NATIONAL ASSEMBLY OF ZAMBIA

PARLIAMENTARY PROCEDURE

1

ABSTRACT SERIES

LEGISLATIVE PROCESS: STAGES THROUGH WHICH A BILL PASSES TO BECOME LAW

NATIONAL ASSEMBLY
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PREFACE

This Abstract is part of the Zambian Parliamentary Procedure Abstract Series, and describes the legislative process. It is based on the 1991 Constitution of the Republic of Zambia as amended by Act No 18 of 1996 and the National Assembly of Zambia Standing Orders of 2005. It is intended to provide basic information on the legislative process and serve as a quick reference.

However, the information contained in this abstract is not exhaustive.

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INTRODUCTION

One of the main functions of Parliament is to legislate, that is, to make laws. In all democracies, this function is enshrined in the Constitution. In the case of Zambia, Parliament derives its authority to legislate from Article 62 of the Constitution, which states that:

> "The legislative power of the Republic of Zambia shall vest in Parliament which shall consist of the President and the National Assembly."
>
> *Furthermore, Article 78(1) of the Constitution provides that:*
>
> *"subject to the provisions of this Constitution, the legislative power of Parliament shall be exercised by Bills passed by the National Assembly and assented to by the President".*

In making laws, there is a procedure that Parliament strictly adheres to in enacting a new law or amending or repealing an existing one.

BILLS

A Bill is a proposed law and no Bill can become law without being passed by the National Assembly and assented to by the President. Before a Bill is passed into law, it goes through various stages in Parliament, starting with the First Reading up to the third reading. The first stage is only a presentation stage when the Bill is read for the first time in the House.

There are three types of Bills, and these are:

(a) Government Bills;

(b) Private Members' Bills; and

(c) Private Bills.

Government and Private Member's Bills are called Public Bills when they affect the public as a whole. The difference between the two, however, is that a Government Bill is one which is introduced by a Minister, whereas a Private Member's Bill is one brought up at the initiative of a back-bencher.

A Private Bill is one, which is promoted by persons or bodies outside the House and only affects a limited section of the public. It is, however, introduced in the House by a backbencher following the lodging of a petition signed by the promoters of that Bill.

A Bill introduced in the House must go through the following stages to become law:

(a) First Reading

The First Reading of the Bill is a formality. The Bill is presented and read for

the first time. No debate takes place and the Hon Mr Speaker refers the Bill to the relevant Committee. The purpose of doing this is to subject the Bill to a detailed scrutiny and the Committee, thereafter, reports to the House. For the Committee to come up with a Report on the Bill, consultations with various stakeholders are conducted. The Committee Report is used for informing the debate in the House on the Bill. There is no set time limit within which a Bill should be published before being introduced in the House.

However, under Article 79 (2) (a) of the Constitution, a Bill for the alteration of the Constitution should be published in the *Government Gazette for* not less than thirty (30) days before the First Reading. This requirement applies to Bills, which seek to amend the Constitution.

(b) Second Reading

This is the most important stage in the legislative process of a Bill. At this stage, the principle behind the Bill is debated in detail. The Member responsible for the Bill reads a prepared speech which gives detailed explanations of what is involved in the Bill and its implications and he/she outlines the advantages and disadvantages as perceived by him/her. This is followed by a general debate on the Bill, which is informed by the report of the relevant Committee on the Bill.

During the debate, unless one has been misquoted or one needs to clarify a point made earlier, a Member speaks only once to ensure that as many Members as possible have an opportunity to contribute to the debate. The only exception to this rule is that the initiator of the Bill reserves the right to wind up the debate.

At the end of the debate, the Speaker puts the question to the House that the Bill be read a second time. Members indicate by saying "AYE," if they are in favour of the Bill or "NO," if they are against it.

If the "AYES" are in the majority, Mr. Speaker orders the Bill to be read a second time. If, on the other hand, the "NOES" are in the majority, the Bill is withdrawn and it cannot be reintroduced during the same Session.

If there is a dispute as to whether the "AYES or the "NOES" are in the majority, a Division is called.

In the case of a Bill to amend the Constitution, when the question is put by Mr. Speaker that the Bill be read a second time, a vote is immediately conducted and the Bill requires the support of at least two-thirds of the total membership of the House on Second Reading.

(c) Committee Stage

At this time, a Bill is ordered to be considered by the Committee of the whole House. The Committee examines the Bill in detail, clause by clause. Members are free to speak more than once and may introduce amendments provided such amendments are compatible with the Bill.

The Committee Stage is chaired by the Deputy Speaker or the Deputy Chairman of Committees.

(d) Report Stage

The Report Stage is in practice similar to the Committee Stage except that, here, only additional amendments to the Bill not moved at the Committee stage, and not Clauses, are considered. If a Bill has not been amended at Committee Stage, the Third Reading is promptly proceeded with.

The Report Stage affords Members an opportunity to make further amendments of which notice would have been given. During this stage, Mr Speaker presides over the proceedings.

(e) Third Reading

The next stage of the Bill is the Third Reading. Here the Bill is reviewed in its final form and no debate takes place. When the question has been put and agreed to, the Bill is deemed to have been passed and, thereafter, is presented to the President for assent.

The only exception again is a Bill to amend the Constitution, which has to be passed at Third Reading with at least two-thirds majority of all Members of the Assembly.

Presidential Assent

A Bill is presented to the President for his/her assent only after three days from the date of the third reading of the Bill. If the President gives his/her assent to the Bill it becomes law (an Act of Parliament) and takes effect immediately it is published in the *Government Gazette.* The President can, however, withhold his assent to any Bill, in which case the Bill is returned to the National Assembly. Such a Bill is returned to the House with a message for the National Assembly to reconsider the Bill and if the National Assembly thereafter passes the Bill on a motion supported by a two-thirds majority the Bill is again presented for assent to the President.

When a Bill is again presented to the President for assent, the President should assent to the Bill within twenty-one days of its presentation, unless he/she sooner dissolves Parliament.

In the exercise of legislative power in the House, to the enactment of the laws of Zambia, the Legal Department monitors the progress of Bills in the House, the Presidential assent and the publication of the Act in the *Government Gazette.* Members who may want to trace the debate on any Bill afterwards may check with the Legal Department for dates and days from the Bills register and thereafter may read the debates from the *Daily Parliamentary Debates.*