



REPUBLIC OF ZAMBIA

REPORT

OF THE

COMMITTEE ON LEGISLATION AND INTERNATIONAL AGREEMENTS

ON THE

**NATIONAL ASSEMBLY (SPEAKER'S RETIREMENT BENEFITS) BILL, N.A.B.
NO. 77 OF 2026**

FOR THE

FIFTH SESSION OF THE THIRTEENTH NATIONAL ASSEMBLY

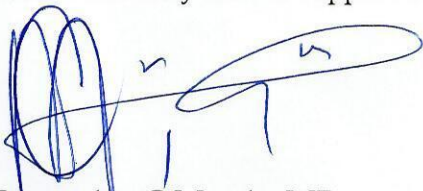
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FOREWORD

Honourable Madam Speaker, the Committee on Legislation and International Agreements has the honour to present its Report on the National Assembly (Speaker's Retirement Benefits) Bill, N.A.B. No. 77 of 2026. The functions of the Committee are set out under Standing Orders 206(a) and 204 (2) (iv) of the National Assembly of Zambia Standing Orders, 2024

In order to acquaint itself with the ramifications of the Bill, the Committee held eight meetings and sought both written and oral submissions from stakeholders. Stakeholders, who appeared before the Committee, are listed at Appendix II of the Report. The Report is organised in three parts. Part I provides a background and summary of the provisions of the Bill. Part II presents the summary of submissions from stakeholders, while Part III constitutes the Committee's observations and recommendations.

The Committee is grateful to stakeholders who tendered both written and oral submissions. The Committee further wishes to thank you, Madam Speaker, for affording it the opportunity to scrutinise the National Assembly (Speaker's Retirement Benefits) Bill, N.A.B. No. 77 of 2026. The Committee's appreciation is further extended to the Office of the Clerk of the National Assembly for the support and guidance rendered throughout its deliberations.

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke, positioned above the name of the Chairperson.

Mr Remember C Mutale, MP
CHAIRPERSON

May, 2026
LUSAKA

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1.0 MEMBERSHIP OF THE COMMITTEE

The Committee consisted of Mr Remember C Mutale, MP (Chairperson); Mr Charles Abel Mulenga, (Vice-Chairperson); Mr Chonde Saka, MP; Mr Francis Kapyanga, MP; Rev Given Katuta, MP; Mr Wesley Kolala, MP; Mr Kenny Siachisumo, MP; Mr Menyani Zulu, MP; Mr Siphon Hlazo, MP; and Mr Phillimon Twasa, MP.

PART I

2.0 BACKGROUND

The Bill seeks to provide for a comprehensive legal framework on the benefits of a former Speaker.

Currently, the National Assembly Speaker's Retirement Benefits Act does not adequately address the retirement benefits for the highest office of the Legislature. Additionally, the existing Act provides retirement benefits that are not aligned with the existing economic climate of the country.

The Bill, once enacted, will ensure that a former Speaker is adequately compensated for their service to the Nation, and will maintain the dignity of the Office of the Speaker and provide on-going security and protection to former office bearers.

3.0 OBJECT OF THE BILL

The object of the Bill is to:

- (a) provide for the retirement benefits of a former Speaker of the National Assembly; and
- (b) provide for matters connected with, or incidental to, the foregoing.

4.0 SALIENT PROVISIONS OF THE BILL

The salient provisions of the Bill are set out below.

Part One

Clause 2 – Application

The clause specifies a former Speaker to whom the Act will apply, once enacted. The clause provides that the Act will apply to a person serving as Speaker from the commencement of the Act.

Clause 4 – Retirement benefits of former Speaker

The clause provides for the retirement benefits of a former Speaker, which include, a tax-free monthly salary at the rate of 80 per cent of the emoluments of the incumbent Speaker and a house built or bought in the Republic by the Government or in lieu of the house, a one-off cash payment.

Further, the clause provides for the benefits that a surviving spouse and a child of the family of a former Speaker shall be entitled to where the former Speaker dies while in, or after vacating, office and specifies the benefits that will form part of the estate and those that will not form part of the estate of a former Speaker.

Clause 5 – Benefits of former Speaker on remarriage of surviving spouse

The clause seeks to exclude a surviving spouse from being entitled to the benefits of a former Speaker where the surviving spouse remarries.

