

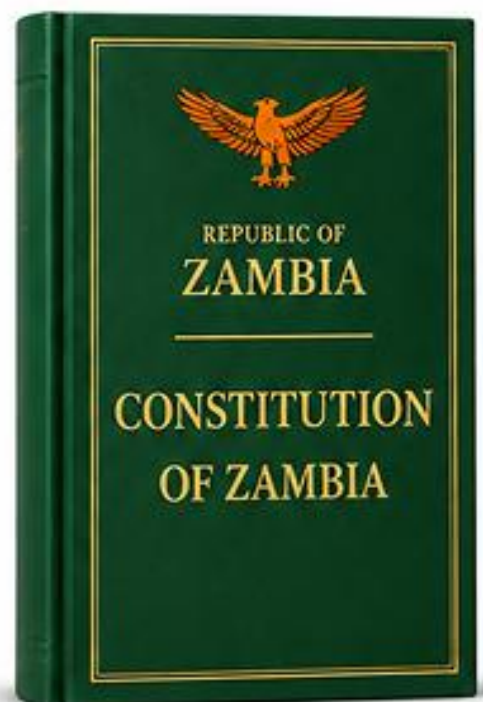


ZAMBIA LAW
DEVELOPMENT COMMISSION



SIMPLIFIED VERSION OF THE CONSTITUTION OF ZAMBIA (AMENDMENT) ACT 2025

*An English Translation of the Simplified Version of the
Constitution of Zambia (Amendment) Act No. 13 of 2025*



ABOUT THE ZAMBIA LAW DEVELOPMENT COMMISSION

The Zambia Law Development Commission, referred to as ‘the ZLDC’ or the ‘Commission’, is a semi-autonomous statutory body established under the Zambia Law Development Commission Act, Chapter 32 of the Laws of Zambia. The primary mandate of the Commission is law reform.

The functions of the Commission are to:

- Recommend the revision and reform of the law in Zambia;
- recommend the codification of unwritten laws in Zambia;
- review and consider proposals for law reform referred to the Commission by the Minister or the members of the public;
- holds seminars and conferences on legal issues;
- translate any piece of legislation into local languages; and
- research and make recommendations on
 - the socio-political values of the Zambian people that should be incorporated into legislation;
 - the anomalies that should be eliminated from the statute book;
 - new and more effective methods of administration of the law and the dispensation of justice that should be adopted and legislated;
 - the removal of archaic pieces of legislation from the statute book;
 - new areas of the law that should be developed, which are responsive to the changing needs of the Zambian society.
- encourage international co-operation in the performance of its functions under this Act, and
- do all such things incidental or conducive to the attainment of the functions of the Commission.

COMPOSITION OF THE COMMISSION

The ZLDC is headed by a 13-member Commission composed of part-time members appointed by the Minister of Justice. The following are the members of the Commission:

i. Madam Justice Ruth Chibbabbuka	-	Chairperson
ii. Dr Chipu Mushota Nkhata	-	Vice Chairperson
iii. Dr O'Brien Kaaba	-	Committee Chairperson
iv. Mr Emmanuel Sibongo	-	Committee Chairperson
v. Ms. Bubala Chibbonta	-	Member
vi. Mrs. Kawama Goma Simumba	-	Member
vii. Mr Munukayumbwa Munyima	-	Member
viii. Ms. Mwaka Chizinga	-	Member
ix. Dr Herrick Mpuku	-	Member
x. Dr. Dominic Kangongo	-	Member
xi. Dr Bibian Kalinde	-	Member
xii. Mrs Eva Jhala	-	Member
xiii. Mrs Yvonne Wilombe Nakacinda	-	Member

The day-to-day running of the Commission is undertaken by its Secretariat, which is headed by a Director who is also the Commission Secretary. Mrs Hope M. Ndhlovu-Chanda currently serves as Director and Commission Secretary.

DISCLAIMER

This publication has been prepared by the Zambia Law Development Commission solely for public legal education and awareness. It provides a simplified explanation of the Constitution of Zambia (Amendment) Act No. 13 of 2025 to assist members of the public in understanding the key amendments introduced by the Act.

The publication is intended as an educational resource only and does not constitute the official or authoritative text of the law. It should not be relied upon as legal advice or as a substitute for the Constitution of Zambia (Amendment) Act No. 13 of 2025 or any other applicable law.

Where there is any inconsistency between this simplified publication and the provisions of the law, the Constitution of Zambia, as amended, shall prevail.

Readers requiring legal interpretation or advice are encouraged to consult the official legislation or seek appropriate legal guidance.

