shall be kept by the Director. Seal of Commission

(2) The affixing of the seal shall be authenticated by the Chairperson or any other person authorised in that behalf by a resolution of the Commission.

(3) Any document purporting to be under the seal of the Commission or issued on behalf of the Commission shall be received in evidence and shall be deemed to be so executed or issued, as the case may be, without further proof, unless the contrary is proved.

4. (1) The Commission as established by Article 76 of the Constitution shall have the functions specified in that Article. Functions and Composition of

Commission

(2) The Commission shall consist of the following full-time members:

(a) a Chairperson; and

(b) not more than four other members.

(3) The members shall be appointed by the President, subject to ratification by the National Assembly.

(4) The Chairperson shall be a person who has held, or is qualified to hold, high judicial office or, any other suitably qualified person.

5. (1) A member referred to in subsection (2) of section four shall be appointed for a term not exceeding seven years, subject to renewals and ratification by the National Assembly: Tenure of office and vacancy

Provided that the first members shall be appointed for periods ranging from two to five years in order to facilitate retirement by rotation.

(2) A member referred to in subsection (1) may resign upon giving one month's notice, in writing, to the President.

(3) The President may remove a member if-

(a) the member is insane or otherwise declared to be of unsound mind; or

(b) the member is declared bankrupt.

6. Whenever the office of a member becomes vacant before the expiry of the term of office, the President may appoint another person to be a member in place of the member who vacates the office for the unexpired term of that office. Filling of casual vacancy

7. A member shall be paid such remuneration or allowances as the Commission may, with the approval of the President, determine. Remuneration and allowances

8. (1) Subject to the other provisions of this Act, the Commission may regulate its own procedure. Proceedings of Commission

(2) Three members shall form a quorum at any meeting of the Commission.

(3) There shall preside at any meeting of the Commission-

(a) the Chairperson; or

(b) in the absence of the Chairperson, such member as the members present may elect for the purposes of that meeting.

(4) A decision of the Commission on any question shall be by a majority of the members present and voting at the meeting and in the event of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to his deliberative vote.

(5) The Commission may invite any person, whose presence is in its opinion desirable, to attend and to participate in the deliberations of the meeting of

the Commission, but such person shall have no vote.

(6) The validity of any proceedings, acts or decisions of the Commission shall not be affected by any vacancy in the membership of the Commission or by any defect in the appointment of any member or by reason, that any person not entitled to do so took part in the proceedings.

9. (1) The Commission may, for the purpose of performing its functions under this Act, establish such committees as it considers necessary and delegate to any of those committees such of its functions as it considers fit. Committees

(2) The Commission may appoint as members of a committee, persons who are, or are not, members, except that at least one member of a committee shall be a member.

(3) A person serving as a member of a committee shall hold office for such period as the Commission may determine.

(4) Subject to any specific or general direction of the Commission, a committee may regulate its own procedure.

10. (1) If any person is present at a meeting of the Commission or any committee at which any matter is the subject of consideration and in which matter that person or that person's spouse is directly or indirectly interested in a private capacity, that person shall, as soon as is practicable after the commencement of the meeting, declare such interest and shall not, unless the Commission or the committee otherwise directs, take part in any consideration or discussion of, or vote on any question touching such matter. Disclosure of interest

(2) A disclosure of interest made under subsection (1) shall be recorded in the minutes of the meeting at which it is made.

(3) A person who contravenes subsection (1) shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding ten thousand penalty units or to imprisonment for a term not exceeding three years or to both.

11. (1) A person shall not without the consent in writing given by, or on behalf of, the Commission, publish or disclose to any person otherwise than in the course of the person's duties, the contents of any document, communication, or information which relates to, and which has come to the person's knowledge in the course of the person's duties under this Act. Prohibition of disclosure of information

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable, upon conviction to a fine not exceeding ten thousand penalty units or to imprisonment for a term not exceeding three years or to both.

(3) If any person having information which to that person's knowledge has been published or disclosed in contravention of subsection (1) unlawfully publishes or communicates any such information to any other person, that person shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding ten thousand penalty units or to imprisonment for a term not exceeding three years or to both.

PART III ADMINISTRATION PART III

ADMINISTRATION

12. (1) The Commission shall appoint a Director. Director and other staff
- (2) The Director shall be the Chief Executive Officer of the Commission and shall be responsible for the-
- (a) management and administration of the Commission; and
- (b) implementation of the decisions of the Commission.
- (3) The Director shall be assisted by such staff as the Commission may appoint, by statutory instrument, on such terms and conditions as the Commission may determine.

PART IV FINANCIAL AND OTHER PROVISIONS

FINANCIAL AND OTHER PROVISIONS

13. (1) The funds of the Commission shall consist of such moneys as may-Funds of Commission
- (a) be appropriated by Parliament for the purposes of the Commission;
- (b) be paid to the Commission by way of grants or donations; and
- (c) vest in or accrue to the Commission.
- (2) The Commission may-
- (a) subject to the approval of the President, accept moneys by way of grants or donations from any source; and
- (b) subject to the approval of the President, raise by way of loans or otherwise, such moneys as it may require for the discharge of its functions.
- (3) There shall be paid from the funds of the Commission-
- (a) the salaries, allowances and loans of the staff of the Commission;
- (b) such reasonable travelling, transport and subsistence allowances for the members and members of any committee of the Commission when engaged in the business of the Commission, and at such rates as the Commission may determine; and
- (c) any other expenses incurred by the Commission in the performance of its functions.
- (4) The Commission may invest in such manner as it thinks fit such of its funds as it does not immediately require for the performance of its functions.
14. The financial year of the Commission shall be the period of twelve months ending on 31st December in each year. Financial year
15. (1) The Commission shall cause to be kept proper books of account and other records relating to its accounts. Accounts

(2) The accounts of the Commission shall be audited annually by independent auditors appointed by the Commission.

(3) The auditors' fees shall be paid by the Commission.

16. (1) As soon as is practicable, but not later than ninety days after the end of the financial year, the Commission shall submit to the President a report concerning its activities during the financial year. Annual report

(2) The report referred to in subsection (1) shall include information on the financial affairs of the Commission and there shall be appended to the report-

(a) an audited balance sheet;

(b) an audited statement of income and expenditure; and

(c) such other information as the President may require.

(3) The President shall, not later than seven days after the first sitting of the National Assembly next after receipt of the report referred to in subsection (1), cause the report to be laid before the National Assembly.

17. (1) On the commencement of this Act, all property, assets, rights, liabilities and obligations of the Government attaching to or in the possession of the department of Government dealing with elections, shall vest in the Commission. Transitional provisions

(2) Any proceedings or cause of action instituted or pending by or against the Government concerning or in relation to the department dealing with elections, immediately prior to the commencement of this Act, shall continue against the Commission as if instituted under this Act.

18. (1) The employees of the department of Government dealing with elections shall be deemed to be transferred to the Commission from the commencement of this Act and shall be engaged by the Commission on such terms and conditions as the Commission may determine. Transfer of staff

(2) Notwithstanding subsection (1), the service of the employees referred to in subsection (1) shall be treated as continued service and the employees shall continue to contribute to the Public Service Pension Fund.

(3) Nothing in this Act affects the rights or liabilities of any person, referred to in subsection (1), acquired or incurred immediately before the commencement of this Act.

19. The Commission may, by statutory instrument, make rules for-Rules

(a) the appointment, including the power to confirm appointments of persons, to any office in respect of which it is charged with responsibility under this Act;

(b) the disciplinary control of persons holding or acting in any office in respect of which it is charged with responsibility under this Act;

(c) the termination of appointments and the removal of persons from any office, in respect of which it is charged with responsibility under this Act;

(d) the practice and procedure of the Commission in the exercise of its functions under this Act; and

(e) the delegation of its functions or powers.

REPUBLIC OF ZAMBIA

THE DIPLOMATIC IMMUNITIES AND PRIVILEGES ACT

CHAPTER 20 OF THE LAWS OF ZAMBIA

CHAPTER 20 THE DIPLOMATIC IMMUNITIES AND PRIVILEGES ACTCHAPTER 20

THE DIPLOMATIC IMMUNITIES AND PRIVILEGES ACT

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CHAPTER 20

DIPLOMATIC IMMUNITIES AND PRIVILEGES³⁰ of 1965

12 of 1977

13 of 1994

An Act to give effect to the Vienna Convention on Diplomatic Relations; to provide for the immunities, privileges and capacities of certain international organisations and persons connected therewith, of representatives of other States attending international conferences and of consular officers and certain other persons; and to provide for purposes connected with the foregoing.

[4th June, 1965]

1. This Act may be cited as the Diplomatic Immunities and Privileges Act. Short title

2. (1) In this Act, unless the context otherwise requires-

"consular employee" means any person other than a consular officer employed in the administrative or technical service of a consulate;

"consular officer" means any person appointed as consul-general, consul, vice-consul or consular agent by a foreign State and holding a valid exequatur or other authorisation to act in Zambia in that capacity;

"sending State" means the State by whom a diplomatic agent is appointed;

"the Vienna Convention" means the Vienna Convention on Diplomatic Relations signed in Vienna on the 18th April, 1961. Interpretation

(2) References in this Act to "Commonwealth country" shall be construed as references to any of the following countries, that is to say, Australia, Antigua and Bermuda, Bahamas, Bangladesh, Barbados, Belize, Botswana, Brunei, Cameroon, Canada, Cayman Islands, Cyprus, Dominica, Gambia, Ghana, Gibraltar, Grenada, Guyana, India, Jamaica, Kenya, Kiribati, Lesotho, Malawi, Malaysia, Maldives, Malta, Mauritius, Namibia, Nauru, New Zealand, Nigeria, Papua New Guinea, Seychelles, Sierra Leone, Singapore, Sri Lanka, Solomon, South Africa, St. Christopher and Nevis, St. Vincent, Swaziland, Tanzania, Tonga, Trinidad and Tobago, Tuvalu, Uganda, United Kingdom, Vanuatu, Western Samoa, Zambia, Zimbabwe

(3) References in this Act to "consular officer" shall be construed as including persons in the service of any Commonwealth country holding such offices or classes of offices as may be specified by the Minister by statutory notice, being offices or classes of offices appearing to the Minister to involve the performance of duties substantially corresponding to those which, in the

case of a foreign State, would be performed by a consular officer and references to "consulate" shall be construed accordingly.

3. (1) Subject to the provisions of section twelve, the Articles of the Vienna Convention set out in the First Schedule shall have the force of law in Zambia and shall for that purpose be construed in accordance with the following provisions of this section. Application of the Vienna Convention

(2) In those Articles-

"agents of the receiving State" shall be construed as including any member of the Zambia Police Force and any person exercising a power of entry to any premises under any written law;

"national of the receiving State" shall be construed as meaning citizen of Zambia;

"the receiving State" shall be construed as meaning the Republic.

(3) Articles 35 and 36 shall be construed as granting any immunity or privilege which they require to be granted.

(4) The reference in Article 37 to the extent to which any privileges and immunities are admitted by the receiving State shall be construed as referring to the extent to which any immunities and privileges may be specified by the President by order.

4. (1) This section shall apply to any organisation which the President may by statutory order declare to be an organisation of which the Republic or the Government and one or more other States or the government or governments thereof are members. Immunities, privileges and capacities of certain international organisations and persons connected therewith

(2) The President may by statutory order-

(a) provide that any organisation to which this section applies (hereinafter referred to as "the organisation") shall, to such extent as may be specified in the order, have the immunities and privileges set out in Part I of the Second Schedule, and shall also have the legal capacities of a body corporate;

(b) confer upon-

(i) any persons who are representatives (whether of governments or not) on any organ of the organisation or are members of any committee of the organisation or of an organ thereof;

(ii) such number of officers of the organisation as may be specified in the order, being the holders of such high offices in the organisation as may be so specified; and

(iii) such persons employed on missions on behalf of the organisation as may be so specified;

to such extent as may be specified in the order, the immunities and privileges set out in Part II of the Second Schedule;

(c) confer upon such other classes of officers and servants of the

organisations as may be specified in the order, to such extent as may be so specified, the immunities and privileges set out in Part III of the Second Schedule;

and Part IV of the Second Schedule shall have effect for the purpose of extending to the staff of such representatives and members as are mentioned in sub-paragraph (i) of paragraph (b) and to the families of officers of the organisation any immunities and privileges conferred on the representatives, members or officers under that paragraph, except in so far as the operation of the said Part IV is excluded by the order conferring the immunities and privileges.

(3) An order made under this section may, notwithstanding any provision of any written law, including this Act, confer on any organisation or person any immunities or privileges which are required to be conferred on that organisation or person in order to give effect to any international agreement in that behalf, but shall not confer any immunities or privileges greater in extent than those so required as aforesaid or confer any immunity or privilege upon any person as the representative of the Government of Zambia or as a member of the staff of such a representative.

