

The Laws of Zambia

REPUBLIC OF ZAMBIA

**THE NATIONAL ASSEMBLY
(POWERS AND PRIVILEGES) ACT**

CHAPTER 12 OF THE LAWS OF ZAMBIA

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ACT**

**THE NATIONAL ASSEMBLY
(POWERS AND PRIVILEGES) ACT**

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CHAPTER 12

NATIONAL ASSEMBLY (POWERS AND PRIVILEGES)

An Act to declare and define certain powers, privileges and immunities of the National Assembly and of the members and officers of such Assembly; to secure freedom of speech in the National Assembly; to regulate admittance to the precincts of the National Assembly; to give protection to the persons employed in the publication of the reports and other papers of the National Assembly; and to provide for matters incidental to or connected with the foregoing.

34 of 1956
4 of 1957
68 of 1957
6 of 1970
23 of 1976
13 of 1994
Government Notices
421 of 1962
497 of 1964
Statutory Instrument
174 of 1965

[28th September, 1956]

PART I PRELIMINARYPART I

PRELIMINARY

1. This Act may be cited as the National Assembly (Powers and Privileges) Act. Short title
2. In this Act, unless the context otherwise requires- Interpretation

"Assembly" means the National Assembly;

"authorised committee" means any standing committee, sessional committee or select committee of the Assembly;

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"Clerk" means the Clerk of the Assembly and includes any person acting as such on the authority of the Speaker;

"committee" means any standing, select or other committee of the Assembly;

"meeting" means the period between the time when the Assembly first assembles after being summoned and the time at which it is adjourned *sine die*;

"member" means any member of the Assembly and includes the Speaker;

"officer" means the Clerk or any other officer or person acting within the precincts of the Assembly Chamber under the orders of the Speaker;

"precincts of the Assembly Chamber" means the chamber in which the Assembly sits in session for the transaction of business, together with the offices, rooms, lobbies, galleries, courtyards, gardens and other places provided for the use or accommodation of members, officers or strangers, and any passages connecting such places, and any other places immediately contiguous thereto as may from time to time be designated by the Speaker;

"Standing Orders" means the Standing Rules and Orders of the Assembly which came into force on the 2nd August, 1974, and any order or rules of procedure amending or replacing them made in pursuance of the provisions of the Constitution; Cap. 1

"stranger" means any person other than a member or an officer;

"votes and proceedings" means the official daily record of the proceedings in the Assembly.

*(As amended by No. 68 of 1957, S.I. No. 174 of 1965
and No. 23 of 1976)*

PART II PRIVILEGES OF THE ASSEMBLY AND ITS OFFICERSPART II

PRIVILEGES OF THE ASSEMBLY AND ITS OFFICERS

3. There shall be freedom of speech and debate in the Assembly. Such freedom of speech and debate shall not be liable to be questioned in any court or place outside the Assembly. Freedom of speech
and debate

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4. No civil or criminal proceedings may be instituted against any member for words spoken before, or written in a report to, the Assembly or to a committee thereof or by reason of any matter or thing brought by him therein by petition, Bill, resolution, motion or otherwise. Immunity from legal proceedings
5. For the duration of a meeting members shall enjoy freedom from arrest for any civil debt except a debt the contraction of which constitutes a criminal offence. Freedom from arrest
6. (1) No member or officer shall be required to serve as an assessor at any proceedings in any court or other place. Exemption from certain services
- (2) Save by the leave of the Assembly first obtained, no member or officer shall be required, while attending the Assembly, to attend as a witness in any civil proceedings in any court or in any proceedings before any commission appointed under the Inquiries Act, unless that court or commission holds its sittings at the seat of the Assembly. Cap. 41
7. (1) No stranger shall be entitled, as of right, to enter or remain within the precincts of the Assembly Chamber and the Speaker or any officer authorised in that behalf by the Speaker may at any time order any stranger to withdraw therefrom. Power to exclude strangers
- (2) The Speaker may issue such orders as he may in his discretion deem necessary or desirable for the regulation of the admittance of strangers to, and the conduct of strangers within, the precincts of the Assembly Chamber.
- (3) The exhibition in a conspicuous position in the precincts of the Assembly Chamber of a copy, duly authenticated by the Clerk, of any orders made by the Speaker under this section shall be deemed to be sufficient notice to all persons affected thereby.
8. (1) No member or officer and no person employed to take or transcribe minutes of evidence before the Assembly or any committee shall give evidence elsewhere respecting the contents of such minutes of evidence or of the contents of any document laid before the Assembly or committee, as the case may be, or respecting any proceedings or examination held before the Assembly or committee, as the case may be, without the special leave of the Assembly first had and obtained. Evidence of proceedings in Assembly or committee not to be given without leave
- (2) The special leave referred to in subsection (1) may be given during a recess or adjournment by the Speaker.
9. Notwithstanding anything to the contrary, no process issued by any court of Zambia or outside Zambia in the exercise of its civil jurisdiction shall be served or executed within the precincts of the Assembly Chamber while the Assembly is sitting, or through the Speaker or any officer of the Assembly, nor shall any member be arrested on civil process, save by the leave of the Speaker first obtained, while he is within the precincts of the Assembly and while the Assembly is sitting. Civil process not to be served nor members arrested on civil process within precincts of the Assembly Chamber