Clause 6 – Circumstances when retirement benefits not payable

The clause provides for the circumstances under which benefits shall not be payable or provided to a former Speaker which include, where a former Speaker is in receipt of a salary from the Government, is engaged in active politics or vacates office on grounds of a violation of the Constitution or misconduct.

Further, the clause provides for the circumstances under which the benefits not payable or provided shall become payable or provided to a former Speaker, which include, where the former Speaker ceases to be in receipt of a salary from the Government.

In addition, the clause permits a former Speaker to retain the house that forms part of the benefits under the Act where the former Speaker engages in active politics or ceases to be engaged in active politics.

Clause 7 – Retirement benefits to be charge on Consolidated Fund

The clause provides for the benefits payable under the Act to be a charge on the Consolidated Fund.

Clause 8 – Repeal of the National Assembly Speaker’s Retirement Benefits Act, Chapter 130 of the Laws of Zambia and savings and transitional provisions

The clause repeals the *National Assembly Speaker’s Retirement Benefits Act, Chapter 130 of the Laws of Zambia* and provides for the savings and transitional provisions for the benefits due to a former Speaker who served before the commencement of this Act.

PART II

5.0 SUBMISSIONS AND CONCERNS BY STAKEHOLDERS

Most stakeholders who appeared before the Committee were in support of the National Assembly (Speaker’s Retirement Benefits) Bill, N.A.B. 77 of 2026. In this regard, they submitted as outlined below.

(i) Application to Former Speakers Who Served Before Commencement

The Committee was informed that clause 2, relating to application, limited the Act to individuals serving as Speaker from the date of commencement. It does not apply retrospectively to people who were already Speakers before the Act comes into effect.

The implication, therefore, was that a former Speaker would continue to receive benefits under the *National Assembly Speaker’s Retirement Benefits Act, Chapter 130 of the Laws of Zambia* and would not be disadvantaged in any way. This was reinforced by clause 8 of the Bill.

Some stakeholders submitted that the *National Assembly Speaker’s Retirement Benefits Act, Chapter 130 of the Laws of Zambia* and the Bill had not addressed a long-standing issue of benefits of Speakers who retired prior to the enactment of the Act in 1997. Stakeholders submitted that this created unequal treatment between former Speakers who served

before and after commencement of both pieces of legislation and might undermine fairness and consistency in public service benefits.

In this regard, it was recommended that to promote consistency in drafting of legislation applicable to the heads of the three organs of Government, there was a need to amend the application clause to be similar to the clause in the Benefits of Former Presidents and Former Vice-Presidents Bill, N.A.B. No. 5 of 2026. This would, therefore, ensure uniform applicability, subject to appropriate transitional provisions, so that the Act applied to all persons who had served as Speaker.

Therefore, it was further recommended that clause 2 be amended to read “This Act shall apply to all persons who have held the office of Speaker of the National Assembly, whether before or after the commencement of this Act.” Additionally, “Where a former Speaker is deceased, the benefits under this Act shall accrue to the surviving spouse and children or estate of that former Speaker.”

(ii) Clauses 3 and 4 – Eligibility and Retirement Benefits of former Speaker

Stakeholders submitted that retirement and pension benefits for former Speakers in Zambia were governed by the *National Assembly Speaker’s Retirement Benefits Act, Chapter 130 of the Laws of Zambia*. The Act had not been amended since its enactment in 1997 and, as a result, was not aligned with modern legislative drafting and contained notable gaps.

In particular, the Act restricted eligibility for retirement benefits to former Speakers who had served at least two terms, while those who served less than two terms would only access benefits through a resolution of the National Assembly.

This position contrasted with practices in jurisdictions such as Uganda, Malawi, Zimbabwe, and Tanzania, where former Speakers and Deputy Speakers were entitled to retirement benefits without such restrictive conditions. Consequently, there was a need to repeal and replace the Act in order to align it with international best practices, modern drafting standards, and to address the identified gaps.

The Committee was informed that the Bill reduced the eligibility criteria to allow a former Speaker who had served for a period of at least five years, get benefits. Stakeholders submitted that clause 4, therefore, presented a more progressive approach in the treatment of former Speakers.

