

**THE NATIONAL CONSTITUTIONAL CONFERENCE
ACT, 2007**

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SCHEDULE

GOVERNMENT OF ZAMBIA

ACT

No. 19 of 2007

Date of Assent: 31st August, 2007

An Act to establish the National Constitutional Conference and to define its composition, functions and powers; and to provide for matters connected with or incidental to the foregoing.

[31st August, 2007

ENACTED by the Parliament of Zambia

Enactment

PART I

PRELIMINARY

1. This Act may be cited as the National Constitutional Conference Act, 2007, and shall come into operation on such date as the Minister may, by statutory instrument, determine.

Short title
and
commencement

2. In this Act, unless the context otherwise requires —

Interpretation

“ adopt ” in relation to the draft Constitution means to examine, debate, agree and submit to the Minister, in accordance with this Act, the provisions of the final draft Constitution or part thereof to be submitted—

(a) to Parliament for enactment of those provisions which will not require a referendum; or

(b) to a referendum, for any alteration of Part III or Article 79 of the Constitution or any provisions of the draft Constitution in respect of which there is no agreement or, of the entire draft Constitution if a decision to do so is made by the members under subsection (2) of section *thirteen*;

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“ adoption process ” means the period from the date of appointment of the members to the date of submission of the draft Constitution or part thereof;

“ Chairperson ” means the person elected chairperson of the Conference under section *five*;

Cap. 41	<p>“ Commission ” means the Constitution Review Commission appointed by the President by Statutory Instrument No. 40 of 2003 issued under the Inquiries Act;</p> <p>“ committee ” means a committee of the Conference appointed by the members under section <i>sixteen</i>;</p> <p>“ Conference ” means the National Constitutional Conference constituted by section <i>three</i>;</p> <p>“ Constitution ” means the Constitution of Zambia;</p> <p>“ deputy-secretary ” means a deputy-secretary appointed under section <i>eleven</i>;</p> <p>“ Fund ” means the Constitutional Review Fund established by section <i>twenty-seven</i>;</p> <p>“ member ” means a member of the Conference appointed under this Act;</p>
Cap. 119	<p>“ non-governmental organisation ” means a non-governmental organisation registered, or exempted from registration, under the Societies Act or any other written law;</p> <p>“ Secretary ” means the Secretary appointed under section <i>eleven</i>;</p> <p>“ Vice-chairperson ” means any person elected as vice-chairperson under section <i>five</i>; and</p>
Cap. 186	<p>“ Zambia Centre for Inter-Party Dialogue ” means the Zambia Centre for Inter-Party Dialogue established by trust deed and registered under the Land (Perpetual Succession) Act.</p>

PART II

THE NATIONAL CONSTITUTIONAL CONFERENCE

Establishment of Conference Cap. 1 Cap. 1	<p>3. There is hereby established the National Constitutional Conference which, subject to the Constitution, shall be a forum for the examination, debate and adoption of proposals to alter the Constitution as contained in the draft Constitution submitted by the Commission.</p>
Composition of Conference	<p>4. (1) The Conference shall consist of the following members who shall be appointed by the Secretary to the Cabinet:</p> <p>(a) all members of the National Assembly;</p> <p>(b) six representatives from each political party and the forum of other Parties which is a member of the Zambia Centre for Inter-Party Dialogue</p> <p>(c) three representatives each of —</p> <p style="padding-left: 40px;">(i) the Zambia Episcopal Conference;</p>

- (ii) the Council of Churches in Zambia;
 - (iii) the Evangelical Fellowship of Zambia; and
 - (iv) any other Church Mother body which is registered under the Societies Act and has been in existence for at least five years; Cap. 119
- (d) two representatives each of the following professional bodies :
- (i) the Law Association of Zambia;
 - (ii) the Economics Association of Zambia;
 - (iii) the Zambia Association of Chambers of Commerce and Industry;
 - (iv) the Engineering Institution of Zambia;
 - (v) the Local Government Association of Zambia;
 - (vi) the Zambia Institute of Certified Accountants;
 - (vii) the Medical Association of Zambia; and
 - (viii) the General Nursing Council.
- (e) two representatives of traditional healers;
- (f) eighteen traditional leaders representing the House of Chiefs;
- (g) two representatives each of—
- (i) private media organisations;
 - (ii) public media organisations;
 - (iii) the Non-Governmental Organisation Coordinating Council;
 - (iv) the Anti-Corruption Commission;
 - (v) the Electoral Commission;
 - (vi) the Drug Enforcement Commission; and
 - (vii) the Human Rights Commission;
- (h) seven representatives of the Zambia Congress of Trade Unions;
- (i) three representatives of the Federation of Free Trade Unions of Zambia;
- (j) three representatives each of the Zambia Federation of Employers;
- (k) three representatives of trade unions affiliated to the

