

**THE TRANSITIONAL PERIOD AND INAUGURATION
OF PRESIDENT BILL, 2016**

MEMORANDUM

The objects of this Bill are to provide for—

- (a) the administrative and security procedures during the transitional period;
- (b) the procedure for safeguarding public documents and information during the transitional period;
- (c) the procedures and formalities for the inauguration and assumption of office of President by the President-elect;
- (d) the venue and place for the inauguration ceremony;
- (e) the process for the handover of the symbols and instruments of office and the presidency by the former President to the President;
- (f) the procedures relating to the transitional period when a President dies in office;
- (g) the funding of the inauguration ceremony; and
- (h) matters connected with, or incidental to, the foregoing.

A. MWANSA,
Solicitor-General

**THE TRANSITIONAL PERIOD AND INAUGURATION
OF PRESIDENT BILL, 2016**

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY PROVISIONS

Section

1. Short title
2. Interpretation
3. Application
4. Guiding principles

PART II

ESTABLISHMENT OF PRESIDENTIAL INAUGURATION COMMITTEE

5. Establishment of Presidential Inauguration Committee
6. Functions and powers of Committee
7. Sub committees
8. Procedure of Committee

PART III

ADMINISTRATIVE AND SECURITY PROCEDURES DURING
TRANSITIONAL PERIOD

9. Administration during transitional period
10. Transitional provisions pending second ballot
11. Security detail
12. Security briefing
13. Preparation for assumption of office and provision of information

PART IV

THE SWEARING-IN CEREMONY

14. Swearing-in ceremony
15. Taking of oath
16. Handing over of instruments of power and authority
17. Swearing-in of Vice-President-elect
18. Inauguration speech

PART V

TRANSITIONAL PERIOD ON DEATH OF PRESIDENT IN OFFICE

19. Death of President while in office
20. Approval of programme for State Funeral
21. Report to National Assembly

PART VI
GENERAL PROVISIONS

- 22. Reports of Committee
- 23. Management of information and records

A BILL

ENTITLED

An Act to provide for the administration and security procedures during the transitional period; the procedure for safeguarding public documents and information during the transitional period; the procedures and formalities for the inauguration and assumption of office of President by the President-elect; the venue and place for the inauguration ceremony; the process for the handover of the symbols and instruments of office and the presidency by the former President to the President; the procedures relating to the transitional period when a President dies in office; the funding of the inauguration ceremony; and 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 Transitional Period and
5 Inauguration of President Act, 2016.

Short title

2. (1) In this Act, unless the context otherwise requires—

Interpretation

“Commission” means the Electoral Commission of Zambia
established in accordance with Article 229 of the
Constitution;

Cap. 1

10 “Committee” means the Presidential Inauguration Committee
established in accordance with section *five*;

N.A.B 32, 2016

	“deceased President” means a President who died whilst in office;	
	“facilities” includes offices, furniture, books, documents, files, office machines and equipment, housing and transportation;	
Cap. 1	“President-elect” means the person elected as President in accordance with Article 101 of the Constitution and who has not assumed office in accordance with Article 105 (1) of the Constitution;	5
Cap. 1	“public officer” has the meaning assigned to it in the Constitution;	10
	“State Funeral” means the arrangements and activities relating to the funeral of a deceased President and the burial;	
	“transitional period” means the period immediately after the announcement of the presidential election results and the swearing-in of the President-elect and assumption of the office of President by the President-elect and includes the period after the President dies in office, as the case may be; and	15
Cap. 1	“Vice-President-elect” means the running mate of the President-elect as specified in the Constitution.	20
Application	3. This Act applies—	
	(a) to the swearing-in and inauguration of the President-elect as President;	
	(b) to the swearing-in of the Vice-President-elect as Vice-President;	25
Cap. 1	(c) with necessary modification, to the inauguration and swearing-in of the Vice-President as President by virtue of Article 106 (a) of the Constitution; and	
	(d) to the transitional period when a President dies in office.	
Guiding principles	4. The Committee shall, in the performance of its functions, be guided by the values and principles set out in Article 173 of the Constitution.	30
Cap. 1		

PART II

ESTABLISHMENT OF PRESIDENTIAL INAUGURATION COMMITTEE

5. (1) There is established the Presidential Inauguration Committee.

