



NATIONAL ASSEMBLY OF ZAMBIA

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NATIONAL ASSEMBLY OF ZAMBIA

PARLIAMENTARY PROCEDURE

8

ABSTRACT SERIES

OFFICES OF THE NATIONAL ASSEMBLY OF ZAMBIA

NATIONAL ASSEMBLY
RESEARCH DEPARTMENT

PREFACE

This Abstract is part of the *Zambian Parliamentary Procedure Abstract Series* which describes the Offices of the Speaker, Deputy Speaker and Clerk of the National Assembly. It also provides brief information on individuals who have been Speakers, Deputy Speakers and Clerks of the Legislative Body in Zambia since 1948. This information is intended to be an easy reference guide.

Roy Ngulube
ACTING CLERK OF THE NATIONAL ASSEMBLY

INTRODUCTION

The National Assembly of Zambia (NAZ) has established a formal structure for the smooth administration of parliamentary Business. The structure comprises key offices which include: Offices of the Speaker, Deputy Speakers, Leader of Government Business in the House, Government Chief Whip, Leader of the Opposition and the Office of the Clerk.

THE OFFICE OF THE SPEAKER

Currently, the Office of the Speaker in the NAZ is established under Article 82(1) of the Constitution of the Republic of Zambia¹ which states that:

“The Members of Parliament shall elect, by secret ballot, a Speaker of the National Assembly from a list of names of persons who are qualified to be elected as Members of Parliament, but are not Members of Parliament, submitted to the National Assembly by:

- (a) the President; and*
- (b) political parties holding seats in the National Assembly.”*

Election of the Speaker

The election of the Speaker of the National Assembly is the first Business that a new Assembly transacts at its first Sitting. This is provided for in Article 82(6) (a) of the Constitution of Zambia (Amendment) Act No.2 of 2016 which states that:

“The Members of Parliament (MPs) shall elect a Speaker and the Deputy Speakers:

- (a) when the National Assembly first sits after a general election.”*

The Speaker is elected from outside a constituency to avoid tying the Speaker to any specific local interests, because his/her interests should be the interests of the House and the nation. The Clerk of the National Assembly presides at the election of the Speaker and other Presiding Officers as provided for in Standing Order Number 4 (4) of the National Assembly of Zambia Standing Orders, 2021.

Functions of the Speaker

As the principal Presiding Officer of the NAZ, the Speaker is the guardian of the dignity and privileges of the House. As such, the Speaker is vested with authority to ensure order and that the privileges of the House are not abused or misused. The role of the Speaker can be summarised into three categories as follows:

¹Constitution of Zambia (Amendment) Act No.2 of 2016

(a) *Procedural Role*

The Speaker is responsible for regulating debate in the House; preserving order in the House, in accordance with the Standing Orders; and deciding on any matters of procedure that may arise;

(b) *Administrative Role*

Under this role, the Speaker is responsible for the overall direction and management of Parliament. Many of the administrative duties of the Speaker are performed by the Clerk of the National Assembly. It is for this reason that the Speaker chairs the Standing Orders Committee, which handles the administrative and management affairs of the National Assembly, as well as the House Business Committee, which determines the Business to be considered by the House; and

(c) *Representative Role*

The Speaker is responsible for representing the House, and the Institution as a whole, in its external relations. It is for this reason, that the Speaker is the President of the Zambia Branch of the Commonwealth Parliamentary Association (**CPA**) and the Zambia National Group of the Inter-Parliamentary Union (**IPU**), to which the National Assembly is affiliated.

The following are the persons who have been Speakers since 1948:

Mr T. S. Page	1948 – 1956
Sir Thomas Williams	1956 – 1964
Mr W. P. Nyirenda	1964 – 1968
Dr R. M. Nabulyato	1969 – 1988
Mr F. M. Mulikita	1988 – 1991
Dr R. M. Nabulyato	1991 – 1998
Mr A. K. Mwanamwambwa	1998 – 2011
Dr Patrick Matibini	2011 – 2021
Rt Nelly Butete Kashumba Mutti	2021--Present

THE OFFICE OF THE DEPUTY SPEAKER

From 1948 to 2016, the NAZ had one Deputy Speaker who was also Chairperson of Committees of the Whole House. Additionally, in 1994, the NAZ established the position of Deputy Chairperson of Committees of the Whole House. However, this changed in 2016, when the Constitution of Zambia was amended to provide for two Deputy Speakers, these being: the First Deputy Speaker and the Second Deputy Speaker. This is provided for under Article 82 (3)² which states that:

² Constitution of Zambia (Amendment) Act No. 2 of 2016

“There shall be two Deputy Speakers of the National Assembly who are not members of the same political party and of the same gender.”