Zambia Congress of trade Unions nominated by the Zambia Congress of Trade Unions;

(l) three representatives of trade unions affiliated to the Federation of Free Trade Unions of Zambia nominated by the Federation of Free Trade Unions of Zambia;

(m) two representatives each from —

(i) the University of Zambia;

(ii) the Copperbelt University;

and

(iii) each private university which is registered under the University Act, 1999, at the commencement of this Act;

Act No. 11 of
1999

(n) two representatives each from the University of Zambia Students' Union, the Copperbelt University Students' Union and the National Students' Union;

(o) five representatives from colleges and other institutions of higher learning registered under the Technical Education, Vocational and Entrepreneurship Training Act, 1998;

Act No. 13 of
1998

(p) two representatives each from the Judicial Service Commission, the Public Service Commission, the Police and Prisons Service Commission and the Teaching Service Commission;

(q) two representatives each from the Zambia Army, the Zambia Air Force, the Zambia National Service, the Zambia Police Force, the Zambia Prison Service and the Zambia Security Intelligence Service;

(r) three representatives each of the following:

(i) the Judiciary;

(ii) the department of the Clerk of the National Assembly;

(iii) the associations of differently abled persons registered with the Zambia Agency for Persons with Disabilities under the Persons with Disabilities Act;

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(iv) the National Arts Council of Zambia;

(v) the Zambia Chambers of Commerce and Industry;
and

(vi) the Zambia Agency for Persons with Disabilities established under the persons with Disabilities Act.

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(s) one eminent Zambian, from each province, who has distinguished oneself in any business, field or profession;

- (t) one senior citizen, from each province, who has held public office and is at least fifty-five years old;
 - (u) ten senior civil servants;
 - (v) three representatives of women's organisations which are not members of the Non-Governmental Organisations Coordinating Council;
 - (w) two representatives of youth organisations registered under the National Youth Development Council Act; Cap. 144
 - (x) two representatives each of the Islamic Association and the Hindu Association;
 - (y) three representatives each of the Zambia National Farmers' Union and the Peasant and Small Scale Farmers Association;
 - (z) ten representatives of non-governmental organisations registered under the Societies Act or any other written law; Cap. 119
 - (aa) one freedom fighter, from each province, who participated in the struggle for independence and is at least sixty-five years old; and
 - (ab) one councillor each of every council established under the Local Government Act, nominated by the council concerned. Cap. 281
- (2) The representatives referred to in subsection (1) shall be nominated by their respective institutions:
Provided that where an institution is required to nominate—
- (a) two representatives, one of the nominees shall be a woman;
or
 - (b) three or more representatives, thirty per centum of the nominees shall be women.
- (3) The Secretary to the Cabinet shall ensure that at least thirty per centum of the members appointed under subsection (1) are women.
- (4) A person shall not be appointed as a member of the Conference if the person—
- (a) is not a citizen of Zambia;
 - (b) is an undischarged bankrupt;
 - (c) is insane or of unsound mind;
 - (d) has been convicted of an offence involving fraud or dishonesty; or
 - (e) has been convicted of an offence under this Act or any written law and sentenced to imprisonment for a term of six months or more without the option of a fine.
- 5 (1) The members shall elect a Chairperson and three Vice-chairpersons of the Conference from among their number: Chairperson
and vice-
chairpersons

Provided that two of the vice-chairpersons shall be women, if the chairperson is a man and at least one vice-chairperson shall be a woman, if the Chairperson is a woman.

