



REPUBLIC OF ZAMBIA

REPORT

OF THE

**COMMITTEE ON LEGAL AFFAIRS, GOVERNANCE, HUMAN RIGHTS, GENDER
MATTERS AND CHILD AFFAIRS**

ON THE

HIGH COURT (AMENDMENT) BILL N.A.B. NO. 15 OF 2016

FOR THE

**FIFTH SESSION OF THE ELEVENTH NATIONAL ASSEMBLY
APPOINTED ON 24TH SEPTEMBER, 2015**

PRINTED BY THE NATIONAL ASSEMBLY OF ZAMBIA

REPUBLIC OF ZAMBIA

REPORT

OF THE

**COMMITTEE ON LEGAL AFFAIRS, GOVERNANCE, HUMAN RIGHTS, GENDER
MATTERS AND CHILD AFFAIRS**

ON THE

HIGH COURT (AMENDMENT) BILL N.A.B. NO. 15 OF 2016

FOR THE

**FIFTH SESSION OF THE ELEVENTH NATIONAL ASSEMBLY
APPOINTED ON 24TH SEPTEMBER, 2015**

TABLE OF CONTENTS

ITEM	PAGE
1. Membership of the Committee	1
2. Functions of the Committee	1
3. Meetings of the Committee	1
4. Procedure adopted by the Committee	1
5. Background	1
6. Objects of the Bill	2
7. Salient Provisions of the Bill	2
8. Submissions from Stakeholders	2
9. Committee's Observations and Recommendations	2
10. Conclusion	2
Appendix I - List of Officials	5
Appendix II – Witnesses	6

REPORT OF THE COMMITTEE ON LEGAL AFFAIRS, GOVERNANCE, HUMAN RIGHTS, GENDER MATTERS AND CHILD AFFAIRS ON THE HIGH COURT (AMENDMENT) BILL, N.A.B NO. 15 OF 2016, FOR THE FIFTH SESSION OF THE ELEVENTH NATIONAL ASSEMBLY APPOINTED ON 24TH SEPTEMBER, 2015

Consisting of:

Mr C Mweetwa, MP (Chairperson); Mr H Kunda, MP; Mr B M Ntundu, MP; Ms V Kalima, MP; Mr M A Malama, MP; Ms M Miti, MP; Mr M Kapeya, MP; and Mr S Masumba, MP.

The Honourable Mr Speaker
National Assembly
Parliament Buildings
LUSAKA

Sir,

Your Committee has the honour to present its Report on the High Court (Amendment) Bill, N.A.B. No. 15 of 2016, for the Fifth Session of the Eleventh National Assembly referred to it by the House on Thursday 21st April, 2016.

Functions of the Committee

2.0 In addition to any other duties conferred upon it by the Honourable Mr Speaker, or any other order of the House, your Committee is mandated to consider any Bills that may be referred to it by the House.

Meetings of the Committee

3.0 Your Committee held three meetings to consider the High Court (Amendment) Bill, N.A.B. No. 15 of 2016.

Procedure adopted by the Committee

4.0 In order to acquaint itself with the ramifications of the Bill, your Committee sought both written and oral submissions from stakeholders. The stakeholders who appeared before your Committee are listed at Appendix II.

Background

5.0 The *High Court Act*, Chapter 27 of the Laws of Zambia (hereinafter referred to as the “Principal Act”) provides for the jurisdiction and business of the High Court, its officers and offices as well as the administration of justice in the Court.

Following the enactment of the *Constitution of Zambia (Amendment) Act* No. 2 of 2016, Article 133 (2) established the Industrial Relations Court, Commercial Court, Family Court and Children’s Court, as divisions of the High Court.

Object of the Bill

6.0 The object of the Bill is to amend the *High Court Act* so as to provide for the divisions of the High Court.

Salient Provisions of the Bill

7.0 The salient provisions of the Court of Appeal Bill, N.A.B. No. 9 of 2016, are set out hereunder.

Clause 2

This clause repeals and replaces section 3 of the principal Act to provide for the specialised divisions of the High Court. The clause further empowers the Chief Justice to prescribe other specialised courts by way of statutory instrument. It is observed that the provision is in line with Article 133 of the Constitution, which empowers the Chief Justice to constitute, by Statutory Instrument, specialised courts of the High Court to hear specific matters.

Clause 3

This clause amends section 6 of the principal Act, which empowers the Public Service Commission to appoint officers of the courts. The amendment vests the power in the Judicial Service Commission. The amendment is in line with Article 220 of the Constitution, which establishes the Judicial Service Commission and vests in the Commission the power to appoint judicial officers.

Submissions from Stakeholders

8.0 All the stakeholders who made submissions on the Bill fully supported its enactment, stating that it is non contentious.

Committee's Observations and Recommendations

9.0 Your Committee observes that the High Court (Amendment) Bill, 2016, brings into operation the divisions of the High Court as prescribed under the Constitution. The introduction of the specialised courts of the High Court will improve the quality of judgments because judges will specialise in specific areas of the law.

Your Committee, therefore, urges the House to support the enactment of this non contentious piece of legislation.

Conclusion

10.0 Your Committee wishes to express its gratitude to all the stakeholders who appeared before it and tendered both oral and written submissions; and to thank you, Mr Speaker, for affording it an opportunity to scrutinise the Bill. Your Committee also appreciates the services rendered by the Office of the Clerk of the National Assembly and the permanent witnesses from the Ministry of Justice.

We have the Honour to be, Sir, your Committee on Legal Affairs, Governance Human Rights, Gender Matters and Child Affairs mandated to consider the High Court (Amendment) Bill, N.A.B. No. 15 of 2016, for the Fifth Session of the Eleventh National Assembly.

Mr C Mweetwa, MP
(Chairperson)

Mr H Kunda, MP
(Member)

Mr B M Ntundu, MP
(Member)

Ms V Kalima, MP
(Member)

Mr M A Malama, MP
(Member)

Ms M Miti, MP
(Member)

Mr M Kapeya, MP
(Member)

Mr S Masumba, MP
(Member)

April, 2016
LUSAKA

APPENDIX I

List of National Assembly Officers

Mr S C Kawimbe, Principal Clerk of Committees
Ms M K Sampa, Deputy Principal Clerk of Committees
Mr F Nabulyato, Committee Clerk (SC)
Ms C Musonda, Committee Clerk (FC)
Mrs D Mukwanka, Assistant Committee Clerk
Mrs M K Siwo, Assistant Committee Clerk
Mr S Samuwika, Assistant Committee Clerk
Mrs A S Lloyd, Stenographer
Mr M Chikome, Parliamentary Messenger

APPENDIX II

WITNESSES

Ministry of Justice (Permanent Witness)

Mr Kevin Mweemba, Senior Parliamentary Counsel

Law Association of Zambia

Mr M Manda, Counsel Member

Ms S N Kateka, Hon Secretary

University of Zambia – School of Law

Ms C Tembo, Lecturer/Researcher

Judicial Service Commission

Mr M Zulu, Secretary

Mr E Pengele, Deputy Secretary

Ms E Zimba, Senior Research Officer

Ms A M Sitali, Judge