

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 41 OF 1998

The Constitution of Zambia Act
(Laws, Volume 1, Cap. 1)

The House of Chiefs Regulations, 1998

IN EXERCISE of the powers contained in Article 136 of the Constitution, the following Regulations are hereby made:

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| 1. These Regulations may be cited as the House of Chiefs Regulations, 1998 | Title |
| 2. In these Regulations unless the context otherwise requires— | Interpretation |
| “Chairperson” means the chairperson of the House of Chiefs elected pursuant to Article 132 of the Constitution; | Cap. 1 |
| “Chief” shall have the meaning assigned to it under the Chiefs Act; | Cap. 287 |
| “Clerk” means the Clerk of the House appointed in accordance with the Rules and includes any person who under the authority of the President is acting or deputising for the Clerk; | |
| “House” means the House of Chiefs established under Article 130 of the Constitution; | Cap. 281 |
| “Member” means a member of the House of Chiefs; | |
| “Province” shall have the meaning assigned to it under the Provincial and District Boundaries Act; | Cap. 286 |
| “Provincial Local Government Officer” means a provincial local government officer appointed under the Local Government Act; | Cap. 281 |

decided upon by the Presiding Officer and notified to all Chiefs within the Province and then proceed to elect the members of the House.

9. (1) The election of the members of the House shall be by secret ballot conducted in the manner determined by the Presiding Officer so as to maintain the secrecy of the ballot.

Secret ballot

(2) Each chief at the meeting of the Provincial Council of Chiefs shall receive from the Presiding Officer a ballot paper in the form set out in the Second Schedule and shall vote by placing a cross opposite the name of the candidate that chief wishes to elect. Each member shall have the number of votes corresponding to the number of Chiefs provided for in Article 132 of the Constitution to represent that Province in the House.

Cap. 1

10. If the Presiding Officer is satisfied that a Chief will be prevented by age, ill health or distance from attending the Provincial Council of Chiefs at which the election for the House is to take place and provision for postal ballots is to be made, the Presiding Officer may cause to be sent to the Chief concerned a ballot paper by post in the form set out in the Third Schedule. Such a Chief may then cast the vote or votes in the manner described in sub-regulation (2) of Regulation 9 and shall ensure that the ballot paper reaches the Presiding Officer by 0900 hours on the day on which meeting of the Provincial Council of Chiefs is convened to elect members of the House.

Provision for postal ballots

11. (1) Upon all votes being cast, the Presiding Officer shall proceed to count the votes including those received through the post and shall announce to the Provincial Council of Chiefs the names of those elected as members of the House. The Presiding Officer shall thereupon transmit to the Clerk a certified record of the results for the information of the President and shall further transmit a copy of such record to each Chief in the Province within fourteen days of a member being elected.

Counting of votes and announcement of results

(2) Where in the opinion of the Presiding Officer a recount of votes is desirable, a recount shall be instituted.

12. Where candidates have been accorded an equal number of votes, and the addition of one vote would result in any one of the candidates to be declared elected, the Presiding Officer shall forthwith decide between those candidates by lot in such manner as may be determined by that Presiding Officer and proceed as if the candidate on whom the lot falls had received an additional vote.

Procedure in case of an equality of vote

Disputes
over election

13. If any question shall arise concerning the election or as to whether a person has been elected as a member of the House, the Presiding Officer of the Province in which the election took place shall determine the question within fourteen days of the question arising; subject to the right of appeal by an aggrieved person to the High Court within thirty days of the Presiding Officer making the decision on the question:

Provided that an appeal of the matter to the High Court under this sub-regulation shall not prevent the candidate who has been elected from assuming the office of member.

Clerk to
notify
President
and
Presiding
Officer of
Vacancies

14. (1) The Clerk shall notify the President and the Presiding Officer of the Province concerned whenever a seat in the House becomes vacant.

(2) Upon being notified of a vacancy, proceedings as are herein prescribed in regard to a general election of the House of Chiefs shall, with necessary modifications, apply.

Offences
relating to
election of
members of
House

15. (1) Any person who brings or attempts to bring undue influence to bear upon a Chief, or who intimidates or attempts to intimidate any Chief, in order that the Chief may exercise the vote for election to the House in a certain way, or to refrain from voting, shall be guilty of an offence and shall, be liable, upon conviction to a fine not exceeding ten thousand penalty units or to imprisonment for a term not exceeding twelve months, or to both.

(2) Any Chief who accepts a bribe in respect of casting that Chief's vote for election to the House in a certain way, shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding ten thousand penalty units or to imprisonment for a term not exceeding twelve months or to both.