5. (1) The President may by statutory order confer on the judges and registrars of the International Court, and on suitors to that Court and their agents, counsel and advocates, such immunities, privileges and facilities as may be required to give effect to any resolution of, or convention approved by, the General Assembly of the United Nations. Immunities and privileges of judges of, and suitors to, the International Court of Justice

(2) In this section, "International Court" means the International Court of Justice set up under the Charter of the United Nations.

6. Where a conference is held in Zambia and is attended by the representatives of the Government and the government or governments of one or more other States, and it appears to the Minister that doubts may arise as to the extent to which a representative of the government of any such State and members of his official staff are entitled to diplomatic immunities, he may-

(a) compile a list of the persons aforesaid who are entitled to such immunities and cause that list to be published in the Gazette; and

(b) whenever it appears to the Minister that any person ceases or begins to be entitled to such immunities, amend the list and cause a notice of the amendment or, if he thinks fit, an amended list, to be published as aforesaid;

and every representative of the government of such State who is for the time being included in the list, and such of the members of his official staff as are for the time being included in the list, shall be entitled to the like immunities as are accorded to a diplomatic agent of a sending State accredited to Zambia and to members of the official staff of such a diplomatic agent respectively. Diplomatic immunities of representatives attending international conferences

7. Subject to the provisions of this Act, a consular officer and a consular employee (other than persons on whom immunities and privileges are conferred by virtue of section three) shall be entitled to immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of his official duties as such, and to such inviolability of

official archives and official correspondence as is necessary to comply with the terms of any treaty or other international agreement applicable to Zambia or as is recognised by the principles of customary international law and usage. Immunities and privileges of consulates and persons connected therewith

8. (1) The President may by order direct that this section shall apply to any State specified in the order, being a State with which a treaty or other international agreement applicable to Zambia is in force providing for matters for which provision is made by this section. Restriction of power of entry in relation to consular offices

(2) Subject to the provisions of subsection (4), a consular office of a State to which this section applies shall not be entered by a police officer or other person acting in the execution of any warrant or other legal process or in the exercise of a power of entry under any written law, except with the consent of the consular officer or of his nominee or, if that consent is withheld or cannot be obtained, with the consent of the Minister:

Provided that this subsection shall not apply to any consular office which for the time being is in charge of a consular officer who is a citizen of Zambia or is permanently resident in Zambia.

(3) The consent of a consular officer or person referred to in subsection (2) shall be presumed in the event of fire or other disaster or in the event that the police officer has reasonable cause to believe that a crime involving violence has been or is being or is about to be committed in the consular office.

(4) In this section, "consular office" means any building or part of a building which is occupied exclusively for the purposes of the official business of a consular officer.

9. Subject to the provisions of this Act, the Minister may by order to the extent specified therein exempt any consular officer or consular employee from taxes, duties, rates, fees or other dues levied by the Government or a local authority: Exemption from taxation of consular officers and consular employees

Provided that this section shall not apply to any consular officer or consular employee who is a citizen of Zambia or is permanently resident in Zambia.

10. (1) The government of the State by which a consular officer or consular employee was appointed may waive any immunity conferred on that consular officer or consular employee by or under this Act. Waiver of immunities of consular officers and consular employees

(2) Waiver under this section shall be express and shall be communicated to the Government of Zambia in writing.

11. In the absence of an express agreement as to the size of a consulate in Zambia, the Government of Zambia may require that the size of the consulate be kept within limits considered by it to be reasonable and normal, having regard to circumstances and conditions in Zambia and to the needs of the consulate. Size of consulate

12. (1) If it appears to the President that the immunities and privileges accorded to a mission or consulate of the Republic in the territory of any State, or to persons connected with that mission or consulate, are less than

those conferred by this Act on the mission or consulate of that State or on persons connected with that mission or consulate, the President may by order withdraw such of the immunities and privileges so conferred from the mission or consulate of that State or from such persons connected therewith as appears to the President to be proper. Restriction of immunities and privileges

(2) Nothing in this Act shall be construed as precluding the President from declining to accord immunities or privileges to, or withdrawing immunities or privileges from, nationals or representatives of any State on the ground that that State is failing to accord corresponding immunities or privileges to citizens or representatives of Zambia.

12A. Notwithstanding anything to the contrary contained in this Act, the President may, if he deems it expedient so to do in the interests of equitable distribution of goods, by statutory order, prescribe the maximum amount of any goods specified in such order which may be supplied free of tax, for any period named in such order, to any organisation, mission, consulate or other person to whom such privileges are accorded by or under the provisions of this Act.

(As amended by Act. No. 12 of 1977) Power to control supplies of tax-free goods

13. The minister shall compile a list of the persons appearing to him to be entitled to immunities or privileges by or under the provisions of this Act, except- Publication of lists of persons entitled to immunity

(a) children under the age of eighteen years of a person so entitled;

(b) any person whose name appears on a list published under section six;

and he shall from time to time amend the list and shall cause the list and any amendment of the list or any amended list to be published in the Gazette.

14. (1) The Minister or a person authorised by him in that behalf shall issue an identity card in a form approved by the Minister to any person who is entitled to immunities or privileges under this Act. Identity cards

(2) When the person to whom an identity card was issued under subsection (1) ceases to be entitled to the immunities and privileges accorded to him under this Act, the identity card issued to him shall thereupon have no effect.

(3) Subject to the provisions of this Act, any person who is in unlawful possession of or makes use of an identity card issued to any other person under this section shall be guilty of an offence and be liable to a fine not exceeding three thousand penalty units or to imprisonment for a term not exceeding six months, or to both.

(As amended by Act. No. 13 of 1994)

15. If in any proceedings any question arises whether or not any person is entitled to immunities or privileges by or under the provisions of this Act, a certificate issued by or under the authority of the Minister stating any fact relevant to that question shall be conclusive evidence of that fact. Evidence

16. (1) Any article which on importation is exempted from customs duty under the provisions of Article 36 of the Vienna Convention or any order made under section four or nine shall not be sold or otherwise disposed of to a person who is not entitled to the exemption granted by that Article or order except with

the consent of the Controller of Customs and Excise and upon the payment to him of customs duty. Special provisions relating to customs duty

(2) Any exemption from customs duty granted to any person under this Act shall not be construed as exempting that person from compliance with the formalities in respect of the importation of goods which are prescribed in any written law relating to customs.

17. The Minister may be statutory notice-

(a) add to or vary the list of Commonwealth countries for the purposes of this Act;

(b) specify the offices or classes of offices held by persons in the service of any Commonwealth country which appear to him to involve the performance of duties substantially corresponding to those which, in the case of a foreign State, would be performed by consular officers. Power of Minister to add to or vary list of Commonwealth countries and to specify offices corresponding to consular offices

18. (1) The Immunities and Privileges Act, 1956, is repealed. Repeal and saving. Federal Act 31 of 1956

(2) Where there is any conflict or inconsistency between any provision of this Act or order made thereunder and any provision of any other written law, then the provision of this Act or order made thereunder shall prevail and the provision of that other written law shall, to the extent of the conflict or inconsistency, have no effect.

(3) Nothing in this Act or order made thereunder shall affect the provisions of the Consular Conventions Act. Cap. 21

FIRST SCHEDULE

(Section 3)

ARTICLES OF THE VIENNA CONVENTION HAVING THE FORCE OF LAW IN ZAMBIA

Article 1

For the purpose of the present Convention, the following expressions shall have the meaning hereunder assigned to them:

(a) the "head of the mission" is the person charged by the sending State with the duty of acting in that capacity;

(b) the "members of the mission" are the head of the mission and the members of the staff of the mission;

(c) the "members of the staff of the mission" are members of the diplomatic staff, of the administrative and technical staff and of the service staff of the mission;

(d) the "members of the diplomatic staff" are the members of the staff of the mission having diplomatic rank;

(e) a "diplomatic agent" is the head of the mission or a member of the

diplomatic staff of the mission;

(f) the "members of the administrative and technical staff" are the members of the staff of the mission employed in the administrative and technical service of the mission;

(g) the "members of the service staff" are the members of the staff of the mission in the domestic service of the mission;

(h) a "private servant" is a person who is in the domestic service of a member of the mission and who is not an employee of the sending State;

(i) the "premises of the mission" are the building or parts of buildings and the land ancillary thereto, irrespective of ownership, used for the purposes of the mission including the residence of the head of the mission.

Article 11

1. In the absence of specific agreement as to the size of the mission, the receiving State may require that the size of a mission be kept within limits considered by it to be reasonable and normal, having regard to circumstances and conditions in the receiving State and to the needs of the particular mission.

2. The receiving State may equally, within similar bounds and on a non-discriminatory basis, refuse to accept officials of a particular category.

Article 22

1. The premises of the mission shall be inviolable. The agents of the receiving State may not enter them, except with the consent of the head of the mission.

2. The receiving State is under a special duty to take all appropriate steps to protect the premises of the mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity.

3. The premises of the mission, their furnishings and other property thereon and the means of transport of the mission shall be immune from search, requisition, attachment or execution.

Article 23

1. The sending State and the head of the mission shall be exempt from all national, regional or municipal dues and taxes in respect of the premises of the mission, whether owned or leased, other than such as represent payment for specific services rendered.

2. The exemption from taxation referred to in this Article shall not apply to such dues and taxes payable under the law of the receiving State by persons contracting with the sending State or the head of the mission.

Article 24

The archives and documents of the mission shall be inviolable at any time and wherever they may be.

Article 27

1. The receiving State shall permit and protect free communication on the part of the mission for all official purposes. In communicating with the Government and the other missions and consulates of the sending State, wherever situated, the mission may employ all appropriate means, including diplomatic couriers and messages in code or cipher. However, the mission may install and use a wireless transmitter only with the consent of the receiving State.

2. The official correspondence of the mission shall be inviolable. Official correspondence means all correspondence relating to the mission and its functions.

3. The diplomatic bag shall not be opened or detained.

4. The packages constituting the diplomatic bag must bear visible external marks of their character and may contain only diplomatic documents or articles intended for official use.

5. The diplomatic courier, who shall be provided with an official document indicating his status and the number of packages constituting the diplomatic bag, shall be protected by the receiving State in the performance of his functions. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

6. The sending State or the mission may designate diplomatic couriers ad hoc. In such cases the provisions of paragraph 5 of this Article shall also apply, except that the immunities therein mentioned shall cease to apply when such a courier has delivered to the consignee the diplomatic bag in his charge.

7. A diplomatic bag may be entrusted to the captain of a commercial aircraft scheduled to land at an authorised port of entry. He shall be provided with an official document indicating the number of packages constituting the bag but he shall not be considered to be a diplomatic courier. The mission may send one of its members to take possession of the diplomatic bag directly and freely from the captain of the aircraft.

Article 28

The fees and charges levied by the mission in the course of its official duties shall be exempt from all dues and taxes.

Article 29

The person of a diplomatic agent shall be inviolable. He shall not be liable to any form of arrest or detention. The receiving State shall treat him with due respect and shall take all appropriate steps to prevent any attack on his person, freedom or dignity.

Article 30

1. The private residence of a diplomatic agent shall enjoy the same inviolability and protection as the premises of the mission.

2. His papers, correspondence and, except as provided in paragraph 3 of Article 31, his property, shall likewise enjoy inviolability.

Article 31

1. A diplomatic agent shall enjoy immunity from the criminal jurisdiction of the receiving State. He shall also enjoy immunity from its civil and administrative jurisdiction, except in the case of:

(a) a real action relating to private immovable property situated in the territory of the receiving State, unless he holds it on behalf of the sending State for the purposes of the mission;

(b) an action relating to succession in which the diplomatic agent is involved as executor, administrator, heir or legatee as a private person and not on behalf of the sending State;

(c) an action relating to any professional or commercial activity exercised by the diplomatic agent in the receiving State outside his official functions.

2. A diplomatic agent is not obliged to give evidence as a witness.

3. No measures of execution may be taken in respect of a diplomatic agent except in the cases coming under sub-paragraphs (a), (b) and (c) of paragraph 1 of this Article, and provided that the measures concerned can be taken without infringing the inviolability of his person or of his residence.

4. The immunity of a diplomatic agent from the jurisdiction of the receiving State does not exempt him from the jurisdiction of the sending State.

Article 32

1. The immunity from jurisdiction of diplomatic agents and of persons enjoying immunity under Article 37 may be waived by the sending State.

2. The waiver must always be express.

3. The initiation of proceedings by a diplomatic agent or by a person enjoying immunity from jurisdiction under Article 37 shall preclude him from invoking immunity from jurisdiction in respect of any counterclaim directly connected with the principal claim.

4. Waiver of immunity from jurisdiction in respect of civil or administrative proceedings shall not be held to imply waiver of immunity in respect of the execution of the judgment, for which a separate waiver shall be necessary.

Article 33

1. Subject to the provisions of paragraph 3 of this Article a diplomatic agent shall with respect to services rendered for the sending State be exempt from social security provisions which may be in force in the receiving State.

2. The exemption provided for in paragraph 1 of this Article shall also apply to private servants who are in the sole employ of a diplomatic agent, on condition:

(a) that they are not nationals of or permanently resident in the receiving State; and

(b) that they are covered by the social security provisions which may be in force in the sending State or a third State.