A Simplified Version of the Constitution of Zambia (Amendment) Act No.13 of 2025

1. Short title

Legal Text

This Act may be cited as the Constitution of Zambia (Amendment) Act, 2025, and shall be read as one with the Constitution of Zambia, in this Act referred to as the Constitution.

Simplified Legal Text

This law is called the Constitution of Zambia (Amendment) Act, 2025. It makes some changes to the current Constitution of Zambia.

What Does This Mean?

It does not replace the entire Constitution. Instead, it adds to or changes certain parts of it. This means that it should be read together with the main Constitution, as one complete document.

2. Amendment of Article 47

Legal Text

Article 47 of the Constitution is amended by the-

(a) deletion of clause (2) and (3) and the substitution thereof of the following:

(2) Elections to the National Assembly shall be conducted under a mixed-member proportional representation electoral system, as follows:

(a) first-past-the-post electoral system for Members of Parliament contesting for constituency-based seats; and

(b) proportional representation electoral system for women, youths and persons with disabilities as prescribed; and

(3) Elections to councils shall be conducted under a mixed-member proportional representation electoral system, as follows:

(a) first-past-the-post electoral system for mayor or council chairperson;

(b) first-past-the-post electoral system for candidates contesting for ward-based seats; and

(c) proportional representation electoral system for a specified number of women, youths and persons with disabilities, as prescribed.;

(b) insertion of the following new clause immediately after clause (3):

(4) The seats under the proportional representation electoral system, referred to in clause (2) (b) and (3) (c), shall be distributed, as prescribed after a general election, by the Electoral Commission, to political parties, in proportion to the total number of valid votes received by a presidential candidate; and

(c) renumbering of clause (4) as clause (5).

Simplified Legal Text

This amendment introduces a mixed-member proportional representation electoral system for electing MPs. Under this system, some MPs will continue to be elected through the first-past-the-post electoral system. In contrast, other MPs will be elected through a proportional representation electoral system for seats specially reserved for women, youths, and persons with disabilities.

Under the proportional representation electoral system, the Seats reserved for women, youths, and persons with disabilities will be distributed by the Electoral Commission after the election among the political parties. Each political party will get a number of these seats, based on how many votes it received during the election. The method the Electoral Commission uses to distribute seats under the proportional representation electoral system will be provided in a separate law.

The rest of the Constitutional provisions on the electoral system remain the same as they are in the principal act.

What Does This Mean?

Before the 2025 Amendment, all constituency-based Members of Parliament and ward councillors were elected directly by voters using the first-past-the-post system. This amendment retains that system but adds a new way of filling a specified number of seats reserved for women, youths, and persons with disabilities.

As a result, voters will continue to vote for their preferred candidates in their constituencies and wards as they did. However, the overall outcome of the presidential election will also determine how the reserved seats are shared among political parties. Political parties that receive a larger share of the valid presidential votes will receive a larger share of the reserved seats, while those that receive fewer votes will receive fewer reserved seats.

The purpose of this amendment is to increase the representation of groups that have historically been underrepresented in Parliament and local councils

without changing how constituency-based Members of Parliament, ward councillors, mayors and council chairpersons are elected.

3. Amendment of Article 52

Legal Text

Article 52 of the Constitution is amended —

(a) by the deletion of clause (1) and the substitution therefor of the following:

(1) A person who intends to be a candidate for election as President, Member of Parliament for a constituency-based seat, mayor, council chairperson, or councilor for a ward-based seat shall file that person's nomination paper to a returning officer, supported by an affidavit stating that the person is qualified for nomination for election as President, Member of Parliament for a constituency-based seat, mayor, council chairperson, or councilor for a wardbased seat, in the manner, on the day, and at the time and place set by the Electoral Commission, by regulations.;

(b) in clause (4), by the insertion of the words “and determine” immediately after the word “hear”; and

(c) by the deletion of clause (6) and the substitution therefor of the following:

(6) Where a candidate —

(a) resigns after having been nominated in accordance with this Article, the candidate shall not be eligible to contest the election, and the election shall proceed to be held on the date prescribed for holding the election;

(b) has been disqualified by a court, after close of nominations, the candidate shall not be eligible to contest the elections, and the election shall proceed to be held on the date prescribed for holding the election; or

(c) sponsored by a political party dies before the date prescribed for the holding of an election, the Electoral Commission shall cancel the election, and call for the filing of a fresh nomination by the political party whose candidate died, and the election shall be held within thirty days of filing of the fresh nomination

Simplified Legal Text

Article 52 of the Constitution is amended to clarify the process for filing nominations and handling certain situations involving candidates in

elections. The amendment requires anyone seeking election as President, Member of Parliament, mayor, council chairperson, or councillor to submit nomination papers together with an affidavit confirming that they meet the qualifications for the position. These documents must be filed in the manner and at the time set by the Electoral Commission. The amendment also gives the Electoral Commission greater authority not only to hear but also to determine matters relating to nominations.