PART III EVIDENCEPART III

EVIDENCE

10. The Assembly or any authorised committee may, subject to the provisions of sections *thirteen*, *fourteen* and *twenty*, order any person to attend before the Assembly or before such committee and to give evidence or to produce any paper, book, record or document in the possession or under the control of such person.

Power to order attendance of witnesses

(As amended by Act No. 23 of 1976)

11. (1) Any order to attend to give evidence or to produce documents before the Assembly or an authorised committee shall be notified to the person required to attend or to produce documents by a summons under the hand of the Clerk issued by the direction of the Speaker.

Attendance to be notified by summons

(2) In every summons under subsection (1) there shall be stated the time when and the place where the person summoned is required to attend and the particular documents which he is required to produce. The summons shall be served on the person mentioned therein either by delivering to him a copy thereof or by leaving a copy thereof at his usual or last known place of abode in Zambia with some adult person; and there shall be paid or tendered to the person so summoned, if he does not reside within eight kilometers of the place of attendance specified in the summons, such sum for his expenses as may be specified by standing order.

(3) A summons under this section may be served by an officer or by a police officer.

(As amended by Act No. 23 of 1976)

12. (1) The Assembly or any authorised committee may require that any facts, matters and things relating to the subject of inquiry before the Assembly or such committee be verified or otherwise ascertained by the oral examination of witnesses, and may cause any such witnesses to be examined upon oath.

Witnesses may be examined on oath

(2) An oath required to be taken under the provisions of this section may be administered by the Clerk or by any other person appointed by the Assembly for that purpose, or, in the case of a witness before a committee, by the chairman of the committee or by the member presiding in the absence of the chairman, or by the clerk to the committee.

13. (1) Where any person ordered to attend to give evidence or to produce any paper, book, record or document before the Assembly refuses to answer any question that may be put to him or to produce any such paper, book, record or document on the ground that the same is of a private nature and does not affect the subject of inquiry, the Speaker may excuse the answering of such question or the production of such paper, book, record or document, or may order the answering or production thereof.

Objection to answer question or produce papers

(2) Where any person ordered to attend to give evidence or to produce any paper, book, record or document before any authorised committee refuses to answer any question that may be put to him or to produce any such paper, book, record or document on the ground that the same is of a private nature and does not affect the subject of inquiry, the chairman of the committee may report such refusal to the Speaker with the reasons therefor; and the Speaker may thereupon excuse the answering of such question or the production of such paper, book, record or document, or may order the answering or production thereof.

14. (1) Every person summoned to attend to give evidence or to produce any paper, book, record or document before the Assembly or an authorised committee shall be entitled, in respect of such evidence or the disclosure of any communication or the production of any such paper, book, record or document, to the same rights and privileges as before a court of law.

Privileges of witnesses

(2) Except with the consent of the President, no person shall-

(a) produce before the Assembly or a committee any paper, book, record or document; or

(b) give before the Assembly or a committee evidence;

relating to the correspondence of any naval, military or air force matter, nor shall secondary evidence be received by or produced before the Assembly or a committee of the contents of any such paper, book, record or document.

(3) Except upon the direction of the President, no person shall refuse-

(a) to produce before the Assembly or a committee any paper, book, record or document; or

(b) to give before the Assembly or a committee evidence;

relating to the correspondence of any civil department or to any matter affecting the public service; and secondary evidence shall not be received by or produced before the Assembly or a committee of the contents of any such paper, book, record or document which the President has directed shall not be produced.

