



**REPUBLIC OF ZAMBIA**

**REPORT**

**OF THE**

**COMMITTEE ON LEGAL AFFAIRS, HUMAN RIGHTS AND GOVERNANCE**

**ON THE**

**THE ZAMBIA INSTITUTE OF ADVANCED LEGAL EDUCATION (AMENDMENT)  
BILL, N.A.B. NO. 4 OF 2024**

**FOR THE**

**THIRD SESSION OF THE THIRTEENTH NATIONAL ASSEMBLY**

*Published by the National Assembly of Zambia*

## **FOREWORD**

Honourable Madam Speaker, the Committee on Legal Affairs, Human Rights and Governance, has the honour to present its Report on the consideration of the Zambia Institute of Advanced Legal Education (Amendment) Bill, N.A.B No. 4 of 2024, for the Third Session of the Thirteenth National Assembly. The Committee is mandated to consider any Bills that may be referred to it by the House, as per Standing Order 207(j) of the National Assembly 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; and the observations and recommendations made by the Committee.

Madam Speaker, the Committee is grateful to the stakeholders who tendered both written and oral submissions. The Committee also wishes to thank you, Madam Speaker, for affording it the opportunity to scrutinise the Zambia Institute of Advanced Legal Education (Amendment) Bill, N.A.B. No. 4 of 2024. Further, appreciation is extended to the Clerk of National Assembly for the support and guidance rendered throughout the Committee's deliberations.



Mr Chinga Miyutu, MP  
**CHAIRPERSON**

July, 2024  
**LUSAKA**

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## **1.0 COMPOSITION OF THE COMMITTEE**

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

## **2.0 BACKGROUND**

The Bill sought to amend the *Zambia Institute of Advanced Legal Education Act, Chapter 49 of the Laws of Zambia*, so as to revise the functions of the Council of the Zambia Institute of Advanced Legal Education in order to remove the function of providing post – graduate judicial training for magistrates and judges, from among the functions of the Council.

The amendment to the *Zambia Institute of Advanced Legal Education Act* was necessitated by the enactment of the *Judicial Training Institute of Zambia Act, No. 14 of 2023*, which established the Judicial Training Institute of Zambia, whose functions included, providing and developing judicial education and professional training for judges, judicial officers and judicial staff.

It, therefore, became necessary to amend the *Zambia Institute of Advanced Legal Education Act*, so as to harmonise it, with the *Judicial Training Institute of Zambia Act*.

## **3.0 OBJECT OF THE BILL**

The object of the Bill was to amend the *Zambia Institute of Advanced Legal Education Act* so as to revise the functions of the Council of the Zambia Institute of Advanced Legal Education.

## **4.0 PROVISIONS OF THE BILL**

### **4.1 Clause 1 – Short Title**

The clause provided for the citation of the Act, once enacted.

### **4.2 Clause 2 – Amendment of section 4 (2)**

The clause sought to amend section 4(2) of the principal Act by the deletion of paragraph (g), so as to remove the function of providing judicial education and post graduate judicial training for judges and magistrates from the Council of the Zambia Institute of Advanced Legal Education because such a function would be performed under the *Judicial Training Institute of Zambia Act, No. 14 of 2023*.

## **5.0. SUBMISSIONS OF STAKEHOLDERS**

Stakeholders informed the Committee that section 4(2)(g) of the *Zambia Institute of Advanced Legal Education* was amended by the *Zambia Institute of Advanced Legal Education Act, No. 16 of 2021* to provide for post-graduate judicial training for Magistrates and Judges.

The proposed amendment in the Zambia Institute of Advanced Legal Education (Amendment) Bill, N.A.B No. 4 of 2024 which sought to remove the responsibility of post-graduate judicial training for Magistrates and Judges from the Zambia institute of Advanced Legal Education

(ZIALE), therefore, tied in squarely with the coming into force of the *Judicial Training Institute of Zambia Act, No. 14 of 2023* which in its preamble stipulated that it was:

*“An Act to 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.*

Stakeholders submitted that this was a consequential amendment meant to avoid duplicity of functions. They further submitted that the enactment of the *Judicial Training Act, No. 14 of 2023* meant that the function of providing post-graduate judicial training for Magistrates and Judges was now under the ambit of the Judicial Training Institute.

