

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 25 OF 2008

**The National Constitutional Conference Act
(Act No. 19 of 2007)****The National Constitutional Conference
(Procedure) Rules, 2008**

ARRANGEMENT OF RULES

PART I
PRELIMINARY*Rules*

1. Title
2. Application
3. Interpretation

PART II
SITTINGS OF THE CONFERENCE

4. Days and time of sitting
5. Quorum of Conference
6. Sitting dates
7. Chairperson to preside
8. Agenda
9. Order of business
10. General business
11. Business of Conference
12. Admission to Chamber
13. Broadcasting of proceedings of Conference and committees
14. Person interrupting proceedings
15. Members of public may be ordered to withdraw
16. Chairperson may suspend sitting or adjourn
17. Resumption of business
18. Adjournment of sitting
19. Procedure on adjournment

*Copies of this Statutory Instrument can be obtained from the Government Printer,
P.O. Box 30136, 10101 Lusaka. Price K4,000 each.*

PART III
CONFERENCE PROCEDURES

20. Chairperson to maintain order
21. Members to be seated
22. Chairperson to order member to withdraw from Chamber for disorderly conduct
23. Reference of matter to Disciplinary Committee
24. Rights forfeited by suspended member
25. Conduct considered to be disorderly
26. Reflections on members and other persons
27. Intervention by Chairperson

PART IV
RULES OF DEBATE

28. Manner of addressing members in Chamber
29. Chairperson to call upon member to speak
30. Member to address Chairperson
31. Points of order
32. Speeches in English
33. Member may speak only once to matter
34. Clarification of misrepresentation
35. Relevance of debate
36. Use of visual aids
37. Proceedings of committees not to be referred to
38. Matters awaiting judicial decision
39. Application of prohibition of reference to matters awaiting judicial decision
40. References to President or Vice-President of Republic, etc.
41. Use of offensive words
42. When interruption of member allowed
43. Adjournment of debate
44. Chairperson to put question when debate concluded
45. Division to take place if decision of Chairperson on consensus is challenged
46. Procedure for voting
47. Rules for questions

PART V

MINUTES OF PROCEEDINGS, REGISTERS AND CUSTODY

48. Minutes of the Conference
49. Register of attendance
50. Member not to be absent, or leave, Conference without permission of Chairperson
51. Register of declaration of interest
52. Register of members.
53. Publication of deliberations
54. Spokesperson to speak on behalf of Conference
55. Custody of records and documents
56. Notices, proceedings etc., to be translated into braille
57. Sign language interpreter
58. Access to meeting places

IN EXERCISE of the powers contained in section *thirty-three* of the National Constitutional Conference Act, 2007, and on the recommendation of the Conference, the following Rules are hereby made:

PART I
PRELIMINARY

- | | |
|--|--------------------|
| 1. These Rules may be cited as the National Constitutional Conference (Procedure) Rules, 2008. | Title |
| 2. These Rules shall regulate the conduct of the proceedings of the Conference and the exercise of the powers by the Conference. | Application |
| 3. In these Rules, unless the context otherwise requires— | Interpretation |
| “Act” means the National Constitutional Conference Act, 2007; | Act No. 19 of 2007 |
| “Chairperson” has the meaning assigned to it in the Act; | |
| “Chamber” means the main hall and includes the public galleries; | |
| “Conference” means the National Constitutional Conference constituted under section <i>three</i> of the Act; | |
| “Disciplinary Committee” means the standing committee referred to in subsection (2) of section <i>sixteen</i> of the Act; | |
| “Electoral Commission” means the Electoral Commission of Zambia established by article <i>seventy-six</i> of the Constitution; | Cap. 1 |
| “General Purposes Committee” means the General Purposes Committee established under the National Constitutional Conference (Committees) Regulations, 2008; | S I No. 24 of 2008 |
| “member” means any member of the Conference; | |
| “Secretary” has the meaning assigned to it in the Act; | |
| “sitting” means the period between the time when the Chairperson calls the meeting to order and the time when the Conference is adjourned; | |
| “Spokesperson” means the person elected as Spokesperson of the Conference pursuant to subsection (6) of section <i>seventeen</i> of the Act; and | |
| “Vice-Chairperson” has the meaning assigned to it in the Act. | |