The two Deputy Speakers are elected to the House when the Assembly first convenes after any dissolution of Parliament or when the Office becomes vacant due to death, resignation or removal of the incumbent. Furthermore, Article 82 (4) and (5) of the Constitution state that:

(4) “The Members of Parliament shall elect, by secret ballot, the First Deputy Speaker from a list of three names, selected by the political parties represented in the National Assembly, from among persons who are qualified to be elected as Members of Parliament but are not Members of Parliament.”

(5) The Members of Parliament shall elect, by secret ballot, the Second Deputy Speaker from among their number.

Unlike the First Deputy Speaker, the Second Deputy Speaker is elected from amongst the 156 MPs and thus represents a particular constituency. However, a Deputy Speaker does not contribute during debates.

Functions of the Deputy Speakers

Duties of the Deputy Speakers are those enumerated for the Speaker, in the absence of the latter. For instance, the First Deputy Speaker presides at the Sitting of the National Assembly in the absence of the Speaker, while the Second Deputy Speaker does the same in the absence of the First Deputy Speaker, as provided for under Article 77(3) of the Constitution of Zambia, which states that:

“There shall preside at a Sitting of the National Assembly:

(a) the Speaker;

(b) in the absence of the Speaker, the First Deputy Speaker;

(c) in the absence of the First Deputy Speaker, the Second Deputy Speaker.”

Apart from the above circumstance, the Deputy Speakers can preside at any Sitting whenever requested to do so by the Speaker.

Furthermore, the First Deputy Speaker is the Chairperson of the Committees of the Whole House and reports the resolutions of the Committees to the Speaker. He/she is assisted by the Second Deputy Speaker. The First Deputy Speaker also presides over the Committee on Privileges and Absences. The Committee is responsible for, among others, examining privileges and immunities, cases of absenteeism and matters related to the conduct and convenience of Members. On the other hand, the Second Deputy Speaker is the Chairperson of the Reforms and Modernisation Committee (PRMC). The Committee examines and proposes

reforms to the powers, procedures, practices and organisation of the National Assembly and performs other duties placed upon it by any Standing Order or an Order of the National Assembly.

The First or Second Deputy Speaker also presides at the first meeting of Portfolio and General Purposes Committees for the purpose of electing a chairperson and a vice chairperson of the respective Committees. Apart from the procedural responsibilities, the Deputy Speakers carry out day-to-day administrative responsibilities or policy guidelines whenever the Speaker is absent.

The following are the individuals who have been Deputy Speakers since 1948:

Mr. E. C. Cousin	1948 - 1950
Mr. I. Wilson	1950 - 1954
Mr. M. McCau	1954 - 1957
Mr. A. C. Bettsworth	1957 - 1959
Mr. W. Ray	1959 - 1962
Mr. W. P. Nyirenda	1962 - 1964
Mr. H. Mulemba	1964 - 1968
Mr. W. Nkanza	1968 - 1971
Mr. P.B. Muwowo	1971 - 1973
Mr. J. C. Mutale	1973 - 1974
Mr. R. C. Sakuhuka	1974 - 1977
Mr. F. M. Walinkonde	1977 - 1978
Mr. R. V. Chota	1978 - 1983
Mr. L. K. M. Kombe	1983 - 1991
Mr. Sikota Wina	1991 - 1994
Mr. F. Chuula	1994 - 1994
Mr. S Mwila	1994 - 2001
Mr. J Mfula	2002 - 2006
Mrs M W Nalumango	2006 - 2011
Mr M D Lungu	2011 - 2016
Ms C Namugala	2016 - to date (First Deputy Speaker)
Mr M H Malama	2016 - to date (Second Deputy Speaker)
Ms Malungu A Chisangano	2021 - present (First Deputy Speaker)
Mr Moses F Moyo	2021 - present (Second Deputy Speaker)

THE OFFICE OF THE LEADER OF GOVERNMENT BUSINESS IN THE HOUSE

The Office of the Leader of Government Business is reserved for the Republican Vice-President, pursuant to Article 74 (1) of the Constitution of Zambia, which states that:

“The President shall appoint the Vice-President to be the Leader of Government Business in the National Assembly.”

