



REPUBLIC OF ZAMBIA

REPORT

OF THE

COMMITTEE ON LEGAL AFFAIRS, HUMAN RIGHTS AND GOVERNANCE

ON THE

LEGAL AID (AMENDMENT) BILL, N.A.B. NO. 13 OF 2026

FOR THE

FIFTH SESSION OF THE THIRTEENTH NATIONAL ASSEMBLY

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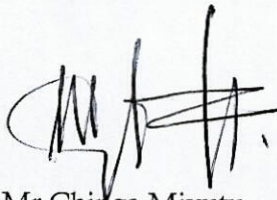
FOREWORD

Honourable Madam Speaker, the Committee on Legal Affairs, Human Rights and Governance has the honour to present its Report on the Legal Aid (Amendment) Bill, N.A.B. No. 13 of 2026, for the Fifth Session of the Thirteenth National Assembly. The functions of the Committee are set out under Standing Orders 206(f) and 207(j) of the National Assembly of Zambia Standing Orders, 2024.

The Committee held five (5) meetings to consider the Bill. In order to gain insight into the ramifications of the Bill, the Committee sought both written and oral submissions from various stakeholders, list of which is at Appendix II

The Report is in three Parts. Part I, contains the salient provisions of the Bill; Part II highlights concerns raised by stakeholders; while Part III contains the Committee's observations and recommendations.

The Committee wishes to pay tribute to all stakeholders who appeared before it and tendered both oral and written submissions. It further wishes to thank you, Madam Speaker, for affording it the opportunity to study the Legal Aid (Amendment) Bill, N.A.B. No. 13 of 2026. The Committee also appreciates the services rendered by the Office of the Clerk during its deliberations.



Mr Chinga Miyutu,
CHAIRPERSON

May, 2026
LUSAKA

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1.0 MEMBERSHIP OF THE COMMITTEE

Mr Chinga Miyutu, MP (Chairperson); Mr Sunday Chanda, MP (Vice Chairperson); Dr Clement Andeleki, MP; Mr Menyani Zulu, MP; Mr Monty Chinkuli, MP; Mr Francis Mulenga Fube, MP; Mr Luka Simumba, MP; Mr Lameck Hamwaata, MP; Dr Joseph Munsanje, MP; and Mr Emmanuel M Musonda, MP.

2.0 BACKGROUND

The Legal Aid (Amendment) Bill, N.A.B. No. 13, of 2026 seeks to amend the Legal Aid Act No. 1 of 2021, so as to revise the composition of the Board of the Legal Aid Board.

The principal Act establishes a comprehensive legal framework for the provision of legal aid in Zambia, including the continuation and functions of the Legal Aid Board; the administration of legal aid services in civil and criminal matters; the regulation of law clinics in the provision of legal aid; the registration and regulation of practitioners; legal assistants; paralegals and legal aid service providers; and the continuation and management of the Legal Aid Fund. The Act is designed to ensure access to justice for persons whose means are insufficient to afford legal services, while maintaining standards; coordination; and sustainability in the delivery of legal aid.

However, concerns have arisen regarding the composition of the Legal Aid Board, particularly in relation to representation, inclusiveness and alignment with evolving legal aid delivery structures. The Bill, therefore, seeks to revise the composition of the Board and provide for matters connected with, or incidental to the foregoing.

3.0 OBJECT OF THE BILL

The object of the Bill is to amend the Legal Aid Act No. 1 of 2021 so as to:

- i) revise the composition of the Board of the Legal Aid Board; and
- ii) provide for matters connected with, or incidental to, the foregoing.

PART I

4.0 SALIENT PROVISIONS OF THE BILL

The salient provisions of the Bill are as set out hereunder.

4.1 Clause 1 - Short Title and Commencement

Clause 1 provides for the short title of the Act and that it shall read as one with the Principal Act, *the Legal Aid Act No. 1 of 2021*. The 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 the Act, after which the Minister shall appoint the members of the Board in accordance with this Act.

4.2 Clause 3 - Composition of the Board

Clause 3 seeks to amend section 8 of the Principal Act by revising the composition of the Legal Aid Board. Under the proposed amendment, the Board will consist of nine part-time members appointed by the Minister.

4.3 Clauses 4 - Amendment to the First Schedule

Clause 4 amends paragraph 4(4) of the First Schedule to the Principal Act by altering the quorum for the meetings of the Board from six to seven, thereby aligning it with the revised Board.