PART II
SITTINGS OF THE CONFERENCE

- | | |
|--------------------------|--|
| Days and time of sitting | <p>4. (1) The Conference shall meet at 14.00 hours on Tuesdays, Wednesdays and Thursdays and 09.00 hours on Fridays, except on public holidays.</p> <p>(2) Subject to sub-rule (3), on Fridays, the hour of adjournment shall be 13.00 hours and on all other days, the normal hour of adjournment shall be 20.00 hours.</p> <p>(3) Notwithstanding sub-rule (2)—</p> <p style="padding-left: 20px;">(a) on any sitting day, when the transaction of business on the agenda for that day is concluded before the hour that the Conference is due to rise, the Conference shall adjourn until the next sitting day ; and</p> <p style="padding-left: 20px;">(b) on Tuesdays, Wednesdays and Thursdays, if the transaction of business on the agenda for that day is not concluded at 20.00 hours when the Conference is due to rise, the Conference may adjourn later than 20.00 hours.</p> |
| Quorum of Conference | <p>5. (1) The quorum of the Conference shall be one-half of all the members of the Conference.</p> <p>(2) If there is no quorum at the expiration of fifteen minutes after the hour appointed for the sitting, the Chairperson shall adjourn the sitting to the next sitting day.</p> |
| Sitting dates | <p>6. The Secretary shall notify the members of the sitting dates of the Conference at least fourteen days before the Conference through the electronic and print media and by such other means as the Chairperson may direct.</p> |
| Chairperson to preside | <p>7. (1) The Chairperson shall preside over the meetings of the Conference.</p> <p>(2) Where the Chairperson is absent, any of the Vice-Chairpersons as the members present may determine for the purpose of the sitting, shall chair the sitting:</p> <p style="padding-left: 40px;">Provided that the Vice-Chairpersons shall chair the meetings on a rotational basis.</p> <p>(3) If the Chairperson and the Vice-Chairpersons are absent, the members shall elect a member from among themselves to chair the sitting:</p> <p style="padding-left: 40px;">Provided that the Secretary shall preside over the meeting before a chairperson is chosen under this sub-rule.</p> |

8. (1) The Secretary shall prepare an Agenda for each sitting day showing the business of the Conference in the order in which it is to be transacted. Agenda
- (2) The Agenda shall be prepared in accordance with these Rules as to the order in which business is to be transacted and in accordance with any determination by the Committee for General Purposes.
- (3) The Secretary shall issue the notice of a meeting to the members before the Conference sits.
9. At each sitting, the Conference shall transact its business in the order shown on the Agenda. Order of business
10. General business shall be taken in the following order: General business
- (a) announcement of the presentation of papers and reports of committees;
- (b) clarifications and answers;
- (c) debate on a matter of urgent public importance or motion, if allowed by the Chairperson;
- (d) consideration of committee reports;
- (e) a general debate; and
- (f) consideration of the draft Constitution.
11. The General Purposes Committee shall determine— Business of Conference
- (a) the time to be spent on an item of business;
- (b) how time on an item of business is to be allocated in the Conference; and
- (c) the speaking times of members on an item of business.
12. Subject to section *nineteen* of the Act, the Secretary shall, on behalf of the Conference, control admission to the Chamber, and may issue directions setting out who may be admitted to those areas and governing their conduct therein. Admission to Chamber
13. (1) The proceedings of the Conference, and any of its committees may be broadcast on radio during all hours of sitting and shall be available for television coverage. Broadcasting of proceedings of Conference and committees
- (2) Any broadcast of the proceedings shall maintain standards of fairness and where the proceedings are televised, there shall be a sign language insert as specified in paragraph (b) of subsection (2) of section *twenty* of the Act.
14. The Chairperson or the Secretary may require a person, other than a member, who interrupts or disturbs the operations or proceedings of the Conference, or who otherwise misconducts themselves, to leave the Chamber and the Conference precincts. Person interrupting proceedings

Members of public may be ordered to withdraw

15. (1) A member may move, without notice, that members of the public be ordered to leave the Chamber.

(2) Where the Conference resolves that members of the public be ordered to leave the Chamber

(a) the members of the public shall leave the Chamber;

(b) official reporters and attendants shall leave the Chamber and no official report of the proceedings shall be made; and

(c) broadcasting of the debates shall cease.

(3) The Secretary shall make a note of the resolution of the Conference in the proceedings of the Conference.

Chairperson may suspend sitting or adjourn

16. (1) The Chairperson may suspend a sitting or adjourn the sitting if the Chairperson considers it necessary to do so to maintain order.

(2) Where the Chairperson suspends a sitting, the Chairperson shall decide when the sitting shall resume.

(3) Where the Chairperson adjourns a sitting, it shall stand adjourned until the next sitting day.

Resumption of business

17. (1) Business interrupted by the Chairperson or a member for whatever reason shall be resumed at the point of interruption.