The Leader of Government Business is also a member of the Standing Orders and House Business Committees.

Functions of the Leader of Government Business in the House

Functions of the Leader of Government Business in the House include arranging and managing Government Business in the House. He/she ensures that Government Business has precedence on all other days except on Wednesday, when Private Members' Business takes precedence. Specifically, the Leader of Government Business performs the following functions:

- (i) protects and defines the position of the Government in the House;
- (ii) announces, or seeks the leave of the House, to adjourn the House on matters of emergency;
- (iii) moves formal Motions such as Motions of condolences, paying tribute and suspension of a Member;
- (iv) informs the House at what time the President would address the House on the day of the Official Opening of Parliament;
- (v) maintains a working relationship between the Executive and the Legislature in order to enhance accountability and good governance; and
- (vi) coordinates the processing of parliamentary oversight instruments which include; Questions for Oral and Written Answers, Government Bills, Ministerial Statements, Government Action Taken Reports and Annual Reports.

In the absence of the Vice-President, a Minister is usually appointed to act as the Leader of Government Business in the House. In some instances, the Government Chief Whip acts as the Leader of Government Business in the House.

THE OFFICE OF THE GOVERNMENT CHIEF WHIP

The Government Chief Whip in Parliament belongs to the party in power and is ranked equivalent to a Cabinet Minister. Specifically, the duties of the Chief Whip include:

- (i) liaising regularly with the Speaker, Leader of Government Business and Leader of the Opposition on Business of the House;
- (ii) ensuring that there is a quorum in the House at all times;
- (iii) ensuring attendance and participation in the House by members of the ruling party;
- (iv) ensuring an adequate number of members of the party are present

- during voting in the House;
- (v) keeping members of the ruling party informed of parliamentary Business;
 - (vi) co-ordinating parliamentary Business with the Leader of the Opposition and party whips or whip;
 - (vii) granting members permission to be absent from parliamentary Business; and
 - (viii) assisting the presiding officers maintain discipline in the House.

The Government Chief Whip is a member of both the Standing Orders Committee and the House Business Committee. In the absence of the Government Chief Whip, the Deputy Chief Whip is appointed to act as Government Chief Whip. In addition, Standing Order 48³ provides for the positions of Party Whip and Independent Whip. These may be appointed from an opposition political party with ten or more members in the House, and when there are ten or more independent members in the House. The Whips also assist Presiding Officers and the Government Chief Whip in the management of the House.

THE OFFICE OF THE LEADER OF THE OPPOSITION IN THE HOUSE

The Leader of the Opposition is a Member of Parliament who is elected to lead the Opposition Political Party with the largest number of seats in the House, as provided for under Article 74 (2) of the Constitution of Zambia, which states that:

“The opposition political party with the largest number of seats in the National Assembly shall elect a Leader of the Opposition from amongst the Members of Parliament who are from the opposition.”

Furthermore, Standing Order No. 43 (2) stipulates that:

“(2) The party shall, upon electing a Leader of the Opposition ..., communicate the decision, in writing, to the Speaker.”

The above cited legal provisions in the Constitution and Standing Orders, respectively, show a departure from the previous practice where the position of Leader of the Opposition could only be recognised upon the opposition political party meeting the requisite threshold of one-third of the total number of MPs. This meant that an opposition political party could not be recognised as the official opposition party if it did not meet the threshold. For instance, in 2012, Mr Felix Mutati, the Leader of the Opposition from the MMD lost his status as official Leader of the Opposition when the Speaker established that the MMD did not meet the one-third threshold of the total membership of the House.⁴

³ National Assembly of Zambia Standing Orders, 2021

⁴Ruling by the Hon Mr Speaker on the point of order raised by Hon D Mwila, MP, The Deputy Minister for Copperbelt Province, Wednesday, 18th July, 2012

The Role of the Leader of the Opposition

The role of the Leader of the Opposition in the House is to question the Government on its actions and policies, and help keep it accountable. He/she frequently opposes the positions of the Government and proposes alternatives. The Leader of the Opposition is a member of both the Standing Orders Committee and the House Business Committee.