Proceedings
of House

16. The proceedings of the House, shall be conducted in accordance with the Rules and Procedures set out in the Fourth Schedule.

Chairperson
and Vice-
Chairperson
to preside at
meeting

17. Every meeting of the House or Committee of the House shall be presided over by the Chairperson, or in the absence of the Chairperson, by the Vice-Chairperson, or in the absence of both the chairperson and vice-chairperson such other person as may be elected by the members from amongst themselves for the purpose of that meeting.

Records to
be kept by
Clerk

18. The Clerk shall keep a record of the members present and the business transacted at every meeting of the House.

19. Two-thirds of the total number of the members of the House of Chiefs shall constitute a quorum at a meeting of the House or a Committee of the whole House. Quorum
20. The House of Chiefs shall meet at least twice in every year: Meetings of House
 Provided that the Clerk, under the directives of the President may convene a special meeting at any time by giving fourteen days notice in writing to the members.
21. The members shall be paid such remuneration and allowances as the President shall determine. Allowances
22. The provisions of the National Assembly (Powers and Privileges) Act, relating to the privileges and immunities of the National Assembly and the members thereof shall with necessary modification apply to the House, its members and Committees. Privileges and immunities

FIRST SCHEDULE

(Regulation 6)

Republic of Zambia

NOMINATION PAPER TO ELECT A MEMBER TO THE HOUSE OF CHIEFS

This nomination paper must be signed by one proposer and two seconders and be returned to the Presiding Officer, who is the Provincial Local Government Officer, at least fourteen days before the date for the meeting of the Provincial Council of Chiefs.

We, the undersigned Chiefs of the Province, hereby nominate the undersigned Chief to be a candidate for election to the house of Chiefs.

Name of candidate (in BLOCK CAPITALS)	Proposed by (Name in BLOCK CAPITALS)	Signature
	Seconded by (Name in BLOCK CAPITALS)	
	1.	
	2.	

I hereby agree to the nomination as a candidate for election to the House of Chiefs

.....
 (Signature of candidate)

SECOND SCHEDULE*(Regulation 9)*

No. Of ballot paper:

HOC FORM 2

Republic of Zambia

ELECTION TO THE HOUSE OF CHIEFS

BALLOT PAPER

Vote by placing one cross against the names of candidates to be selected from the Province to the House of Chiefs.

Names of Candidates	Vote by placing one cross against the names of candidates
1.	
2.	
3.	
4.	
5.	
6.	
7.	

THIRD SCHEDULE*(Regulation 10)*

No. Of Postal Ballot paper:

HOC Form 3

Republic of Zambia

ELECTION TO THE HOUSE OF CHIEFS

POSTAL BALLOT PAPER

Vote by placing one cross against the names of candidates to be selected from the Province to the House of Chiefs.

N.B. This Postal Ballot Paper must be returned to the Provincial Local Government Officer by 9 am. on the day of 19

Names of Candidates	Vote by placing one cross against the names of..... candidates
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	

FOURTH SCHEDULE

(Regulation 16)

HOUSE OF CHIEFS

1. RULES OF PROCEDURE

PART 1

PRELIMINARY

1. In these rules unless the context otherwise requires—
- “meeting” means the period commencing when the House first assembles after being summoned by the President and ending when it is next adjourned sine die with the President’s authority; and
- “sitting” means the period for which the House meets on any day in accordance with these Rules.
2. The House shall debate such draft legislation and such other questions as are referred to it by the President, or authorised by him for debate in accordance with rules 12 and 13.
3. The order of business shall be determined by the House after consultation with the President.
4. At any sitting, the House may debate only such questions as they appear on a list of business approved by direction of the President for transaction at that sitting.
5. Unless otherwise directed by the President, the House shall meet in Lusaka.
6. Immediately after first assembling for its initial meeting, the House shall proceed to elect a Chairperson and Vice-Chairperson in

Interpreta-
tionBusiness of
HouseOrder of
businessBusiness to
be transacted
at sitting of
HousePlace of
meetingProcedure of
first