Establishment
of
Presidential
Inauguration
Committee

5 (2) The Committee shall be an *ad hoc* committee for the transitional period which shall consist of—

(a) the Secretary to the Cabinet, who shall be the Chairperson;

(b) the Deputy Secretary to the Cabinet, who shall be the Deputy Chairperson;

10 (c) the Attorney-General;

(d) the Permanent Secretary in the Ministry responsible for home affairs;

(e) the Permanent Secretary in the Ministry responsible for defence;

15 (f) the Permanent Secretary in the Ministry responsible for finance;

(g) the Permanent Secretary in the Ministry of foreign affairs

(h) the Permanent Secretary in the Ministry responsible for works and supply;

20 (i) the Permanent Secretary in the Ministry responsible for information;

(j) the Permanent Secretary in the Ministry responsible for justice;

25 (k) the Permanent Secretary responsible for administration in the office of the Vice-President;

(l) the Permanent Secretary responsible for administration at Cabinet office;

(m) the Permanent Secretary in the Ministry responsible for local government;

30 (n) the Permanent Secretary responsible for State House;

(o) the Zambia Army Commander;

(p) the Inspector-General of Police;

(q) the Director-General of the Zambia Security Intelligence Service;

35 (r) the Zambia Air Force Commander;

(s) the Zambia National Service Commandant;

(t) the Clerk of the National Assembly; and

(u) the Chief Administrator of the Judiciary.

(3) The Chairperson of the Committee shall convene the first meeting of the Committee sixty days before a presidential election for purposes of planning for the transitional period.

(4) The office of the Permanent Secretary responsible for administration at Cabinet Office shall be the secretariat to the Committee.

(5) A vacancy in the membership of the Committee or non attendance at a meeting of the Committee by a member shall not affect the decisions of the Committee.

(6) Eleven members of the Committee shall form a quorum at a meeting of the Committee.

Functions
and powers
of
Committee

6. The functions of the Committee shall be to—

- (a) deal with all matters relating to the affairs of Government during the transitional period;
- (b) organise the security for, comfort and hospitality, transportation and temporary staff for the President-elect and Vice-President-elect, out-going President and out-going Vice-President during the transitional period;
- (c) facilitate communication between the out-going President and the President-elect for purposes of an orderly handover of the office of President;
- (d) prepare the programme and organise activities for the swearing-in ceremony of the President-elect and Vice-President-elect;
- (e) invite dignitaries to the swearing-in ceremony of the President-elect and Vice-President-elect;
- (f) prepare programmes for a State Funeral and organise a State Funeral;
- (g) facilitate the handing over process by the out-going President to the President-elect; and
- (h) carry out any other activity necessary for the performance of its functions under this Act and perform any other function assigned to it under any other written law to ensure an orderly transition of power and, where applicable, an orderly transfer of power after a general election or death of a President.

7. (1) The Committee may establish sub-committees for the better carrying out of its functions as specified in this Act. Sub-committees

(2) The Committee may co-opt into the membership of a sub-committee, established in accordance with subsection (1), 5 persons whose knowledge and skills are considered necessary for the better and efficient performance of the functions of the Committee.

8. Except as otherwise provided in this Act, the Committee may determine its own procedure for and at its meetings. Procedure of Committee

10

PART III

ADMINISTRATIVE AND SECURITY PROCEDURES DURING TRANSITIONAL PERIOD

9. The administration of the affairs of the Government during the transitional period shall be in accordance with the Constitution, 15 this Act and any other written law. Administration during transitional period Cap. 1

10. (1) Where a second ballot is to be held for a presidential election as provided in Article 101 (3) of the Constitution, the Chairperson of the Committee shall, within seven days of the declaration of the election results, meet separately with the 20 presidential candidates who obtained— Transitional provisions pending second ballot Cap. 1

(a) the highest and second highest number of valid votes cast in the initial ballot; or

(b) an equal number of the valid votes cast in the initial ballot, 25 being the highest votes amongst the presidential candidates that stood for election to the office of President.

(2) A presidential candidate specified in subsection(1) shall, at a meeting held in accordance with that subsection, inform the Chairperson of the Committee of the names of the persons the 30 Committee shall liaise with for purposes of ensuring an orderly transition period before the taking of the second ballot, the period after the taking of the second ballot and before the swearing-in ceremony.

(3) The Chairperson of the Committee shall ensure that 35 adequate security is provided in accordance with section *eleven* to both presidential candidates and their running mates.

*Transitional Period and Inauguration
of President*

10 No. of 2016]

Security detail Cap. 1 Act No. of 2016	<p>11. When the final results of a presidential election are declared by the Commission in accordance with Article 101 of the Constitution and the Electoral Process Act, 2016, the Committee shall ensure that the President-elect and Vice-President-elect are accorded full security for their persons and that of their families.</p>	5	
Security briefing	<p>12. The security and intelligence services shall provide the outgoing President and President-elect with appropriate security and intelligence briefings on a daily basis until the President-elect is sworn in as President.</p>		
Preparation for assumption of office and provision of information	<p>13. The President-elect shall, in consultation with the Committee, carry out such activities or give such instructions as may be necessary to ensure an orderly transition of government and assumption to office of the President-elect.</p>	10	
<p>PART IV THE SWEARING-IN CEREMONY</p>			15
Swearing-in ceremony Cap. 1	<p>14. (1) The swearing-in of the President-elect shall be conducted in a public ceremony held in the capital city in accordance with Article 105 of the Constitution.</p> <p>(2) The Committee shall publish, by notice in the <i>Gazette</i>, the date and place for the swearing-in ceremony.</p>	20	
Taking of oath	<p>15. (1) The President-elect shall, during the swearing-in ceremony, take and subscribe to the oath of office.</p> <p>(2) The oath specified in subsection (1) shall be administered by the Chief Justice or, in the absence of the Chief Justice, the Deputy Chief Justice.</p>	25	
Handing over of instruments of power and authority Cap. 1	<p>16. (1) The out-going President shall, immediately after the President-elect is sworn in, hand over to the President the following instruments of power and authority:</p> <ul style="list-style-type: none">(a) the Constitution;(b) the National Flag; and(c) the Presidential Standard. <p>(2) This section does not apply where the incumbent is re-elected into office.</p>	30	
Swearing-in of Vice-President-elect	<p>17. The Vice-President-elect shall take and subscribe to the oath of office.</p>	35	