(As amended by No. 6 of 1970)

15. (1) Every witness before the Assembly or an authorised committee who shall answer fully and faithfully any questions put to him by the Assembly or such committee to its satisfaction shall be entitled to receive a certificate stating that such witness was upon his examination so required to answer and did answer any such question.

Certificate issued to witnesses making full disclosure to be a bar to civil or criminal proceedings

(2) Every certificate under subsection (1) shall, in the case of a witness before the Assembly, be under the hand of the Speaker, and in the case of a witness before a committee, be under the hand of the chairman thereof.

(3) On production of such certificate to any court of law, such court shall stay any proceedings, civil or criminal, except for a charge under section *one hundred and four* or *one hundred and twenty-five* of the Penal Code, against such witness for any act or thing done by him before the time and revealed by the evidence of such witness, and may, in its discretion, award to such witness the expenses to which he may have been put. Cap. 87

16. Any person who before the Assembly or any authorised committee intentionally gives a false answer to any question material to the subject of inquiry which may be put to him during the course of any examination shall be guilty of an offence against section *one hundred and four* of the Penal Code. False evidence
Cap. 87

17. Any person who-

- (a) tampers with, deters, threatens, molests, beguiles or in any way unduly influences any witness in regard to any evidence to be given by him before the Assembly or any committee; or
- (b) threatens, molests or in any way punishes, damnifies or injures or attempts to punish, damnify or injure any person for having given evidence before the Assembly or any committee or on account of any evidence which he has given before the Assembly or any committee;

Interference with
witnesses

shall be liable on conviction to a fine not exceeding five thousand penalty units or to imprisonment with or without hard labour for a term not exceeding twelve months, or to both.

(As amended by Act No. 13 of 1994)

18. Any person who presents to the Assembly or to any committee any false, untrue, fabricated or falsified document with intent to deceive the Assembly shall, where such presentation does not constitute an offence under section *sixteen*, be liable on conviction to a fine not exceeding one thousand penalty units or to imprisonment with or without hard labour for a term not exceeding six months, or to both. False documents

(As amended by Act No. 13 of 1994)

19. Any person shall be guilty of an offence who-

- (a) having been called upon to give evidence before the Assembly or an authorised committee thereof refuses to be sworn or make an affirmation; or
- (b) being a witness misconducts himself; or
- (c) causes an obstruction or disturbance within the precincts of the Assembly Chamber during a sitting of the Assembly or of a committee thereof; or
- (d) shows disrespect in speech or manner towards the Speaker; or
- (e) commits any other act of intentional disrespect to or with reference to the proceedings of the Assembly or of a committee of the Assembly or to any person presiding at such proceedings.

Contempts

- 20.** Where at any time any question arises in the Assembly or in a committee regarding-
- (a) the right or power of the Assembly or committee to hear, admit or receive oral evidence; or
 - (b) the right or power of the Assembly or committee to peruse or examine any paper, book, record or document or to summon, direct or call upon any person to produce any paper, book, record or document before the Assembly or committee; or
 - (c) the right or privilege of any person (including a member of the Assembly or committee) to refuse to produce any paper, book, record or document or to lay any paper, book, record or document before the Assembly or committee;

Questions relating to evidence and production of documents before the Assembly or a committee to be determined in accordance with usage of Parliament

that question shall, subject to the preceding provisions of this Act, and except in so far as express provision is made in those provisions for the determination of that question, be determined in accordance with the usage and practice of other Commonwealth Parliaments.

(As amended by Act No. 23 of 1976)

PART IV OFFENCES AND PENALTIESPART IV

OFFENCES AND PENALTIES

- 21.** For every offence under this Act for which no other penalty is specially provided, the offender shall be liable on conviction to a fine not exceeding five hundred penalty units or to imprisonment with or without hard labour for a term not exceeding three months, or to both.

Penalty where not otherwise provided

(As amended by Act No. 13 of 1994)

- 22.** (1) Any person who offers to any member or officer or to any person who is an employer, a partner or in the service of any member, either directly or indirectly, any bribe, fee, compensation, gift or reward in order to influence such member or officer in his conduct as such member or officer or for or in respect of the promotion of or opposition to any Bill, resolution, matter, rule or thing submitted to, or intended to be submitted to, the Assembly shall be guilty of an offence.