- assembly for initial meeting
- accordance with rules 14 to 27 and no other business shall be transacted until a chairperson has assumed the Chair.
- Appointment of Standing Committee
7. During the course of its initial meeting the House shall appoint a Standing Committee which shall be constituted in accordance with rule 47.
- Sitting of Standing Committee
8. The Standing Committee may sit at any time when the House is not sitting, but a sitting of the Standing Committee shall in any event be held during the seven days immediately preceding the assembly of the House for each meeting after the initial meeting.
- Provisional list of business for meeting
9. Not later than seven days before the date appointed by the President for the assembly of the House for any meeting, the Permanent Secretary, in the Ministry responsible for Chiefs' Affairs, shall furnish the Clerk with a provisional list of the business which the House is to transact by direction of the President during that committee at its next sitting.
- Standing Committee to consider the business of House
10. The Standing Committee shall thereupon consider the business for the meeting, including any notices of motion received by the Clerk in accordance with Rule 96, and shall determine any recommendations to be made to the President.
- Standing Committee may make recommendations to President regarding business
11. The Standing Committee may make recommendations concerning—
- (a) the arrangement of business included in the list received from the President; and
 - (b) the addition to the list of any specified question, being a question which, in the Committee's opinion, is a matter of public importance which the House should debate at that meeting; and any such recommendations shall be reported to the President not later than three days before the date appointed by him for the commencement of the meeting.
- Authorisation by President of matters of public importance
12. The President shall consider any recommendations received from the Standing Committee and may, if satisfied that any specified question is a matter of public importance, authorise that it should be set down for debate, either in terms recommended by the Committee, or in such terms as he may decide, after consultation with the Chairperson of the House of Chiefs.
- Business to be transacted
13. Subject to the other provisions of these Rules, the list of business approved by the President shall be the only business to be considered at any meeting.

PART II

OFFICERS OF HOUSE

14. An election of the Chairperson and Vice-Chairperson of the House shall take place in accordance with rules 16 to 27—
- (a) as first business on the first day of sitting of the initial meeting of the House; and
- (b) when the office of Chairperson or Vice-Chairperson becomes vacant the election of Chairperson or Vice-Chairperson shall be the first business of the sitting.
15. Whenever under these Rules an election of a Chairperson and Vice-Chairperson is to take place, the Clerk shall, as soon as practicable after the vacancy occurs, notify members of a date for the election and shall invite nominations.
16. A member may be nominated for election as Chairperson or Vice-Chairperson by means of a notice given to the Clerk not later than 1600 hours the day preceding the election.
17. Every nomination presented to the Clerk shall be signed by a proposer, a seconder and not less than three other members.
18. At the hour when the House has been directed to assemble or as soon thereafter as a quorum is present the Clerk shall notify the House of the names of members who have been duly nominated for election as Chairperson and Vice-Chairperson.
19. If only one candidate has been duly nominated for election as Chairperson or Vice-Chairperson, the Clerk shall declare that candidate to have been elected unopposed.
20. Where more than one member has been duly nominated for election as Chairperson or Vice-Chairperson, the Clerk shall arrange for the taking of a poll which shall be by secret ballot of the members of the House.
21. Immediately following any poll conducted in accordance with Rule 20 the Clerk shall announce the number of votes in favour of each candidate and shall declare to have been duly elected the candidate who has received the greatest number of votes or, in the event of a tie, shall decide the result by lot and declare the candidate thus chosen to be duly elected.
22. If no member is duly nominated for election in accordance with rules 16-20 the House shall stand adjourned and the Clerk shall report the matter to the President.

When elections are to be held

Members to be notified of date for election

Nominations

Nominations and notices of motion to be supported
House to be notified

Unopposed candidates to be declared elected

Elections to be secret ballot

Announcement of number of votes

Procedure if no member is duly nominated

Appointment of Chairperson and Vice-Chairperson	23. Upon receiving a report under rule 22, the President shall proceed to appoint a Chairperson and Vice-Chairperson from amongst the members and shall thereafter direct the House to resume its sittings.
Tenure of office of Chairperson Cap. 1	24. Upon the expiry of the term of office of the Chairperson as member of the House pursuant to Article 133 of the Constitution the Chairperson shall continue to hold office until the day of the first sitting of the next meeting following the date of expiry.
Chairperson to preside at all meetings	25. During his tenure of office the Chairperson shall preside at every sitting of the House unless absent through sickness or with the permission of the President.
Resignation	26. The Chairperson or Vice-Chairperson may resign his office by giving notice in writing under his hand addressed to the Clerk.
Duties of Vice-Chairperson	27. The Vice-Chairperson shall take the chair whenever the Chairperson is temporarily absent for any cause or during any period when the office of Chairperson is vacant, except during any proceedings for the election of a new Chairperson.

PART III

THE CLERK

Appointment of Clerk	28. The President shall appoint a Clerk to the House with the approval of the House and on such terms and conditions as the House may determine.
Clerk to advise on Procedural matters	29. The Clerk shall be responsible for advising the Chairperson and members on the procedure of the House and for informing them of the approved list of business to be conducted at any meeting.
Clerk to attend meetings of House and committees	30. The Clerk shall attend every sitting of the House and of every committee of the House but, except during any proceedings for the election of a Chairperson or Vice-Chairperson, the Clerk shall address the House or a Committee only on procedural matters and at the request of the Chairperson.
Clerk to distribute list of business to members	31. Before the opening of each sitting the Clerk shall distribute to every member a copy of the approved list of business for that sitting.
Votes and proceedings	32. The Clerk shall prepare a record of the votes and proceedings at every sitting of the House or of a Committee of the whole House and, after it has been confirmed by the Chairperson, shall transmit copies to the President, to the members and each Minister, sending extra copies to the permanent Secretary in the Ministry responsible for local government, to be tabled before the National Assembly.

