



**REPUBLIC OF ZAMBIA**

**REPORT**

**OF THE**

**COMMITTEE ON CABINET AFFAIRS**

**ON THE**

**NATIONAL PROSECUTION AUTHORITY (AMENDMENT) BILL,  
N.A.B. NO. 61 OF 2026**

**FOR THE**

**FIFTH SESSION OF THE THIRTEENTH NATIONAL ASSEMBLY**

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## **FOREWORD**

Honourable Madam Speaker, the Committee on Cabinet Affairs has the honour to present its Report on the *National Prosecution Authority (Amendment) Bill, N.A.B. No. 61 of 2026*, for the Fifth Session of the Thirteenth National Assembly. The functions of the Committee are set out under Standing Orders 206(m) and 207(j) of the National Assembly of Zambia Standing Orders, 2024.

The Committee held two (2) 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. The list of stakeholders is at Appendix II of the Report.

The Report is in three parts. PART I highlights the background, objectives and salient provisions of the Bill, PART II covers concerns raised by stakeholders and PART III contains observations and recommendations made by the Committee.

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 an opportunity to study the *National Prosecution Authority (Amendment) Bill, N.A.B. No. 61 of 2026*. The Committee also appreciates the services rendered by the Office of the Clerk of the National Assembly during its deliberations.

P.P. *[Signature]*

Andrew Z Lubusha  
**CHAIRPERSON**

May, 2026  
**LUSAKA**

## **ACKRONYMS**

DPP – Director of Public Prosecutions

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## **1.0 MEMBERSHIP OF THE COMMITTEE**

Mr Andrew Z Lubusha, MP (Chairperson); Ms Sibeso Sefulo, MP (Vice Chairperson); Mr Elias Musonda, MP; Mr Peter Phiri, MP; Mr Kaliye Mandandi, MP; Mrs Chushi Kasanda, MP; Rev Given Katuta Mwelwa, MP; Mr Newton Samakayi, MP; Dr Christopher Kalila, MP; and Mr Cliff Mpundu, MP.

## **PART I**

### **2.0 BACKGROUND**

The Bill seeks to amend the National Prosecution Authority Act, Chapter 105 of the Laws of Zambia, so as to strengthen the institutional framework of the National Prosecution Authority by revising the composition of its governing Board. This amendment aims to enhance the Authority's oversight and operational capacity by integrating specialised external expertise into its leadership structure.

The principal Act provides for the governance of the Authority; however, there is a recognised need to broaden the Board's professional diversity to better address the evolving challenges within the prosecutorial landscape. Therefore, the Bill introduces a requirement to include two representatives from the private sector who possess specific knowledge and experience in prosecutorial matters.

The Bill, once enacted, will provide for a more inclusive and specialised Board composition, ensuring that the Authority benefits from a wider range of legal and technical perspectives. This shift is intended to foster greater transparency and professionalism in the administration of public prosecutions across the Republic.

### **3.0 OBJECT OF THE BILL**

The object of this Bill is to:

- (i) revise the composition of the Board of the National Prosecution Authority; and
- (ii) provide for matters connected with, or incidental to, the foregoing.

### **4.0 SALIENT PROVISIONS OF THE BILL**

#### **Clause 1- Short Title**

Clause 1 provides for the short title of the Act. It also provides that the amendment Act shall be read as one with the principal Act.

The Bill provides that the Act shall become operational 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 Bill. It further provides that once the Act is enacted, the Minister shall appoint members of the Board, in accordance with the Act.

#### **Clause 2 – Amendment of Section 7**

Section 7 (1) of the principal Act provides for the Board of the Authority. It provides under subsection (1)(h) for two persons with relevant knowledge and experience in prosecutorial matters. The amendment in clause 2 seeks to substitute paragraph (h) to provide that the two (2) persons are from the private sector with knowledge and experience in prosecutorial matters. The clause maintains the total number of Council members at ten (10), consistent with the current Act.

## **PART II**

### **5.0 SUBMISSIONS AND CONCERNS FROM STAKEHOLDERS**

The stakeholders expressed support for the National Prosecution Authority (Amendment) Bill, 2026. While there was some acknowledgement of the intent to modernise the Board's composition, concerns were raised regarding constitutional autonomy, institutional disconnect, and the lack of clarity in the proposed legal definitions. The detailed concerns are set out below:

#### **5.1. Composition of the Board**

##### **5.1.1. Status of the Director of Public Prosecutions (DPP)**

In the current Act, the National Prosecution Authority Act No. 7 of 2023, the Director of Public Prosecutions (DPP) is provided for as an ex-officio member under section 7(1)(i), and the Bill does not propose any amendment in this regard.

However, stakeholders expressed concern that this status does not adequately reflect the significance of the DPP's constitutional mandate in relation to the functions of the Authority. In this regard, stakeholders noted that under the National Prosecution Authority Act of 2010, the DPP served as Chairperson of the Board, but this position was revised in the current Act, where the DPP is designated as an ex-officio member.

Accordingly, stakeholders proposed that the Bill be amended to reinstate the DPP as Chairperson of the Board. They submitted that restoring this position would enhance institutional coordination and ensure stronger alignment between the governance functions of the Board and the prosecutorial mandate of the DPP, while reinforcing the DPP's autonomy in the exercise of prosecutorial discretion.

#### **5.2. Absence of Definitions**

##### **5.2.1. Absence of Definitions for "Private Sector" and "Prosecutorial Matters"**

The Bill introduces the requirement for two persons from the "private sector" with experience in "prosecutorial matters" to join the Board.