(2) A member whose speech was interrupted shall speak first on the resumption of the debate.

(3) Where the member does not exercise the right to speak first when the debate resumes, the member's speech shall be treated as concluded.

Adjournment of sitting

18. At the conclusion of each sitting, the Conference shall adjourn until its next sitting day.

Procedure on adjournment

19. (1) Subject to paragraph (b) of sub-rule (3) of rule 4, at least five minutes before the hour of adjournment specified in sub-rule (2) of rule 4, the Chairperson shall interrupt business under consideration by the Conference.

(2) Any business not concluded or interrupted under sub-rule (1) shall be deferred to the next sitting of the Conference.

PART III
CONFERENCE PROCEDURES

20. (1) The Chairperson shall maintain order and decorum in the Chamber. Chairperson to maintain order
- (2) Whenever the Chairperson speaks or rises during a sitting, members shall sit down and be silent so that the Chairperson can be heard without interruption.
- (3) The Chairperson may in the event of grave disorder occurring in the Chamber—
- (a) suspend the sitting and state the time at which the Chairperson shall resume the Chair; or
- (b) adjourn the Conference to the next sitting day.
21. (1) A member in the Chamber shall— Members to be seated
- (a) take their seat promptly and remain seated except when speaking in debate or voting;
- (b) not remain in the aisles; and
- (c) not pass between the Chairperson and any member who is speaking.
- (2) Except when voting, members shall make an acknowledgment to the Chairperson, by bowing, on entering and leaving the Chamber.
22. (1) The Chairperson shall order any member whose conduct is disorderly to withdraw immediately from the Chamber for such period, up to the remainder of that day's sitting, as the Chairperson shall order. Chairperson to order member to withdraw from Chamber for disorderly conduct
- (2) Any member ordered to withdraw from the Chamber under sub-rule (1) shall not enter the Chamber and shall not vote.
23. (1) The Chairperson may, in addition to the action taken against a member under sub-rule (1) of rule 22, refer the matter concerning that member to the Disciplinary Committee. Reference of matter to Disciplinary Committee
- (2) A member whose matter is referred to the Disciplinary Committee under sub-rule (1) shall be ordered to appear before the Disciplinary Committee to answer for the member's conduct.
24. A member who is suspended from the service of the Conference, by the Secretary to the Cabinet, on the recommendation of the Disciplinary Committee, shall not enter the Chamber, vote or serve on a Committee. Rights forfeited by suspended member

- Conduct considered to be disorderly
25. A member's conduct shall be considered disorderly if the member—
- (a) persistently and wilfully obstructs the proceedings of the Conference;
 - (b) has used objectionable words, which the member has refused to withdraw;
 - (c) persistently and wilfully refuses to conform to these Rules;
 - (d) wilfully disobeys an order of the Chairperson of the Conference;
 - (e) persistently and wilfully disregards the authority of the Chairperson; or
 - (f) is considered by the Chairperson to have behaved in a disorderly manner.
- Reflections on members and other persons
26. (1) A member shall not—
- (a) make an imputation of improper motives against a member or an offensive reference to a member's private affairs; or
 - (b) make reflections or insinuations about persons who are not members and are not able to defend themselves against those reflections or insinuations.
- (2) All imputations of improper motives to a member and all personal reflections on other members shall be considered disorderly.
- Intervention by Chairperson
27. (1) The Chairperson may intervene—
- (a) to prevent any personal quarrel between members during proceedings; or
 - (b) when a member's conduct is considered offensive or disorderly.
- (2) Where the Chairperson's attention is drawn to the conduct of a member, the Chairperson shall determine whether or not it is offensive or disorderly.

PART IV
RULES OF DEBATE

28. In the Chamber, a member may be referred to by any of the following forms of address:
- (a) the member's ministerial office;
 - (b) the member's constituency;
 - (c) the member's official or other title; or
 - (d) the member's name, with the name of the organisation the member belongs to.
29. (1) A member wishing to speak shall raise their name tag and when recognised by the Chairperson, shall stand, introduce themselves and address the Chairperson:
- . Provided that if a member is not able to stand, the member may be permitted to speak while seated.
- (2) Where two or more members rise together, the member called upon by the Chairperson is entitled to speak.
- (3) Where a member is speaking, no member may converse aloud or make any noise or disturbance to interrupt the member.
30. A member on being called to speak shall address the Chairperson and, through the Chairperson, the Conference.
31. (1) Any member may raise a point of order if these Rules appear to have been broken.
- (2) A point of order takes precedence over other business until ruled on by the Chairperson.
- (3) The Chairperson shall rule on a point of order when it is raised without allowing any discussion apart from that of the member raising the point:
- Provided that the Chairperson may defer making a ruling on a point of order to a later time or sitting.
- (4) A member raising a point of order and any member permitted by the Chairperson to speak to a point of order shall put the point clearly and succinctly and speak only to the point of order raised.
- (5) A point of order shall be heard in silence by the Conference.
- (6) The Chairperson may refuse to accept a point of order raised by a member and the Chairperson's decision shall be final.
32. A member shall address the Chairperson in English.

