



REPUBLIC OF ZAMBIA

REPORT

OF THE

COMMITTEE ON LEGAL AFFAIRS, HUMAN RIGHTS AND GOVERNANCE

ON THE

SUPERIOR COURTS (NUMBER OF JUDGES) BILL, N.A.B. NO. 15 OF 2025

FOR THE

FOURTH 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 Superior Courts (Number of Judges) Bill, N.A.B. No. 15 of 2025, for the Fourth Session of the Thirteenth National Assembly. The functions of the Committee are set out in Standing Order 206 (f) of the National Assembly of Zambia Standing Orders, 2024.

In order to acquaint itself with the ramifications of the Bill, the Committee sought both written and oral submissions from different stakeholders, the list of which is at Appendix II. The Report highlights a summary of submissions from stakeholders, concerns raised by stakeholders and the observations and recommendations made by the Committee.

The Committee wishes to pay tribute to all stakeholders who appeared before it and tendered both written and oral submissions. It further wishes to thank you, Madam Speaker, for affording it the opportunity to study the Superior Courts (Number of Judges) Bill, N.A.B. No. 15 of 2025.

The Committee also appreciates the services rendered by the Office of the Clerk of National Assembly during its deliberations.



Dr Clement Andeleki, MP
CHAIRPERSON

July 2025
LUSAKA

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COMPOSITION OF THE COMMITTEE

The Committee consisted of Mr Clement Andeleki, MP (Chairperson); Mr Sunday C Chanda, MP (Vice Chairperson); Mr Monty Chinkuli, MP; Mr Chinga Miyutu, MP; Ms Tasila E Lungu, MP; Mr Luka Simumba, MP; Mr Menyani Zulu, MP; Mr Lameck Hamwaata, MP; Mr Joseph S Munsanje, MP; and Mr Mulenga F Fube, MP.

2.0 BACKGROUND

Part VIII of the *Constitution of Zambia, Chapter 1 of the Laws of Zambia*, established the superior courts namely; the Supreme Court, the Constitutional Court, the Court of Appeal, and the High Court, as well as the other courts, which include, subordinate and local courts. It further outlined the composition and jurisdiction of these courts, while delegating the determination of the number of judges to an Act of Parliament or subsidiary legislation.

This approach provided flexibility within the legal system in the event of a rise in caseloads or the need to enhance access to justice, Parliament could adjust the number of judges through subsidiary legislation thereby avoiding the lengthy and complex process of amending the Constitution.

To operationalise the constitutional provisions, specifically, the requirement that the determination of the number of judges be prescribed through an Act of Parliament, the *Superior Courts (Number of Judges) Act, No. 9 of 2016* was enacted. The Act specified the number of judges for the Supreme Court, Constitutional Court, Court of Appeal, and High Court.

The Superior Courts (Number of Judges) Bill, N.A.B. No. 15 of 2025 (herein after referred to as the Bill) seeks to repeal and replace *Superior Courts (Number of Judges) Act, No. 9 of 2016*; prescribe the number of judges for the Supreme Court and Constitutional Court; increase the number of High Court judges to not more than one hundred; and the number of judges in the Court of Appeal to not more than thirty-one, including the Judge President and the Deputy Judge President.

3.0 OBJECTS OF THE BILL

The objects of the Bill are to:

- (a) prescribe the number of judges for the Supreme Court, Constitutional Court, Court of Appeal and High Court;
- (b) repeal and replace the Superior Courts (Number of Judges) Act, 2016; and
- (c) provide for matters connected with, or incidental to, the foregoing.

4.0 SALIENT PROVISIONS OF THE BILL

The salient features of the Bill are set out below.

Clause 1 - Short title

Clause 1 provided for the citation of the Act, once enacted.

Clause 2 - Interpretation

Clause 2 provided for the definition of key words and phrases used in the Bill.

Clause 3 - Supreme Court judges

Clause 3 provided for thirteenth judges of the Supreme Court, including the Chief Justice and the Deputy Chief Justice.

Clause 4 - Constitutional Court judges

Clause 4 provided for thirteenth judges of the Constitutional Court, including the President of the Constitutional Court and the Deputy President of the Constitutional Court.

Clause 5 - Court of Appeal judges

Clause 5 sought to provide for not more than thirty-one judges of the Court of Appeal, including the Judge President and Deputy Judge President.

Clause 6 - High Court judges

Clause 5 sought to provide for not more than one hundred judges of the High Court.

Clause 7 - Repeal of Act No. 9 of 2016

Clause 7 sought to repeal and replace the *Superior Courts (Number of Judges) Act, No. 9 of 2016*.

5.0 STAKEHOLDERS' SUBMISSIONS AND CONCERNS

All the stakeholders who appeared before the Committee supported the Bill and stated that it was progressive. Outlined below is a summary of submissions.

5.1 Backlog of Cases

Stakeholders submitted that the High Court and the Court of Appeal continued to struggle with considerable delays in the disposal of matters, largely due to the excessive caseload shouldered by their respective benches. For example, the 2023 Judiciary Annual Report revealed that as at December 2023, the High Court was confronted with a cumulative caseload of 23,337 matters, comprising 19,609 civil cases and 3,764 criminal cases.