In the performance of their duties, the Leader of the Opposition in the House regularly meets with MPs from their Party to decide on strategies, and to confirm their position on a particular issue. As the main spokesperson for the opposition in the House, he/she is usually given priority to debate or ask questions in the House. The Leader of the Opposition also assists the presiding officers (the Honourable Speaker and Deputy Speakers) to maintain discipline in the House.

THE OFFICE OF THE CLERK OF THE NATIONAL ASSEMBLY

The Clerk of the National Assembly is the Chief Executive of the Parliamentary Administration. The Office of the Clerk is provided for under Article 84(1) of the Constitution of Zambia which states that:

"There shall be a Clerk of the National Assembly who shall be appointed by the Parliamentary Service Commission, subject to ratification by the National Assembly."

The Clerk is the Chief Advisor to the House, the Speaker, the Deputy Speaker and the Deputy Chairman of Committees. As Chief Executive, the Clerk of the National Assembly is the Controlling Officer.

During the sittings, the service of the House is maintained by the Clerk and his/her assistants who sit at the Table of the House. They keep the minutes of proceedings, which are subsequently published as the Votes and Proceedings.

The Clerk is the custodian of all records and documents. He/she prepares the Order or Notice Paper and any other paper issued in connection with the business of the House. This information helps Members to know the business of the House on a particular day.

The Clerk reads the Bills which are brought before the House. The Clerk scrutinises and checks all Public and Private Bills during their passage through the House. He/she examines public petitions before submitting them to the Speaker for his/her approval.

Another important function of the Clerk is to preside over the election of the Speaker and Deputy Speaker.

In addition, the Clerk is, ex-officio, the Secretary/Treasurer of both the CPA Zambia Branch and the Zambia National Group of the IPU.

The following are the persons who have been Clerks since 1948.

Mr N. S. Knight	1948 - 1949
Mr R. Craufurd-Benson	1949 - 1951
Mr J. Knaggs	1951 – 1955
Mr Thomas Williams	1955 - 1956
Mr J. R. Franks	1956 - 1958
Mr A. N. Mitchell	1958 – 1961
Mr E. A. Heathcote	1962 – 1963
Mr M. L. Wallington	1963 – 1964
Mr E. A. Heathcote	1964 – 1966
Mr C. M. Mwananshiku	1967 – 1968
Mr N. M. Chibesakunda	1968 – 1990
Mr A. Yumba	1990 – 1991
Mr N. M. Chibesakunda	1991 - 2002
Mrs. D.K.K Mwinga	2002 – 2016
Mrs C N Mbewe	2016 – 2022
Mr Roy Ngulube	2022 - present

Departments under the Office of the Clerk

The Office of the Clerk of the National Assembly and the various departments are provided for in Section 4 of the National Assembly Staff Act No 25 of 1991, which states:

“There shall be such other officers in the department of the Clerk as may be prescribed by a resolution of the National Assembly.”

Below are the 19 departments under the Office of the Clerk, which provide support services to the National Assembly.

- (i) Accounts;
- (ii) Administration, Human Resource Management and Development;
- (iii) Committees (Financial and Social);
- (iv) Information, Communication and Technology (ICT);
- (v) Internal Audit;
- (vi) Journals and Table Office;
- (vii) Legal Services;
- (viii) Library;
- (ix) National Assembly Motel;
- (x) Parliamentary Broadcasting;
- (xi) Parliamentary Budget Office (PBO);
- (xii) Parliamentary Publications;
- (xiii) Parliamentary Reform Programme (PRP) - Monitoring and Evaluation;

- (xiv) Parliamentary Reform Programme (PRP)-Programme Management;
 - (xv) Procurement;
 - (xvi) Public and International Relations (P&IR);
 - (xvii) Research;
 - (xviii) Security; and
 - (xix) Services.
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