(2) The Minister shall, within fourteen days of the appointment of the members, convene the first meeting of the Conference at which the members shall elect a Chairperson and three vice-chairpersons as specified in the proviso to subsection (1).

Tenure of
office
and vacancy

6. (1) Subject to the other provisions of this Act, the term of office of a member appointed under section *four* shall be from the date of appointment and shall, unless the member resigns under subsection (2) or the office falls vacant earlier owing to any reason specified in subsection (3) or (4) terminate on the date of the repeal of this Act under section *thirty-two*, subject to the provisions of that section as to the winding up of the financial and administrative affairs of the Conference.

(2) A member may, at anytime after appointment, resign, by notice in writing to the Secretary to the Cabinet, through the Chairperson and the resignation shall take effect within seven days of the date of that notice.

(3) The office of a member becomes vacant—

- (a) upon the member's death;
- (b) if the member resigns from office;
- (c) if the member is adjudged bankrupt;
- (d) if the member is absent from three consecutive meetings of the Conference of which the member has had notice, without the prior approval of the Conference;
- (e) if the member becomes mentally or physically incapable of performing the duties of a member of the Conference;
- (f) if the member is for any other reason unable or unwilling to act as a member; or
- (g) if the member is convicted of an offence under this Act or any other written law and sentenced therefor to imprisonment for a term of six months or more without the option of a fine.

(4) The Secretary to the Cabinet may on the recommendation of the standing committee, remove any member from office if the member contrary to the principles specified in section *fourteen*—

(a) during the deliberations —

(i) conducts oneself in a manner which causes discord;
or

(ii) is violent, threatens any person with violence or
does anything that is provocative;

(b) interferes with any person's right to hold or attend a public meeting or assembly or the persons personal liberty or the freedoms of expression or conscience, except in accordance with the law; or

(c) takes any political, administrative or other action that adversely affects the deliberations or the operation or success of the adoption process.

(5) Where a member resigns from office under subsection (2) or the office of a member falls vacant owing to any reason specified in subsection (3) or (4), the Secretary to the Cabinet shall appoint another member in that member's stead in accordance with subsection (1) of section *four*.

(6) The Secretary to the Cabinet shall publish every resignation, vacation of, or removal from, office and any new appointment of a member in the *Gazette* within fourteen days of such resignation, vacation of, or removal from, office or new appointment.

7. A member, the Secretary and the deputy secretaries appointed under this Act shall, according to their religious beliefs—

Oath of
Office

(a) make and subscribe to the oath prescribed in the Schedule;
or

(b) make the solemn affirmation in the form prescribed in the Schedule;

before the Chief Justice, prior to embarking on their duties under this Act.

8. No action or other proceeding shall lie or be instituted against any member of the Conference or a committee of the Conference, or any member of staff of the Secretariat, for or in respect of any act or thing done or omitted to be done in good faith in the exercise or performance, or purported exercise or performance, of any of the powers, functions or duties conferred under this Act.

Immunity of
members of
Conference
and staff

Allowances of members 9. There shall be paid to members of the Conference or any committee of the Conference such allowances as the Minister may determine.

PART III

SECRETARIAT

Constitution of Secretariat 10. There is hereby constituted a Secretariat for the purposes of the Conference which shall provide secretarial, accounting and other services to the Conference.

Secretary and Deputy Secretary 11 (1) The Secretary to the Cabinet shall appoint a Secretary to the Conference who shall be responsible for—

- (a) the day to day administration of the affairs of the Conference;
- (b) the co-ordination of the studies, research and evaluations of the Conference;
- (c) the recording of the proceedings; and
- (d) custody of all records and documents of the Conference.

(2) There shall be three deputy secretaries, appointed by the Secretary to the Cabinet to assist the Secretary in the administration of the affairs of the Conference and performance of the duties specified in subsection (1):

Provided that two of the deputy secretaries shall be women, if the Secretary is a man and at least one deputy secretary shall be a woman, if the Secretary is a woman.

(3) A person shall not be appointed as a Secretary or deputy secretary if the person—

- (a) is an undischarged bankrupt;
- (b) is insane or of unsound mind;
- (c) has been convicted of an offence involving fraud or dishonesty; or
- (d) has been convicted of an offence under any written law and sentenced to imprisonment for a term of six months or more without the option of a fine.

