

**THE JUDICIAL TRAINING INSTITUTE OF ZAMBIA  
BILL, 2023**

**MEMORANDUM**

The objects of this Bill are to—

- (a) establish the Judicial Training Institute of Zambia for the purposes of providing continuing professional development training for judges, judicial officers and judicial staff in order to enhance the quality of the justice system in the Republic;
- (b) constitute the Council of the Institute and provide for its functions; and
- (c) provide for matters connected with, or incidental to, the foregoing.

M. D. KABESHA,  
*Attorney-General*



# THE JUDICIAL TRAINING INSTITUTE OF ZAMBIA BILL, 2023

## ARRANGEMENT OF SECTIONS

### PART I

#### PRELIMINARY PROVISIONS

#### *Section*

1. Short title and commencement
2. Interpretation

### PART II

#### JUDICIAL TRAINING INSTITUTE OF ZAMBIA

3. Establishment of Judicial Training Institute of Zambia
4. Seal of Institute
5. Functions of Institute

### PART III

#### COUNCIL OF THE INSTITUTE

6. Council of Institute
7. Functions of Council
8. Tenure of office for council member and vacancy
9. Proceedings of Council
10. Committees
11. Allowances
12. Disclosure of interest
13. Registrar, Secretary and other staff

### PART IV

#### FINANCIAL PROVISIONS

14. Funds of Institute
15. Financial year
16. Accounts
17. Annual Reports

### PART V

#### GENERAL PROVISIONS

18. Immunity
19. Prohibition of publication or disclosure of information to unauthorised persons
20. Register
21. Guidelines
22. Regulations



# A BILL

ENTITLED

**An Act to establish a Judicial Training Institute of Zambia for the purposes of providing continuing professional development training for judges, judicial officers and judicial staff in order to enhance the quality of the justice system in the Republic; constitute the Council of the Institute and provide for its functions; and provide for matters connected with, or incidental to, the foregoing.**

ENACTED by the Parliament of Zambia.

Enactment

## PART I

### PRELIMINARY PROVISIONS

1. This Act may be cited as the Judicial Training Institute of Zambia Act, 2023, and shall come into operation on the date appointed by the Minister by statutory instrument. Short title and commencement
2. In this Act, unless the context otherwise requires— Interpretation
  - “associate” has the meaning assigned to the word in the Anti-Corruption Act, 2012; Act No. 3 of 2012
  - 10 “certificate” means an award for the successful completion of the continuous professional development programme by the Institute;
  - “Chairperson” means the person appointed as Chairperson under section 6;

**N.A.B. 14, 2023**

Cap. 1	“Chief Administrator” means the chief Administrator of the Judiciary appointed pursuant to Article 146 of the Constitution;	
	“Council” means the Council of the Institute constituted under section 6;	5
Cap. 1	“emoluments” has the meaning assigned to the word in the Constitution;	
Cap. 1	“Emoluments Commission” means the Emoluments Commission established by the Constitution;	
	“Institute” means the Judicial Training Institute of Zambia established under section 3;	10
Cap. 1	“judge” has the meaning assigned to the word under the Constitution;	
Cap. 1	“judicial officer” has the meaning assigned to the words in the Constitution;	15
Act No. 23 of 2016	“judicial staff” has the meaning assigned to the words in the Judiciary Administration Act, 2016;	
Act No. 6 of 2019	“legally disqualified” means the absence of legal capacity as provided under section 4 of the Mental Health Act, 2019;	
Act No. 13 of 2011	“qualification” has the meaning assigned to the word in the Zambia Qualifications Authority Act, 2011;	20
	“Registrar” means the person appointed as Registrar of the Institute under section 13;	
	“Vice-Chairperson” means the person appointed as Vice-Chairperson under section 6; and	25
Cap. 49	“Zambia Institute of Advanced Legal Education” means the Zambia Institute of Advanced Legal Education established under the Zambia Institute of Advanced Legal Education Act.	
	<b>PART II</b>	30
	JUDICIAL TRAINING INSTITUTE OF ZAMBIA	
Establishment of Judicial Training Institute of Zambia	<b>3.</b> There is established the Judicial Training Institute of Zambia which is a body corporate with perpetual succession and a common seal, capable of suing and being sued in its corporate name and with powers, subject to the provisions of this Act, to do all acts or things that a body corporate may, by law, do or perform.	35

4. (1) The seal of the Institute shall be a device that may be determined by the Council and shall be kept by the Registrar.