Manner of addressing members in Chamber

Chairperson to call upon member to speak

Members to address Chairperson

Points of order

Speeches in English

- Member may speak only once to matter
33. Except as otherwise provided, a member shall speak only once to a matter before the Conference.
- Clarification of misrepresentation
34. (1) A member who has spoken to a matter may be permitted to speak again to explain some material part of the member's speech which has been misquoted, misunderstood or misrepresented in the same debate:
- Provided that—
- (a) a member shall rise and seek permission from the Chairperson;
- (b) a member shall not introduce any new matter or interrupt any member to explain a misquotation, misunderstanding or misrepresentation; and
- (c) the misquotation, misunderstanding or misrepresentation shall not be debated.
- Relevance of debate
35. (1) All debate shall be relevant to the matter before the Conference.
- (2) The Chairperson shall caution a member on irrelevant or tedious repetition when debating on a matter.
- (3) The Chairperson, after having called the attention of the Conference to the conduct of a member who persists in irrelevance or tedious repetition either of the member's own arguments or of the arguments used by other members in debate, may direct the member to discontinue the member's speech.
- Use of visual aids
36. (1) A member may use an appropriate visual aid to illustrate a point being made during the member's speech, provided that the aid does not inconvenience other members or obstruct the proceedings of the Conference.
- (2) An aid referred to in sub-rule (1) may be displayed only when the member is speaking to a question before the Conference and shall be removed from the Chamber at the conclusion of the member's speech.
- Proceedings of committees not to be referred to
37. A member shall not refer to the proceedings of a Committee until those proceedings are reported to the Conference.
- Matters awaiting judicial decision
38. Matters awaiting or under adjudication in any court of law shall not be referred to—
- (a) in any debate; or
- (b) in any clarification.

39. (1) Rule 38 has effect—

- (a) in relation to a criminal case, from the moment the law is set in motion by a decision charge being made; or
- (b) in relation to cases other than criminal, from the time when proceedings have been initiated by the filing of the appropriate document in the registry or office of the court.

Application of prohibition of reference to matters awaiting judicial decision

(2) Rule 38 shall cease to have effect in any case when the verdict and sentence have been announced or judgment given.

(3) In any case where notice of appeal is given, Rule 38 shall have effect from the time when the notice is given until the appeal has been decided.

40. A member shall not refer to the President or the Vice-President of the Republic, or any other public officer, disrespectfully, in debate or for the purpose of influencing the Conference in its deliberations.

References to President, Vice President of Republic etc.,

41. A member shall not use offensive words against—

- (a) a member of the Conference;
- (b) any person attending the Conference at the invitation of the Conference pursuant to subsection (8) of section *seventeen* of the Act; or
- (c) a member of staff.

Use of offensive words

42. (1) A member may only interrupt another member to—

- (a) call attention to a point of order;
- (b) call attention to the lack of a quorum;
- (c) call attention to the presence of a member of the public not required to be present where members of the public have been requested to leave the Chamber pursuant to rule 15;
- (d) move that the member be no longer heard for reasons that the member shall explain;
- (e) move that the matter be now determined by vote;
- (f) move that members of the public be ordered to withdraw from the Chamber;
- (g) move that the business of the Agenda be adhered to; or
- (h) make any other intervention authorised by the Chairperson.

When interruption of member allowed

(2) At any time except when another member is addressing the Conference, a member may request the Chairperson to state the matter under discussion.

Adjournment
of debate

43. (1) After a question has been proposed, any member, on being called to speak to that question, may move that the debate be adjourned either to a later hour on the same day or to any other day:

Provided that if a motion for the adjournment of the debate is negatived, the member moving the motion for the adjournment may speak, otherwise the member's speech lapses.

(2) On the adjournment of the Conference, any debate in progress shall be adjourned and set down for resumption on the next sitting day.

Chairperson
to put
question
when debate
concluded

44. (1) Except where otherwise provided, as soon as the debate upon a matter is concluded, the Chairperson shall require the members to determine that matter.

