

**NATIONAL ASSEMBLY OF ZAMBIA  
PARLIAMENTARY PROCEDURE**

**9**

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**ABSTRACT SERIES**

**THE ROLE OF A MEMBER OF PARLIAMENT AND  
VACATION OF OFFICE ON DEFECTION**

NATIONAL ASSEMBLY  
RESEARCH DEPARTMENT  
LUSAKA

## **PREFACE**

This Abstract is part of the Zambian Parliamentary Procedure Abstract Series and describes the role of a Member of Parliament. It outlines the responsibilities of a Member to his/her political party, constituency and the House. It also explains the vacation of office of a Member of Parliament on defection. It is based on the provisions of the Constitution of Zambia.

It is hoped that, while this abstract is not exhaustive, it will serve as an easy reference guide.

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**CLERK OF THE NATIONAL ASSEMBLY**

## **INTRODUCTION**

A Member of Parliament is a representative of the people. A Member of Parliament is the bridge between Government and the people. He/she is also a legislator. A Member of Parliament enlightens the people of his constituency on several matters pertaining to the Government and the Parliament.

The Constitution of Zambia provides that a person qualifies to be elected as a Member of Parliament if:

- he/she is a citizen of Zambia;
- he/she has attained the age of twenty one (21) years; and
- he/she is literate and conversant with the official language of Zambia.

A Member of Parliament must be elected by the people through a parliamentary election or nominated by the President of Zambia. A person seeking to be elected as a Member of Parliament may use a political party ticket or may stand as an independent candidate. Once elected to the House under a party ticket, a Member of Parliament is expected to maintain membership of that political party until the dissolution of the National Assembly or if there is a change that Member has to vacate his/her seat in the House.

A Member of Parliament has multifarious responsibilities, which include the following:

### **1. Party Responsibilities**

In a multi-party parliamentary democracy, individuals become members of political parties because they believe that their party policies are broadly correct though they may disagree in a few areas. Candidates are voted to Parliament with the endorsement of their parties. Consequently, a Member of Parliament has the responsibility to articulate his/her party's policies both in the constituency and in the House.

### **2. Constituency Responsibilities**

As an elected representative of a constituency in Parliament, a Member of Parliament maintains close contact with the area he or she represents. As a link between the people and the Government, a Member of Parliament has the responsibility to:

- a) participate in and assist the local councils in planning developmental projects in the district which can be funded by the council itself, or by helping in soliciting funds from the Government for intended developmental projects, or influence Non-Governmental Organisations and donor agencies to fund such projects, and help in explaining Government policy to councilors;
- b) study the needs and anxieties of his constituents, irrespective of their political affiliation, so that they too can be included in development programmes. He/she, therefore, needs to know his/her constituency geographically and also have the ability to articulate the needs and problems of his/her constituents effectively in Parliament;
- c) be a link, by virtue of being a Member, between the constituents and the Legislature. As a result, his/her duty is to present and interpret Government's policies, decisions and views to the people in the most simplified manner possible. He/she also has to keep his constituents well and fully informed of the general political policies and his/her own endeavours; and
- d) encourage and lead his/her constituents in the social and economic development of their localities. This demands regular meetings, resource mobilisation for development and other contacts throughout the constituency.

### **3. Parliamentary Responsibilities**

The responsibilities of a Member of Parliament in the House are complex and varied.

In as much as a Member owes his/her allegiance to his constituency, he/she owes it also to Parliament, once he/she is sworn in as a Member. Parliament occupies a special place in Zambia because it is the safeguard of liberty, independence, prosperity and democracy. It is in this institution that the Zambian people, through their Members of Parliament, air their grievances and differences, and where a consensus of action is arrived at for uplifting the standard of living of the Zambian people.

Thus, the main functions of a Member of Parliament in the House can best be summed up as follows:-

- a) to make laws: he/she either presents Bills himself/herself known as "Private Member's Bills" or contributes to Bills presented by the Government;
- b) to vote money for public expenditure and approve taxation measures; and

- c) to oversee Government activities and subject them to detailed scrutiny, through such mechanisms as questions to Ministers, Motions and participation in parliamentary Committees and debates.

In order for Members of Parliament to diligently carry out the aforementioned functions, it is imperatively understood that parliamentary business is paramount or takes precedence over all other matters as far as a Member of Parliament is concerned. That is, all Members of Parliament, whether Ministers or not, are not to absent themselves from attending to parliamentary business without prior permission from the Speaker.

### **VACATION OF OFFICE OF A MEMBER**

The Constitution of Zambia, as amended by Act No 18 of 1996, Article 71, Section 2(c), states that a member of the National Assembly vacates his seat in the Assembly if he becomes a member of a political party other than the party under which he was elected to the National Assembly. On the other hand, if, having been an independent candidate, he joins a political party or having been a member of a political party, he becomes an independent, he also cannot be allowed to continue as a Member of Parliament.

The above constitutional provision entails that a member's seat becomes vacant if he or she ceases to be a member of the political party to which he or she belonged immediately before his election to the House. The mandate to represent the electorate stands, so long as the elected member continues to be a member of the political party whose manifesto and seat he or she had used for election into the House. Upon joining another political party, therefore, the Member is expected to go back to the people to seek re-election if he or she wants to continue to be a Member of Parliament; otherwise the Member loses his or her seat.

The above notwithstanding, Article 72, clause 1(a) of the Constitution states that the High Court shall have power to hear and determine any question whether:

*“any person has been validly elected or nominated as a member of the National Assembly or **the seat of any member has become vacant**”.*

Furthermore, clause 2 of the same Article states that –

*“an appeal from the determination of the High Court under this Article shall lie to the Supreme Court”.*

## **CONCLUSION**

In the light of the foregoing, it can be stated that even if a Member's seat becomes vacant on the grounds of defection or for any other reason, the affected Member may wish to appeal to the High Court for determination on the seat of that Member becoming vacant. After studying all the facts before it, the High Court may either uphold that, the Member's seat has become vacant or overrule the decision to declare his/her seat vacant. In case the Member is still not happy with the High Court's decision, he/she may appeal to the Supreme Court which has the final decision to determine his/her position.

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