

**THE LOCAL GOVERNMENT (AMENDMENT) BILL,
2026**

MEMORANDUM

The object of this Bill is to amend the Local Government Act, so as to—

- (a) extent the civic duties and responsibilities of a councillor to a member of a council; and
- (b) Provide for matters connected with, or incidental to, the foregoing.

M. D. KABESHA,
Attorney-General

A BILL

ENTITLED

An Act to amend the Local Government Act.

ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the Local Government (Amendment) Act, 2026, and shall be read as one with the Local Government Act, in this Act referred to as the principal Act.

Short title

Cap. 281

5 2. The principal Act is amended by the repeal of section 53 and the substitution therefor of the following:

Repeal and Replacement of section 53 Civic duties and responsibilities

10 53. (1) A councillor shall perform civic duties and responsibilities with dignity and integrity in accordance with the code of ethics set out in the Fifth Schedule.

(2) The civic duties and responsibilities set out in the Fifth Schedule shall apply to a Member of Parliament, a mayor or council chairperson and a chief sitting as a member of a council in accordance with Article 153 of the Constitution.

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Cap.1

3. The principal Act is amended by the repeal of the Third Schedule and the substitution therefor of the Third Schedule set out in the Appendix.

Repeal and replacement of Third Schedule

APPENDIX

(Section 3)

THIRD SCHEDULE

(Section 15)

PROCEEDINGS OF COUNCIL

Ordinary
and special
meetings

1. (1) A council shall hold an ordinary meeting for the transaction of business at least once in every three months at a place, on a day and at a time that the council may appoint.

(2) Despite sub-paragraph (1), a newly established council shall hold its first ordinary meeting within three months from the date of its establishment. 5

(3) A mayor or council chairperson may, with the approval of the Provincial Local Government Officer, convene a special meeting of the council at any time, and shall convene a special meeting within twenty one days, or a lesser period that may be prescribed by the standing orders of the council, after the mayor receives a written request for a meeting signed by not less than one third of the members of a council and stating the reasons for the special meeting. 10

Notice of
meetings

2. (1) The principal officer of a council shall, not less than fourteen days before the time appointed for the holding of a meeting of a council, notify a member of a council, in writing, of the place, day and time of the meeting and of the business proposed to be transacted at the meeting. 15

(2) Business shall not be transacted at a special meeting of a council except business specified in the notice relating to the special meeting. 20

Quorum

3. (1) Subject to the provisions of this paragraph —

(a) at an ordinary meeting of a council, one half of the total number of the members of a council shall form a quorum; or 25

(b) at a special meeting of a council, two thirds of the total number of the members of a council shall form a quorum.

(2) Where there is a vacancy in the membership of a council or a member of a council declares interest under paragraph 6,

the quorum of that council in any proceedings relating to a question shall be two thirds of the members of a council who are at the same time able to take part in the consideration or discussion of, or to vote on, that question to be determined by the members of a council holding office who have not declared interest under paragraph 6.

4. There shall preside at a meeting of a council—

Presiding in council

(a) the mayor or council chairperson;

(b) in the absence of the mayor or council chairperson, the deputy mayor or deputy council chairperson; or

(c) in the absence of the mayor and the deputy mayor, or the council chairperson and the deputy council chairperson, a member of that council elected at that meeting.

5. A decision of a council on a question shall be by a majority of the members of a council present and voting at a meeting, and in the event of an equality of votes, the person presiding at the meeting shall have a casting vote, in addition to that person’s deliberative vote.

Voting in council

6. (1) If a member of a council has any pecuniary interest, direct or indirect, in any contract, proposed contract or other matter, and is present at a meeting of the council at which that contract, proposed contract or other matter is the subject of consideration, that member shall, at the meeting, as soon as is practicable after the commencement of the meeting, disclose the fact, and shall not take part in the consideration or discussion of, or vote on a question with respect to, the contract, proposed contract or other matter.

Disclosure of Interest

(2) Sub-paragraph (1) shall not apply to an interest in a contract, proposed contract or other matter which a member of a council may have as an occupier of a house owned by the council, as a rate payer or inhabitant of the area of the council, as an ordinary consumer of electricity or water, or to an interest in any matter relating to the terms on which the right to participate in any service, including the supply of goods, is offered to the public.

(3) For the purposes of this paragraph, a person shall be treated as having indirectly a pecuniary interest in a contract, proposed contract or other matter, if —

(a) the person or any nominee of the person is a member or director of a company or other body with which the contract is made or is proposed to be made or which has a direct pecuniary interest in the matter under consideration; or 5

(b) the person is a partner, or is in the employment, of a person with whom the contract is made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration.

(4) Sub-paragraph (3) shall not apply to membership of, or 10 employment under, any statutory corporation.