(4) The Secretary and deputy secretaries shall serve on a full time basis and on such terms and conditions as the Minister may determine.

(5) The Secretary and deputy secretaries shall hold office from the date of appointment until the date of the repeal of this Act under section *thirty-two*, subject to the provisions of that section as to the winding up of the financial and administrative affairs of the Conference, unless the Secretary or deputy secretary resigns under subsection (6) or the office falls vacant due to any reason specified in subsection (7) or (8).

(6) The Secretary or a deputy secretary may, at anytime after appointment, resign, by notice in writing to the Secretary to the Cabinet, through the Chairperson and the resignation shall take effect within seven days of the date of M, that notice.

(7) The office of Secretary or deputy secretary shall fall vacant if the Secretary or deputy secretary —

- (a) dies;
- (b) resigns from office;
- (c) is adjudged bankrupt;
- (d) misapplies or misappropriates any moneys of the Fund;
- (e) is absent from three consecutive meetings of the Conference, without the prior approval of the Conference;
- (f) becomes mentally or physically incapable of performing the duties of a Secretary or deputy secretary under this Act;
- (g) is for any other reason unable or unwilling to act as Secretary or deputy secretary;
- (h) is convicted of an offence under this Act and sentenced therefor to a term of imprisonment without the option of a fine.

(8) The Secretary to the Cabinet may remove a Secretary or a deputy secretary from office if the Secretary or a deputy secretary —

- (a) during the deliberations—
 - (i) conducts oneself in a manner which causes discord;
or
 - (ii) is violent, threatens any person with violence or does anything that is provocative;

(b) interferes with any person's right to hold or attend a public meeting or assembly or the person's personal liberty or the freedoms of expression or conscience, except in accordance with the law;

(c) takes any political, administrative or other action that adversely affects the deliberations or the operation or success of the adoption process; or

(d) misappropriates funds in the course of administering the Fund as specified under section *twenty-eight*.

(9) Where a Secretary or deputy secretary resigns under subsection (6) or the office of a Secretary or deputy secretary falls vacant owing to any reason specified in subsection (7) or (8), the Secretary to the Cabinet shall appoint another Secretary or deputy secretary, as the case may be, in that Secretary or deputy secretary's stead.

Employment
of experts
and other
staff

12 (1) The members may, with the approval of the Minister, engage the services of such experts and consultants as they may consider appropriate and necessary to assist the members in their work under this Act.

(2) The Secretary to the Cabinet shall, for the purposes of the Conference, appoint such other staff as may be necessary to assist the members in the performance of their functions under this Act.

(3) The experts and consultants and the members of staff engaged or appointed under subsection (1) and (2), respectively shall—

(a) be accountable to the members of the Conference; and

(b) be paid such remuneration and allowances as the Minister may determine.

PART IV

FUNCTIONS AND POWERS

Functions of
Conference

13. (1) Subject to the other provisions of this Act, the functions of the Conference shall be to—

(a) consider and deliberate the provisions of the report of the Commission and the draft Constitution;

(b) adopt a draft Constitution or part thereof pursuant to paragraph (a); and

- (c) submit the adopted draft Constitution or part thereof to the Minister for presentation to Parliament or for submission to a referendum, if any provision of the draft Constitution purports to amend Part III or Article 79 of the Constitution or contains any provisions in respect of which there is no agreement as required by subsection (7) of section *seventeen*: Cap. 1

Provided that the entire draft Constitution shall be submitted to a referendum if a decision to do so is made by the members under subsection (2).

- (2) The members shall during their deliberations determine whether they shall submit to the Minister for—

- (a) presentation to Parliament of a draft bill for the enactment of those provisions of the Constitution which do not require a referendum; or
- (b) submission to a referendum, a draft bill for any alteration of Part III or Article 79 of the Constitution or any provisions of the draft Constitution in respect of which there is no agreement or of the entire draft Constitution as adopted under this Act without the option referred to in paragraph (a).

- (3) The members may, in considering and deliberating the draft Constitution under subsection (1), vary, confirm, add or remove any provision of the draft Constitution as the members consider appropriate.