3. A diplomatic agent who employs persons to whom the exemption provided for in paragraph 2 of this Article does not apply shall observe the obligations which the social security provisions of the receiving State impose upon employers.

4. The exemption provided for in paragraphs 1 and 2 of this Article shall not preclude voluntary participation in the social security system of the receiving State provided that such participation is permitted by that State.

5. The provisions of this Article shall not affect bilateral or multilateral agreements concerning social security concluded previously and shall not prevent the conclusion of such agreements in the future.

Article 34

A diplomatic agent shall be exempt from all dues and taxes, personal or real, national, regional or municipal, except:

(a) indirect taxes of a kind which are normally incorporated in the price of goods or services;

(b) dues and taxes on private immovable property situated in the territory of the receiving State, unless he holds it on behalf of the sending State for the purposes of the mission;

(c) estate, succession or inheritance duties levied by the receiving State, subject to the provisions of paragraph 4 of Article 39;

(d) dues and taxes on private income having its source in the receiving State and capital taxes on investments made in commercial undertakings in the receiving State;

(e) charges levied for specific services rendered;

(f) registration, court or record fees, mortgage dues and stamp duty, with respect to immovable property, subject to the provisions of Article 23.

Article 35

The receiving State shall exempt diplomatic agents from all personal services, from all public service of any kind whatsoever, and from military obligations such as those connected with requisitioning, military contributions and billeting.

Article 36

1. The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes, and related charges other than charges for storage, cartage and similar services, on:

(a) articles for the official use of the mission;

(b) articles for the personal use of a diplomatic agent or members of his family

forming part of his household, including articles intended for his establishment.

2. The personal baggage of a diplomatic agent shall be exempt from inspection, unless there are serious grounds for presuming that it contains articles not covered by the exemptions mentioned in paragraph 1 of this Article, or articles the import or export of which is prohibited by the law or controlled by the quarantine regulations of the receiving State. Such inspection shall be conducted only in the presence of the diplomatic agent or of his authorised representative.

Article 37

1. The members of the family of a diplomatic agent forming part of his household shall, if they are not nationals of the receiving State, enjoy the privileges and immunities specified in Articles 29 to 36.

2. Members of the administrative and technical staff of the mission, together with members of their families forming part of their respective households, shall, if they are not nationals of or permanently resident in the receiving State, enjoy the privileges and immunities specified in Articles 29 to 35, except that the immunity from civil and administrative jurisdiction of the receiving State specified in paragraph 1 of Article 31 shall not extend to acts performed outside the course of their duties. They shall also enjoy the privileges specified in Article 36, paragraph 1, in respect of articles imported at the time of first installation.

3. Members of the service staff of the mission who are not nationals of or permanently resident in the receiving State shall enjoy immunity in respect of acts performed in the course of their duties, exemption from dues and taxes on the emoluments they receive by reason of their employment and the exemption contained in Article 33.

4. Private servants of members of the mission shall, if they are not nationals of or permanently resident in the receiving State, be exempt from dues and taxes on the emoluments they receive by reason of their employment. In other respects, they may enjoy privileges and immunities only to the extent admitted by the receiving State. However, the receiving State must exercise its jurisdiction over those persons in such a manner as not to interfere unduly with the performance of the functions of the mission.

Article 38

1. Except in so far as additional privileges and immunities may be granted by the receiving State, a diplomatic agent who is a national of or permanently resident in that State shall enjoy only immunity from jurisdiction, and inviolability, in respect of official acts performed in the exercise of his functions.

2. Other members of the staff of the mission and private servants who are nationals of or permanently resident in the receiving State shall enjoy privileges and immunities only to the extent admitted by the receiving State. However, the receiving State must exercise its jurisdiction over those persons in such a manner as not to interfere unduly with the performance of the functions of the mission.

Article 39

1. Every person entitled to privileges and immunities shall enjoy them from the moment he enters the territory of the receiving State on proceeding to take up his post or, if already in its territory, from the moment when his appointment is notified to the Ministry for Foreign Affairs or such other ministry as may be agreed.

2. When the functions of a person enjoying privileges and immunities have come to an end, such privileges and immunities shall normally cease at the moment when he leaves the country, or on expiry of a reasonable period in which to do so, but shall subsist until that time, even in case of armed conflict. However, with respect to acts performed by such a person in the exercise of his functions as a member of the mission, immunity shall continue to subsist.

3. In case of the death of a member of the mission, the members of his family shall continue to enjoy the privileges and immunities to which they are entitled until the expiry of a reasonable period in which to leave the country.

4. In the event of the death of a member of the mission not a national of or permanently resident in the receiving State or a member of his family forming part of his household, the receiving State shall permit the withdrawal of the movable property of the deceased, with the exception of any property acquired in the country the export of which was prohibited at the time of his death. Estate, succession and inheritance duties shall not be levied on movable property the presence of which in the receiving State was due solely to the presence there of the deceased as a member of the mission or as a member of the family of a member of the mission.

SECOND SCHEDULE

(Section 4)

INTERNATIONAL ORGANISATIONS AND PERSONS CONNECTED THEREWITH

PART I

IMMUNITIES AND PRIVILEGES OF THE ORGANISATION

1. Immunity from suit and legal process.

2. The like inviolability of official archives and premises occupied as offices as is accorded in respect of the official archives and premises of a diplomatic agent of a sending State accredited to Zambia.

3. The like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded to a sending State.

4. Exemption from taxes on the importation of goods directly imported by the organisation for its official use in Zambia or for exportation, or on the importation of any publications of the organisation directly imported by it, such exemption to be subject to compliance with such conditions as the Controller of Customs and Excise may prescribe for the protection of the revenue.

5. Exemption from prohibitions and restrictions on importation or exportation in the case of goods imported or exported by the organisation for its official use and in the case of any publications of the organisation directly imported or

exported by it.

6. The right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the press or for broadcasting (including communications addressed to or despatched from places outside Zambia), of any reduced rates applicable for the corresponding service in the case of press telegrams.

PART II

IMMUNITIES AND PRIVILEGES OF REPRESENTATIVES, MEMBERS OF COMMITTEES, HIGH OFFICERS AND PERSONS ON MISSIONS

1. The like immunity from suit and legal process as is accorded to a diplomatic agent.

2. The like inviolability of residence as is so accorded to such a diplomatic agent.

3. The like exemption or relief from taxes as is so accorded to such a diplomatic agent.

PART III

IMMUNITIES AND PRIVILEGES OF OTHER OFFICERS AND SERVANTS

1. Immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of official duties.

2. Exemption from income tax in respect of emoluments received as an officer or servant of the organisation.

PART IV

IMMUNITIES AND PRIVILEGES OF OFFICIAL STAFFS AND OF HIGH OFFICERS' FAMILIES

1. Where any person is entitled to any such immunities and privileges as are mentioned in Part II as a representative on any organ of the organization or a member of any committee of the organisation or of an organ thereof, his official staff accompanying him as such a representative or member shall also be entitled to those immunities and privileges to the same extent as the retinue of a diplomatic agent of a sending State accredited to Zambia is entitled to the immunities and privileges accorded to the diplomatic agent.

2. Where any person is entitled to any such immunities and privileges as are mentioned in Part II as an officer of the organisation, that person's wife or husband and children under the age of twenty-one years shall also be entitled to those immunities and privileges to the same extent as the wife or husband and children of a diplomatic agent of a sending State accredited to Zambia are entitled to the immunities and privileges accorded to the diplomatic agent.

SUBSIDIARY LEGISLATION

DIPLOMATIC IMMUNITIES AND PRIVILEGES

SECTION 4-THE DIPLOMATIC IMMUNITIES AND PRIVILEGES (UNITED NATIONS)
ORDER Statutory Instrument
355 of 1966

Order by the President

1. This Order may be cited as the Diplomatic Immunities and Privileges (United Nations) Order. Title
2. The United Nations is hereby declared to be an organisation of which the Government and the governments of other States are members. Declaration of organisation
3. The United Nations shall have the legal capacities of a body corporate. Body corporate
4. Except in so far as any particular case it has expressly waived its immunity, the United Nations shall have immunity from suit and legal process. No waiver of immunity shall be deemed to extend to any measure of execution. Immunity from suit and legal process
5. The United Nations shall have the like inviolability of official archives and premises occupied as offices as is accorded in respect of the official archives and official premises of a diplomatic agent of a sending State accredited to Zambia. Inviolability of official archives and premises
6. The United Nations shall have the like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded to a sending State. Relief from taxes and rates
7. The United Nations shall have exemption from taxes on the importation of goods directly imported by the United Nations for its official use in Zambia or for exportation, or on the importation of any publication of the organisation directly imported by it, such exemption to be subject to compliance with such conditions as the Controller of Customs and Excise may prescribe for the protection of the revenue. Exemption from taxes on importation or exportation of goods, subject to certain conditions
8. The United Nations shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the United Nations for its official use and in the case of any publications of the United Nations directly imported or exported by it. Exemption from prohibitions and restrictions
9. The United Nations shall have the right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the press or for broadcasting (including communications addressed to or despatched from places outside Zambia), or any reduced rates applicable for the corresponding service in the case of press telegrams. Reduced rates for certain telegraphic communications
10. For the purpose of the application of this Order, the organisation entitled United Nations shall include all of its organs, commissions, boards and other constituent parts however styled. United Nations to include constituent parts
11. Except in so far as in any particular case any immunity or privilege is

waived by the governments concerned, representatives of the governments of members on any organ of the United Nations or at any conference convened by the United Nations shall enjoy-

(a) while exercising their functions as such and during their journey to and from the place of meeting, the like immunity from personal arrest or detention and from seizure of their personal baggage and the like inviolability for all papers and documents as are accorded to a diplomatic agent of a sending State accredited to Zambia;

(b) immunity from legal process of every kind in respect of words spoken or written and all acts done by them in their capacity as representatives;

(c) while exercising their functions as such and during their journey to and from the place of meeting, the like exemption from taxes as is accorded to a diplomatic agent of a sending State accredited to Zambia, save that the relief allowed shall not include relief from customs and excise duties except in respect of goods imported as part of their personal baggage. Immunities and privileges of representatives of governments of members

12. For the purpose of the application of this Order, the expression "representatives of the governments of members" shall be deemed to include their official staffs, accompanying them as such representatives, as delegates, deputy delegates, advisers, technical experts or secretaries of delegations, but shall not include any person who is the representative of the Government of Zambia or any member of the staff of such a representative. Interpretation

13. Except in so far as in any particular case any immunity or privilege is waived by the Secretary General or the Security Council of the United Nations, the Secretary General, all Personal Representatives of the Secretary General, all Under-Secretaries General of the United Nations and all Assistant Secretaries General of the United Nations, and officers of equivalent rank shall be accorded in respect of themselves, their spouses and children under the age of twenty-one the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes as is accorded to a diplomatic agent of a sending State accredited to Zambia, his spouse and children. They shall enjoy exemption from income tax only in respect of emoluments received by them as officers of the United Nations. Immunities and privileges of high officials of United Nations

14. Except in so far as in any particular case any immunity or privilege is waived by the Secretary General of the United Nations, persons employed on missions on behalf of the United Nations shall enjoy-

(a) while performing their missions and during journeys in connection therewith, immunity from personal arrest or detention and from seizure of their personal baggage and inviolability for all papers and documents relating to the work of the United Nations;

(b) immunity from legal process of every kind in respect of words spoken or written and all acts done by them in the exercise of their functions;

(c) exemption from income tax in respect of emoluments received by them for services while performing their functions as officers of the United Nations. Immunities and privileges of persons employed on missions

15. Except in so far as in any particular case any immunity or privilege is

waived by the Secretary General of the United Nations, all officials of the United Nations (other than those referred to in paragraph 13 above) shall enjoy-

(a) immunity from suit and legal process in respect of words spoken or written and all acts done by them in the course of the performance of their official duties;

(b) exemption from income tax in respect of emoluments received by them as officers or servants of the United Nations;

(c) the right to import free of duty their furniture and effects at the time of first taking up their post in Zambia. Immunities and privileges of other officials of United Nations

SECTION 4-THE DIPLOMATIC IMMUNITIES AND PRIVILEGES (WORLD HEALTH ORGANISATION) ORDER

Order by the President Statutory Instrument
354 of 1966

1. This Order may be cited as the Diplomatic Immunities and Privileges (World Health Organisation) Order. Title

2. The World Health Organisation is an organisation of which the Government of the Republic of Zambia and the governments of other States are members. Declaration of organisation

3. The Organisation shall have the legal capacities of a body corporate. Body corporate

4. Except in so far as in any particular case it has expressly waived its immunity, the Organisation shall have immunity from suit and legal process. No waiver of immunity shall be deemed to extend to any measure of execution. Immunity from suit and legal process

5. The Organisation shall have the like inviolability of official archives and premises occupied as offices as is accorded in respect of the official archives and official premises of a diplomatic agent of a sending State accredited to Zambia. Inviolability of official archives and premises

6. The Organisation shall have the like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded to a sending State. Relief from taxes and rates

7. The Organisation shall have exemption from taxes on the importation of goods directly imported by the Organisation for its official use in Zambia or for exportation, or on the importation of any publication of the Organisation directly imported by it, such exemption to be subject to compliance with such conditions as the Controller of Customs and Excise may prescribe for the protection of the revenue. Exemption from taxes on importation or exportation of goods, subject to certain conditions

8. The Organisation shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the Organisation for its official use and in the case of any publication of the Organisation directly imported or exported by it. Exemption from prohibitions and restrictions

9. The Organisation shall have the right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the press or for broadcasting (including communications addressed to or despatched from places outside Zambia), of any reduced rates applicable for the corresponding service in the case of press telegrams. Reduced rates for certain telegraphic communications

10. (1) Except in so far as in any particular case any privilege or immunity is waived, in the case of representatives of the governments of members, by the governments whom they represent, and in the case of persons designated to serve on the Executive Board of the Organisation, their alternates and advisers, by the Executive Board of the Organisation, representatives of the governments of members, and persons designated to serve on the Executive Board of the Organisation, their alternates and advisers shall enjoy-

(a) while exercising their functions as such and during their journey to and from the place of meeting, immunity from personal arrest or detention and from seizure of their personal baggage and inviolability for all papers and documents;

(b) immunity from legal process of every kind in respect of words spoken or written and all acts done by them in their capacity as representatives;

(c) while exercising their functions and during their journey to and from the place of meeting, the like exemption or relief from taxes as is accorded to a diplomatic agent of a sending State accredited to Zambia, save that the relief allowed shall not include relief from customs and excise duties except in respect of goods imported as part of their personal baggage. Immunities and privileges of representatives of governments of members, etc.