(2) All questions before the Conference shall be determined by consensus, but in the absence of consensus, the 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.

(3) Every member is entitled to one vote or to abstain.

Division to
take place if
decision of
Chairperson
on
consensus is
challenged

45. (1) If the decision of the Chairperson that a matter has been determined by consensus is challenged, a division shall be demanded.

(2) When a division is demanded—

(a) members in support of the division shall stand in their places:

Provided that members who are unable to stand due to a physical disability or other infirmity shall raise their name tags; and

(b) the Chairperson shall direct that the doors of the Chamber be locked and that the members standing or raising their name tags in support of the division be counted.

(3) No member shall enter or leave the Chamber until after the counting is completed and the results of the division are announced.

(4) When the counting is completed, the Secretary shall hand the results to the Chairperson who shall declare the number of the members in support of the division to the Conference.

(5) If an error occurs concerning the number reported, a re-count shall be done.

(6) If one hundred or more members stand in support of the division, the Chairperson shall direct that the matter be put to a vote in accordance with rule 46.

(7) If less than one hundred members stand in support of a division—

- (a) the Chairperson's decision that the matter in question has been determined by consensus shall be upheld; and
- (b) the Secretary shall record in the proceedings of the Conference that the matter was determined by consensus.

46. (1) Voting in any matter before the Conference shall be by secret ballot.

Procedure
for voting

(2) The Electoral Commission shall preside over the voting.

(3) Voting shall be conducted in accordance with such rules and procedures as the Electoral Commission may determine.

(4) Members may observe the voting in any part of the Chamber.

47. (1) A clarification shall not contain arguments, inferences, opinions, imputations, insults or hypothetical cases.

Rules for
clarification

(2) A clarification shall not be asked—

- (a) which raises an issue already decided in the Conference or which has been answered fully during the sitting; or
- (b) regarding proceedings in a Committee which have not been placed before the Conference by a report from the Committee.

PART V

MINUTES OF PROCEEDINGS, REGISTERS AND CUSTODY

48. (1) The minutes of the proceedings of the Conference shall be recorded by the Secretary and shall, after being perused by the Chairperson, be supplied to the members.

Minutes of
Conference

(2) The Secretary shall cause to be prepared daily verbatim reports of the deliberations of the Conference.

(3) The Conference shall, at the next sitting following each sitting confirm and approve the minutes of its previous sitting.

49. A register of attendance of members shall be kept by the Secretary in respect of all members in which shall be recorded—

Register of
attendance

- (a) the attendance of members at the sittings of the Conference and its committees;
- (b) apologies tendered by members in respect of a meeting or sitting;
- (c) permission granted to members for missing a meeting or sitting of the Conference or committee; and
- (d) any other information as the Conference may direct.

- Member not to be absent from, or leave, Conference without permission of Chairperson
50. (1) A member shall not leave a sitting of the Conference, permanently, or be absent from a sitting of the Conference without the permission of the Chairperson.
- (2) Where it is brought to the attention of the Chairperson that a member is persistently absent from, or leaves, sittings of the Conference, permanently, without the permission of the Chairperson, the Chairperson shall refer the matter to the Disciplinary Committee.
- Register of declaration of interest
51. A register of disclosure of interest shall be kept by the Secretary in respect of all members in terms of section *eighteen* of the Act.
- Register of members
52. The Secretary shall keep a Register of members in which shall be recorded such information in respect of the members as the Conference may direct.
- Publication of deliberations
53. 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* as determined by the General Purposes Committee.
- Spokesperson to speak on behalf of Conference
54. The Spokesperson shall speak on behalf of the Conference and shall disseminate, to the public, information concerning the proceedings and other affairs of the Conference.
- Custody of records and documents
55. The Secretary shall have custody of all the records and other documents belonging to the Conference and shall neither take nor permit to be taken any such record or other documents from the Chamber or offices of the Conference without the express leave of the Conference.
- Notices, proceedings etc to be translated into braille
56. All notices, proceedings and reports of the Conference prepared under these Rules shall, be translated into braille to facilitate access to the information by visually impaired persons.
- Sign language interpreter
57. The Secretary shall provide a sign language interpreter for deaf members and members of the public at each sitting of the Conference.
- Access to meeting places
58. (1) The meetings of the Conference shall be held in places that are accessible to persons with disabilities.
- (2) The Secretary shall ensure that the services and amenities provided to the members are also accessible to members with disabilities.

G. KUNDA,
Minister of Justice

LUSAKA
12th February, 2008
[MO/SI/07/19]