This aggregate encompassed both matters carried over from the preceding year and new filings within the reporting period. It was observed that at the time of the Report, the High Court comprised fifty-four judges, each of whom had an average caseload of approximately 432 matters and the status quo had remained. The figures highlight the need to strengthen the judicial establishment in order to ease the prevailing strain and promote the timely and effective dispensation of justice.

Stakeholders submitted, therefore, that the proposed increase in the numerical composition of judges in the Superior Courts was important for the effective alleviation of the longstanding backlog, enhancement of case turnover, and promotion of timely and efficient adjudication.

The expansion of the judicial establishment for the High Court and the Court of Appeal would significantly mitigate delays and facilitate a more expeditious delivery of judgments at both the trial and appellate levels, thereby strengthening public confidence in the administration of justice.

5.2 Devolution of the Judiciary

Stakeholders observed that despite the opening of the High Court at Provincial level across the country, a number of stations remained under-served as all provincial offices of the

High Court functioned under the stewardship of one Resident Judge, a situation which presented considerable administrative and procedural difficulties in instances where the judge was indisposed. Therefore, the expansion of the judicial complement was essential to ensure that temporary absences occasioned by leave or other exigencies did not interrupt judicial functions, thereby safeguarding continuity and consistency in service delivery.

Some stakeholders also noted that increasing the number of High Court judges would inevitably result in a corresponding rise in appellate matters. They submitted that it was both prudent and necessary that the proposed expansion of the High Court Bench be matched by a proportionate increase in the establishment of the Court of Appeal, so as to maintain institutional balance and procedural efficiency.

5.3 Improved Access to Justice

Stakeholders supported the proposed increase in the prescribed number of judges for the High Court and the Court of Appeal because it would represent a measured and pragmatic re-alignment of judicial manpower, informed by the current operational challenges and anticipated caseload trajectories.

In addition, an expanded judicial complement would substantially enhance the adjudicative capacity of the Superior Courts, thereby facilitating more timely access to judicial services for litigants, and significantly reducing the prolonged waiting periods experienced in the scheduling of hearings and the delivery of judgments.

Further, the initiative aligned with the objectives of the Eighth National Development Plan (8NDP), particularly those aimed at strengthening human and technical capacity within the justice sector. The proposed reform would further align with the Judiciary's institutional aspirations, by furthering its vision of a "*just and accountable Judiciary guaranteeing justice for all*" and reinforcing its mission to administer justice to all in an independent, impartial, competent and timely manner.

5.4 Institutional Efficiency

Some stakeholders stated that the proposed amendment was poised to reinforce the institutional resilience of the Judiciary by equipping it with the requisite human resources to discharge its constitutional mandate more effectively. The amendment would enable the courts to uphold constitutional principles and safeguard fundamental rights through the prompt and impartial adjudication of disputes.

Further, the measure would enhance the High Court's supervisory function over the Subordinate Courts, a role that remained central to promoting transparency, consistency, and operational efficiency across the judicial system. The stakeholders added that strengthening this oversight capacity would enhance the quality and integrity of judicial processes at all levels of the hierarchy in the Judiciary.

5.5 Comparative Study

To further analyse the Bill, a comparative study was carried out by the Zambia Law Development Commission with Kenya, Uganda and Nigeria based on their comparable socio-economic status to Zambia and the assumption that they had made notable progress in addressing some of the judicial challenges that Zambia continued to face, particularly those related to the number of judges in the Superior Courts.

5.5.1 Kenya

The Committee was informed that articles 164 and 165 of the Constitution of Kenya established the Court of Appeal and the High Court, respectively, and delegated the

determination of the number of judges to subsidiary legislation. In accordance with the Constitution, the Judicature Act (Chapter 8 of the Laws of Kenya) set out the prescribed number of judges for the Superior Courts. In line with this mandate, section 7 of the Judicature (Amendment) Act of 2023 increased the number of judges serving on the Court of Appeal from thirty to seventy. The reforms aimed to improve access to justice, particularly in remote areas, with the establishment of new court stations and the implementation of service charters.

5.5.2 Uganda

The Constitution of Uganda established the Superior Courts, while the Judicature Act (Chapter 13 of the Laws of Uganda) prescribed the number of judges. Parliament had the authority to increase this number by resolution. In 2023, Parliament approved an increase in the number of High Court judges from 83 to 115. This decision was driven by a growing population, rising crime rates, and increased demand for judicial services, which contributed to a significant case backlog. The urgency was further compounded by the fact that the High Court exercised unlimited original jurisdiction in all matters.

5.5.3 Nigeria

In Nigeria, a motion was moved in the House of Representatives to amend the High Court of the Federal Capital Territory, Abuja (Number of Judges) Act in order to increase from the maximum of 70 to a minimum of one hundred Judges. By increasing the number of judges, the amendment was anticipated to reduce delays in case resolution by ensuring more efficient handling of cases, and consequently, enhancing public confidence in the judiciary.