(2) For the purpose of the application of this Order, the expression "representatives of the governments of members" shall be deemed to include their official staffs accompanying them as such representatives, as delegates, deputy delegates, advisers, technical experts or secretaries of delegations, but shall not include any person who is the representative of the Government of Zambia or any member of the staff of such a representative.

11. Except in so far as in any particular case any immunity or privilege is waived by the Organisation, the Director-General, any Deputy Director-General, Assistant Director-General and Regional Director of the Organisation shall be accorded in respect of themselves, their spouses and children under the age of twenty-one, the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes as is accorded to a diplomatic agent of a sending State accredited to Zambia, his spouse and children. They shall enjoy exemption from income tax only in respect of emoluments received by them as officers of the Organisation. Immunities and privileges of high officials of Organisation

12. Except in so far as in any particular case any immunity or privilege is waived by the Organisation, persons (other than officials of the Organisation) serving on committees of, or employed on missions on behalf of, the Organisation shall enjoy-

(a) while exercising their functions as such and during their journey to and from the place of meeting, immunity from personal arrest or detention and from seizure of their personal baggage and inviolability for all papers and documents

relating to the work of the Organisation;

(b) immunity from legal process of every kind in respect of words spoken or written and all acts done by them in the exercise of their functions. Such immunity shall continue notwithstanding that the persons concerned are no longer employed on missions on behalf of the Organisation; Immunities and privileges of persons employed on missions

(c) exemption from income tax in respect of emoluments received by them for services while performing their functions as officers of the Organisation.

13. Except in so far as in any particular case any immunity or privilege is waived by the Organisation, all officials of the Organisation (other than those referred to in paragraph 11 above) shall enjoy-

(a) immunity from suit and legal process in respect of words spoken or written and all acts done by them in the course of the performance of their official duties;

(b) exemption from income tax in respect of emoluments received by them as officers or servants of the Organisation;

(c) the right to import free of duty their furniture and effects at the time of first taking up their post in Zambia. Immunities and privileges of other officials of Organisation

SECTION 5-THE DIPLOMATIC IMMUNITIES AND PRIVILEGES (INTERNATIONAL COURT OF JUSTICE) ORDER Statutory Instrument
356 of 1966

Order by the President

WHEREAS by section five of the Diplomatic Immunities and Privileges Act, it is enacted that the President may by order confer on the judges and registrar of the International Court, and on suitors to that Court and their agents, counsel and advocates, such immunities and privileges as may be required to give effect to any resolution of, or convention approved by, the General Assembly of the United Nations;

AND WHEREAS the General Assembly of the United Nations, on the 11th December, 1946, adopted a resolution concerning the immunities and privileges of the International Court of Justice;

NOW, THEREFORE, in exercise of the powers conferred upon him by the said section the President hereby makes the following Order:

1. This Order may be cited as the Diplomatic Immunities and Privileges (International Court of Justice) Order. Title

2. Except in so far as in any particular case any immunity or privilege is waived by the Court, the judges and registrar of the International Court of Justice (including any officer of the Court acting as registrar) shall, when engaged on the business of the Court and during any journey to and from the place where the Court is sitting in connection with such business, enjoy the like immunity from suit and legal process and the like inviolability of residence and also, unless they are citizens of Zambia whose usual place of abode is in Zambia, the like exemption or relief from taxes as is accorded to a

diplomatic agent of a sending State accredited to Zambia. Immunities and privileges of judges and registrar

3. The judges and registrar of the International Court of Justice shall enjoy exemption from income tax in respect of all emoluments received by them as judges or registrar. Exemption from income tax

4. (1) Except in so far as in any particular case any privilege or immunity is waived by the government they represent before the Court, the agents, counsel and advocates of parties before the Court shall enjoy-

(a) when engaged on their missions before the Court and during their journeys to and from the place where the Court is sitting in connection with such missions, immunity from personal arrest or detention and from seizure of their personal baggage and inviolability for all papers and documents;

(b) immunity from legal process of every kind in respect of words spoken or written and all acts done by them in this capacity;

(c) when engaged on their missions before the Court and during their journeys to and from the place where the Court is sitting in connection with such mission, the like exemption or relief from taxes as is accorded to a diplomatic agent of a sending State accredited to Zambia, save that the relief allowed shall not include relief from customs or excise duties except in respect of goods imported as part of their personal baggage. They shall not, where incidence of any form of tax depends upon residence, be deemed to be resident in Zambia during any period when they are present in Zambia while exercising these functions or during their journey to and from the place of meeting. The provisions of this sub-paragraph shall not apply to citizens of Zambia whose usual place of abode is in Zambia. Immunities and privileges of agents, counsel and advocates

(2) This paragraph shall not apply to any person acting on behalf of the Government of Zambia or to any person permanently resident in Zambia acting on behalf of any other government.

SECTION 4-THE DIPLOMATIC IMMUNITIES AND PRIVILEGES (ORGANISATION OF AFRICAN UNITY) ORDER.

Order by the President Statutory Instrument
48 of 1976

1. This Order may be cited as the Diplomatic Immunities and Privileges (Organisation of African Unity) Order. Title

2. The Organisation of African Unity (hereinafter referred to as "the Organisation") is hereby declared to be an organisation of which the Government and certain other States are members. Declaration under section 4, Cap. 20

3. The Organisation shall have the legal capacity of a body corporate. Legal capacity

4. Except in so far as in any particular case it has expressly waived its immunity, the Organisation shall have immunity from suit and legal process. No waiver of immunity shall be deemed to extend to any measure of execution. Immunity from suit and legal process

5. The Organisation shall have the like inviolability of official archives and premises occupied as offices as is accorded in respect of a diplomatic agent of a sending State accredited to Zambia. Inviolability of official archives and premises

6. The Organisation shall have the like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded to a sending State. Relief from taxes and rates

7. The Organisation shall have exemption from taxes on the importation of goods directly imported by it for its official use in Zambia or for exportation, and on the importation of its own publications directly imported by it, such exemption to be subject to compliance with such conditions as the Controller of Customs and Excise may prescribe for the protection of the revenue. Exemption from taxes on importation or exportation of goods, subject to certain conditions

8. The Organisation shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by it for its official use, and in the case of its own publications directly imported or exported by it. Exemption from prohibitions and restrictions

9. The Organisation shall have the right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the press or for broadcasting (including communications addressed to or dispatched from places outside Zambia), of any reduced rates applicable for the corresponding service in the case of press telegrams. Reduced rates for certain telegraphic communications

10. For the purpose of the application of this Order, the organisation entitled "Organisation of African Unity" shall include all of its organs, commissions, boards and other constituent parts however styled. "Organisation of African Unity" to include constituent parts

11. Except in so far as in any particular case any immunity or privilege is waived by the governments concerned, representatives of the governments of members on any organ of the Organisation or at any conference convened by the Organisation shall enjoy-

(a) while exercising their functions as such and during their journey to and from the place of meeting, the like immunity from personal arrest or detention and from seizure of their personal baggage, and the like inviolability for all papers and documents, as are accorded to a diplomatic agent of a sending State accredited to Zambia;

(b) immunity from legal process of every kind in respect of words spoken or written, and all acts done, by them in their capacity as such representatives; and

(c) while exercising their functions as such representatives, and during their journey to and from the place of meeting, the like exemption from taxes as is accorded to a diplomatic agent of a sending State accredited to Zambia, save that the relief allowed shall not include relief from customs and excise duties except in respect of goods imported as part of their personal baggage. Immunities and privileges of representatives of governments of members

12. For the purpose of the application of this Order, the expression "representatives of the governments of members" shall be deemed to include their

official staffs, accompanying them as such representatives, as delegates, deputy delegates, advisers, technical experts or secretaries of delegations, but shall not include any person who is the representative of the Government of Zambia or any member of the staff of such a representative. Interpretation

13. Except in so far as in any particular case any immunity or privilege is waived by the Administrative Secretary-General of the Organisation, all personal representatives of the Administrative Secretary-General, any Assistant Secretary-General, any Regional Director, and officers of equivalent rank shall be accorded in respect of themselves, their spouses and children under the age of twenty-one years the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes as is accorded to a diplomatic agent of a sending State accredited to Zambia, his spouse and children. They shall enjoy exemption from income tax only in respect of emoluments received by them as officers of the Organisation. Immunities and privileges of high officials of the Organisation

14. Except in so far as in any particular case any immunity or privilege is waived by the Administrative Secretary-General of the Organisation, persons employed on missions on behalf of the Organisation shall enjoy-

(a) while performing their missions and during journeys in connection therewith, immunity from personal arrest or detention and from seizure of their personal baggage, and inviolability for all papers and documents relating to the work of the Organisation;

(b) immunity from legal process of every kind in respect of words spoken or written and all acts done by them in the exercise of their functions; and

(c) exemption from income tax in respect of emoluments received by them for services rendered in performing their functions as officers of the Organisation. Immunities and privileges of persons employed on missions

15. Except in so far as in any particular case any immunity or privilege is waived by the Administrative Secretary-General of the Organisation, all officials of the Organisation (other than those referred to in paragraph 13 above) shall enjoy-

(a) immunity from suit and legal process in respect of words spoken or written, and all acts done, by them in the course of the performance of their official duties;

(b) exemption from income tax in respect of emoluments received by them as officers or servants of the Organisation; and

(c) the right to import free of duty their furniture and effects at the time of first taking up their post in Zambia;

Provided that an official of the Organisation who is a national of Zambia shall not be entitled under the provisions of this paragraph to import any of his furniture or effects free of duty. Immunities and privileges of other officials of the Organisation

SECTION 4-THE DIPLOMATIC IMMUNITIES AND PRIVILEGES (INTERNATIONAL RED LOCUST CONTROL ORGANISATION FOR CENTRAL AND SOUTHERN AFRICA) ORDER. Statutory Instrument 152 of 1977

Order by the President

1. This Order may be cited as the Diplomatic Immunities and Privileges (International Red Locust Control Organisation for Central and Southern Africa) Order.Title

2. The International Red Locust Control Organisation for Central and Southern Africa (hereinafter referred to as the Organisation) is hereby declared to be an organisation of which the Government and the governments of certain other States are members.Declaration under section 4, Cap. 20

3. The Organisation shall have the legal capacities of a body corporate.Legal capacities

4. The Organisation shall have the like inviolability of official archives and all documents in its custody as is accorded in respect of the official archives and documents of a diplomatic agent of a sending State accredited to Zambia.Inviolability of official archives and documents

5. The Organisation shall have the like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded to a sending State.Relief from taxes

6. The Organisation shall have exemption from taxes on the importation of goods directly imported by the Organisation for its official use in Zambia or for exportation, or on the importation of any publication of the Organisation directly imported by it, such exemption to be subject to compliance with such conditions as the Controller of Customs and Excise may prescribe for the protection of the revenue.Exemption from taxes on importation of goods, subject to certain conditions

7. The Organisation shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the Organisation for its official use and in the case of its own publications directly imported or exported by it.Exemption from prohibitions and restrictions

8. The Organisation shall have the right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the Press or for broadcasting (including communications addressed to or dispatched from places outside Zambia), of any reduced rates applicable for the corresponding service in the case of Press telegrams.Reduced rates for certain telegraphic communications

9. For the purpose of the application of this Order, the Organisation entitled "International Red Locust Control Organisation for Central and Southern Africa" shall include all of its organs, commissions, boards and other constituent parts however styled.International Red Locust Control Organisation