(5) A member or director of a company or body shall not, by reason only of the persons membership or directorship, be treated as having indirectly a pecuniary interest in a contract, proposed contract or other matter if the person is not beneficially interested in any 15 shares of that company or other body.

(6) Where a member of council has indirectly a pecuniary interest in a contract, proposed contract or other matter and would not fall to be treated as having an interest but for the fact that, that member has a beneficial interest in shares of a company or other body then, if the 20 total nominal value of these shares does not exceed one hundredth of the total nominal value of the issued share capital of the company or body, so much of sub-paragraph (1) as prohibits that person from taking part in the consideration or discussion of, and from voting on a question with respect to, the contract, proposed contract or other 25 matter shall not apply to the person, without prejudice, however, to the duty of disclosure imposed by sub-paragraph (1), except that, where the share of the company or other body is of more than one class, this sub-paragraph shall not apply if the total nominal value of all the shares of any one class in which the person has a beneficial 30 interest exceeds one hundredth part of the total issued share capital of that class of the company or other body.

(7) In the case of married persons, the interest of one spouse shall, if known to the other be deemed for the purpose of this paragraph to also be an interest of that other spouse. 35

(8) A general notice given in writing to the principal officer of a council by a member of a council to the effect that the member of a council or the member's spouse is a member or director or in the employment of a specified company or other body, or that the
5 member or the member's spouse is a partner or in the employment of a specified person, shall, unless and until the notice is withdrawn, be deemed to be a sufficient disclosure of the member's interest in any contract, proposed contract or other matter relating to that company or other body or to that person which may be the subject
10 of consideration after the date of the notice.

(9) The principal officer of a council shall record in a book to be kept for that purpose, particulars of any disclosure made under sub paragraph (1), and of any notice given under sub-paragraph (8), and the book shall be open at all reasonable times to the
15 inspection of any member of a council.

(10) If any person fails to comply with the provisions of sub-paragraph (1), the person shall for each offence be liable, on conviction, to imprisonment for a term not exceeding fourteen years.

20 (11) Prosecution shall not be instituted against any person for an offence under this paragraph except by or on behalf of the Director of Public Prosecutions.

(12) The Minister may, subject to conditions that the Minister may consider fit to impose, remove any restriction imposed by
25 this section in any case in which the number of the members of a council so restricted at any one time would be so great a proportion of the total number of the members of a council as to impede the transaction of business, or in any other case in which it appears to the Minister that it is in the interests of the inhabitants of the area
30 of a council that the restriction should be removed.

(13) In this paragraph, the expression "shares" includes stock and the expression "share capital" shall be construed accordingly.

7. (1) A council may adjourn any meeting of the council from time to time and from place to place.

Adjournment
of meetings

(2) If at a meeting of a council a quorum is not formed, the members of a council present or, if there are no members present, the principal officer of the council shall adjourn the meeting and may appoint for the adjourned meeting, a place, day and time that may be considered suitable. 5

Admission of the public to meetings

8. (1) Subject to the provisions of sub-paragraph (2), a meeting of a council or committee of a council shall be open to the public, physically or electronically.

(2) A council or committee of a council may, by resolution, exclude the public from a meeting whenever publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons stated in the resolution and arising from the nature of that business or of the proceedings. 10

(3) The provisions of this paragraph shall be without prejudice to any power of exclusion conferred by the standing orders of a council for preserving order at meetings of a council and nothing in this section contained shall be construed as requiring a council to permit the taking of photographs of any proceedings, or the use of any means to enable persons not present to see or hear any proceedings or the making of any oral report on any proceedings as they take place. 15 20

Minutes of council meetings

9. (1) A council shall cause minutes to be kept in the English language of the proceedings at a meeting of the council and shall cause to be recorded the names of the members of a council present at that meeting. 25

(2) The minutes of the proceedings of a council shall, after amendment if necessary, be confirmed by the council as a true record of the proceedings and signed by the person presiding at the meeting or the next meeting of the council. 30

(3) Within one month after the minutes of any proceedings of a council have been confirmed and signed, there shall be furnished to the Minister a number of copies of the minutes that the Minister may determine.

(4) The minutes of the proceedings of a council, other than proceedings from which the public have been excluded in pursuance of a resolution adopted under paragraph 8(2), shall, at all reasonable times, be open to the inspection of any interested person. 35

5 **10.** (1) A council may establish standing and occasional committees consisting of a number of members that the council may determine, for the purpose of examining and reporting on any matter and of discharging any functions of the council delegated to the committee under this Act.

Standing
and
occasional
committee

(2) A council consisting of more than six members of the council shall in the exercise of the powers conferred by sub-paragraph (1), establish a standing committee for the purpose of—

- 10 (a) advising the council on financial matters; and
(b) discharging functions of the council relating to finance that may be delegated to it under this Act or as may be conferred or imposed on it by or under any other written law.