Corrupt or improper practices

- (2) Any member or officer or any person who is an employer, a partner or in the service of any member who demands, accepts or receives, directly or indirectly, any bribe, fee, compensation, gift or reward the offering of which is or would be an offence under this section shall likewise be guilty of an offence.

- (3) Any person who commits an offence under this section shall be liable on conviction to a fine not exceeding ten thousand penalty units or to imprisonment with or without hard labour for a term not exceeding three years, or to both.

(4) In any proceedings against any person for an offence under this section, the court may, if it finds the offence proved-

- (a) order that the value or the amount of any bribe, fee, compensation, gift or reward offered or accepted or received in contravention of this section shall be forfeit; or
- (b) order that the amount or the value of any bribe, fee, compensation, gift or reward accepted or received in contravention of this section shall be repaid by the person accepting or receiving the same, or by the person on whose behalf the same was accepted or received, to the person from whom it was accepted or received, or to the person on whose behalf such latter person was acting.

(As amended by Act No. 13 of 1994)

23. Any person shall be guilty of an offence who-

Other offences against members and officers

- (a) assaults, obstructs or insults any member or officer going to or from the precincts of the Assembly Chamber; or
- (b) endeavours to compel, either directly or indirectly, any member by force, insult or menace to declare himself in favour of, or against, any Bill, resolution, matter, rule or thing submitted to, or intended to be submitted to, the Assembly; or
- (c) assaults, interferes with, resists or obstructs any officer while in the execution of his duty as such officer; or
- (d) sends to any member any threatening letter, or challenges any member to a fight, on account of his conduct as such member.

24. Any person commits an offence who wilfully and without lawful cause fails to comply with, or contravenes, any order made under section *seven* or *ten*, or who wilfully fails to obey any other order of the Assembly whereby the Assembly is obstructed in the performance of its functions:

Disobedience

Provided that no offence is committed under this section unless the Speaker or an officer has drawn to the attention of the person concerned the fact that such failure or contravention is contrary to such order, and the person thereafter continues in such failure or contravention as aforesaid.

- 25.** Any person who- Other offences
- (a) publishes, save by the general or special leave of the Assembly, a report of any proceedings of the Assembly or any committee when such proceedings have not been held in public; or
 - (b) publishes any false or scandalous libel on the Assembly or any report which wilfully misrepresents in any way any proceedings of the Assembly or any committee; or
 - (c) publishes, save by the general or special leave of the Assembly, any paper, report or other document prepared expressly for submission to the Assembly before the same has been laid on the Table of the Assembly; or
 - (d) prints or causes to be printed a copy of any Act now or hereafter in force, or a copy of any report, paper or votes and proceedings of the Assembly as purporting to have been printed by the Government Printer, or by or under the authority of the Assembly, or of the Speaker, and the same is not so printed; or
 - (e) tenders in evidence any such copy as purporting to be so printed knowing that the same was not so printed; or
 - (f) creates or joins in any disturbance which interrupts or is likely to interrupt the proceedings of the Assembly while it is sitting; or
 - (g) publishes or prints any libels on any member concerning his character or conduct as a member and with regard to actions performed or words uttered by him in the course of the transaction of the business of the Assembly;

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand penalty units or to imprisonment with or without hard labour for a term not exceeding twelve months, or to both.

*(As amended by No. 4 of 1957 S.I. No. 174 of 1965,
No. 23 of 1976 and Act No. 13 of 1994)*

26. Every officer of the Assembly shall, for the purposes of this Act and of the application of the provisions of the criminal law, have all the powers and enjoy all the privileges of a police officer. Officers of the Assembly to have powers of police officer

27. No prosecution shall be instituted for an offence under this Act except by the Director of Public Prosecutions upon information given to him in writing by the Speaker. Sanction of Director of Public Prosecutions for prosecutions

(As amended by S.I. No. 174 of 1965)

28. (1) Where any member commits any contempt of the Assembly, whether specified in section *nineteen* or otherwise, the Assembly may, by resolution, either direct the Speaker to reprimand such member or suspend him from the service of the Assembly for such period as it may determine: Powers of the Assembly

Provided that such period shall not extend beyond the last day of the meeting next following that in which the resolution is passed, or of the session in which the resolution is passed, whichever shall first occur.