However, stakeholders observed that the Bill did not provide for the benefits to which a Speaker who did not serve a full term shall be entitled. This was in contrast to the current arrangement where a Speaker who served for less than two terms had their benefits determined by the National Assembly through a motion supported by not less than two-thirds of its Members.

In this regard, stakeholders recommended the introduction of a clause to provide for the benefits of Speakers who might not serve for a period of at least five years.

The Committee was further informed that the current Act provided for several ancillary benefits, including a furnished office and support staff such as a personal secretary,

messenger, cook, laundry worker, gardener, and general domestic servant. These benefits had been removed under the Bill.

In this regard, the Bill proposed the ancillary benefits as provided in the Schedule to the Bill, which include a diplomatic passport for the former Speaker and spouse, medical insurance for the Speaker and spouse, among others.

(iii) Remarriage of a Surviving Spouse

The Committee was informed that this provision was not contained in the current Act. Stakeholders submitted that under section 3 (1) (i) and (ii) of the Act, where a Speaker dies while in office or after leaving office, the house and a lump sum payment devolved upon the estate. The lump sum was calculated based on the sitting Speaker's annual emoluments multiplied by five.

In contrast, clause 4(3) of the Bill provided that the surviving spouse and child of the family shall be entitled to a house and a tax-free monthly pension at the rate of 50 per cent of the emoluments of the incumbent Speaker. Therefore, a survivor's benefit was meant to cushion the spouse after the office holder's death. However, remarriage was treated as a change in circumstances, and the provision reflected the position that spousal benefits were contingent upon the status of survivorship and dependency.

Some stakeholders submitted that clause 5, which removed benefits from a surviving spouse upon remarriage, raised concern. They were of the view that a surviving spouse should not lose benefits merely because they chose to remarry. This position was fortified by comparative practice in other jurisdiction. For example, in South Africa, a surviving spouse or partner benefits under the Judges' Remuneration and Conditions of Employment Act, 2001 were payable until death, and the provisions reviewed did not make remarriage a ground for loss of that benefit.

In this regard, they proposed for the deletion of clause 5 so that benefits to a surviving spouse should not be lost merely because the spouse remarried.

However, other stakeholders contended that it was trite law in Zambia that spousal benefits were contingent upon the status of survivorship and dependency. In this regard, the clause should be maintained.

(iv) Alignment with Article 83 of the Constitution

The Committee was informed that clause 6(1)(d) refers to a former Speaker who vacates office on the grounds of a violation of the Constitution or misconduct. However, Article 83 of the Constitution refers to "gross misconduct" while the Bill uses "misconduct" as a ground for removal of a Speaker.

In this regard, stakeholders recommended the redrafting of clause 6(1)(d) by replacing "misconduct" with "gross misconduct" to align it with Article 83.

(v) Removal from office on Fault-based Grounds

Stakeholders submitted that removal from office on fault-based grounds, such as violation of the Constitution, incompetence or gross misconduct, might justify

consequences in relation to retirement benefits. However, the automatic loss of all benefits might be too broad, especially where some benefits were linked to service already rendered.

In this regard, stakeholders submitted that a Speaker removed from office on the basis of clause 6(1)(d) should be entitled to earned pension benefits and not automatically lose all their entitlements.

In this regard, there was need to provide for the suspension, reduction or withdrawal of additional State provided benefits, while clearly stating the extent to which any earned pension or salary benefit was affected.

(vi) Active Politics as a Ground for Loss of Benefits

The Committee was further informed that the reference to active politics was broad and might restrict a former Speaker from participating in public life after leaving office. Stakeholders submitted that a comparative study did not show a common approach of removing earned judicial retirement benefits merely because a former Speaker participated in politics after leaving office.

Stakeholders submitted that clause 6(1)(c), in its present form, was constitutionally problematic and ought to be reconsidered by the Committee. The provision imposed a blanket and overly broad restriction on former Speakers by withholding accrued retirement benefits merely on account of participation in what was termed “active politics;” without providing a fair, objective, and constitutionally defensible definition of that term.

Additionally, stakeholders submitted that retirement benefits were accrued rights earned through distinguished public service to the Nation, and should not be subjected to arbitrary forfeiture, based on the subsequent exercise of constitutional freedoms; including freedom of association, expression, and participation in democratic governance.