Stakeholders outlined two major reasons for fully supporting the amendment as outlined below.

**(a) Specialised Training:**

Stakeholders submitted that as the backbone of a thriving society, justice promoted equal chances and guaranteed that everyone had access to their fundamental human rights. They submitted that justice was the epitome of fairness and integrity. To that effect, continuous training for all adjudicators was paramount as it answered to the continuous evolving of society and its legal system. The amendment would, therefore, promote ongoing education and training for Judges and Magistrates in a consistent manner by the Institute.

Additionally, stakeholders stated that ongoing education would ensure that adjudicators stayed updated on the jurisprudence of law, contributing to a more informed and effective Judiciary.

**(b) Independence of the Judiciary:**

Stakeholders further submitted that there would be positive effect of the above development as it would effectively go a long way in ensuring the promotion of judicial independence. This was because training of members of the Judiciary would be undertaken by an institute whose focus was to attend to the peculiar training needs of members of the Judiciary.

## **6.0 COMMITTEE’S OBSERVATION AND RECOMMENDATION**

The Committee notes that all the witnesses who appeared before it were in support of the Bill. The Committee also supports the Bill. In supporting the Bill, the Committee agrees with stakeholders that justice promotes equal chances and guarantees that everyone has access to their fundamental human rights. This is the essence of a thriving and sustainable society. The Committee observes that the enactment of the *Judicial Training Institute Act, No. 14 of 2023* establishes a comprehensive framework for judicial training. Therefore, the Committee supports the deletion of section 4(2) (g) from the *Zambia Institute Advanced Legal Education, Chapter 49 of the Laws of Zambia*. This will ensure that the Judicial Training Institute of Zambia operates autonomously and unfettered by duplicative mandates.

## 7.0 CONCLUSION

The Committee observes that the amendment of the *Zambia Institute of Advanced Legal Education, Chapter 49 of the Laws of Zambia* is progressive and necessary to avoid duplicity of functions as the provision of post-graduate judicial training for Magistrates and Judges is under the ambit of the Judicial Training Institute.

The Committee notes that as an inevitable legal drafting consequence, there is was need to renumber the provisions in the Act in order to attain consistency in the provisions.

The Committee wishes to express its profound gratitude to all stakeholders who appeared before it and rendered both oral and written submissions. The Committee also wishes to thank you, Madam Speaker, for the guidance throughout its deliberations. The Committee further appreciates the services rendered to it by the Office of the Clerk of the National Assembly.

We have the Honour to be, Madam, the Committee on Legal Affairs, Human Rights and Governance mandated to consider the *Zambia Institute of Advanced Legal Education (Amendment) Bill N.A.B No. 4 of 2024*.



Mr Chinga Miyutu, MP  
**CHAIRPERSON**

July, 2024  
**LUSAKA**

## **APPENDIX I - NATIONAL ASSEMBLY OFFICIALS**

Mrs Doreen N C Mukwanka, Director, Social Committees (SC)

Mrs Chitalu K Mumba, Deputy Director (SC)

Ms Betty P Zulu, Senior Committee Clerk (SC2)

Mr Sanford Mwiinde, Committee Clerk

Ms Annette Maluwa, Administrative Assistant I

Mr Daniel Lupiya, Acting Senior Committee Assistant

Mr Muyembi Kantumoya, Acting Committee Assistant

## **APPENDIX II–LIST OF WITNESSES**

Ministry of Justice  
The Judiciary of Zambia  
Law Association of Zambia  
Zambia Law Development Commission  
Magistrates and Judges Association of Zambia  
Zambia Institute of Advanced Legal Education