

THE MENTAL HEALTH (AMENDMENT) BILL, 2026

MEMORANDUM

The object of this Bill is to amend the Mental Health Act, so as to —

- (a) revise the composition of the Board of the National Mental Health 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 Mental Health Act.

ENACTED by the Parliament of Zambia.

Enactment

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

Short title and commencement
Cap. 305

5 (2) This Act shall come into operation on the expiry of the term of office, or removal by the Minister, of the members of the Board holding office prior to the enactment of this Act, after which the Minister shall appoint the members of the Board in accordance with this Act.

10 2. Section 2 of the principal Act is amended by the insertion of the following new definition in the appropriate place in alphabetical order:

Amendment
of section 2

“Human Rights Commission” means the Human Rights Commission established under the Constitution;.

Cap. 1

15 3. The principal Act is amended by the repeal of section 11 and the substitution therefor of the following:

Repeal and replacement
of section 11

11. (1) There is constituted the Board of the Council which consists of the following part-time members appointed by the Minister:

Board of
Council

20 (a) one representative each of the ministries responsible for—

- (i) health;
- (ii) local government; and
- (iii) correctional services;

N.A.B. 26, 2026

- (b) a representative of the Attorney General;
- (c) a representative of the Human Rights Commission;
- (d) a representative each of a civil society organisation engaged in matters relating to
 - (i) mental health; and
 - (ii) social welfare;
- (e) a representative of a religious organisation; and
- (f) one person from the private sector with relevant knowledge and experience in advocacy, prevention, treatment and rehabilitation of alcohol and substance abuse.

(2) The ministries, institutions and organisations referred to in subsection (1) shall nominate their representatives for appointment by the Minister.

(3) The Minister shall appoint the Chairperson from among the members of the Board referred to in subsection (1) (d) to (f).

(4) The members of the Board shall elect the Vice-Chairperson from among themselves.

(5) A person shall not be appointed as a member of the Board if that person—

- (a) is not a citizen;
- (b) is an undischarged bankrupt; 25
- (c) is legally disqualified from performing the functions of a member;
- (d) is convicted of an offence under this Act or any other written law and sentenced to imprisonment for a term exceeding six months without an option of a fine within a period of five years preceding the appointment; 30
- (e) is found guilty of professional misconduct; or 35
- (f) is an employee of the Council.

(6) The Schedule applies to the Board.

Repeal and replacement of heading to Schedule

4. The Schedule to the principal Act is amended by the repeal of the heading and the substitution therefor of the following:

N.A.B. 26, 2026

SCHEDULE

(Section 11(6))

ADMINISTRATION OF COUNCIL.

5. The Schedule to the principal Act is amended in paragraph 2(4), by the deletion of the word “Seven” and the substitution therefor of the word “Five”. Amendment of Schedule