Stakeholders argued that these newly included terms are vague and require clear statutory definitions. They observed that the term "private sector" is too broad and could lead to inconsistent applications depending on the appointing authority. Questions were also raised regarding whether these appointees must be legal practitioners or if they could be drawn from other professional backgrounds. It was further noted that without a precise definition for "prosecutorial matters," it would be difficult to ensure the recruitment of appropriate expertise.

#### **5.3. Constitutional and Governance Concerns**

##### **5.3.1. Alignment between Administrative Oversight and Constitutional Mandate**

Stakeholders made reference to Article 180(7) of the Constitution of Zambia, which provides that the Director of Public Prosecutions (DPP) shall not be subject to the direction or control of any person or authority in the exercise of prosecutorial functions.

They submitted that the current arrangement, under which the DPP serves as an ex-officio member of the Board, does not adequately promote effective synergy between the Board's administrative oversight functions and the DPP's constitutional mandate. In their view, this limits optimal institutional alignment within the governance framework of the Authority.

Accordingly, stakeholders proposed that the Bill be amended to elevate the DPP to the position of Chairperson of the Board. They argued that this would enhance institutional coherence by ensuring closer alignment between administrative oversight and the prosecutorial mandate, while maintaining constitutional safeguards on independence.

### **5.3.2. Conflicts of Interest and Private Agendas**

Stakeholders expressed concern over the introduction of private sector representatives without clear safeguards. They noted a significant risk of conflicts of interest, particularly if these individuals are active in private legal practice that intersects with the work of the Authority. They warned that this could introduce private agendas into the governance of public prosecutions, which would be contrary to the principles of sound corporate governance.

## **PART III**

### **6.0 COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS**

After carefully considering the submissions from various stakeholders, the Committee observes that while the National Prosecution Authority (Amendment) Bill, N.A.B. No. 61 of 2026 is a commendable effort to refine the governance of the Authority, several provisions require refinement to ensure constitutional compliance, operational synergy, and legal clarity. In this regard, the Committee presents the following observations and recommendations.

**6.1.** The Committee observes that the absence of definitions for "private sector" and "prosecutorial matters" in the Bill creates significant legal ambiguity. The Committee is of the view that a broad interpretation of "private sector" could lead to inconsistent appointments that may not effectively add value to the Board.

The Committee recommends that explicit definitions for these terms be inserted into the interpretation section of the Act to provide clarity and ensure that appointees possess the requisite technical and professional standing.

**6.2.** The Committee notes the stakeholders' concern that the current ex-officio status of the DPP, as provided for in the current Act, does not sufficiently reflect the significance of the office's constitutional mandate. The Committee further observes that, whereas under the National Prosecution Authority Act of 2010 the DPP served as Chairperson of the Board, the current arrangement reduces the role to that of an ex-officio member.

The Committee, therefore, recommends that the Bill be amended to reinstate the DPP as Chairperson of the Board in order to enhance institutional coordination and ensure stronger alignment between the governance functions of the Board and the prosecutorial mandate of the DPP, while reinforcing the DPP's autonomy in the exercise of prosecutorial discretion.

**6.3.** The Committee observes that Article 180(7) of the Constitution of Zambia guarantees the independence of the DPP, stipulating that the office shall not be subject to the direction or control of any person or authority.

The Committee agrees with stakeholders that the current governance framework does not promote effective synergy between the Board's administrative oversight and this constitutional mandate, potentially limiting optimal institutional alignment.

The Committee recommends that the Bill be amended to elevate the DPP to the position of Chairperson of the Board, thereby ensuring closer alignment between the Board's oversight role and the DPP's constitutional functions.

**6.4.** The Committee observes that the introduction of private sector representatives without clear safeguards poses a risk of conflicts of interest, particularly for individuals active in private legal practice.


The Committee recommends that the Bill be amended to include a code of conduct or specific eligibility criteria for private sector members to prevent the pursuit of private agendas within the Authority's governance framework.

## **7.0 CONCLUSION**

The Committee supports the Bill. Once enacted, the National Prosecution Authority (Amendment) Bill, together with the principal Act, will serve as a significant piece of legislation in modernising the governance structure of the Authority while aiming to integrate private sector expertise into its leadership.

The Committee, however, urges the Executive to carefully consider stakeholders' submissions as highlighted in the report, particularly regarding the constitutional independence of the Director of Public Prosecutions and the need for legal clarity in definitions, in order to strengthen the Bill.

We have the honour to be, Madam Speaker, the Committee on Cabinet Affairs, mandated to consider the National Prosecution Authority (Amendment) Bill, N.A.B. No. 61 of 2026.

P.P. 

Andrew Z Lubusha  
**CHAIRPERSON**

May, 2026  
**LUSAKA**

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

Mr Charles Haambote, Director (Social Committees)

Mrs Chitalu K Mumba, Deputy Director (Social Committees)

Mr Darius Kunda, Senior Committee Clerk (SC1)

Mr Andrew T Siwale, Committee Clerk

Ms Ruth Nambule, Administrative Assistant

Mr Daniel Lupiya, Senior Committee Assistant

Mr Muyembi S Kantumoya, Committee Assistant

Ms Taona Chabinga, Committee Assistant

Ms Emma Mwandila, Intern

Ms Dorothy Kapanji, Intern

**APPENDIX II – LIST OF WITNESSES**

Law Association of Zambia

Ministry of Justice

National Prosecution Authority

Zambia Institute of Advanced Legal Education