6.0 COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS

The Committee makes its observations and recommendations on the Bill as set out below.

- (i) The Committee observes that the High Court is Zambia's most accessible superior court, vested with unlimited and original jurisdiction in civil and criminal matters as well as broad appellate and supervisory powers over the subordinate courts, granted under Article 134 of the Constitution.

The Committee, therefore, supports the proposed increase in the number of High Court judges from sixty to a maximum of one hundred as it will address the Judiciary's capacity crisis and uphold the constitutional principles enshrined in Article 18, which guarantees the right to a fair trial, and Article 118 (2), which requires that justice be administered without discrimination or delay.

It is also noteworthy and commendable that the Court of Appeal, which is the appellate court of the High Court is also proposed to have an increase in the number of Judges from Nineteen (19) to Thirty-One. This will guarantee a significant reduction on the time spent on appeals and reveals from the lower court.

The Committee also recommends that there should be periodic review of the prescribed number of judges in accordance with the rate at which the population grows.

- (ii) The Committee notes that the proposed increase of the number of judges comes with financial implications and infrastructure challenges. The Committee, therefore, recommends that the Executive should ensure that this increase is

proportional with budgetary allocation to the judiciary and investments in court infrastructure such as courtrooms, chambers, and other administrative support. Without these, the judiciary would remain constrained by the same logistical challenges currently affecting the existing complement of Judges.

The Committee further recommends that comprehensive reference materials such as online legal libraries and other resources to facilitate research and sound adjudication should be provided in order to enhance the effectiveness of judges.

- (iii) The Committee observes that there is a progressive inclination toward specialisation in the courts, which can be seen in the establishment of divisions of the High Court level such as the Industrial Relations Court, Commercial Court, Family Court and Children’s Court, in accordance with Article 120 of the Constitution. The Committee notes that increasing the number of judges will enable greater diversity in knowledge, experience, and specialisation within the Judiciary.

The Committee, therefore, supports the increase of the number of judges of the Superior Courts and recommends the establishment of more specialised courts in order to strengthen the overall quality of justice.

- (iv) The Committee observes with concern that according to the 2023 Judiciary Annual Report, the High Court faced a significant caseload comprising 3,764 criminal cases, of which 775 cases were carried over from 2022. Additionally, the court had a total number of 19,609 civil cases, with 8,285 brought forward from 2022.

The Committee is of the considered view that increasing the number of judges will help to clear the existing backlog of cases thereby ensuring timely justice delivery.

- (v) The Committee observes that the increase in the number of judges will expedite Appeals and Reviews as having more Judges at the appellate level will ensure that appeals and reviews are processed more swiftly. This will minimise the period that litigants spend in legal uncertainty and it will promote prompt resolution of disputes. The Committee, therefore, supports the proposal as it will enhance access to justice for all.
- (vi) The Committee also notes and commends the advertisement of Judges’ positions by the Judicial Service Commission recently and encourages more transparency in the selection of judges in order to increase public confidence in the judiciary.

It is also noted that this practice is not only limited to Zambia but other countries in the region and beyond as seen from the comparative study.

7.0 CONCLUSION

The Committee supports the proposal to repeal and replace the *Superior Courts (Number of Judges) Act, 2016* to increase the number of High Court Judges from sixty to hundred and Court of Appeal Judges from nineteen to thirty-one. The Committee holds a strong view that the increase in the number of judges will enhance the Judiciary’s capacity to hear and determine cases in a timely manner, reduce the backlog of cases and alleviate the pressure on correctional facilities. It will further improve access to justice and respect for human rights.

The Committee wishes to express its gratitude to the Honourable Madam Speaker and the Acting Clerk of the National Assembly for the guidance and support rendered to it throughout its deliberations. The Committee also expresses gratitude to the stakeholders who appeared before it for their cooperation in providing the necessary memoranda, and for appearing before it to clarify matters arising from their written submissions.

We have the honour to be, Madam Speaker, the Committee on Legal Affairs, Human Rights and Governance, mandated to consider the Superior Courts (Number of Judges) Bill, N.A.B. No. 15 of 2025.



Dr Clement Andeleki, MP
CHAIRPERSON

July, 2025
LUSAKA

Appendix I - List of National Assembly Officials

Mr Barnabas Bwalya, Director, Social Committees (SC)
Mrs Chitalu K Mumba, Deputy Director (SC)
Ms Betty P Zulu, Senior Committee Clerk (SC-2)
Mr Lovemore C Kabwata, Committee Clerk
Mr Fanwel M Chiwama, Committee Clerk
Mrs Vivian M Banda, Administrative Assistant
Mr Daniel Lupiya, Senior Committee Assistant

Appendix II – List of Witnesses

The Chapter one Foundation
The Judicial Service Commission
The Judiciary
The Law Association of Zambia
The Magistrates and Judges Association of Zambia
The Ministry of Justice
The National Legal Aids Clinic for Women
The National Prosecutions Authority
The Paralegal Alliance Network
The Women in Law in Southern Africa
The Zambia Law Development Commission