- (4) In the exercise of the functions or the powers conferred by this Act, the Conference shall —

- (a) be accountable to the people of Zambia;
- (b) recognize the importance of confidence building, engendering trust and developing a national consensus for the adoption process ;
- (c) ensure through the observance of the principles referred to in section *fourteen* that the adoption process—
- (i) provides the members with an opportunity to actively, freely and meaningfully participate in generating and debating proposals to alter the Constitution as contained in the draft Constitution.

(ii) is subject to this Act, conducted in an open manner;

(iii) is guided by the respect for the universal principles of human rights, gender equality and democracy; and

(d) ensure that the final outcome of the adoption process faithfully reflects the wishes of the people of Zambia.

(5) In paragraph (a) of subsection (1) and subsection (3) —

(a) “draft Constitution” means the draft Constitution submitted to the Government by the Commission; and

(b) “report of the Commission” means the Report of the Commission dated 29th December, 2005.

Principles for
democratic
and secure
adoption
process
Cap. 1

14. The Government, the Conference, political parties, non-governmental organisations and the people of Zambia shall during the operation of the Conference—

(a) recognise the legislative power vested in Parliament by Article 62 of the Constitution;

(b) avoid discord, violence or threats of violence or other acts of provocation during the debate and adoption process;

(c) undertake not to deny or interfere with any person’s right to hold or attend public meetings or assemblies, the right to personal liberty, and the freedoms of expression and conscience during the adoption process, except in accordance with the law;

(d) ensure that the police protect the safety of all persons, who attend meetings or exercise the other rights, from violence from whatever source;

(e) ensure that the meetings of the Conference are held in peace;

(f) respect the independence of the members; and

(g) desist from any political or administrative action that will adversely affect the operation or success of the adoption process.

Powers of
Conference

15. The members shall, subject to the provision of any written law, have all the powers necessary for the execution of their functions under this Act, and for that purpose may require the attendance of any person whom the members wish to call before

them or before a committee and call for the production of any document or information that may be considered relevant to the functions of the Conference.

16. (1) The Minister shall appoint a drafting committee, comprising such number of members who have expertise in legislative drafting, as the Minister may determine, to provide drafting services to the Conference.

Drafting
Committee
and other
committees

(2) There shall be a standing committee of the Conference comprising the vice chairpersons and eight members of the Conference, one of whom shall be a legal practitioner, elected by the members and which shall consider and determine disciplinary matters relating to the members of the Conference and the staff of the Secretariat:

Provided that at any meeting of the standing committee only one vice-chairperson as the members of the committee may determine, shall attend and preside over the proceedings of the committee.

(3) The Conference may, for the purpose of performing its functions under this Act, constitute any committee and delegate to any such committee such of its functions as it thinks fit.

(4) The members of the drafting committee referred to in subsection (1) shall be paid such remuneration and allowances as the Minister may determine.

17. (1) Subject to the other provisions of this Act, the Conference may regulate its own procedure.

Proceedings
of
Conference

(2) Subject to subsection (3), the Conference shall hold such number of meetings in such places and in such manner as the members shall consider necessary for the discharge of their duties under this Act:

Provided that the Conference shall not hold any meetings at any time during which the National Assembly is sitting.

(3) The Conference shall meet for the transaction of its business under this Act only at the following times:

(a) on Tuesday, Wednesday and Thursday from 14.00 hours; and

(b) on Friday from 09.00 hours to 13.00 hours.

(4) The quorum at any meeting of the Conference and of any of its committees shall be one half of the members.

- (5) There shall preside at any meeting of the Conference—
- (a) the Chairperson;
 - (b) in the absence of the Chairperson, such vice-chairperson as the members present may determine for the purpose of that meeting; and
 - (c) in the absence of the Chairperson and the vice-chairpersons, such member as the members present may elect from amongst themselves for the purpose of that meeting.

(6) The members shall elect one of their number to be the spokesperson for the Conference.

(7) All questions before the Conference or any of its committees shall be determined by consensus, but in the absence of consensus, decisions of the Conference shall be determined by a two-thirds majority vote of the members of the Conference:

Provided that voting shall be by secret ballot.

