

PRESS STATEMENT BY THE GOVERNMENT CHIEF WHIP, HON B MUNDUBILE, MP, ON THE DEFERMENT OF THE CONSTITUTION OF ZAMBIA (AMENDMENT) BILL N.A.B. 10 OF 2019, ISSUED ON 25TH JUNE, 2020

Members of the Press, Ladies and Gentlemen, good morning and welcome to this Press briefing. I would like to shed more light on the deferment of the Constitution of Zambia (Amendment) Bill, N.A.B 10 of 2019 from yesterday, Wednesday, 24th June, 2020, to another date during the course of this Meeting.

Let me begin by reminding you, and through you, the general public that the Constitution of Zambia (Amendment) Bill, N.A.B 10 of 2019, was presented to the House for First Reading on Friday, 2nd August, 2019. Since it was presented in the Third Session of the Twelfth National Assembly, the Bill lapsed by reason of prorogation of the House. However, and in accordance with Standing Order 126 of the National Assembly of Zambia Standing Orders, 2016, the House, on Tuesday, 3rd December, 2019, resolved to restore the Bill to the Order Paper for consideration at the Second Reading Stage.

Consequently, the Bill was placed on the Order Paper of Wednesday, 4th December, 2019 as an Order of the Day. However, during the debate, the Hon Minister of Justice sought leave of the House to defer the consideration of the Bill to a later date. Debate on the Bill was accordingly deferred to a later date.

Subsequently, on Tuesday, 17th March, 2020, the Bill was again placed on the Order Paper for Resumption of Debate on the Bill. Debate on the question was not concluded on that day and spilled over to Wednesday, 18th March, 2020.

However, on that day, 18th March, 2020, the House adjourned prematurely at the behest of the Members of Parliament, due to the outbreak of the Coronavirus - 2019 pandemic without finalising the Bill.

Ladies and Gentlemen, at the time of the premature adjournment, the Constitution of Zambia (Amendment) Bill, N.A.B 10 of 2019 was on the Order Paper as an Order of the Day and was not concluded.

Therefore, when the House resumed transacting business on Tuesday, 23rd June, 2020, the Constitution of Zambia (Amendment) Bill, N.A.B 10 of 2019, was placed on the Order Paper, but the debate on the Bill could not resume because the Hon Mr Speaker had not concluded rendering a Ruling at the time of adjournment. The Bill was, therefore, placed on the Order Paper again, for resumption of debate on Wednesday, 24th June, 2020.

During the debate, the Hon Minister of Justice sought leave of the House to further adjourn debate to a later date within the current Meeting.

Allow me to point out that the Standing Orders Committee derives its powers from the National Assembly of Zambia Standing Orders, 2016, which in turn derive their authority from Article 77(1) of the Constitution of Zambia, Chapter 1 of the Laws of Zambia. Article 77(1) is expressed in the following terms:

“77. (1) Subject to this Article and Article 78, the National Assembly shall regulate its own procedure and make Standing Orders for the conduct of its business.”

Pursuant to Article 77(1) of the Constitution, the National Assembly of Zambia promulgated the National Assembly of Zambia Standing Orders, 2016. And the Standing Orders Committee is established pursuant to Standing Order 149 of the National Assembly of Zambia Standing Orders, 2016. Standing Order 149 provides as follows:

"149 (1) There is hereby established the Standing Orders Committee comprising the Speaker, the Leader of Government Business in the House, the Leader of the Opposition, party whips and four other members appointed by the Speaker.

(2) The Speaker shall be the Chairperson of the committee.

(3) In addition to other duties placed upon it by an Order of the Assembly, the Standing Orders Committee shall consider all proposals for the amendments to these Standing Orders.

(4) The Standing Orders Committee shall appoint members to serve on a committee of the House.

(5) The Committee may circulate the reports and recommendations of the committee to members of the Assembly and, if within the prescribed period no objection in writing signed by a member has been received by the Clerk, the reports or recommendations shall be deemed to have

been approved by the Assembly. The prescribed period shall not be less than four sitting days if the House is in session and twenty-one days if the House stands adjourned:

Provided that-

- (a) On representation from the Speaker that the matter is urgent, the Standing Orders Committee may prescribe a shorter period; and*
- (b) If an objection is received from a Member within the prescribed period, the Committee may consider the validity of such objection and may either cause the report or recommendation to be brought up for consideration by the House or resolve that the report or recommendation be deemed approved by the Assembly, in which case the report or recommendation shall be deemed approved."*

The current composition of the Standing Orders Committee is as follows:

- (1) The Speaker as Chairperson;
- (2) Her Honour the Vice-President as Leader of Government Business in the House;
- (3) Hon Dr B K E Ng'andu, MP, Minister of Finance;
- (4) Hon J J Mwiimbu, MP, as Leader of the Opposition;
- (5) Hon B Mundubile, MP, as Government Chief Whip;
- (6) Dr S Musokotwane, MP, as UPND Whip;

- (7) Dr J K Chanda, MP;
- (8) Mr H Kunda, MP;
- (9) Ms M Subulwa, MP; and
- (10) Mr D M Kundoti, MP.

The Standing Orders Committee is the highest decision making body in the National Assembly of Zambia and is charged with responsibility to consider all proposals for the amendment of the Standing Orders and other Rules of Procedure.

You may wish to know that there is no express provision in the National Assembly of Zambia Standing Orders, 2016 which governs the time within which a Bill must be considered at any one stage of enactment. Nonetheless, the *National Assembly Manner of Putting the Question and Procedural Notes Handbook*, which forms part of the Procedures and Practices of the House, states, at page 11, as follows:

"NB: (a) If a Bill is deferred for six (6) months, it is killed."

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In short, a Bill that has been deferred for six (6) months lapses in terms of Parliamentary practice and procedure. In this case, the Bill lapsed on Thursday, 4th June, 2020, having been deferred on 4th December, 2019. However, at the time it lapsed, the House was on recess. And had it not been for the premature

adjournment in the February-March Meeting, the Second Reading Stage could have been probably been concluded one way or another.

Ladies and Gentlemen, in view of the foregoing, the Standing Orders Committee met on Wednesday, 24th June, 2020, to consider the request by the Hon Minister of Justice, to defer further the consideration of the Bill to a date not later than the last day of this Meeting.

Following deliberations by the Standing Orders Committee, it was resolved to extend the life of the Constitution of Zambia (Amendment) Bill, N.A.B 10 of 2019 to a date not later than the last day of this Meeting.

I thank you
