

**THE SERVICE COMMISSIONS (AMENDMENT) BILL,
2013**

MEMORANDUM

The object of this Bill is to amend the Service Commissions Act to reconstitute the membership of the Judicial Service Commission.

M. MWENYE,
Solicitor-General

GOVERNMENT OF ZAMBIA

A BILL

ENTITLED

An Act to amend the Service Commissions Act

ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the Service Commissions (Amendment) Act, 2013, and shall be read as one with the Service Commissions Act in this Act referred to as the principal Act.

Short title

Cap. 259

5 2. The principal Act is amended by the repeal of section *three* and the substitution therefor of the following:

Repeal and replacement of section 3

Cap. 1

(1) The Judicial Service Commission established by the Constitution shall be composed of—

- 10 (a) the Chairperson, appointed by the President;
- (b) the Chief Justice;
- (c) the Attorney General, with the Solicitor-General as the alternate;
- 15 (d) the Chairperson of the Public Service Commission or such other member of that Commission as may, for the time being, be designated in that behalf by the Chairperson of that Commission;
- (e) a judge nominated by the Chief Justice;
- (f) a member of the National Assembly appointed by the Speaker of the National Assembly;
- 20 (g) a representative of the Law Association of Zambia, nominated by that Association and appointed by the President;
- (h) the Dean of a Law School of a public higher education institution nominated by the Minister responsible for justice; and
- 25 (i) one member appointed by the President.

(2) The Vice-Chairperson of the Commission shall be elected by the members from amongst themselves, except that the members referred to in paragraphs (b), (c) and (e) of subsection (1) shall not be appointed or elected as Vice-Chairperson.

(3) A person shall be qualified for appointment under paragraph 5 (i) of subsection (1) if that person holds or has held high judicial office, and a person appointed under that paragraph or paragraph (h) of subsection (1)—

(a) shall, subject to paragraph (b), vacate office at the expiration of three years from the date of appointment; 10
and

(b) may be removed from office by the President, but shall not be so removed except for inability to discharge the functions of office, whether arising from infirmity of body or mind, or for misbehaviour. 15