(8) The Conference may invite any person whose presence in its opinion is desirable to attend and to participate in the deliberations of a meeting of the Conference but such person shall have no vote.

(9) The validity of any proceedings, act or decision of the Conference shall not be affected by any vacancy in the membership of the Conference or by any defect in the appointment of any member.

(10) The Conference shall cause minutes to be kept of the proceedings of every meeting of the Conference and every meeting of any committee established by the Conference.

Disclosure of
interest

18. (1) If a member is directly or indirectly interested in any contract, proposed contract or other matter before the Conference, such member shall, as soon as practicable after the commencement of the meeting, disclose that interest and shall not take part in any consideration or discussion of, or vote on, any question relating to, the contract or that other matter, or be counted in the quorum of the meeting during consideration of the contract or matter.

(2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which it is made.

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19. The meetings of the Conference shall be held in public and may be attended by any member of the public and for that purpose the Chairperson shall ensure the orderly conduct of members of the public in attendance:

Meetings to be held in public

Provided that nothing in this section shall preclude the members from holding deliberations in private or in camera if the circumstances so warrant.

20. (1) Save as may be provided for in the regulations, the Conference shall publicise its deliberations or avail a record of the proceedings of any meeting through the print and electronic media or the *Gazette*.

Publication of deliberations

(2) The Conference shall, for the purposes of subsection (1), consult the Zambia National Broadcasting Corporation and other broadcasting stations and radio stations licensed under the Zambia National Broadcasting Corporation Act or the Radio Communications Act, as the case may be, in order to secure suitable arrangements for the—

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- (a) allocation of airtime and space for purposes of disseminating the deliberations of the Conference through the electronic media; and
- (b) provision of a sign language inset or subtitles in all television programmes aired for purposes of paragraph (a), civic educational programmes and in all other programmes covering the deliberations and adoption process.

(3) Where a broadcasting or radio station is consulted by the Conference under subsection (2), such station shall make suitable arrangements to air such programmes whose broadcast is specified by the Conference.

21. (1) A person shall not, without the consent in writing given by or on behalf of the Conference, publish or disclose to any unauthorized person, otherwise than in the course of duties of that person, the contents of any document, communication or information whatsoever, which relates to or which has come to the knowledge of that person in the course of that person's duties under this Act.

Prohibition of publication of, or disclosure of information to unauthorized persons

(2) Any person who contravenes the provisions of subsection (1), commits an offence and is liable, upon conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

(3) If any person, having any information which to the knowledge of that person has been published or disclosed in contravention of sub-section (1), unlawfully publishes or communicates the information to any other person, the person commits an offence and is liable, upon conviction, to a fine not exceeding one hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

PART VI

DURATION AND REPORT OF CONFERENCE

Duration of
process

22. (1) Subject to the proviso to subsection (2) of section *seventeen* and subsection (2), the Conference shall complete its work within a period of twelve months from the commencement of this Act or such longer period as the President may specify by statutory instrument:

Provided that in determining the period of twelve months or the longer period referred to in this subsection, no period during which the National Assembly is sitting shall be taken into account.

(2) Where after the commencement of their work under this Act the members consider the period specified under subsection (1) to be inadequate, the members may request the President for an extension of the period.

(3) The President may, upon a request under subsection (2), extend, by statutory instrument, the period specified under subsection (1) by such period as the President may consider appropriate.

(4) Where an extension of time is granted to the Conference under this section, the members shall proceed expeditiously with their work in accordance with the provisions of this Act.

(5) The Conference shall prepare an initial report and on the basis of the report, prepare an initial draft Bill to alter the Constitution or part thereof.

Dissemination
and
adoption of
report

23. (1) The Conference shall—

(a) publish an initial report and draft bill referred to in subsection (5) of section *twenty-two* for the information of the public in the manner specified in section *twenty* for a period of sixty days;

(b) ensure that the initial report and the draft bill are made available to the public;

(c) upon the expiration of the period specified in paragraph (a), facilitate public discussion and debate on the content of the draft bill, and in addition, invite and receive memoranda on the same; and

(d) after the public discussion and debate, and upon receipt of memoranda, under paragraph (c), incorporate into the final report and draft bill such of the public's views as the members consider appropriate.