PART II

5.0 CONCERNS RAISED BY STAKEHOLDERS

All stakeholders who appeared before the Committee supported the Bill but raised the following concerns under clause 3(2):

5.1 Absence of the Ministry of Finance

Stakeholders expressed concern that the Ministry of Finance had been excluded from the composition of the Legal Aid Board under the proposed amendments. They submitted that this Ministry plays a critical role in the allocation; oversight; and management of public financial resources, including funds allocated to the Legal Aid Board.

Stakeholders observed that the Legal Aid Fund, as established under the principal Act, requires sound financial oversight and alignment with national budgeting processes. In this regard, they cautioned that the absence of the Ministry of Finance may weaken fiscal oversight, reduce accountability in the management of funds and potentially affect the sustainability of legal aid services.

5.2 Private Sector Representation

Stakeholders welcomed the inclusion of private sector representatives although, concerns were raised regarding the absence of clear criteria for their appointment and the need to ensure that such individuals possessed relevant expertise in legal aid, governance or access to justice. Stakeholders submitted that although the Bill provides for private sector participation, it does not prescribe minimum qualifications, professional experience or integrity standards to guide appointments.

Stakeholders further noted that the Bill does not clearly define the scope of the “private sector,” thereby creating uncertainty as to whether this encompasses corporate entities; professional bodies; non-governmental organisations operating in a private capacity, or individuals with relevant public interest experience. In this regard, they expressed concern that the provision may be open to broad interpretation, which could result in the appointment of persons without sufficient expertise in legal aid delivery or access to justice.

Additionally, stakeholders cautioned that, in the absence of clear safeguards, private sector representatives may have interests that are not aligned with the public service nature of legal aid, thereby raising potential conflicts of interest. They, therefore, recommended that clear eligibility criteria, disclosure requirements and selection procedures be established to ensure that such appointments are merit-based; transparent; and supportive of the Board’s mandate.

5.3 Independence of the Board and Inclusion of the Attorney-General

Stakeholders observed that while the proposed composition of the Board incorporates a range of institutions, it may nonetheless raise concerns regarding the independence of the Legal Aid Board, particularly in relation to the inclusion of certain State actors whose functions intersect with matters involving legally aided persons.

In particular, stakeholders expressed concern regarding the inclusion of the Attorney-General on the Board. It was submitted that, in the Attorney-General's capacity as principal legal adviser to the Government, the office represents the State in legal proceedings, including matters where legally aided persons may be opposing parties.

In this regard, stakeholders observed that this dual role may give rise to both actual and perceived conflicts of interest, as the Attorney-General would be involved in the governance of a body that facilitates legal assistance to individuals who may be litigating against the State.

Stakeholders noted that such an arrangement may raise concerns regarding fairness and institutional neutrality, particularly in cases where the State is directly involved. They submitted that this may, in turn, affect public confidence in the independence and impartiality of the Legal Aid Board especially in matters involving claims against Government institutions. They emphasised that both actual and perceived independence are essential to the legitimacy and effectiveness of the Board.

5.4 Representation of the Judiciary

Stakeholders expressed concern regarding the inclusion of a representative from the Judiciary on the Board. It was submitted that such inclusion may raise significant issues relating to institutional independence and the separation of powers, given that the Judiciary's primary role is to adjudicate disputes, while the Legal Aid Board is responsible for the administration and facilitation of legal aid services.

Stakeholders observed that the participation of a judicial representative in the governance of the Board may blur the distinction between adjudicative and administrative functions. In particular, concerns were raised that decisions of the Board, including those relating to the grant or management of legal aid, may have a bearing on matters that subsequently come before the courts, thereby creating both real and perceived conflicts of interest.

Further, stakeholders noted that even in the absence of actual bias, the perception of possible influence or prior involvement may undermine public confidence in the independence and impartiality of the Judiciary. It was submitted that maintaining a clear institutional separation between the Judiciary and bodies involved in the administration of legal aid was essential in preserving the integrity of both institutions.

PART III

6.0 COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS

The Committee notes that stakeholders were generally in support of the Bill and agrees that there is need to enhance the composition of the Legal Aid Board in order to improve governance and inclusiveness.

However, the Committee makes the observations and recommendations set out below.