10. Except in so far as in any particular case any immunity or privilege is waived by the Governing Council of the Organisation, the Director and Deputy Director of the Organisation shall be accorded in respect of themselves, their spouses and children under the age of twenty-one years, the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes as is accorded to a diplomatic agent of a sending State accredited to Zambia, his spouse and children. They shall enjoy exemption from income tax only in respect of emoluments received by them as officers of the Organisation.Immunities and privileges of high officials of the Organisation

11. Except in so far as in any particular case any immunity or privilege is waived by the Governing Council of the Organisation, persons employed on missions on behalf of the Organisation shall enjoy-

(a) while performing their missions and during journeys in connection therewith, inviolability for all papers and documents relating to the work of the Organisation; and

(b) exemption from income tax in respect of emoluments received by them for services rendered in performing their functions on behalf of the Organisation. Immunities and privileges of persons employed on missions

12. Except in so far as in any particular case any immunity or privilege is waived by the Governing Council of the International Red Locust Control Organisation, all officials of the Organisation (other than those referred to in paragraph 10) shall enjoy)-

(a) exemption from income tax in respect of emoluments received by them as officers or servants of the Organisation; and

(b) the right to import free of duty their furniture and effects at the time of first taking up their post in Zambia:

Provided that an official of the Organisation who is a national of Zambia shall not be entitled under the provisions of this paragraph to import any of his furniture or effects free of duty. Immunities and privileges of other officials of the Organisation

SECTION 4-THE DIPLOMATIC IMMUNITIES AND PRIVILEGES (INTERNATIONAL UNIVERSITY EXCHANGE FUND) ORDER. Statutory Instrument
46 of 1978

Order by the President

1. This Order may be cited as the Diplomatic Immunities and Privileges (International University Exchange Fund) Order. Title

2. The International University Exchange Fund (hereinafter referred to as the Organisation) is hereby declared to be an organisation of which the Government and the Governments of certain other States are members. Declaration under section 4, Cap. 20

3. The Organisation shall have the legal capacities of a body corporate. Legal capacities

4. The Organisation shall have the like inviolability of official archives and all documents in its custody as is accorded in respect to the official archives and documents of a diplomatic agent of a sending State accredited to Zambia. Inviolability of official archives and documents

5. The Organisation shall have the like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded to a sending State. Relief from taxes

6. The Organisation shall have exemption from taxes on the importation of goods directly imported by the Organisation for its official use in Zambia or

for exportation, or on the importation of any publication of the Organisation directly imported by it, such exemption to be subject to compliance with such conditions as the Controller of Customs and Excise may prescribe for the protection of the revenue. Exemption from taxes on importation of goods, subject to certain conditions

7. The Organisation shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the Organisation for its official use and in the case of its own publications directly imported or exported by it. Exemption from prohibitions and restrictions

8. The organisation shall have the right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the Press or for broadcasting (including communications addressed to or dispatched from places outside Zambia), of any reduced rates applicable for the corresponding service in the case of Press telegrams. Reduced rates for certain telegraphic communications

9. For the purpose of the application of this Order, the Organisation entitled "International University Exchange Fund" shall include all its organs, commissions, boards and other constituent parts, however styled. International University Exchange Fund

10. Except in so far as in any particular case any immunity or privilege is waived by the Governing Council of the Organisation, the Director and the Deputy Director of the Organisation shall be accorded in respect of themselves, their spouses and children under the age of twenty-one years, the like immunity from suit and legal process, the like inviolability of residence and the like exemption of relief from taxes as is accorded to a diplomatic agent of a sending State accredited to Zambia, his spouse and children. They shall enjoy exemption from income tax only in respect of emoluments received by them as officers of the Organisation. Immunities and privileges of high officials of the Organisation

11. Except in so far as in any particular case any immunity or privilege is waived by the Governing Council of the Organisation, persons employed on missions on behalf of the Organisation shall enjoy-

(a) while performing their missions and during journeys in connection therewith, inviolability for all papers and documents relating to the work of the Organisation; and

(b) exemption from income tax in respect of emoluments received by them for services rendered in performing their functions on behalf of the Organisation. Immunities and privileges of persons employed on missions

12. Except in so far as in any particular case any immunity or privilege is waived by the Governing Council of the International University Exchange Fund, all officials of the Organisation (other than those referred to in paragraph 10) shall enjoy-

(a) exemption from income tax in respect of emoluments received by them as officers or servants of the Organisation; and

(b) the right to import free of duty their furniture and effects at the time of first taking up their post in Zambia: Immunities and privileges of other officials of the Organisation

Provided that an official of the Organisation who is a national of Zambia shall not be entitled under the provisions of this paragraph to import any of his furniture or effects free of duty.

SECTION 4-THE DIPLOMATIC IMMUNITIES AND PRIVILEGES (INTERNATIONAL COMMITTEE OF THE RED CROSS) ORDER.Statutory Instrument
47 of 1978

Order by the President

1. This Order may be cited as the Diplomatic Immunities and Privileges (International Committee of the Red Cross) Order.Title

2. The International Committee of the Red Cross (hereinafter referred to as the Organisation) is hereby declared to be an organisation of which the Government and the Governments of certain other States are members.Declaration under section 4, Cap. 20

3. The Organisation shall have the legal capacities of a body corporate.Legal capacities

4. The Organisation shall have the like inviolability of official archives and all documents in its custody as is accorded in respect of the official archives and documents of a diplomatic agent of a sending State accredited to Zambia.Inviolability of official archives and documents

5. The Organisation shall have the like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded to a sending State.Relief from taxes

6. The Organisation shall have exemption from taxes on the importation of goods directly imported by the Organisation for its official use in Zambia or for exportation, or on the importation of any publication of the Organisation directly imported by it, such exemption to be subject to compliance with such conditions as the Controller of Customs and Excise may prescribe for the protection of the revenue.Exemption from taxes on importation of goods, subject to certain conditions

7. The Organisation shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the Organisation for its official use and in the case of its own publications directly imported or exported by it.Exemption from prohibitions and restrictions

8. The organisation shall have the right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the Press or for broadcasting (including communications addressed to or dispatched from places outside Zambia), of any reduced rates applicable for the corresponding service in the case of Press telegrams.Reduced rates for certain telegraphic communications

9. For the purposes of the application of this Order, the Organisation entitled "International Committee of the Red Cross" shall include all its organs, commissions, boards and other constituent parts, however styled.International Committee of the Red Cross

10. Except in so far as in any particular case any immunity or privilege is waived by the Governing Council of the Organisation, the Director and the Deputy

Director of the Organisation shall be accorded in respect of themselves, their spouses and children under the age of twenty-one years, the like immunity from suit and legal process, the like inviolability of residence and the like exemption of relief from taxes as is accorded to a diplomatic agent of a sending State accredited to Zambia, his spouse and children. They shall enjoy exemption from income tax only in respect of emoluments received by them as officers of the Organisation. Immunities and privileges of high officials of the Organisation

11. Except in so far as in any particular case any immunity or privilege is waived by the Governing Council of the Organisation, persons employed on missions on behalf of the Organisation shall enjoy-

(a) while performing their missions and during journeys in connection therewith, inviolability for all papers and documents relating to the work of the Organisation; and

(b) exemption from income tax in respect of emoluments received by them for services rendered in performing their functions on behalf of the Organisation. Immunities and privileges of persons employed on missions

12. Except in so far as in any particular case any immunity or privilege is waived by the Governing Council of the International Committee of the Red Cross, all officials of the Organisation (other than those referred to in paragraph 10) shall enjoy-

(a) exemption from income tax in respect of emoluments received by them as officers or servants of the Organisation; and

(b) the right to import free of duty their furniture and effects at the time of first taking up their post in Zambia: Immunities and privileges of other officials of the Organisation

Provided that an official of the Organisation who is a national of Zambia shall not be entitled under the provisions of this paragraph to import any of his furniture or effects free of duty.

SECTION 4-THE DIPLOMATIC IMMUNITIES AND PRIVILEGES (INTERNATIONAL ASSOCIATION PAN AFRICAN INSTITUTE FOR DEVELOPMENT) ORDER. Statutory Instrument 181 of 1979

Order by the President

1. This Order may be cited as the Diplomatic Immunities and Privileges (International Association Pan African Institute for Development) Order. Title

2. The International Association Pan African Institute for Development (hereinafter referred to as "the Organisation") is hereby declared to be an organisation of which the Government and the governments of certain other States are members. Declaration under section 4, Cap. 20

3. The Organisation shall have the legal capacities of a body corporate. Legal capacities

4. The Organisation shall have the like inviolability of official archives and all documents in its custody as is accorded in respect of the official archives and documents of a diplomatic agent of a sending State accredited to Zambia. Inviolability of official archives and documents

5. The Organisation shall have the like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded to a sending State. Relief from taxes

6. The Organisation shall have exemption from taxes on the importation of goods directly imported by the Organisation for its official use in Zambia or for exportation, or on the importation of any publication of the Organisation directly imported by it, such exemption to be subject to compliance with such conditions as the Controller of Customs and Excise may prescribe for the protection of the revenue. Exemption from taxes on importation of goods, subject to certain conditions

7. The Organisation shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the Organisation for its official use and in the case of its own publications directly imported or exported by it. Exemption from prohibitions and restrictions

8. The Organisation shall have the right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the Press or for broadcasting (including communications addressed to or dispatched from places outside Zambia), of any reduced rates applicable for the corresponding service in the case of Press telegrams. Reduced rates for certain telegraphic communications

9. For the purposes of the application of this Order, the Organisation entitled "International Association Pan African Institute for Development" shall include all its organs, commissions, boards and other constituent parts, however styled. International Association Pan African Institute for Development

10. Except in so far as in any particular case any immunity or privilege is waived by the Governing Council of the Organisation, the Director and the Deputy Director of the Organisation shall be accorded in respect of themselves, their spouses and children under the age of twenty-one years, the like immunity from suit and legal process, the like inviolability of residence and the like exemption of relief from taxes as is accorded to a diplomatic agent of a sending State accredited to Zambia, his spouse and children. They shall enjoy exemption from income tax only in respect of emoluments received by them as officers of the Organisation. Immunities and privileges of high officials of the Organisation

11. Except in so far as in any particular case any immunity or privilege is waived by the Governing Council of the Organisation, persons employed on missions on behalf of the Organisation shall enjoy-

(a) while performing their missions and during journeys in connection therewith, inviolability for all papers and documents relating to the work of the Organisation; and

(b) exemption from income tax in respect of emoluments received by them for services rendered in performing their functions on behalf of the Organisation. Immunities and privileges of persons employed on missions

12. Except in so far as in any particular case any immunity or privilege is waived by the Governing Council of the International Association Pan African Institute for Development, all officials of the Organisation (other than those referred to in paragraph 10) shall enjoy-

(a) exemption from income tax in respect of emoluments received by them as officers or servants of the Organisation; and

(b) the right to import free of duty their furniture and effects at the time of first taking up their post in Zambia:Immunities and privileges of other officials of the Organisation

Provided that an official of the Organisation who is a national of Zambia shall not be entitled under the provisions of this paragraph to import any of his furniture or effects free of duty.

SECTION 4-THE DIPLOMATIC IMMUNITIES AND PRIVILEGES (AFRICAN DEVELOPMENT FUND)
ORDER.Statutory Instrument
133 of 1981

Order by the President

1. This Order may be cited as the Diplomatic Immunities and Privileges (African Development Fund) Order.Title

2. The African Development Fund (hereinafter referred to as "the Organisation") is hereby declared to be an organisation of which the Government and the governments of certain other States are members.Declaration under section 4 Cap. 20

3. The Organisation shall have the legal capacities of a body corporate.Legal capacities

4. (1) The Organisation shall be immune from any legal suit or process except in cases arising out of, or in connection with, the exercise of its powers to receive loans.Immunity from suit and legal process

(2) The Organisation and its property and assets shall be immune from all forms of seizure, requisition, confiscation, expropriation or any other form of taking or foreclosure.

