
THE CONSTITUTIONAL COURT ACT, 2016

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY PROVISIONS

Section

1. Short title
2. Interpretation

PART II

CONSTITUTION AND GENERAL POWERS OF THE COURT

3. Constitution of Court
4. Sittings of Court
5. Powers of single judge of Court
6. Restriction regarding sitting on appeals
7. Seal
8. Jurisdiction of Court
9. Practice and procedure
10. Process and execution of judgment of Court
11. Right of audience
12. Friend of Court

PART III

EVIDENCE

13. Summoning and compelling attendance of witnesses
14. Refusal to be sworn or to give evidence
15. Evidence of bystander
16. Evidence of prisoner
17. Allowances to witnesses
18. Inspection
19. Evidence of Zambian customary law and assessors
20. Record of evidence, etc
21. Recording of proceedings
22. Perjury

PART IV

APPEALS

23. Right of appeal
24. Restrictions on appeals
25. Powers of Court on appeal

PART V
GENERAL PROVISIONS

26. Registrar and officers of Court
27. Establishment of Registry
28. Administration of oaths
29. Warrant for production of appellant before Court
30. Costs
31. Rules of Court
32. Transitional provisions

(5) The determination of any question before the Court shall be according to the opinion of the majority of the judges of the Court hearing the case.

4. (1) The sittings of the Court shall usually be held at Lusaka but may be held at such other place in accordance with a circuit schedule issued by the Chief Justice.

Sittings of Court

(2) Subject to the provisions of this Act, the Court shall, at a sitting, be composed of such judges of the Court as the President may direct.

5. A single judge of the Court may exercise a power vested in the Court not involving the decision of an appeal or a final decision in the exercise of its original jurisdiction.

Powers of single judge of Court

6. A judge of the Court shall not sit on the hearing of an appeal or exercise power under section five in respect of an appeal from a judgment given by that judge or a judgment given by a court of which that judge sat as a member.

Restriction regarding sitting on appeals

7. The Court shall have a seal approved by the Chief Justice.

Seal

8. (1) Subject to Article 28 of the Constitution, the Court in exercise of its original and final jurisdiction may determine—

Jurisdiction of Court
Cap. 1

(a) a matter relating to the interpretation of the Constitution;

Cap. 1

(b) a matter relating to a violation or contravention of the Constitution;

Cap. 1

(c) a petition to challenge the nomination of a candidate for election as Republican President;

(d) a matter relating to the Republican President, Vice President or the election of a Republican President;

(e) appeals relating to election of Members of Parliament and councillors;

(f) an application to review a decision of the Electoral Commission of Zambia in the delimitation of constituencies and wards;

(g) a matter referred to the Court by the Republican President pursuant to the Constitution; and

Cap. 1

(h) whether or not a matter falls within the jurisdiction of the Court.

(2) Subject to Article 28 (2) of the Constitution, where a question relating to the Constitution arises in a court, the person presiding in that court shall refer the question to the Court.

Cap. 1

- Cap. 1 (3) Subject to Article 28 of the Constitution, a person who alleges that—
- (a) an Act of Parliament or statutory instrument;
 - (b) an action, measure or decision taken under any written law; or
 - (c) an act, omission, measure or decision by a person or an authority;
- Cap. 1 contravenes the Constitution, may petition the Court for redress.
- (4) The Court shall hear and determine—
- (a) appeals from the High Court to challenge the election of a Member of Parliament;
 - (b) appeals from a tribunal; and
 - (c) any other matter as may be conferred upon it by or under the Constitution or any other written law.
- Cap. 1
- Practice and procedure 9. The jurisdiction vested in the Court shall, as regards practice and procedure, be exercised in the manner provided by this Act and the rules.
- Process and execution of judgment of Court 10. Service of the process of the Court may be effected throughout Zambia and a judgment of the Court shall be executed and enforced in like manner as if it were a judgment of the High Court.
- Right of audience 11. (1) The parties to a matter before the Court may appear in person or be represented and appear by a practitioner.
- (2) Subject to subsection (1), a Court proceeding may be instituted by—
- (a) a person acting on behalf of another person who cannot act in their own name;
 - (b) a person acting as a member of, or in the interest of, a group or class of persons;
 - (c) a person acting in the public interest; or
 - (d) an association acting in the interest of one or more of its members.
- (3) The Public Protector may bring an action before the Court in accordance with the Constitution.
- Cap. 1
- Friend of Court 12. (1) The Court may allow a person with expertise in a particular matter which is before the Court to appear as a friend of the Court.