33. The votes and proceedings of the House shall contain all decisions of the House including, in the case of any decision reached after a division, a record of the numbers and names of members voting for or against the motion.

Decisions of House to be recorded

34. The Clerk shall have the custody of all votes and proceedings, records and other documents belonging to the House, and shall not take or permit to be taken any such votes and proceedings, records or other documents from the Chambers or offices of the House without the express leave or order either of the House or of the Chairperson.

Custody of records

35. Except as may be directed by the President, the Clerk shall admit to the place where the House or any Committee is sitting only the President, Minister, members and officials of the House, or officials of Government.

Admission of non-members

PART IV

SITTING OF THE HOUSE AND ITS COMMITTEES

36. Except for the purpose of this rule and of rule 7, no member shall take his seat in the House until he has made and subscribed before the House an Oath or Affirmation of Allegiance to the President of the Republic of Zambia.

Oath of Allegiance

37. The House shall sit between the hours of 0900 and 1230 hours and between 1400 hours and 1700 hours on Mondays, Tuesdays, Wednesdays, Thursdays and Fridays—

Hours of sitting

Provided that on any sitting day when the transaction of business on the approved list for that day has been completed earlier than the hour that the House is due to rise, the House shall forthwith adjourn until the next sitting day.

38. Every sitting shall begin with prayers.

Prayers

39. New members shall be introduced and shall make and subscribe Oaths or Affirmations of Allegiance immediately after prayers and before the House transacts any business other than the business relating to the election of the Chairperson or Vice-Chairperson.

Introduction of new members

40. If no quorum is present at the hour appointed for the commencement of any sitting, the Chairperson shall not take the Chair until such a time, not being longer than half an hour after the appointed hour, as a quorum is present.

Procedure if there is no quorum at the hour appointed for the commencement of any sitting

Procedure if notice is taken that no quorum is present at any time

41. (1) If there is not quorum after half an hour has elapsed, the Chairperson shall take the Chair and adjourn the House until the next sitting day and shall then report the fact to the President.

(2) If, at any other time during a sitting, the Chairperson finds an objection being taken by any member or on the report of a division, that a quorum is not formed, the Chairperson shall, without question adjourn the House for fifteen minutes; and if, after fifteen minutes, no quorum is formed, he shall thereupon adjourn the House until the next sitting day. Any such division shall not be considered to constitute a decision of the House.

(3) Any member taking objection to the fact that a quorum is not formed and any member present at a division, whether voting or not, shall be counted in establishing whether a quorum is formed or not.

Power of Chairperson to suspend business

42. The Chairperson shall have power, when satisfied that at any time it is expedient to do so, to suspend business for such period, being less than one sitting day, as the Chairperson may declare; and the sitting of the House shall thereupon be suspended until the hour named by the Chairperson or, if no hour is named, for the remainder of that day.

PART V

COMMITTEE OF THE WHOLE HOUSE

Circumstances when House resolves into Committee
Chairperson to be Chairman of Committee

43. The House shall resolve into a Committee of the whole House on a motion moved in accordance with paragraph (e) of rule 93 or in accordance with rule 109, and resolve in the affirmative.

44. The Chairperson shall be chairman of the Committee of the whole House and whenever, in accordance with these Rules, the House resolves into Committee the Chairperson shall forthwith leave the Chair and shall take his seat next to the Clerk.

Resumption of proceedings by House

45. At the hour appointed for the adjournment of the sitting or when in the opinion of the Chairperson, the business under consideration in Committee has been completed the Chairperson shall resume the Chair and report progress to the House.

Procedure when business of Committee is incomplete

46. If upon resuming the Chair at the hour appointed for the adjournment of the sitting, the Chairperson reports that the business under consideration in Committee of the whole House is incomplete, the House shall again resolve into Committee on the next sitting day when that business is due for consideration.

PART VI

STANDING COMMITTEE

Constitution of Standing Committee

47. The House shall establish a Standing Committee which shall consist of the Chairperson, who shall be Chairperson of the Committee, and one member of the House representing each Province of Zambia.