5. The Organisation shall have the like inviolability of official archives and all documents in its custody as is accorded in respect of the official archives and documents of a diplomatic agent of a sending State accredited to Zambia.Inviolability of official archives and premises

6. The Organisation shall have the like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded to a sending State.Relief from taxes

7. The Organisation shall have exemption from taxes on the importation of goods directly imported by the Organisation for its official use in Zambia or for exportation, or on the importation of any publication of the Organisation directly imported by it, such exemption to be subject to compliance with such conditions as the Controller of Customs and Excise may prescribe for the protection of revenue.Exemption from taxes on importation of goods, subject to certain conditions

8. The Organisation shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the Organisation for its official use and in the case of its own publications directly imported or exported by it.Exemption from prohibitions and restrictions

9. The Organisation shall have the right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the Press or for broadcasting (including communications addressed to or dispatched from places outside Zambia), of any reduced rates applicable for the corresponding service in the case of Press telegrams. Reduced rates for certain telegraphic communications

10. For the purposes of the application of this Order, the Organisation entitled "African Development Fund" shall include all its organs, commissions, boards and other constituent parts however styled. African Development Fund

11. Except in so far as in any particular case any immunity or privilege is waived by the Board of Governors of the Organisation, the Governors, Directors and their alternatives and the President of the Organisation shall be accorded in respect of themselves, their spouses and children below the age of twenty-one years, the like immunity from suit and legal process, the like inviolability of residence and the like exemption of relief from taxes as is accorded to a diplomatic agent of a sending State accredited to Zambia, his spouse and children. They shall enjoy exemption from income tax only in respect of emoluments received by them as officers of the Organisation. Immunities and privileges of high officials of the Organisation

12. Except in so far as in any particular case any immunity or privilege is waived by the Board of Governors of the Organisation, persons employed on mission on behalf of the Organisation shall enjoy-

(a) while performing their missions and during journeys in connection therewith, inviolability for all papers and documents relating to the work of the Organisation; and

(b) exemption from income tax in respect of emoluments received by them for services rendered in performing their functions on behalf of the Organisation. Immunities and privileges of persons employed on mission

13. Except in so far as in any particular case any immunity or privilege is waived by the Board of Governors of the Organisation, all officials of the Organisation (other than those referred to in paragraph 11) shall enjoy-

(a) exemption from income tax in respect of emoluments received by them as officers or servants of the Organisation; and

(b) the right to import free of duty furniture and effects at the time of first taking up their post in Zambia: Immunities and privileges of the officials of the Organisation

Provided that an official of the Organisations who is a national of Zambia shall not be entitled under the provisions of this paragraph to import any of his furniture or effects free of duty.

SECTION 4-THE DIPLOMATIC IMMUNITIES AND PRIVILEGES (COMMON MARKET FOR EASTERN AND SOUTHERN AFRICAN STATES) (COMMESA) ORDER. Statutory Instrument
23 of 1984

Order by the President

1. This Order may be cited as the Diplomatic Immunities and Privileges (Common

Market for Eastern and Southern African States) Order.Title

2. The Common Market for Eastern and Southern African States (hereinafter referred to as "COMMESA") is hereby declared to be an organisation of which the Government and the governments of certain other States are members.Declaration under section 4, Cap. 20

3. The COMMESA shall have the legal capacity of a body corporate.Legal capacity

4. Except in so far as in any particular case it has expressly waived its immunity, the COMMESA shall have immunity from suit and legal process. No waiver of immunity shall be deemed to extend to any measure of execution.Immunity from suit and legal process

5. The COMMESA shall have the like inviolability of official archives and premises occupied as offices as is accorded in respect of a diplomatic agent of a sending State accredited to Zambia.Inviolability of official archives and premises

6. The COMMESA shall have the like exemption or relief from taxes and rates, other than taxes on the importation of goods, as is accorded to a sending State.Relief from taxes and rates

7. The COMMESA shall have exemption from taxes on the importation of goods directly imported by it for its official use in Zambia or for exportation, and on the importation of its own publications directly imported by it, such exemption to be subject to compliance with such conditions as the Controller of Customs and Excise may prescribe for the protection of the revenue.Exemption from taxes on importation or exportation of goods subject to certain conditions

8. The COMMESA shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by it for its official use, and in the case of its own publications directly imported or exported by it.Exemption from prohibitions and restrictions

9. The COMMESA shall have the right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the press or for broadcasting (including communications addressed to or dispatched from places outside Zambia), of any reduced rates applicable for the corresponding service in the case of press telegrams.Reduced rates for certain telegraphic communications

10. For the purpose of the application of this Order, the organisation entitled "Common Market for Eastern and Southern African States" shall include all its organs, commissions, boards and other constituent parts however styled."Common Market for Eastern and Southern African States" to include constituent parts

11. Except in so far as in any particular case any immunity or privilege is waived by the government concerned, representatives of the member States on any organ of the COMMESA or at any conference convened by the COMMESA shall enjoy-

(a) while exercising their functions as such and from the place of meeting, the like immunity from personal arrest or detention and from seizure of their personal baggage, and the like inviolability for all papers and documents, as are accorded to a diplomatic agent of a sending State accredited to Zambia:

(b) immunity from legal process of every kind in respect of words spoken or written, and all acts done, by them in their capacity as such representatives; and

(c) while exercising their functions as such representatives, and during their journey to and from the place of meeting, the like exemption from taxes as is accorded to a diplomatic agent accredited to Zambia, save that the relief allowed shall not include relief from customs and excise duties except in respect of goods imported as part of their personal baggage. Immunities and privileges of representatives of member States

12. For the purpose of the application of this Order, the expression "representative of member States" shall be deemed to include representatives, deputy representatives, advisors, technical experts and secretaries of delegations, but shall not include any person who is the representative of the Government of Zambia or any person who is a member of the staff of a representative. Interpretation

13. Except in so far as in any particular case any immunity or privilege is waived by the Council of Ministers of the COMMESSA or by the Secretary-General of the COMMESSA, the Secretary-General of the COMMESSA and such of his immediate assistants as may be agreed between the COMMESSA and the Government of Zambia, shall be accorded in respect of themselves, their spouses and children under the age of eighteen years, the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes as is accorded to a diplomatic agent of a sending State accredited to Zambia, his spouse and children. They shall enjoy exemption from income tax only in respect of emoluments received by them as officers of the COMMESSA. Immunities and privileges of high officials of the COMMESSA

14. Except in so far as in any particular case any immunity or privilege is waived by the Secretary-General of the COMMESSA, persons employed on missions on behalf of the COMMESSA shall enjoy-

(a) while performing their missions and during journeys in connection therewith, immunity from personal arrest or detention and from seizure of their personal baggage, and inviolability for all papers and documents relating to the work of the COMMESSA;

(b) immunity from legal process of every kind in respect of words spoken or written and all acts done by them in the exercise of their functions; and

(c) exemption from income tax in respect of emoluments received by them for services rendered in performing their functions as officers of the COMMESSA:

Provided that this sub-paragraph shall not apply to any citizen or permanent resident of Zambia who is an officer of the COMMESSA based in Zambia. Immunities and privileges of persons employed on missions

15. Except in so far as in any particular case any immunity or privilege is waived by the Secretary-General of the COMMESSA, officials of the COMMESSA who shall be designated by the Secretary-General of the COMMESSA for this purpose (other than those referred to in paragraph 13) shall enjoy-

(a) immunity from suit and legal process in respect of words spoken or written, and all acts done, by them in the course of the performance of their

official duties;

(b) exemption from income tax in respect of emoluments received by them as officers or servants of the COMMESSA;

(c) the right to import free of duty, within six months of their arrival in Zambia or such reasonable time as may be agreed upon between the Government of Zambia and the Secretary-General of the COMMESSA in each individual case, their furniture and personal effects, including one motor vehicle, at the time of first taking up their post in Zambia;

(d) immunity from seizure of their personal and official baggage;

(e) immunity, together with their families, from immigration restrictions and alien registration;

(f) immunity from national service obligations;

(g) the same privileges in respect of exchange facilities as are accorded to the officials of comparable ranks forming part of diplomatic missions accredited to Zambia;

(h) the same repatriation facilities in time of international crisis, together with members of their families and their personal employees, as diplomatic envoys; and

(i) exemption for officials of the COMMESSA from any form of direct taxation on income derived from sources outside the Republic of Zambia and the freedom to maintain within the Republic of Zambia, or elsewhere, foreign securities and other moveable and immovable property whilst employed by the COMMESSA, and at the time of termination of such employment, the right to take out of Zambia funds in non-Zambian currencies without any restrictions or limitations provided that such officials show good cause for their lawful possession of such funds:Immunities and privileges of other officials of the COMMESSA

Provided that the provisions of sub-paragraphs (b), (c), (f), (g), (h) and (i) shall not apply to any officer or servant of the COMMESSA who is a citizen or permanent resident of Zambia and is based in Zambia.

SECTION 4-THE DIPLOMATIC IMMUNITIES AND PRIVILEGES (COMMON MARKET FOR EASTERN AND SOUTHERN AFRICAN TRADE AND DEVELOPMENT BANK) ORDER.Statutory Instrument 123 of 1992

Order by the President

1. This Order may be cited as the Diplomatic Immunities and Privileges (Common Market for Eastern and Southern African Development Bank) Order.Title

2. The Eastern and Southern African Trade and Development Bank (hereinafter referred to as "the COMMESSA Bank") is hereby declared to be an organisation of which the Government and governments of certain other States are members.Declaration under section 4 Cap. 20

3. The COMMESSA Bank shall have the legal capacity of a body corporate.Legal capacity

4. Except in so far as in any particular case it has expressly waived its

immunity, the COMMESSA Bank shall have immunity from suit and legal process:Immunity from suit and legal process

Provided that no waiver of immunity shall be deemed to extend to any measure of execution.

5. The COMMESSA Bank shall have the like inviolability of official archives and premises occupied offices as is accorded in respect of a diplomatic agent of a sending State accredited to Zambia.Inviolability of official archives and premises

6. The official communications of the COMMESSA Bank shall be accorded the same treatment that is accorded to official communications of international organisations and diplomatic missions.Official communication accorded to be same as that of international organisation and diplomatic missions

7. (1) The COMMESSA Bank, its property, other assets, income and its operations and transactions, shall be exempt from all taxation and from all customs and prohibitions and restrictions on imports or exports in respect of articles imported or exported by the COMMESSA Bank for its official use.Exemption from taxes and customs duties, etc.

(2) The COMMESSA Bank shall also be exempt from any obligations relating to the payment, withholding or collection of any tax or duty.

8. The COMMESSA Bank shall have the like exemption from rates and from taxes on any obligations or securities issued securities guaranteed by it including any dividends or interest thereon, by whomsoever, held as is accorded to a sending State. Relief from rates and taxes on obligations or securities guaranteed by COMMESSA Bank

9. The governors, directors and alternate Directors, officers and staff, of the COMMESSA Bank shall enjoy the same privileges and immunities as those accorded to the officials of the COMMESSA of a similar rank under the Diplomatic Immunities and Privileges (COMMESSA) Order, 1984.Privileges and immunities of governments

10. The representatives of the COMMESSA Bank, Member States, COMMESSA Bank officials and experts providing advice and assistance to the COMMESSA Bank shall have such facilities and courtesies as are necessary for the exercise of their functions in connection with the COMMESSA Bank.Facilities and courtesies of representatives, bank officials and COMMESSA experts

SECTION 4-THE DIPLOMATIC IMMUNITIES AND PRIVILEGES (INTERNATIONAL UNION FOR THE CONSERVATION OF NATURE AND NATURAL RESOURCES) ORDER.Statutory Instrument 29 of 1993

Order by the President

1. This Order may be cited as the Diplomatic Immunities and Privileges (International Union for the Conservation of Nature and Natural Resources) Order.Title

2. The International Union for the Conservation of Nature and Natural Resources (hereinafter referred to as "the IUCN") is hereby declared to be an organisation of which the Government and governments of certain other States are members.Declaration under section 4 Cap. 20

3. The IUCN shall have the legal capacity of a body corporate. Legal capacity

4. Except in so far as in any particular case it has expressly waived its immunity, the IUCN shall have immunity from suit and legal process: Immunity from suit and legal process

Provided that no waiver of immunity shall be deemed to extend to any measure of execution.

5. The IUCN shall have the like inviolability of official archives and premises occupied as offices as is accorded in respect of a diplomatic agent of a sending State accredited to Zambia. Inviolability of official archives and premises

6. The official communications of the IUCN shall be accorded the same treatment as that accorded to official communications of international organisations and diplomatic missions. Official communication to be accorded same treatment as that of international organisations and diplomatic missions

7. (1) The IUCN, its operations and transactions, shall be exempt from all taxation and from all customs, prohibitions and restrictions on imports and exports in respect of articles imported or exported by the IUCN for its official use. Exemption from taxes and customs duties etc.

(2) The IUCN shall also be exempt from any obligations relating to the payment, withholding or collection of any tax or duty.

8. The IUCN shall have the like exemption from rates and from taxes on any obligations or securities issued and securities guaranteed by it including any dividends or interest thereon, by whomsoever held, as is accorded to a sending State.

Relief from rates and taxes on obligations or securities guaranteed by IUCN

9. The officials of IUCN, including advisors and consultants, participants of conferences and seminars organised by the IUCN Office shall, while in the territory of Zambia, enjoy-

(a) immunity from legal process of any kind in respect of words spoken or written and all acts performed by them in and during their official duties, and this immunity shall continue notwithstanding that the persons concerned may have ceased to be officials of the IUCN office.