(2) The Conference may, where it considers it appropriate, translate the draft Constitution into such Zambian local languages as the Conference may, with the approval of the Minister determine.

24. The Conference shall, subject to subsection (1) of section *twenty-three*, compile a final report and on the basis of the final report, draft and adopt, a bill to alter the Constitution or part thereof.

Adoption of report and draft bill
Cap. 1

25. (1) Subject to the determination of the Conference under subsection (2) of section *thirteen*, the Chairperson shall submit the final draft bill which is adopted by the Conference under section *twenty-four* to the Minister—

Presentation of Bill to National Assembly, etc.

(a) for presentation to the National Assembly, if the draft bill does not contain any provisions to amend Part III or Article 79 of the Constitution; or

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(b) for submission to a referendum, if the draft bill contains provisions to alter Part III or Article 79 of the Constitution or any provisions on which there is no agreement as required under subsection (7) of section *seventeen*:

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Provided that the entire draft Constitution shall be submitted to a referendum if a decision to do so is made by the members under subsection (2) of section *thirteen*.

(2) The Minister shall, within thirty days of the receipt of the draft bill referred to in paragraph (a) of subsection (1), cause to be published in the *Gazette* the same in the form of a bill to alter the Constitution.

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(3) At the expiration of a period of thirty days from the date of the publication of the bill referred to in paragraph (a) of subsection (1), to alter the Constitution as stipulated by clause (2) of Article 79 of the Constitution, the Minister shall table the bill before the National Assembly for enactment within seven days of the day when the National Assembly next sits.

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Cap. 1

- Cap. 14 (4) The Minister shall, within thirty days of the receipt of the draft bill referred to in paragraph (b) of subsection (1), cause the same to be submitted to a referendum in accordance with the provisions of the Referendum Act, and shall submit the entire draft Constitution to a referendum if a decision to do so is made by the members under subsection (2) of section *thirteen*.

PART VII

FINANCIAL PROVISIONS

- Funds for expenses of Conference 26. (1) The expenses incurred for, and incidental to, the purposes of the Conference shall be paid out of moneys appropriated by Parliament for the purpose of constitutional review.

(2) Without prejudice to subsection (1), there may be made to the Conference grants, gifts, donations or bequests towards the achievement of the purposes of the deliberations and the adoption process specified in this Act:

Provided that no grant, gift or donation shall be made on any condition that the Conference perform any function or discharge any duty or obligation other than the duties under this Act aimed at achieving the objects of the Conference.

- Establishment of Fund 27. (1) There is hereby established a Constitutional Review Fund for the purposes of the Conference.

(2) There shall be paid into the Fund—

- (a) such monies as may be appropriated by Parliament for the purposes of the Conference under this Act; and
- (b) any grants, gifts or donations received under subsection (2) of section *twenty-six*.

(3) There shall be paid out of the Fund—

- (a) such moneys as may be required by the Conference for the discharge of its functions under this Act;
- (b) the allowances of the members and the members of any of its committees when engaged in the business of the Conference, including reasonable travelling, transport and subsistence allowances, at such rates as the Minister may determine;
- (c) the remuneration and allowances of the Secretary, deputy secretaries, experts, consultants, members of the drafting committee and staff employed in the Secretariat; and
- (d) any other expenses incurred by the Conference in pursuance of the provisions of this Act.

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- 28.** (1) The Fund shall be vested in the Minister responsible for finance and shall be managed and administered, on behalf of the Conference, by the Secretary. Vesting and administration of Fund
- (2) The Secretary shall, in administering the Fund, consult with the Secretary to the Treasury and subject to the Public Finance Act, 2004, manage the Fund in such a manner as promotes the purposes of the Conference. Act No. 15 of 2004
- 29.** (1) The members shall cause to be kept proper books of accounts and other records relating to the accounts of the Conference in accordance with the Public Finance Act, 2004 . Accounts and audit
Act No. 15 of 2004
- (2) The accounts of the Fund shall be audited by the Auditor-General in accordance with the Public Finance Act, 2004 and the Public Audit Act. Act No. 15 of 2004
Cap. 394
- 30.** The Minister responsible for finance shall cause an annual statement of income and expenditure relating to the Fund to be prepared and laid before the National Assembly. Statement of income and expenditure