The provision further explains what happens if a candidate withdraws, is disqualified, or dies after nominations have closed. If a candidate resigns or is disqualified by a court, they will no longer be allowed to contest the election, but the election will still proceed as scheduled. However, where a candidate sponsored by a political party dies before the election, the Electoral Commission must cancel the election and allow the political party to submit a new candidate, after which the election must be held within thirty days.

What Does This Mean?

This provision aims to ensure that election candidates meet the criteria set by the Electoral Commission for participation in elections. It creates a procedure to follow.

Additionally, it provides for instances in which candidates can no longer take part in elections due to resignation, disqualification or death.

4. Amendment of Article 58

Legal Text

Article 58 of the Constitution is amended by the deletion of clause (2) and the substitution thereof of the following:

(2) The number of constituencies shall be equal to the number of constituency-based seats in the National Assembly, as specified in Article 68 (a).

Simplified Legal Text

Article 58 is amended to provide that the number of constituencies in Zambia must match the number of constituency-based seats in the National Assembly.

What Does This Mean?

This means that each constituency will have one corresponding seat in Parliament, ensuring consistency between the country's constituencies and parliamentary representation.

5. Repeal and replacement of Article 68

Legal Text

The Constitution is amended by the repeal of Article 68 and the substitution therefor of the following:

68. (1) Subject to Article 82 (5), the National Assembly shall consist of —

- (a) two hundred and twenty-six Members of Parliament holding constituency-based seats;*
- (b) forty Members of Parliament holding seats under the proportional representation electoral system in accordance with Article 47 (2) (b) as follows:*
 - (i) twenty women;*
 - (ii) fifteen youths; and*
 - (iii) five persons with disabilities;*
- (c) not more than eleven nominated Members of Parliament;*
- (d) the Vice-President;*
- (e) the Speaker; and*
- (f) the First and Second Deputy Speakers.*

(2) Notwithstanding clause (1) (c), the number of nominated Members of Parliament shall not exceed five percent of the Members of Parliament holding constituency based seats.

Simplified Legal Text

Article 68 is amended to change the composition of the National Assembly. Under the new provision, the National Assembly will consist of 226 constituency-based Members of Parliament, 40 Members elected through proportional representation, not more than 11 nominated Members of Parliament, the Vice-President, the Speaker, and the First and Second Deputy Speakers. The 40 proportional representation seats will specifically be reserved for 20 women, 15 youths, and 5 persons with disabilities.

The amendment also limits the number of nominated Members of Parliament to no more than five per cent of the constituency-based seats. The purpose of the provision is to increase inclusion and representation of groups that are

often underrepresented in Parliament, while also clearly defining the structure and size of the National Assembly.

What does this mean?

Previously, Article 68 provided that the National Assembly consists of 156 Members of Parliament elected under the first-past-the-post electoral system, not more than 8 nominated Members of Parliament, the Vice-President, the Speaker, and the First and Second Deputy Speakers.

The amendment significantly changes this structure by expanding the size of Parliament and introducing broader representation through the proportional representation electoral system.

The amendment increases the number of constituency-based Members of Parliament from 156 to 226. This means that more constituencies will be created and represented in the National Assembly, thereby increasing representation at the constituency level and aligning with constituency delimitation reforms.

Further, the amendment introduces and expands the proportional representation electoral system. Unlike the previous article, which did not provide for proportional representation seats in the National Assembly, the amendment creates 40 special seats to enhance the participation of groups that have been traditionally underrepresented in Parliament. These seats are allocated as follows: 20 women, 15 youths, and 5 persons with disabilities.

The amendment also increases the number of nominated Members of Parliament from 8 to 11. However, it introduces a constitutional limitation by providing that nominated Members of Parliament should not exceed five percent of the constituency-based Members of Parliament. This ensures that the number of nominated MPs remains proportionate to the elected membership of the National Assembly.

The amendment retains the Vice-President, the Speaker, and the First and Second Deputy Speakers as part of the composition of the National Assembly.