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| <p>48. The Standing Committee shall meet from time to time as provided by rule 8 and, in addition to the duties imposed upon it by rules 10 to 12, shall be empowered to advise the Chairperson and the House on any matter relating to the comfort and convenience of members or the rules and procedure of the House.</p> | <p>Duties of Standing Committee</p> |
| <p>49. The quorum for meetings of the Standing Committee shall be five members excluding the person presiding.</p> | <p>Quorum</p> |
| <p>50. The Chairperson of the Standing Committee shall have an original as well as a casting vote.</p> | <p>Chairman of Standing Committee to have both original and casting vote</p> |
| <p>51. If for any reason a member of the Standing Committee is unable to act, or wishes to withdraw from membership of the Committee, the Chairperson may invite the House to resolve that the member be discharged from the Committee and that another member from the same Province be appointed in that member's stead.</p> | <p>Changes in membership of Standing Committee</p> |
| <p>52. The Clerk shall be present at, and keep minutes of, every sitting of the Standing Committee.</p> | <p>Clerk to be present at sittings and to keep minutes</p> |
| <p>53. The Clerk shall record in the minutes of a Standing Committee—</p> <p>(a) the names of the members attending each meeting;</p> <p>(b) every motion, or amendment proposed in the Committee, together with the name of the member moving it, and any division together with the names of the members voting for and against the question.</p> | <p>Records required in minutes of Standing Committee</p> |
| <p>54. The Standing Committee may make a report to the House on the matters considered and every such report shall be signed by the Chairperson and shall be laid, together with the minutes of the proceedings of the Committee, upon the table of the House.</p> | <p>Reports and minutes</p> |
| <p>55. The proceedings of the Standing Committee shall be confidential until the minutes and any report relative to such proceedings have been laid upon the Table of the House.</p> | <p>Proceedings of Committee confidential</p> |

PART VII

LANGUAGE OF THE HOUSE

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| <p>56. Subject to the other provisions of this part, the official language of the House shall be English and all proceedings of the House and its Committee shall be recorded in the English language.</p> | <p>Official language</p> |
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Members to address House in English	57. Except as provided in rules 58 and 59, members shall address the House in English.
Speeches in vernacular language permitted	58. Upon giving reasonable advance notice to the Chairperson, any member shall be entitled, with the permission of the Chairperson, to address the House in any vernacular language spoken in Zambia.
Chairperson not to withhold permission to address House in vernacular language	59. When notice has been given to the Chairperson that a member desires to speak in a specified vernacular language the chairperson shall not withhold permission unless— <ul style="list-style-type: none"> (a) in his opinion the granting of the request would be an abuse of procedure; or (b) it is not possible to provide, in accordance with rules 60–61, a translation from the vernacular language into English of a standard and in such manner as are acceptable to the House of Chiefs.
Interpreting	60. Whenever the Chairperson gives permission for a member to speak in a vernacular language, the Clerk shall, whenever practicable, ensure that an interpreter competent in translation from that language into English shall be present.
Procedure for translating speeches	61. In translating the speeches from Vernacular to English, the interpreter, as directed, shall adopt such procedure as will enable both the member speaking and the English translation to be heard by the Chairperson and by every other person present.
Interpreters to make Oath	62. Every person directed to act as an interpreter in the House or its Committee shall be sworn upon oath to interpret the proceedings fairly and impartially, and to the best of his knowledge and ability.

PART VIII

PERSONS ENTITLED TO ADDRESS THE HOUSE

President may address House	63. The President shall be entitled to address the House at any time.
Ministers or nominees may address House	64. A Minister, or a representative from his Ministry nominated by the Minister to address the House on his behalf, may address the House or request its advice on any question within his portfolio which has been referred to the House and which appears on the approved list of business.
Invitations to Minister to attend particular proceedings	65. Whenever any matter which is the responsibility of a Minister is due to be considered by the House, any member may request the

Chairperson to invite that Minister to be present or to nominate a representative from his Ministry to attend the debate; but the Chairperson shall not request the presence of the Minister or his representative unless he is satisfied that there is a specific question, of which he shall give notice to the Minister, upon which it is desirable that the Minister or his representative should address the House.

66. A Minister may be present at any proceedings of the House and may take part in proceedings which concern questions within his portfolio, notwithstanding that no invitation has been extended to him in accordance with rule 65.

Minister may participate in proceedings irrespective of invitation

67. When addressing the House, the Minister or his representative shall be bound by these Rules other than rule 73 and shall have the privileges of a member except that the Minister or the representative of the Minister shall not vote and shall not be counted in establishing whether a quorum is present.