In this regard, some stakeholders recommended the deletion of clause 6(1)(c) as a ground for loss of benefits. They further recommended that the Bill provide that State provided ancillary benefits should not be used for political party activities as a restriction.

(vii) Conviction after Retirement

The Committee was informed that the ground relating to conviction after retirement should be reconsidered. Pension benefits were generally linked to service already rendered. Stakeholders submitted that comparative laws reviewed did not show a common approach of completely withdrawing earned pension benefits for an offence committed after retirement.

In this regard, stakeholders recommended that the Bill reconsidered the effect of conviction after retirement. Additionally, stakeholders submitted that a distinction should be made between earned pension benefits and additional State provided benefits.

Therefore, stakeholders recommended that the pension component remained payable, while suspending or withdrawing additional benefits such as travel, transport, security or other privileges in the event of conviction for a serious offence.

(viii) Fiscal and Budgetary Implication

Some stakeholders submitted that while the State might legitimately provide reasonable retirement protections for former constitutional office holders, such benefits had to be considered within Zambia's broader socio-economic context. They submitted that Zambia remained one of the countries in the world, with high poverty levels, unemployment, and economic inequality affecting ordinary citizens across the country.

In this context, proposals to establish expansive, tax-free lifetime benefit schemes for senior public office holders raised serious questions about distributive justice, fiscal priorities, and the equitable allocation of national resources. These concerns were particularly significant where the proposed benefits were charged directly on the Consolidated Fund.

In this regard, they recommended reconsideration of the scale and structure of the proposed benefits and take a broader assessment of their sustainability, necessity and proportionality in light of prevailing socio-economic realities and competing public expenditure priorities.

However, other stakeholders submitted that notwithstanding the expected expenses to be incurred by the Treasury, the number of eligible beneficiaries was predictable and the Treasury would be able to budget for the same. In this vein, the fiscal impact would be limited and will be accommodated within the normal budgetary process.

(ix) Drafting Error in clause 6(2)(B)

The Committee was informed that the clause contains the word "not", which created a contradiction. This, therefore, created ambiguity.

In this regard, stakeholders recommended the deletion of "not" to ensure consistency and to give effect to the intended restoration of benefits once the disqualifying condition ceases.

(x) Omission of the Office of the First Deputy Speaker

The Committee was informed that the Bill did not provide retirement benefits for the First Deputy Speaker. This was despite that both the Speaker and the First Deputy Speaker were elected by Members of Parliament from nominated candidates, and neither office was held in the capacity of an ordinary Member of Parliament, as provided in Article 82(1) and (4) of *the Constitution of Zambia*.

Further, Article 72(1) of the Constitution provided that both the Speaker and the First Deputy Speaker remained in office after the dissolution of Parliament until the first sitting of the new National Assembly following a general election. This arrangement ensured continuity in the leadership of the legislative branch, as they continue to perform parliamentary functions during the interim period. In the absence of the Speaker, the First Deputy Speaker assumed the role and responsibilities of the Speaker.

In view of the foregoing, stakeholders recommended the inclusion of retirement benefits for the First Deputy Speaker given the comparable constitutional responsibilities and continuity of service attached to the office.

PART III

6.0 COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS

After scrutinising the Bill, and taking into consideration the submissions from various stakeholders, the Committee supports the enactment of the National Assembly (Speaker's Retirement Benefits) Bill, N.A.B. 77 of 2026. In doing so, the Committee makes the observations and recommendations set out below.

(i) Application to Former Speakers who served before commencement

The Committee observes, with concern, that clause 2, relating to application, limited the Act to individuals serving as Speaker from the date of commencement and does not apply to people who were already Speakers before the Act comes into effect.

In this regard, the Committee recommends the amendment of clause 2 to extend the Bill to all former Speakers.

(ii) Clauses 3 and 4 – Eligibility and Retirement Benefits of former Speaker

The Committee observes, with concern, that the Bill has not made provision of pension benefits for Speakers who may assume office but serve less than the prescribed five-year period.

In this regard, Committee recommends the introduction of a clause to provide for the benefits of Speakers who might not serve for a period of at least five years.