15 (3) A council may abolish any committee, established by it under this section, except a standing committee.

11. (1) The members of a committee shall be appointed by the council from amongst persons who are members of a council or are qualified for election as councillors, except that—

Membership
of committee

20 (a) a person other than a member of the council shall not be a member of a standing committee;

(b) not less than two thirds of the members of a committee, other than a standing committee, shall be members of a council.

(2) A person shall cease to be a member of a committee if—

25 (a) being a member of a council at the time of the person's appointment, the person ceases to be a member of a council; or

30 (b) not being a member of a council at the time of the person appointment, the person ceases to be qualified for election as a councillor; or

(c) the person's appointment is revoked by the council.

(3) There shall be a chairperson of every committee, who shall be elected by the committee from among the members of the committee who are members of a council and who shall hold office until a time that the chairperson—

(a) ceases to be a member of the committee; or 5

(b) is removed from office by the committee, except that, in the exercise of its powers under this sub-paragraph, a committee shall act in accordance with any directions of the council.

Proceedings
of
committees

12. (1) Meetings of a committee shall be held as required and may be adjourned from time to time and from place to place. 10

(2) The meetings of the committee shall be open to the public.

(3) The quorum at a meeting of a committee shall be a number of members that may be prescribed by the standing orders of the council or, if no quorum is so prescribed, two members of that committee. 15

(4) There shall preside at any meeting of a committee —

(a) the chairperson; or

(b) in the absence of the chairperson, a member of the committee that the committee may elect for that meeting. 20

(5) Any question proposed for decision by a committee shall be determined by a majority of the votes of the members present and voting at a meeting of the committee at which a quorum is present.

(6) At a meeting of a committee, each member present shall have one vote on a question proposed for decision by that committee and, in the event of an equality of votes, the person presiding at the meeting shall have, in addition to a deliberative vote, a casting vote. 25

(7) Paragraph 6 applies in respect of members of a committee with the necessary modifications. 30

Minutes of
meetings of
committees

13. (1) A committee shall cause minutes to be kept in the English language of the proceedings at every meeting of the committee and shall cause to be recorded the names of the members of the committee present at that meeting. 35

(2) The minutes of the proceedings of a committee shall, after amendment if necessary, be confirmed by the committee as a true record of the proceedings and signed by the person presiding at the same or the next meeting of the committee.

5 (3) Within one month after the minutes of any proceedings of a committee are confirmed and signed, there shall be furnished to the Minister a number of copies of the Minutes as the Minister may determine.

(4) The minutes of proceedings at a meeting of a committee
10 that relate to the discharge of functions delegated to it by the council shall, at all reasonable times, be open to the inspection of any interested person, except that, the provisions of this sub-paragraph shall not apply to the minutes of any proceedings the disclosure of which is deemed by the committee to be prejudicial to the public
15 interest.

14. (1) Subject to the other provisions of this paragraph, a council may delegate, either absolutely or conditionally, to a committee or to any officer of the council the power to discharge any function of the council on behalf of the council.

Delegation
of meetings
of council
to
committee

20 (2) A local authority shall not—

(a) delegate the power to discharge any functions of the council to a committee which includes persons who are not members of a council; or

(b) delegate to any committee the power to—

25 (i) levy a rate;

(ii) adopt estimates of the revenues and expenditure of the council;

(iii) borrow money;

(iv) impose fees and charges;

30 (v) to make by laws; or

(vi) in the case of a city council or municipal council, to make appointments to the dignity of alderman or to admit or annul the admission of a person to the status of honorary freeman of the city or municipality.
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(3) A council may withdraw or alter any delegation to a committee, but the withdrawal or alteration shall not affect anything done in pursuance of any decision lawfully taken by the committee.

(4) Any function discharged by a committee in the exercise of powers delegated to it under this paragraph shall be deemed to have been discharged by the council. 5

Reports by committees

15. At one of the next two ordinary meetings of a council held after a meeting of a committee, the proceedings at the meeting of the committee shall be reported to the council for its consideration or, in the case of proceedings which relate to the discharge of functions delegated to the committee, for its information. 10

Sub-Committees

16. (1) A committee may, from among its members, appoint sub-committees for the purpose of examining and reporting on any matter.

(2) Subject to the provisions of the standing orders of a council, a sub committee shall determine its own procedure. 15

(3) A sub-committee shall not discharge any functions of the council which have been delegated to the committee by which it was appointed.

Immunity

17. An officer or employee of a council is not personally liable in respect of an act done by that officer or employee in the execution of the provisions of this Act or any other law and within the scope of the officer or employee's employment, if the officer or employee did that act in the honest belief that the officer or employee's duty under this Act or that law required or entitled the officer or employee to do it, except, that nothing in this paragraph shall be construed as relieving a council from any liability in respect of acts of its officer or employees. 20
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