Seal of  
Institute

(2) The affixing of the seal shall be authenticated by the Chairperson or the Vice-Chairperson and the Registrar or any other person authorised in that behalf by a resolution of the Council.

(3) A contract or instrument which, if entered into or executed by a person not being a body corporate, is not required to be under seal, may be entered into or executed without a seal on behalf of the Institute by the Registrar or any other person generally or specifically authorised by the Council in that behalf.

(4) A document purporting to be a document under the seal of the Institute or issued on behalf of the Institute shall be received in evidence and shall be considered to be so executed or issued, without further proof, unless the contrary is proved.

15 5. (1) The functions of the Institute are to—

Functions of  
Institute

(a) establish, provide and develop judicial education and professional training for judges, judicial officers and judicial staff;

20 (b) conduct research into judicial education, professional training, emerging fields of law and the impact of judgements;

(c) enhance delivery of justice in the Republic;

(d) develop training policies for judges, judicial officers and judicial staff;

25 (e) collaborate with other judicial education and professional training institutions or organisations to improve the quality of professional skills and the delivery of justice;

30 (f) organise and conduct seminars, conferences and other related programmes for judges, judicial officers and judicial staff;

(g) register judges, judicial officers and judicial staff for continuous professional development and training;

(h) award certificates to judges, judicial officers and judicial staff;

35 (i) identify, train and enhance capacities of quasi-judicial tribunals;

- (j) train court-annexed mediators and judges in alternative dispute resolution mechanisms;
- (k) induct and mentor newly appointed judges, judicial officers and judicial staff;
- (l) promote continuous professional development among judges, judicial officers and judicial staff; 5
- (m) commission studies in areas requiring improved service delivery;
- (n) publish books, journals, records, reports or other documents to enhance service delivery in the Judiciary; 10  
and
- (o) establish a National Law Referencing Library for the purpose of advancing knowledge in the Judiciary.
- (2) A certificate awarded in accordance with subregulation (1) is not a qualification. 15

## PART III

## COUNCIL OF THE INSTITUTE

Council of  
Institute

- 6.** (1) There is constituted the Council of the Institute which consists of the following part-time members:
- (a) the Chief Justice, as Chairperson; 20
- (b) the Deputy Chief Justice, as Vice-Chairperson;
- (c) a judge of the Constitutional Court;
- (d) a judge of the Court of Appeal;
- (e) a judge of the High Court;
- (f) a retired judge; 25
- (g) the Chief Administrator;
- (h) a magistrate; and
- (i) a representative of the Magistrates' and Judges' Association of Zambia.
- (2) The members referred to under subsection(1)(b) to (i) shall be appointed by the Chief Justice. 30
- (3) The Registrar shall be an *ex-officio* member of the Council.

(4) A person shall not be qualified for appointment as a member if that person is —

- (a) an undischarged bankrupt;
- 5 (b) legally disqualified from performing the functions of a member; or
- (c) convicted of an offence under any written law and sentenced to imprisonment for a term exceeding six months without the option of a fine.

7. (1) Subject to this Act, the Council shall perform the 10 functions of the Institute and provide strategic policy direction to the Institute. Functions of Council

(2) Despite the generality of subsection (1), the functions of the Council are to—

- 15 (a) approve policies, programmes and strategies of the Institute;
- (b) oversee the implementation and successful operation of the policy and functions of the Institute;
- (c) approve the annual budget estimates, financial statements and plans of the Institute;
- 20 (d) monitor and evaluate the performance of the Institute against budgets and plans;
- (e) establish and issue guidelines for the purposes of this Act; and
- 25 (f) establish and approve rules and procedures for the appointment, discipline, termination and terms and conditions of service of the staff of the Institute.

(3) Despite subsection (1), the Council may charge fees for services rendered by the Institute.

8. (1) A member shall hold office for a term of three years 30 and may be re appointed for a further and final term of three years. Tenure of office for member and vacancy

(2) Subsection (1) does not apply to a member referred to under section 6(1)(a), (b) and (g).