PART VIII

GENERAL PROVISIONS

- 31.** If any person who is required to attend before the Conference or before a committee or to produce any document or supply any information that is required by the members— Offences
- (a) fails, without sufficient cause, to attend at the time and place mentioned in the notice served on the person;
- (b) attends, but leaves the Conference without the permission of the members;
- (c) refuses or fails, without sufficient cause, to produce any document or supply any information in the person's possession or under the person's control and mentioned or referred to in the notice served on the person; or
- (d) gives false information to the members or to the members of a committee; such person commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand penalty units or to imprisonment for a term not exceeding six months, or to both.
- 32.** (1) The Minister shall upon the enactment of the Bill to alter the Constitution tabled before the National Assembly under subsection (1) of section *twenty-five*, cause to be introduced before the National Assembly a Bill to repeal this Act. Dissolution of Conference

(2) Upon the enactment of the Bill referred in subsection (1) the Conference shall stand dissolved and the terms of office of the members shall thereupon expire, save that the Secretary and such number of staff as shall be necessary, shall remain in office for a period of three months to conclude the financial and administrative affairs of the Conference.

(3) The Conference may dissolve itself following a resolution to do so which is supported by a two-thirds majority vote of the members.

(4) Notwithstanding the other provisions of this Act, the President may dissolve the Conference if—

(a) at any stage of the adoption process, the members so conduct themselves or the meeting in such a manner that they fail to deliberate on the provisions of the report of the Commission or draft Constitution in an expeditious, diligent and effective manner or in any manner that adversely affects the adoption process;

(b) the members fail to agree on the provisions of the draft Constitution as specified by subsection (7) of section *seventeen* and so fail to execute their mandate under this Act; or

(c) the members do not comply with subsection (4) of section *thirteen* or section *fourteen* of this Act.

(5) The Minister shall, where the Conference is dissolved under subsection (3) or (4), cause to be introduced before the National Assembly a Bill to repeal this Act.

Regulations

33. The Minister may make regulations for the better carrying out of the provisions of this Act.

SCHEDULE
(Section 7)

OATH OFFICE OF A MEMBER

I being appointed a member under the National Constitutional Conference Act, 2007, do solemnly swear that I will faithfully, fully, impartially and to the best of my ability, discharge the trust and perform the duties devolving upon me by virtue of this appointment. So help me God.

.....
Member

.....
Chief Justice

SOLEMN AFFIRMATION OF A MEMBER

I being appointed a member under the National Constitutional Conference Act, 2007, do solemnly declare and affirm that I will faithfully, fully, impartially and to the best of my ability, discharge the trust and perform the duties devolving upon me by virtue of this appointment.

.....
Member

.....
Chief Justice

OATH OF OFFICE OF THE SECRETARY OR A DEPUTY SECRETARY

I being appointed the secretary/a deputy secretary under the National Constitutional Conference Act, 2007, do solemnly swear that I will faithfully and fully, impartially and to the best of my ability discharge the trust and perform the functions and exercise the power devolving upon me by virtue of this appointment without fear, favour, bias, affection, ill-will or prejudice and to the end that in the exercise of the functions and powers as such secretary/deputy secretary I shall not be influenced by an political, religious or other interest, or by any person. So help me God.

.....
Secretary/Deputy Secretary

.....
Chief Justice

SOLEMN AFFIRMATION OF THE SECRETARY AND A DEPUTY SECRETARY

I, being appointed the secretary/a deputy secretary under the National Constitutional Act, 2007, do solemnly and sincerely declare and affirm that I will faithfully and fully, impartially and to the best of my ability discharge the trust and perform the functions and exercise the powers devolving upon me by virtue of this appointment without fear, favour, bias, affection, ill-will or prejudice and to the end that in the exercise of the functions and powers as such secretary/deputy secretary I shall not be influenced by any political, religious or other interest, or by any person.

.....
Member

.....
Chief Justice