(iv) Alignment with Article 83 of the Constitution

The Committee observes that clause 6(1)(d) refers to a former Speaker who vacates office on the grounds of a violation of the Constitution or misconduct. However, Article 83 of the Constitution refers to "gross misconduct" and not "misconduct" as in the Bill as a ground for removal of a Speaker.

In this regard, the Committee recommends the redrafting of clause 6(1)(d) by replacing "misconduct" with "gross misconduct" to align it with Article 83.

(v) Removal from office on Fault-based Grounds

The Committee observes that the Bill provides for the automatic loss of all retirement benefits where a Speaker is removed from office on fault-based grounds. However, the automatic loss of all benefits might be too broad, especially where some benefits were linked to service already rendered.

In this regard, the Committee recommends that a Speaker removed from office on the basis of clause 6(1)(d) should be entitled to earned pension benefits and not automatically lose all their entitlements.

(vi) Active Politics as a Ground for Loss of Benefits

The Committee observes, with concern, that the reference to active politics was broad and might restrict a former Speaker from participating in public life after leaving office.

In this regard, the Committee recommends the deletion of clause 6(1)(c) as it offends fundamental constitutional principles of legality, equality, fairness and non-discrimination.

(vii) Conviction after Retirement

The Committee observes that the Bill provides for loss of retirement benefits on conviction in retirement.

In this regard, the Committee recommends the deletion of the clause 6(1) (e) as pension benefits relate to accrued rights generally linked to service already rendered. Stakeholders submitted that comparative laws reviewed did not show a common approach of completely withdrawing earned pension benefits for an offence committed after retirement.

(ix) Drafting Error in clause 6(2)(b)

The Committee observes that the clause contains the word “not”, which created a contradiction. This, therefore, created ambiguity.

In this regard, the Committee recommends the deletion of “not” to ensure consistency and to give effect to the intended restoration of benefits once the disqualifying condition ceases.

(x) Omission of the Office of the First Deputy Speaker

The Committee observes that the Bill did not make any provision for retirement benefits for the First Deputy Speaker.

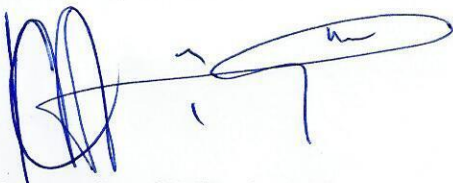
In view of the foregoing, the Committee recommends inclusion of retirement benefits for the First Deputy Speaker given the comparable constitutional responsibilities and continuity of service attached to the office.

7.0 CONCLUSION

In conclusion, the Benefits of the National Assembly (Speaker’s Retirement Benefits) Bill, N.A.B. No. 77 of 2026, presents a significant reform of the existing legal framework governing retirement benefits for the Speaker.

The National Assembly (Speaker’s Retirement Benefits) Bill, N.A.B. 77 of 2026, once enacted, will modernise the legal framework governing the retirement benefits of former Speakers by addressing gaps in the current Act and aligning it with contemporary legislative drafting standards and comparative practices. It is recommended that the Bill be amended to extend consideration to the Office of the First Deputy Speaker, given its constitutional significance and continuity of function. Notwithstanding the foregoing, the Bill is progressive.

We have the honour to be, Madam, the Committee on Legislation and International Agreements, mandated to scrutinise the National Assembly (Speaker’s Retirement Benefits) Bill, N.A.B. No. 77 of 2026.



Mr Remember C Mutale, MP
CHAIRPERSON

May, 2026
LUSAKA

APPENDIX I – List of National Assembly Officials

Mr Charles Haambote, Director – Social Committees
Mr Geoffrey Zulu, Deputy Director – Financial Committees
Ms Chitalu R Mulenga, Senior Committee Clerk (FC2)
Mr Timothy C Lumba, Committee Clerk
Ms Ruth Nambule, Administrative Assistant
Mr Daniel Lupiya, Senior Committee Assistant
Mr Muyembi Kantumoya, Committee Assistant
Ms Taona Chabinga, Committee Assistant
Ms Dorothy Kapanji Daka, Intern

APPENDIX II – List of Witnesses

Rt. Hon Justice Dr Patrick Matibini-Former Speaker

Chapter One Foundation

Emoluments Commission

Ministry of Justice

Ministry of Finance and National Planning

The Clerk-National Assembly of Zambia

The Judiciary

Zambia Law Development Commission