Minister to observe Rules of procedure

68. Except as provided in these rules, only the Chairperson and members shall be entitled to address the house.

Rights of Chairperson and members to address House

PART IX

TIME AND MANNER OF SPEAKING

69. Members shall speak only when called upon to do so by the Chairperson and shall address their remarks to the Chair.

Time and manner of speaking

70. A member offering to speak shall stand in his place after the preceding speaker has resumed his seat.

When member to stand in his place to speak

71. A member shall not address another member directly in the House and every reference to another member shall be by use of that other member's title as a Chief.

Reference to other members

72. Whenever the Chairperson rises during a debate, any member then speaking or offering to speak shall sit down and the members shall be silent so that the Chairperson may be heard without interruption.

Precedence of Chairperson

73. No member may address the House for more than thirty minutes except by leave of the House.

Duration of speeches

74. While in Committee of the whole House members may address the House more than once but not in excess of ten minutes on any one occasion .

Members' rights of address in committee

75. No member may speak twice on a question except in Committee of the whole House; but a member who has made a substantive motion shall have the right to reply to the debate, and a

When members may exercise right of reply

member who has been misquoted or misunderstood in a material part of his speech may offer an explanation but shall not introduce any new matter and no debate shall be allowed upon such explanation.

Prohibition of reply

76. A reply shall not be allowed to a member who has moved an amendment or a motion to adjourn a debate.

Debate restricted to question before House

77. Only one question may be debated at a time and the debate shall be restricted to the question under consideration until that question has been resolved or the debate has been adjourned by a majority vote of the members present or stands adjourned in accordance with these rules.

Matters in respect of which member may speak
Points of order

78. A member may speak only to the question before the House, or to an amendment to be moved by himself, or to a point of order.

79. Upon a point of order being raised the member then speaking shall resume his seat and, after the point of order has been stated to the Chairperson, the Chairperson shall give the ruling or decision thereon and may do so forthwith.

Personal explanations

80. By permission of the Chairperson and when called upon to do so, a member may explain matters of a personal nature although there may be no question before the House, but such matters may not be debated and the member shall confine himself to the vindication of his own conduct.

Reflection upon votes of House or National Assembly
Objectionable remarks

81. A member shall not speak against or reflect upon any vote of the House or the National Assembly, except for the purpose of moving that a vote of the House be rescinded.

82. A member shall not—

- (a) impute improper motives to any other member;
- (b) make a personal charge against any other member;
- (c) use offensive expressions; or
- (d) use personalities.

Power of chairperson to require withdraw of objectionable remarks

83. If, in the opinion of the Chairperson, any member uses objectionable words, the Chairperson shall call that member to order and require the member to explain or withdraw them or to offer an apology to the satisfaction of the House; and a member failing to comply with the directions of the Chairperson shall be directed to withdraw from the chamber in accordance with rule 124.

Disclosure of financial interest

84. No member may speak on any matter in which the member has a financial interest unless the member has first disclosed that interest.

85. A reference shall not be made to any matter upon which a Court decision is pending in such way as may prejudice the interests of the parties in the case.

Reference to matters which are sub judice

86. The Chairperson may direct any member who fails to keep to the point or who repeats arguments already employed by that member or other members in the course of the debate to conclude his speech and to resume his seat.

Irrelevance and repetition

PART X

PROCEDURE WITH REGARD TO MOTIONS

87. Except as provided in Rule 97, motions shall be considered on the day specified in respect of which they appear on the approved list of business for the sitting.

Subject matter

88. Motions on any matter referred to the House by the President which are moved by a Minister or by his representative, or which are formally moved by the Chairperson shall not require to be seconded.

Government motions

89. Motions which are moved by a member of the House other than the Chairperson shall be seconded by some other member, and the Chairperson shall rule whether or not in his opinion that motion relates to a matter of public importance.

Motions moved by private members to be seconded

90. No motions except those certified by the President to relate to matters which are of public importance shall be included in the approved list of business for any meeting.

Motions of public importance to be certified by President

91. Except with the express permission of the President, the Committee shall not recommend for debate more than one motion on the same subject in any period of twelve months.

Motions in respect of which President's permission required

92. A motion shall be debated at such sitting, not being earlier than two days after the approval of the President has been signified to members, as it may appear on the approved list of business.

Day for debate

93. The following motions may be moved without notice:

Motions which may be moved without notice

(a) a motion for the amendment of any motion, providing that the terms of the amendment are handed to the Clerk in writing;

(b) a motion for the adjournment of the House or of a debate;

(c) a motion for the suspension of any of these Rules moved with the permission of the President, or a motion for the suspension of Rule 37 to extend the hours of sitting moved with the permission of the Chairperson;

(d) a motion for the withdrawal of strangers on any occasion that members of the public have been admitted to the proceedings of the House with the President's permission;

(e) a motion that the House should resolve into Committee;

(f) a motion when the House is in Committee; and

(g) a motion for the suspension of a member.