(2) No salary or allowance payable to a member of the Assembly for his service as such shall be paid in respect of any period during which he is suspended from the service of the Assembly under the provisions of this section.

(3) If any person not being a member commits a contempt, whether specified in section *nineteen* or otherwise, the Assembly may, by resolution, direct that the Speaker shall order such person to appear before the Assembly and that he shall, upon such attendance, reprimand him at the Bar of the Assembly.

(As amended by No. 68 of 1957)

PART V MISCELLANEOUSPART V

MISCELLANEOUS

29. Repealed by Act No. 23 of 1976

30. Upon any inquiry touching the privileges, immunities and powers of the Assembly or of any member, any copy of the votes and proceedings or Standing Orders printed or purporting to be printed by the Government Printer, or any copy of the votes and proceedings, or Standing Orders duly authenticated as such under the hand of the Clerk, shall be admitted as evidence of such votes and proceedings or Standing Orders in all courts and places without any further proof being given.

Votes and proceedings, printed by order of the Assembly to be admitted as evidence

(As amended by Act No. 23 of 1976)

31. Any person, being a defendant in any civil or criminal proceedings instituted for or on account or in respect of the publication by such person or by his servant, by order or under the authority of the Assembly of any reports, papers, minutes, votes or proceedings, may, on giving to the plaintiff or prosecutor, as the case may be, twenty-four hours' written notice of his intention, bring before the court in which such civil or criminal proceedings are being held a certificate under the hand of the Speaker stating that the reports, papers, minutes, votes or proceedings in respect whereof such civil or criminal proceedings have been instituted were published by such person or by his servant by order or under the authority of the Assembly together with an affidavit verifying such certificate, and such court shall thereupon immediately stay such civil or criminal proceedings and the same and every process issued therein shall be deemed to be finally determined.

Protection of persons responsible for publications authorised by the Assembly

32. In any civil or criminal proceedings instituted for publishing any extract from or abstract of any report, paper, votes and proceedings, referred to in section *twenty-five*, if the court be satisfied that such extract or abstract was published *bona fide* and without malice, it shall enter judgment or verdict, as the case may be, for the defendant or accused.

Publication of proceedings without malice

(As amended by Act No. 23 of 1976)

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33. The powers of the Assembly and of the Speaker under this Act shall be supplementary to any powers conferred by the Constitution or Standing Orders.

(As amended by G.N. No. 421 of 1962
and S.I. No. 174 of 1965)

Powers to be supplementary to powers under the Constitution. Cap. 1

34. Neither the Assembly, the Speaker nor any officer shall be subject to the jurisdiction of any court in respect of the exercise of any power conferred on or vested in the Assembly, the Speaker or such officer by or under the Constitution, the Standing Orders and this Act.

(As amended by Act No. 23 of 1976)

Courts not to exercise jurisdiction in respect of acts of the Assembly, Speaker and officers

35. (1) For the purposes of this section "absent", in relation to the Speaker or the Deputy Speaker, means-

Absence of the Speaker, etc.

- (a) that the office of Speaker or the office of Deputy Speaker is vacant; or
- (b) that the Speaker or the Deputy Speaker is incapable of, or is from any cause prevented from, performing the duties of the office of Speaker; or
- (c) that the Speaker or the Deputy Speaker is absent from Lusaka.

(2) For the duration of any period during which the Speaker is absent, the powers and privileges vested in the Speaker by this Act shall be vested in the Deputy Speaker.

(3) For the duration of any period during which both the Speaker and the Deputy Speaker are absent-

- (a) the powers and privileges vested in the Speaker by the provisions, other than sections *fifteen* and *thirty-one*, of this Act shall-
 - (i) in so far as they relate to any matter arising at a sitting of the Assembly for the transaction of business, be vested in such member of the Assembly as may be elected by the Assembly by virtue of the provisions of the Constitution to preside at the sitting of the Assembly when such matter arises; and
 - (ii) in so far as they relate to any other matter, be vested in such member of the Assembly as may be appointed for this purpose by the Assembly; and
- (b) the powers vested in the Speaker by sections *fifteen* and *thirty-one* shall be vested in the Clerk.

(No. 68 of 1957 as amended by G.N. No. 421 of 1962 S.I. No. 174 of 1965 and Act No. 23 of 1976)