(3) The office of a member becomes vacant if the member —

- (a) dies;
- 35 (b) is adjudged bankrupt;

- (c) resigns, in writing, on giving one month's notice to the Chief Justice;
- (d) is legally disqualified from performing the duties of a member of the Council;
- (e) is convicted of an offence under any other written law and sentenced to imprisonment for a term exceeding six months without the option of a fine; 5
- (f) ceases to hold the office by virtue of which the member was appointed; or
- (g) is absent without the prior approval of the Council, from three consecutive meetings of the Council of which the member has had notice. 10
- (4) A member shall, on the expiration of the term for which a member is appointed, continue to hold office until another member is appointed, but in no case shall the further period exceed three months. 15
- (5) The Chief Justice shall, where there is a vacancy in the membership of the Council before the expiry of the term of office, appoint another person to replace that member but the person appointed shall only hold office for the remainder of that term. 20
- Proceedings of Council
9. (1) Subject to this Act, the Council may regulate its own procedure.
- (2) The Council shall meet for the transaction of business at least once every three months at a place and time that the Chairperson may determine. 25
- (3) Five members shall constitute a quorum at a meeting of the Council.
- (4) The Chairperson shall, on giving notice of not less than fourteen days, call a meeting of the Council and may, if the urgency of a particular matter does not permit the giving of notice or if one third or more of the members so request, in writing, call a special meeting on giving a shorter notice. 30
- (5) There shall preside at a meeting of the Council —
- (a) the Chairperson;
- (b) in the absence of the Chairperson, the Vice-Chairperson; 35
- or

(c) in the absence of both the Chairperson and the Vice-Chairperson, the most senior serving judge present shall be the Chairperson for the purpose of that meeting.

(6) A decision of the Council on any question shall be by a majority of votes of the members present and voting at the 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.

(7) The Council may invite a person whose presence is in the Council's opinion desirable to attend and participate in the deliberations of the meeting, but that person shall have no vote.

(8) The validity of any proceedings, act or decision of the Council shall not be affected by a vacancy in the membership of the Council or any defect in the appointment of a member or by reason that a person not entitled to do so took part in the proceedings.

(9) The Council shall cause minutes to be kept of the proceedings of a meeting of the Council and a committee of the Council.

20 **10.** (1) The Council may, for the purposes of performing its functions under this Act, constitute committees that the Council considers necessary and may delegate to those committees any of the Council's functions.

Committees

(2) The Council may appoint as members of a committee persons who are or are not members of the Council except that at least one member of the Council shall be a member of the committee.

(3) A member of a committee shall hold office for a term as the Council may determine.

30 (4) Subject to any specific or general direction of the Council, a committee may regulate its own procedure.

**11.** The Institute shall pay to a member of the Council or a member of a committee of the Council an allowance that the Emoluments Commission may, on the recommendation of the Council, determine.

Allowances

Disclosure of  
interest

**12.** (1) A person who is present at a meeting of the Council or a committee of the Council in which any matter is the subject of consideration, and in which matter that person or that person's relative or associate is directly or indirectly interested in a private capacity shall, as soon as practicable after the commencement of the meeting, disclose the interest and shall not, unless the Council or a committee of the Council otherwise directs, take part in any consideration or discussion of, or vote on, any question relating to that matter. 5

(2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which the disclosure is made. 10

(3) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand penalty unit or to imprisonment for a term not exceeding two years, or to both. 15

Registrar,  
Secretary  
and other  
staff

**13.** (1) The Council shall appoint the Registrar who shall be —

(a) the chief executive officer of the Institute; and

(b) responsible for the day-to-day administration of the Institute. 20

(2) The Registrar shall attend meetings of the Council or a committee of the Council and may address those meetings, but shall have no vote.

(3) The Council shall appoint a Secretary who shall perform the corporate secretarial duties for the Council and other functions that the Council may determine, under the direction of the Council and the Registrar. 25

(4) The Council shall appoint other staff of the Institute that the Council considers necessary for the performance of the Institution's functions under this Act. 30

(5) The Emoluments Commission shall, on the recommendation of the Council, determine the emoluments of the Registrar, Secretary and other staff of the Institute.

(6) The Council shall determine the terms and conditions of service, other than emoluments, of the Registrar, Secretary and other staff of the Institute. 35

PART IV

FINANCIAL PROVISIONS

14. (1) The funds of the Institute consist of monies that may— Funds of Institute
- 5       (a) be appropriated by Parliament for the purposes of the Institute;
- (b) be paid to the Institute by way of fees, loans, grants or donations; or Act No. 15 of 2022
- (c) vest in, or accrue to, the Institute.
- 10      (2) The Institute may—
- (a) accept monies by way of grants or donations from any source within the Republic and subject to the approval of the Minister responsible for finance, from any source outside the Republic;
- 15      (b) subject to the Public Debt Management Act, 2022, raise by way of loans or otherwise, monies that the Institute may require for the discharge of the Institute’s functions; and
- 20      (c) in accordance with regulations made under this Act, charge and collect fees in respect of programmes, seminars, consultancy services and other services provided by the Institute.
- (3) There shall be paid from the funds of the Institute—
- 25      (a) the salaries, allowances, loans, gratuities and pensions, of the staff of the Institute and other payments for the recruitment and retention of staff;
- (b) reasonable travelling expenses and other allowances for members of the Council and a committee of the Council
- 30      when engaged in the business of the Institute at rates that the Emoluments Commission may, on the recommendation of the Council, determine; and (c) any other expenses incurred by the Institute in the performance of the Institute’s functions.