(b) exemption for officials of the IUCN Office who are not nationals or residents including their dependants from all resident and local taxes, including taxes imposed on personal income such as salaries, emoluments, indemnities and pensions paid to them by the IUCN office:

Provided that all the conditions, rules and regulations applicable in this connection to officials of other international organisations who are posted in Zambia and have been granted similar status by the Government shall equally apply to the said officials of the IUCN office;

(c) Immunity from national service obligations:

Provided that with respect to Zambian nationals, such exemptions shall be confined to officials whose name shall by reason of their duties, be placed on a

list compiled by the Director-General of the IUCN and approved by the Government;

(d) subject to the prevailing exchange control regulations the same privileges in respect of monetary exchange facilities as are accorded to officials of comparable rank forming part of diplomatic missions to the Government;

(e) the same repatriation facilities in time of national and international crisis together with members of their families and their personal employees as those accorded to diplomatic envoys;

(f) exemption for officials of the IUCN office, other than officials who are nationals of Zambia or who are permanent foreign residents of Zambia, from any form of direct taxation on income derived from sources outside Zambia;

(g) in the case of officials of the IUCN Office who have been granted diplomatic status by the Government and who have been resident in Zambia for not more than three years or such other period as may be agreed to by the Government, freedom, on the same conditions, rules and regulations as those applicable to officials of other international organisations who are posted in Zambia and have been granted diplomatic status by the Government, to acquire and maintain within Zambia out of funds derived from sources outside Zambia;

(h) the right to import and export free of duties, taxes and other levies, prohibitions and restrictions on imports, articles intended for their personal and household use including one motor vehicle for personal use:

Provided that such articles are owned and imported by the officials at the time of their first arrival in Zambia, and at reasonable intervals;

(i) in the event of fire, theft or an accident causing major damage to a motor vehicle acquired under the Agreement, the privilege of tax and duty-free purchase of a replacement vehicle, subject to the regulations governing sale or disposal of vehicles for officials of international organisations who are posted in Zambia;

In this paragraph "Agreement" means the Agreement between the Government of Zambia and the International Union for Conservation of Nature and Natural Resources. Privileges and immunities of IUCN officials

SECTION 4-THE DIPLOMATIC IMMUNITIES AND PRIVILEGES
(NORSAD AGENCY) ORDER. Statutory Instrument
112 of 1993

Order by the President

1. This Order may be cited as the Diplomatic Immunities and Privileges (NORSAD Agency) Order. Title

2. The Norsad Agency (hereinafter referred to as the Agency) an organisation of which other governments or certain other States are members. Declaration under section 4 Cap. 20

3. The Agency shall have the legal capacity of a body corporate. Legal capacity

4. Except in so far as in any particular case it has expressly waived its immunity, the Agency shall have immunity from suit and legal process:Immunity from suit and legal process

Provided that no waiver of immunity shall be deemed to extend to any measure of execution.

5. The Agency shall have the like inviolability of official archives and premises occupied as offices as is accorded in respect of a diplomatic agent of a sending State accredited to Zambia.Inviolability of official archives and premises

6. The Agency shall have the like exemption or relief from taxes and rates, as is accorded to a sending State.Relief from taxes and rates

7. The Agency shall have exemption on the importation of goods directly imported by it for its official use in Zambia or for exportation, and on the importation of its publications directly imported by it, such exemption to be subject to compliance with such conditions as the Controller of Customs and Excise may prescribe from the protection of the revenue.Exemption from taxes on importation or exportation of goods, certain conditions

8. The Agency shall have exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported for its official use and in the case of any publications directly imported or exported by it.Exemption from prohibitions and restrictions

9. The Agency shall have the right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the press or for broadcasting (including communications addressed to or dispatched from places outside Zambia), or any reduced rates applicable for the corresponding service in the case of press telegrams.Reduced rates for certain telegraphic communications

10. (1) Except in so far as in any particular case any privileges or immunities is waived by the government concerned, representatives of member states on any organ of the Agency, or at any conference convened by the Agency shall enjoy-Immunities and privileges of representatives of member states

(a) while exercising their functions as such and during their journey to and from the place of meeting, immunity from personal arrest or detention and from seizure of their personal baggage, and like inviolability for all papers and documents as are accorded to a diplomatic agent of a sending state accredited to Zambia;

(b) immunity from legal process of every kind in respect of words spoken or written, and all acts done, by them in their capacity as representatives; and

(c) while exercising their functions as such representatives and during their journey to and from the place of meeting, the like exemption from taxes as is accorded to a diplomatic agent accredited to Zambia, save that the relief allowed shall not include relief from customs and excise duties except in respect of goods imported as part of their personal baggage.

11. Except in so far as in any particular case any immunity or privilege is waived by the Agency, the Director and Deputy Director of the Agency as may be

agreed between the Agency and the Government of Zambia, shall be accorded in respect of themselves, their spouses and children under the age of eighteen, the like immunity from suit and legal process, the like inviolability of residence and the like exemption or relief from taxes as is accorded to a diplomatic agent of a sending State accredited to Zambia, his spouse and children; they shall enjoy exemption from income tax only in respect of emoluments received by them as officers of the Agency. Immunities and privileges of high officials of Agency

12. Except in so far as in any particular case any immunity or privilege is waived by the Agency, persons serving on committees of, or employed on missions on behalf of the Agency shall enjoy-

(a) while performing their functions and during their journeys, immunity from personal arrest or detention and from seizure of their personal baggage, and inviolability for all papers and documents relating to the work of the Agency;

(b) immunity from legal process of every kind in respect of words spoken or written and all acts done by them in the exercise of their functions; and

(c) exemption from income tax in respect of emoluments received by them for services rendered in performing their functions as officers of the Agency. Immunities and privileges of persons employed on missions

13. Except in so far as in any particular case any immunity or privilege is waived by the Agency, officials of the Agency, other than those referred to in paragraph 11, shall enjoy-

(a) immunity from suit and legal process in respect of words spoken or written and all acts done by them in the course of the performance of their official duties;

(b) exemption from income tax in respect of emoluments received by them as officers or servants of the Agency;

(c) the right to import free of duty, within six months of their arrival in Zambia or such reasonable time as may be agreed upon between the Government of Zambia and the Agency in each individual case their furniture and personal effects, at the time of first taking up their post in Zambia;

(d) immunity, from seizure of their personal or official baggage;

(e) immunity together with their families, from immigration restrictions and alien registration;

(f) immunity from national service obligations;

(g) the same privileges in respect of exchange facilities as are accorded to the officials of comparable ranks forming part of diplomatic missions accredited to Zambia;

(h) the same repatriation facilities in time of international crisis, together with members of their families and their personal employees; and

(i) exemption for officials of the Agency from any form of direct taxation on income derived from sources, outside the Republic of Zambia, or elsewhere, foreign securities and other moveable property whilst employed by the Agency, and at the time of termination of such employment, the right to take out of

Zambia funds in non Zambian currencies without any restrictions or limitations provided that such officials show good cause for their lawful possession of such funds. Immunities and privileges of other officials of the Agency

14. For the purpose of the application of this Order, the expression "representative member states" shall be deemed to include representatives, deputy representatives, advisers, technical experts and secretaries of delegations, but shall not include any person who is the representative of the Government of Zambia or any person who is a member of the staff of a representative. Interpretation

DIPLOMATIC IMMUNITIES AND PRIVILEGES CAP. 20

SECTION 4-THE DIPLOMATIC IMMUNITIES AND PRIVILEGES (AFRICAN HOUSING FUND)
ORDER Statutory Instrument
177 of 1996

Order by the President

1. This Order may be cited as the Diplomatic Immunities and Privileges (African Housing Fund) Order. Title

2. The African Housing Fund (hereinafter referred to as "the Fund") is hereby declared to be an organisation of which the Government is a member and of which other States are members. Declaration under section 4

3. The Fund shall have the legal capacity of a body corporate. Legal capacity

4. Except in so far as in any particular case it has expressly waived its immunity, the Fund shall have immunity from suit and legal process: Immunity from suit and legal process

Provided that no waiver of immunity shall be deemed to extend to any measure of execution.

5. The Fund shall have the like inviolability of official archives and premises occupied as offices as is accorded in respect of a diplomatic agent of a sending State accredited to Zambia. Inviolability of official archives and premises

6. The official communications of the Fund shall be accorded the same treatment as that accorded to official communications of international organisations and diplomatic missions. Official communication to be accorded same treatment as that of international organisations and diplomatic missions

7. (1) The Fund, its operations and transactions, shall be exempt from all taxation and from all customs, prohibitions and restrictions on imports and exports in respect of articles imported by the Fund for its official use. Exemption from taxes and rates

(2) The Fund shall also be exempt from any obligations relating to the payment, withholding or collection of any tax or duty.

8. The Fund shall have the like exemption from rates and from taxes on any obligations or securities issued and securities guaranteed by it including any dividends or interest thereon, by whomsoever held, as is accorded to a sending

State. Relief from rates and taxes on obligations or securities guaranteed by Fund

9. (1) The Director and the Deputy Director shall be accorded full diplomatic status. Privileges and immunities of Fund officials

(2) The approved technical staff and experts of the Fund shall be accorded immunities and privileges accorded to members of the administrative staff of diplomatic missions accredited to Zambia.

(3) The participants of conferences and seminars organised by the Fund shall, while in the territory of Zambia enjoy-

(a) immunity from legal process of any kind in respect of words spoken or written and all acts performed by them in and during their official duties, and this immunity shall continue in relation to all acts officially performed by them while in office when such persons cease to be officials of the Fund;

(b) exemption, for officials of the Fund who are not nationals or residents including their dependants, from all resident and local taxes including taxes imposed on personal income such as salaries and pensions paid to them by the Fund:

Provided that all the conditions, rules and regulations, applicable in this connection to officials of other international organisations who are posted in Zambia and have been granted similar status by the Government shall equally apply to the officials of the Fund;

(c) immunity from national service obligations:

Provided that with respect to Zambian nationals, such exemptions shall be confined to officials whose names shall, by reason of their duties, be placed on a list compiled by the Fund and approved by the Government;

(d) subject to the prevailing exchange control regulations, the same privileges in respect of monetary exchange facilities as are accorded to officials of comparable rank forming part of diplomatic missions to the Government;

(e) the same repatriation facilities in time of national and international crisis together with members of their families and their personal employees as those accorded to diplomatic envoys;

(f) exemption, for officials of the Fund other than officials who are nationals of Zambia or who are permanent foreign residents of Zambia, from any form of direct taxation on income derived from sources outside Zambia;

(g) in the case of officials of the Fund who have been granted diplomatic status by the Government and who have been resident in Zambia for not more than three years or such other period as may be agreed to by the Government, freedom, on the same conditions, rules and regulations as those applicable to officials of other international organisations who are posted in Zambia and have been granted diplomatic status by the Government, to acquire and maintain funds within Zambia;

(h) the right to import and export, free of duties, taxes and other levies, prohibitions and restrictions on imports or exports, articles intended for their

personal and household use including one motor vehicle for personal use:

Provided that such articles are owned and imported by the officials at the time of their first arrival in Zambia, and at reasonable intervals;

(i) in the event of fire, theft or an accident causing major damage to a motor vehicle acquired under the Statute, the privilege of tax and duty-free purchase of a replacement vehicle, subject to the regulations governing sale or disposal of vehicles for officials of international organisations who are posted in Zambia.

In this paragraph, "Statue" means the statute establishing the African Housing Fund and signed between Zambia and other members of the African Housing Fund on 26th May, 1988, in Nairobi, Kenya.

REPUBLIC OF ZAMBIA

THE CONSULAR CONVENTIONS ACT

CHAPTER 21 OF THE LAWS OF ZAMBIA

CHAPTER 21 THE CONSULAR CONVENTIONS ACTCHAPTER 21

THE CONSULAR CONVENTIONS ACT

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Powers of consular officers in relation to property in the Republic of deceased persons
3. Supplementary provisions as to section 2
4. Application of section 2

CHAPTER 21

CONSULAR CONVENTIONS

An Act to confer upon the consular officers of foreign States with which consular conventions are concluded certain powers relating to the administration of the estates and property of deceased persons; and to provide for matters incidental thereto or connected therewith.

[13th July, 1951]2 of 1951

Federal Act

31 of 1956

Government Notice

497 of 1964

1. This Act may be cited as the Consular Conventions Act.Short title

2. (2) Where any person who is a national of a State to which this section applies is named as executor in the will of a deceased person disposing of property in the Republic, or is otherwise a person to whom a grant of representation to the estate in the Republic of a deceased person may be made, then if the court is satisfied, on the application of a consular officer of such State, that such national is not resident in the Republic, and if no application for a grant of such representation is made by a person duly authorised by power of attorney to act for him in that behalf, the court shall make to that officer any such grant of representation to the estate of the deceased as would be made to him if he were so authorised as aforesaid: Powers of consular officers in relation to property in the Republic of deceased persons

Provided that the court may, if it thinks fit, postpone the making of a grant by virtue of this section during such period as the court considers appropriate having regard to the circumstances of the case.

(2) Where any person who is a national of a State to which this section applies-

(a) is entitled to payment or delivery of any money or property in respect of any interest in the estate of a deceased person, or vesting in possession on the death of any person, or is entitled to payment of any money becoming due on the death of any person; or

(b) is a person to whom any money or property comprised in the estate of a deceased person may be paid or delivered in pursuance of any enactment, rule or regulation, whether passed or made before or after the commencement of this Act, authorising the payment or delivery of such money or property without representation to the estate of the deceased being granted;

then if the said national is not resident in the Republic, a consular officer of that State shall have the like right and power to receive and give a valid discharge for any such money or property in the Republic as if he were duly authorised by power of attorney to act for him in that behalf:

Provided that no person shall be authorised or required by this subsection to pay or deliver any money or property to a consular officer if it is within his knowledge that any other person in the Republic has been expressly authorised to receive that money or property on behalf of the said national.