Notices of motion

94. A member wishing to move any motion as a matter of public importance shall give notice of the terms of the motion to the Clerk not less than seven days in advance of the assembly of the House for the meeting during which he wishes it to be considered.

Procedure preliminary to consideration of motions

95. The terms of any notice of motion referred to in Rule 94 received by the Clerk during any recess shall be communicated to the Standing Committee at its next meeting.

Debate on motion

96. (1) If the Committee resolves that any such motion should be recommended to the President for debate in the House the Chairperson shall advise the President accordingly and the President shall rule whether or not in his opinion that motion relates to a matter of public importance.

(2) A motion shall be debated at such sitting, not being earlier than two days after the approval of the President has been signified to members, as it appears on the approved list of business.

Amendment of motions

97. (1) A question, having been proposed, may be amended—

(a) by leaving out certain words;

(b) by leaving out certain words in order to insert other words; and

(c) by inserting or adding words.

(2) A member wishing to move an amendment to a question shall, before moving it, put the amendment in writing, sign it and hand it to the Clerk.

Chairperson to decide on amendments to be moved

98. The Chairperson shall decide on whether or not the proposed amendment shall be moved or allowed.

Motions and amendments by private members to lapse unless seconded

99. All motions and all amendments which are not seconded shall lapse without further debate, except that a motion or an amendment moved by the Chairperson or by the Minister or his nominated representative or a motion or amendment moved in Committee of the whole House shall not require to be seconded.

100. A member moving or seconding a motion shall be obliged to speak immediately in support of it but may reserve his right of addressing the House until a later stage in the debate.

Mover or seconder of motion may reserve speech

101. When an amendment has been moved, and if necessary seconded, it shall be debated and put to the vote before the original motion.

Amendment to be resolved before any vote on original motion

102. When an amendment to a proposed amendment is moved, and if necessary seconded, it shall be debated as if the previous amendment were an original motion.

Amendments to amendments

103. Where an amendment is moved to a question after a member has spoken the member may again address the House on such amendment or amendments.

Rights of members who have spoken to main question when amendment is moved

104. Except as provided in rule 100, a member who has already spoken to the main question may not move or second an amendment.

Members who have spoken to question not to move or second amendment

105. A member who has moved any motion or amendment shall be entitled to offer to withdraw it, but the Chairperson shall accept such withdrawal only by leave of the house; if an amendment has been proposed to a motion, the original motion shall not be withdrawn until the amendment has been disposed of; and no motion or amendment may be withdrawn, nor may any member speak to such motion or amendment, after it has been put from the Chair for the decision of the House.

When motions or amendments may be withdrawn

PART XI

PROCEDURE FOR THE CONSIDERATION OF DRAFT LEGISLATION

106. When the House is to consider draft legislation referred to it by the President, the Minister responsible for the Bill shall provide the Clerk, not later than seven days in advance of the date for its consideration, with copies of the draft Bill and an explanatory memorandum in sufficient number for each member to receive a copy.

Supply of Bills and explanatory memoranda to members

107. On the day appointed for the consideration of the draft Bill, the Minister responsible, or representative nominated by him from his Ministry to address the House on his behalf, shall move a motion

Introduction of Bills

which shall not be amended or debated, " That the House do now resolve into Committee to consider the clauses of a draft Bill entitled (short title) "

Consideration in Committee

108. The Minister or his nominated representative shall attend the Committee of the whole House when the Committee is considering draft legislation for which the Minister is responsible and shall be regarded as a member of the house for this purpose, but shall not be allowed to vote and shall not be counted in establishing whether or not a quorum is present.

Report to House

109. When consideration of the Bill in Committee of the whole House is completed, the Chairperson shall, without question put, report the Bill to the house with or without any recommendations, as the case may be.

Motion for debate after Bill has been reported

110. The Chairperson shall then formally move " that the House do approve the draft Bill, subject to the recommendations (if any) of the Committee of the whole House "

Chairperson to invite debate on motions moved under Rule 110

111. After the Chairperson has moved the motion in terms of Rule 110, the Chairperson shall invite debate on that motion and members shall be entitled to move amendments to it, subject to the approval of the Chairperson.

Minister or representative to have right of reply

112. The Minister or his representative shall have the right of reply to the debate on the motion.

PART XII

DIVISIONS

Voting

113. When, in the opinion of the Chairperson the debate on the question which is before the House should be resolved, the Chairperson shall put the question and every member present may thereupon signify his vote for or against that question; but any member with a financial interest in that question shall abstain from voting.