Act No. 1 of 2018	(5) Subject to the Public Finance Management Act, 2028, the Council may, invest in a manner that the Council considers necessary any of the Institute’s funds that the Institute does not immediately require for the performance of the Institute’s functions.	
Financial year	<b>15.</b> The financial year of the Institute shall be a period of twelve months ending on 31 <sup>st</sup> December in each year.	5
Accounts	<b>16.</b> (1) The Institute shall cause to be kept proper books of accounts and other records relating to its accounts. (2) The accounts of the Institute shall be audited annually by the Auditor General or an independent auditor appointed by the Auditor-General. (3) The fees for the Auditor-General or an auditor appointed by the Auditor-General shall be paid by the Institute.	10
Annual Reports	<b>17.</b> (1) The Institute shall, as soon as practicable, but not later than ninety days after the end of the financial year, submit to the Chief Administrator a report concerning the functions and activities of the Institute during the financial year. (2) The report of the Institute shall include information on the financial affairs of the Institute and there shall be appended to the report— (a) an audited statement of financial position; (b) an audited statement of comprehensive income and expenditure; and (c) other information that the Minister may require. (3) The Chief Administrator shall, not later than seven days after the first sitting of the National Assembly next after receipt of the report referred to in subsection (1), cause the report to be laid before the National Assembly.	15 20 25
	<b>PART V</b>	
	<b>GENERAL PROVISIONS</b>	30
Immunity	<b>18.</b> An action or other proceedings shall not lie or be instituted against a member of the Council, a member of a committee of the Council or a member of staff of the Institute, for or in respect of an act or thing done or omitted to be done in good faith in the exercise or performance of any of the powers, functions or duties conferred under this Act.	35

19. (1) A person shall not, without the consent in writing given by, or on behalf of, the Institute or as otherwise permitted by any written law, publish or disclose to a person, other than in the course of that person's duties, the contents of a document, communication or information which relates to, or which has come to the knowledge of that person in the course of that person's duties under this Act. 5 Prohibition of publication or disclosure of information to unauthorised persons
- (2) A person who contravenes subsection (1) commits an offence and is liable, on conviction to a fine not exceeding two hundred thousand penalty units, or to imprisonment for a term not exceeding two years, or to both. 10
- (3) A person who having information which to that person's knowledge has been published or disclosed in contravention of subsection (1), unlawfully publishes or communicates the information to another person, commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both. 15
20. (1) The Registrar shall keep and maintain a register in which the Registrar shall enter the details and particulars relating to— 20 Register
- (a) judges, judicial officers and judicial staff registered under the Institute;
- (b) the holder of certificates awarded by the Institute; and
- 25 (c) any other information that the Council may determine.
- (2) The register shall be kept in the custody of the Registrar at the offices of the Institute and shall be open for inspection by members of the public during normal office hours on payment of a fee as the Council may determine.
- 30 (3) A person may, on payment of a prescribed fee, require a copy of a certificate awarded by the Institute or an extract of any particulars from the register to be certified by the Registrar.
- (4) Any document purporting to be an extract or copy of an entry in the Register and duly certified to be a true copy or extract 35 under the hand of the Registrar shall be received in evidence and shall be *prima facie* evidence as to the matters stated therein in any proceedings.

Guidelines

**21.** (1) The Institute may, in the exercise of its functions under this Act, issue guidelines that are necessary for the better carrying out of the provisions of this Act.

(2) The Institute shall publish the guidelines referred to under subsection (1) in the *Gazette*, a daily newspaper of general circulation in the Republic and any other electronic media that the Institute may determine. 5

(3) The guidelines shall take effect on the date of publication.

Regulations

**22.** (1) The Chief Justice may, in consultation with the Council, by statutory instrument, make Regulations for the better carrying out of the provisions of this Act. 10

(2) Despite the generality of subsection (1), Regulations under that subsection may provide for the—

(a) manner and form of applications for entry into the Institute and the fees payable; 15

(b) development of the Institute curriculum;

(c) preparation, setting and conduct of assessments; and

(d) issuance of certificates.

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