(3) A grant of administration made by virtue of this section may be made to the consular officer by his official title, and to his successors in office; and where a grant is so made, the office of administrator, and all the estate, rights, duties and liabilities of the administrator (including liabilities under the administration bond) shall be vested in and imposed on the person for the time being holding the office, and no fresh grant shall be required by reason only of the death or vacation of office of the person to whom the grant was made or in whom it is vested as aforesaid:

Provided that nothing in this subsection shall affect any limitation contained in the grant, or any power of the court to revoke the grant.

(4) Without prejudice to the provisions of section 81 of the Court of Probate Act, 1857, of the United Kingdom (which enables probate rules and orders to dispense with sureties to administration bonds in certain cases), sureties shall not be required to an administration bond given by a consular officer upon the grant of administration by virtue of this section.

3. Notwithstanding any rule of law conferring immunity or privilege in respect of the official acts and documents of consular officers, a consular officer shall not be entitled to any immunity or privilege in respect of any act done by virtue of powers conferred on him by or under section two, or in respect of any document for the time being in his possession relating thereto. Supplementary provisions as to section 2

4. The President may, by statutory order, direct that section two shall apply to any foreign State specified in the order, being a State with which a consular convention providing for matters for which provision is made by that section has been concluded.

(As amended by Federal Act No. 31 of 1956) Application of section 2

SUBSIDIARY LEGISLATION

CONSULAR CONVENTIONS Cap. 21

SECTION 4-THE CONSULAR CONVENTIONS (KINGDOM OF NORWAY) ORDER Government Notice 246 of 1951

It is hereby ordered that the provisions of section two of the Act shall apply to the Kingdom of Norway.

SECTION 4-THE CONSULAR CONVENTIONS (KINGDOM OF SWEDEN) ORDER Government Notice 254 of 1952

It is hereby ordered that the provisions of section two of the Act shall apply to the Kingdom of Sweden.

REPUBLIC OF ZAMBIA

THE ZAMBIA INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES ACT

CHAPTER 22 OF THE LAWS OF ZAMBIA

CHAPTER 22 THE ZAMBIA INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES ACT. CHAPTER 22

THE ZAMBIA INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES ACT.

ARRANGEMENT OF SECTIONS

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PRELIMINARY

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THE ZAMBIA INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES

3. Establishment of Institute

PART III THE BOARD OF GOVERNORS PART III

THE BOARD OF GOVERNORS

4. Establishment of Board
5. Seal of Board
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9. Remuneration and allowances
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12. Disclosure of interest
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FINANCIAL AND OTHER PROVISIONS

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CHAPTER 22

ZAMBIA INSTITUTE OF DIPLOMACY
AND INTERNATIONAL STUDIES 24 of 1995

An Act to provide for the establishment of the Zambia Institute of Diplomacy and International Studies; to provide for the Board of Governors of the Institute; and to provide for matters connected with or incidental to the foregoing.

[13th September, 1995

PART I PRELIMINARY PART I

PRELIMINARY

1. This Act may be cited as the Zambia Institute of Diplomacy and International Studies Act. Short title
2. In this Act, unless the context otherwise requires—
"auditor" means the auditor appointed under section nineteen;
"Board" means the Board of Governors established under section five;
"Chairman" means the Chairman appointed under section seven;
"committee" means a committee established under section eleven;
"Director" means the Director appointed under section fourteen;
"Institute" means the Zambia Institute of Diplomacy and International Studies established by section three;
"member" means a member of the Board or a committee;
"Registrar" means the Registrar appointed under section fifteen;
"Vice-Chairman" means the person elected as Vice-Chairman under section seven;

PART I THE ZAMBIA INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES PART I

THE ZAMBIA INSTITUTE OF DIPLOMACY AND INTERNATIONAL STUDIES

3. There is hereby established the Zambia Institute of Diplomacy and International Studies for the purpose of conducting training in diplomacy and international relations. Establishment of Institute

PART III THE BOARD OF GOVERNORS PART III

THE BOARD OF GOVERNORS

4. There shall be a Board of Governors of the Institute which shall be a body corporate with perpetual succession and a common seal, capable of suing and of being sued in its corporate name and with power, subject to the other provisions of this Act, to do all such acts and things as a body corporate may by law do or perform. Establishment of Board
5. (1) The seal of the Board shall be such device as the Board may determine and shall be kept by the Registrar. Seal of Board

(2) The affixing of the seal shall be authenticated by the Chairman or the Vice-Chairman and the Registrar or one other member authorised in that behalf by a resolution of the Board.

(3) Any contract or instrument which, if executed without seal on behalf of the Board by the Registrar or any person generally or specifically authorised by the Board in that behalf, and any document purporting to be a document under the seal of the Board or issued on behalf of the Board shall be received in evidence and shall be deemed to be executed or issued, as the case may be, by the Board without further proof, unless the contrary is proved.

6. Subject to the other provisions of this Act, the functions of the Board shall be to-

- (a) ensure that the business and undertaking of the institute is carried out;
- (b) formulate the policies of the institute; and
- (c) engage such number of academic, administrative and other staff as the Board may consider necessary and on such terms and conditions as the Board may determine. Functions of Board

7. (1) The Board shall consist of the following members who shall be appointed by the Minister. Composition of Board

- (a) a Permanent Secretary in the Ministry responsible for foreign affairs, who shall be Chairman;
- (b) a representative from the National Institute for Public Administration;
- (c) a lawyer representing the Attorney-General;
- (d) a representative from the Ministry of Science Technical Education and Vocational Training;
- (e) a representative from the Cabinet Office;
- (f) a representative from a University in Zambia; and
- (g) three persons who have long standing diplomatic experience.

(2) All members except those referred to in paragraphs (a) and (g) shall be nominated by their respective organisations.

(3) There shall be a Vice-Chairman who shall be elected by the Board from amongst its members.

8. (1) A member referred to in sub-paragraphs (e) to (f) of paragraph 1 shall hold office for a period of three years from the date of his appointment and shall be eligible for re-appointment for a further period of three years. Tenure of office

(2) A member referred to in sub-paragraph (1) may resign his membership upon giving one month' notice, in writing, to the organisation he represents or which nominated him and to the Minister.

(3) The office of a member shall become vacant-

(a) upon his death;

(b) if he is absent without reasonable excuse from three consecutive meetings of the Board of which he has had notice;

(c) on ceasing to hold the office which he occupies or on ceasing to be a representative of the organisation which nominated him; or

(d) if he is declared bankrupt.

9. A member shall be paid such remuneration or allowances as the Board may, with the approval of the Minister, determine. Remuneration and allowances

10. (1) Subject to the other provisions of this Act, the Board may regulate its own procedure. Proceedings of Board

(2) The Board shall meet for the transaction of business at least once every three months at such places and times as the Chairman may determine.

(3) A meeting of the Board may be called by the Chairman upon giving notice of not less than fourteen days and shall be so called if not less than five members of the Board so request in writing:

Provided that if the urgency of any particular matter does not permit the giving of such notice, a special meeting may be called upon giving shorter notice.

(4) Five members shall form a quorum at any meeting of the Board.

(5) There shall preside at any meeting of the Board-

(a) the Chairman;

(b) in the absence of the Chairman, the Vice-Chairman; or

(c) in the absence of both the Chairman and the Vice-Chairman, such member as the members present may elect from amongst themselves for the purpose of that meeting.

(6) A decision of the Board on any question shall be by a majority of the members present and voting at the meeting and, in the event of an equality of votes, the person presiding shall have a casting vote in addition to his deliberative vote.

(7) The Board may invite any person whose presence is in its opinion desirable, to attend and to participate in the deliberations of a meeting of the Board but such person shall have no vote.

(8) The validity of any proceedings, act or decision of the Board shall not be affected by any vacancy in the membership of the Board or any defect in the appointment of any member or by reason that any person not entitled so to do took part in the proceedings.

(9) The Board shall cause to be kept minutes of the proceedings of every meeting of the Board and of every committee established by the Board.

11. (1) The Board may, for the purpose of performing its functions under this Act, establish committees and delegate to any committee established such of its functions as it considers fit. Committees of Board

(2) The Board may appoint as members of a committee established under sub-paragraph (1) persons who are, or are not, members of the Board and such persons shall hold office for such periods as the Board may determine.

(3) Subject to any specific or general direction of the Board, any committee established under sub-paragraph (1), may regulate its own procedure.

12. (1) If any person is present at a meeting of the Board or a committee at which any matter is the subject of consideration and in which matter that person or his spouse is directly or indirectly interested in a private capacity, he shall as soon as practicable after the commencement of the meeting, disclose such interest and shall not, unless the Board otherwise directs, take part in any consideration or discussion of, or vote on, any question touching that matter. Disclosure of interest

(2) A disclosure of interest made under sub-paragraph (1) shall be recorded in the minutes of the meeting at which the disclosure is made.

13. No action or other proceedings shall lie against any member for or in respect of, any act or anything done or omitted to be done in good faith in the exercise or purported exercise of his functions under this Act. Immunity of members

PART IV ADMINISTRATION PART IV

ADMINISTRATION

14. (1) The Board shall appoint, on such terms and conditions as it may determine, a Director who shall be the Chief executive of the Board and who shall, subject to the control of the Board, be responsible for the administration of the Institute. Director

(2) The Director, or in his absence the Registrar shall attend meetings of the Board and may address such meetings, but shall not vote on any matter:

Provided that the person presiding at any meeting of the Board may, for good cause, require the Director or the Registrar, as the case may be, to withdraw from the meeting.

15. (1) There shall be a Registrar of the Institute who shall be appointed by the Board on such terms and conditions as the Board may determine. Registrar

(2) The Registrar shall be responsible for the day-to-day administration of the institute under the general supervision of the Director.

16. (1) A person shall not, without the consent in writing given by or on behalf of, the Board, publish or disclose to any person otherwise than in the course of his duties, the contents of any document, communication or information whatsoever, which relates to, and which has come to his knowledge in the course of, his duties under this Act. Unauthorised publication or disclosure of documents etc.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and

shall be liable upon conviction to a fine not exceeding ten thousand penalty units or to imprisonment for a period not exceeding twelve months, or to both.

(3) If any person having information which to his knowledge has been published or disclosed in contravention of subsection (1) unlawfully publishes or communicates any such information to any person he shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding ten thousand penalty units or to imprisonment for a period not exceeding twelve months, or to both.

PART IV FINANCIAL AND OTHER PROVISIONS

FINANCIAL AND OTHER PROVISIONS

17. (1) The funds of the Board shall consist of such monies as may-Funds of Board

- (a) be appropriated by Parliament for the purposes of the Board;
- (b) be paid to the Board by way of grants or donations; and
- (c) vest in, or accrue, to the Board.

(2) The Board may-

- (a) accept money by way of grants or donations or in any other form from any source and invest it in such manner as the Board considers fit:

Provided that the Board shall not receive any grant or donation, unless it approves of the purpose to which the grant or donation shall be applied and the conditions, if any, under which the grant or donation is made;

- (b) raise by way of loans, or otherwise, from any source within Zambia, and subject to the approval of the Minister, from any source outside Zambia, such monies as it may require for the discharge of its functions;
- (c) charge and collect fees in respect of programmes, publications, seminars, consultancy services and other services provided by the Board; and
- (d) charge fees for courses, seminars and workshops.

(3) There shall be paid from the funds of the Board-

- (a) salaries, allowances and loans of the staff of the Institute;
- (b) such reasonable travelling, transport and subsistence allowances for members when engaged on the business of the Board at such rates as the Board may, with the approval of the Minister, determine; and
- (c) any other expenses incurred by the Board in the performance of its functions.

18. The financial year of the Board shall be the period of twelve months ending on the 31st December, in each year.Financial year

19. (1) The Board shall cause to be kept proper books of account and records relating to its accounts.Accounts

(2) The accounts of the Board shall be audited annually by independent auditors appointed by the Board with the approval of the Minister.

(3) The auditors' fees shall be paid by the Board.

20. (1) As soon as practicable but not later than six months after the expiry of the financial year, the Board shall submit to the Minister a report concerning its activities during the financial year. Annual report

(2) The report referred to in sub-paragraph (1) shall include information on the financial affairs of the Board.

(3) There shall be appended to the report-

(a) an audited balance sheet;

(b) an audited statement of income and expenditure; and

(c) such other information as the Minister may require.

(4) The Minister shall, not later than seven days after the first sitting of the National Assembly next after the receipt of the report referred to in sub-paragraph (1) lay it before the National Assembly.

21. The Minister may, by statutory instrument, make regulations for the better carrying out of the provisions of this Act. Regulations