Divisions where minority is less than four

114. In the event of a division of votes, the Chairperson may first call upon those members who in his opinion are in the minority to stand in their places, and if that number is less than four the Chairperson shall declare the resolution of the House to be the view of the remaining members.

Divisions where minority is four or more

115. If four or more members rise in their places the Chairperson shall direct the Clerk to call upon each member present to declare his vote for or against the question.

116. The Clerk shall record the voting for or against each question and report the results to the Chairperson who shall then declare the motion carried or lost, as the case may be.

Clerk to record voting for or against questions
Chairperson to exercise casting vote in event of equality of votes

117. In any division the Chairperson shall not exercise an original vote but, if there is an equality of votes, the Chairperson shall give a casting vote, and any reason stated by him shall be recorded in the votes and proceedings.

PART XIII

WRITTEN QUESTIONS TO MINISTRIES

118. Members of the House may seek information on any matter falling within the portfolio responsibilities of any Minister, by application in writing to the Clerk.

Questions

119. Any question which, in the opinion of the Clerk, is trivial or frivolous or which the Clerk is satisfied, after consultation with the Minister of whom it is asked, that it would be against the public interest to publish or to answer, shall be rejected.

Refusal of questions

120. When the Clerk receives the reply to any question, the Clerk shall convey the information to the member who submitted the question.

Answer to questions to be submitted to member requiring information

PART XIV

ORDERLY CONDUCT

121. The Chairperson shall keep order at every sitting of the House.

Chairperson to keep order

122. A Chairperson of any Committee shall have in relation to the proceedings of that Committee the same powers and duties for keeping order as the Chairperson.

Chairperson of any Committee to have powers of Chairperson in keeping order

123. A member of the House who departs from the Rules shall be called to order by the Chairperson and shall thereupon immediately resume his seat.

Members to resume seats when called to order by Chair

124. The Chairperson shall be entitled to direct that any member who fails to observe a ruling of the Chair or who is otherwise guilty of disorderly conduct shall withdraw forthwith from the Chamber and its precincts.

Power of Chairperson to require members to withdraw from Chamber

Power of
Chairperson
to suspend
members

125. The Chairperson may suspend any member who wilfully disregards any of these Rules or who in his opinion is guilty of disorderly conduct or of obstructing the proceedings of the House, and shall suspend any member if a motion for his suspension is made and adopted in the House by a majority of two-thirds of the members voting.

Member
under
suspension
not to attend
proceedings
until granted
permission

126. A member suspended under these Rules shall forthwith leave the House or the Committee and shall not attend further proceedings either of the House or of any Committee until the Chairperson shall grant that member permission to do so.

Power of
Chairperson
to recom-
mend that
member
should
vacate

127. Where circumstances appear to the Chairperson as being necessary, the Chairperson may recommend to the President that any member who has been suspended, or who is in his opinion disqualified for any reason from taking part in the proceedings of the House, should be required to vacate his seat. The President may direct any member who has been suspended or who is disqualified, to vacate his seat.

128. If satisfied—

- (a) that any member who is under suspension should not resume his seat;
- (b) that any member is disqualified; and
- (c) that any member has avoidably absented himself without permission from and meeting;

the President may direct that such member shall vacate his seat with effect from the date of his suspension, disqualification or first absence, and the seat shall then be declared vacant.

Non-
members to
observe
silence
during
sittings

129. All persons except members and others who in accordance with these Rules are entitled to address the House shall observe silence when present at any sitting of the House or of its Committee

Power of
Chairperson
to enforce
orders given
under these
Rules

130. The Chairperson may direct such steps to be taken as may be required to enforce any order given by him under these Rules, including any order for silence to be observed by those present or for strangers to withdraw.

PART XV

ABSENCE FROM SITTINGS

131. (1) A member shall not be absent from any sitting of the House without the permission of the Chairperson, except on grounds of sickness.

Members to seek permission from Chairperson to be absent from sitting

(2) A member shall not be absent from the sittings of the House throughout any meeting without first obtaining permission from the President through the Chairperson.

PART XVI

INTERPRETATION, AMENDMENT OR SUSPENSION OF RULES

132. Subject to the other provisions of these Rules, the decision of the Chairperson on any question, order or procedure shall be final.

Interpretation

133. Except as provided, these Rules—

Amendment of Rules

(a) these Rules shall not be altered or suspended without the express authority of the President but the House may propose amendments to these Rules which may seem to it desirable; and

(b) no addition or amendment which may be proposed to these Rules shall have effect until the Chairperson has notified the House of the President's approval.

FREDERICK J. T. CHILUBA,
President

LUSAKA
6th March, 1998
[MLGH/CA.105/4/4]