18. The President shall give an inauguration speech to the Nation after being sworn in. Inauguration speech

PART V

TRANSITIONAL PERIOD ON DEATH OF PRESIDENT IN OFFICE

5 19. (1) Where the President dies in office thereby creating a vacancy in the office of the President, as specified in Article 106 (4) of the Constitution, and the Vice-President is able to assume the office of President, the Vice-President shall immediately assume the office of President in accordance with Article 106(5)(a) of the Constitution and the provisions of this Part shall apply. Death of President while in office
Cap. 1
10 Cap. 1

(2) The President shall, within twelve hours of assuming office, as specified in subsection (1), make a public announcement of the death of the former President to the nation and inform the nation that in accordance with Article 106 of the Constitution, the Vice-
15 President assumes office immediately for the unexpired term of office. Cap. 1

(3) Despite this section, where the Vice-President is unable to assume office for any reason, the provisions of Article 106 (5) (b) of the Constitution shall apply and the Speaker shall make a public
20 announcement of the death of the President to the Nation and inform the Nation that in accordance with Article 106 of the Constitution, the Speaker shall perform the executive functions in accordance with that Article and an election shall be held within sixty days from the date the then President died. Cap. 1
Cap. 1

25 (4) The President or the Speaker, as the case may be, shall immediately direct the Secretary to the Cabinet to commence arrangements for the State Funeral.

(5) The Secretary to the Cabinet shall, immediately on being directed by the President or Speaker, as provided in subsection (5),
30 call for a meeting of the Committee to immediately plan for the State Funeral.

20. (1) The President shall, within twenty-four hours of assuming office, call upon the Secretary to the Cabinet to present the programme for the State Funeral to the President. Approval of programme for State Funeral

35 (2) The President shall approve the programme for the State Funeral and the funds to be spent on the expenses related to the State Funeral.

(3) The President shall authorise the Secretary to the Cabinet to make such intermittent announcements to the nation related to the State Funeral as may be necessary to ensure a peaceful and orderly State Funeral.

Report to
National
Assembly

21. The Vice-President shall, at the sitting of the National Assembly next after the death of the President, submit a report on the death of the President and the State Funeral, including a statement on the expenditures incurred for the State Funeral.

PART VI

GENERAL PROVISIONS

10

Reports of
Committee

22. (1) The Committee shall, within a period of one month from the date of the swearing-in of the President-elect, cause to be prepared a report on the affairs of the Committee.

(2) The Committee shall submit to the Vice-President the report prepared under subsection (1) who shall lay it before the National Assembly at the sitting of the National Assembly next after the swearing-in ceremony.

(3) The report shall contain, in respect of the assumption of office by the President-elect under this Act—

- (a) the financial statements of the Committee; 20
- (b) a description of the activities of the Committee;
- (c) such other statistical information as the Committee considers appropriate relating to its mandate; and
- (d) any other information relating to its functions that the Committee considers necessary. 25

Management
of
information
and records

23. (1) The Committee shall publish and publicise all important information within its mandate affecting the Nation.

(2) A request for information in the public interest by a citizen—

- (a) shall be addressed to the chairperson or such other person as the Committee may for that purpose designate; 30
- (b) may be subject to the payment of a reasonable fee in instances where the Committee incurs an expense in providing the information; and
- (c) may be subject to confidentiality requirements of the 35 Committee.

-
- (3) Subject to Article 35 of the Constitution, the Committee may decline to give information to an applicant where— Cap. 1
- (a) the disclosure of such information is undesirable in the public interest;
 - 5 (b) the information requested is at a deliberative stage by the Committee;
 - (c) the applicant fails to pay the prescribed fee; or
 - (d) the applicant fails to satisfy confidentiality requirements by the Committee.
- 10 (4) The right of access to information under Article 35 of the Constitution shall be limited to the nature and extent specified under this section. Cap. 1
- (5) Every member and staff assigned to the Committee shall sign a confidentiality agreement.
-