6.1 Inclusion of the Ministry of Finance

The Committee observes that the Legal Aid Board is responsible for overseeing the Legal Aid Fund, which requires sound financial management and alignment with national fiscal policies. The Committee is concerned that the exclusion of the Ministry of Finance

from the Board may weaken financial oversight and accountability and may affect the sustainability of legal aid services.

The Committee, therefore, recommends that consideration be given to reinstating the Ministry of Finance on the Board or, as an alternative, establish mechanisms to ensure adequate financial oversight and coordination.

6.2 Private Sector Representation

The Committee observes that the inclusion of private sector representatives is beneficial but notes the absence of clear criteria for their appointment.

The Committee, therefore, recommends that guidelines be developed to ensure that such members possess relevant expertise in legal aid, governance or access to justice and are appointed through a transparent process.

6.3 Inclusion of a Representative of the Attorney-General on the Legal Aid Board

The Committee notes the concerns raised by stakeholders regarding the inclusion of a representative of the Attorney-General on the Board. However, the Committee is of the view that the participation of such a representative is beneficial, given the Office's central role as principal legal adviser to the Government and its extensive experience in public law and litigation. The Committee considers that this expertise will enhance the quality of decision-making and strengthen coordination between the Legal Aid Board and Government institutions.

6.4 Inclusion of a Representative of the Judiciary on the Legal Aid Board

The Committee observes that while the inclusion of the Judiciary as a member of the Board raises concerns relating to independence and the separation of powers, the Judiciary nonetheless plays a critical role in the administration of justice and possesses valuable practical insight into the operation of legal aid within the court system.

The Committee is of the view that there is merit in ensuring that the Board benefits from the experience and technical expertise of the Judiciary, particularly in relation to challenges affecting access to justice, case management and the effectiveness of legal representation in court proceedings.

The Committee, therefore, recommends that the inclusion of a representative of the Judiciary on the Board be supported, in recognition of the Judiciary's critical role in the administration of justice and its valuable practical insight into the operation of legal aid within the court system.

7.0 CONCLUSION

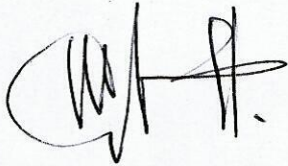
The Committee has carefully considered the Legal Aid (Amendment) Bill, N.A.B. No. 13 of 2026, together with the submissions from stakeholders. While the Committee acknowledges the concerns raised by stakeholders, it is satisfied that the Bill presents an opportunity to enhance the composition, inclusiveness and governance of the Legal Aid Board.

However, the Committee is of the view that certain critical issues require attention in order to strengthen the effectiveness and sustainability of the Board. The Committee emphasises that the effectiveness of the Legal Aid Board is closely linked to its

independence, credibility and ability to operate in a transparent and accountable manner. It is, therefore, imperative that the concerns raised are adequately addressed to ensure that the Board is able to effectively discharge its mandate.

In light of the foregoing, the Committee supports the Bill, but urges the Executive to consider the concerns and recommendations set out in this Report in order to refine the proposed amendments and ensure that the Legal Aid Board remains an effective, independent and credible institution for the provision of legal aid in Zambia.

We have the honour to be, Madam Speaker, the Committee on Legal Affairs, Human Rights and Governance mandated to consider the Legal Aid (Amendment) Bill, N.A.B. No. 13 of 2026.

A handwritten signature in black ink, appearing to be 'Chinga Miyutu', written in a cursive style.

Mr Chinga Miyutu, MP
CHAIRPERSON

May, 2026
LUSAKA

APPENDIX I - List of National Assembly Officials

Mr Charles Haambote, Director of Committees (SC)
Mrs Chitalu, K Mumba, Deputy Director of Committees (SC)
Mr Charles Chishimba, Senior Committee Clerk (FC-1)
Mr Ronald Muthoiwa Semani, Committee Clerk
Mrs Vivian M Banda, Administrative Assistant
Mr Daniel Lupiya, Senior Committee Assistant
Mr Muyembi Kantumoya, Committee Assistant
Ms Taona Chabinga, Committee Assistant

APPENDIX II - List of Witnesses

Ministry of Justice
Human Rights Commission
Legal Aid Board
The Judiciary of Zambia
Zambia Law Development Commission
Law Association of Zambia
National Legal Aid Clinic for Women