6. Repeal and Replacement of Article 71

Legal Text

(1) A nomination for a candidate of a constituency-based seat is valid if the candidate—

(a) has paid a prescribed election fee to the Electoral

Commission; and

(b) is supported by at least fifteen persons registered as voters in the constituency in which the candidate is contesting for election.

(2) A nomination for a seat under the proportional representation electoral system, referred to in Article 47 (2)

(b) is valid if a prescribed election fee is paid to the Electoral Commission.

Simplified Legal Text

This provision sets out the requirements for a valid nomination in elections. A person contesting for a constituency-based parliamentary seat must pay the required election fee to the Electoral Commission and must also be supported by at least fifteen registered voters from the constituency where they are contesting.

For seats under the proportional representation system, the nomination will only be valid if the prescribed election fee is paid to the Electoral Commission. This provision therefore, establishes the basic conditions that candidates and political parties must meet before being allowed to participate in an election.

What Does This Mean?

This provision means that anyone who wants to stand in an election must meet certain basic requirements before they can be accepted as a candidate. For constituency-based parliamentary seats, a candidate must pay the required nomination fee and must also show support from at least fifteen registered voters in that constituency.

For proportional representation seats, the nomination will only be accepted once the required election fee has been paid. In simple terms, the provision creates official rules that candidates and political parties must follow in order to qualify to participate in elections.

7. Amendment of Article 73

Legal Text

Article 73 (2) of the Constitution is amended by the insertion of the words “and determined” immediately after the word “heard”.

Simplified Legal Text

Article 73(2) is amended to clarify that the High Court can both hear and decide election-related matters.

What Does This Mean?

This provision means that the authority responsible for handling election matters has the authority to both review and resolve election-related issues.

8. Amendment of Article 81

Legal Text

Article 81 of the Constitution is amended by the deletion of clause (3) and the substitution therefor of the following:

(3) Parliament shall stand dissolved ninety days before the holding of the next general election but Members of Parliament shall be deemed to have served until a day before the next general election.

Simplified Legal Text

Article 81 is amended to provide that Parliament will officially end ninety days before the next general election, but Members of Parliament will continue to be regarded as serving until the day before the election.

What Does This Mean?

This provision means that Parliament will end early to prepare for elections, but MPs are still considered to hold their positions until just before voters go to the polls.

9. Amendment of Article 103

Legal Text

Article 103 (2) of the Constitution is amended by the insertion of the words “and determine” immediately after the word “hear”.

Simplified Legal Text

Article 103(2) is amended to clarify that the Constitutional Court has the power not only to hear matters, but also to make decisions on them.

What Does This Mean?

This provision means that the Constitutional Court can hear and determine matters relating to the president-elect within the stipulated time period.

10. Amendment of Article 116

Legal Text

Article 116 of the Constitution is amended by the insertion of the following new clause immediately after clause (3):

(4) Notwithstanding clause (3), the office of Minister shall become vacant ninety days before a general election.

Simplified Legal Text

The provision introduces a new ground, which provides that a Minister's office will become vacant 90 days before a General Election. This new ground overrides other existing grounds that result in the office of a Minister becoming vacant in Article 116(3).

What Does This Mean?

Previously, Article 116(3) provided for the grounds upon which the office of a Minister became vacant. The amendment introduces a new ground that means that 90 days before a General Election, all Ministerial positions automatically become vacant, regardless of any other conditions outlined in Article 116(3).

11. Amendment of Article 117

Legal Text

Article 117 of the Constitution is amended by the—

(a) insertion of the following new clause immediately after clause (2):

(3) Notwithstanding clause (2), the office of Provincial Minister shall become vacant ninety days before a general election.; and

(b) renumbering of clause (3) as clause (4).

Simplified Legal Text

The Provision introduces a new ground, which provides that a Provincial Minister's office will become vacant 90 days before a general election. This

new ground overrides other existing grounds that result in the office of a Provincial Minister becoming vacant in Article 117(3).

What Does This Mean?

Previously, Article 117(2) provided for the grounds upon which the office of a Provincial Minister became vacant. The amendment introduces a new ground that means that 90 days before a General Election, all Provincial Minister positions automatically become vacant, regardless of any other conditions outlined in Article 117(2).

12. Amendment of Article 149

Legal Text

Article 149 (7) of the Constitution is amended by the insertion of the word “electoral” immediately before the word “boundaries”.

Simplified Version

The provision introduces the word “electoral” before the word “boundaries” in the provision to clarify that the Electoral Commission is responsible for describing boundaries used for electoral purposes, such as constituencies or wards.

What Does This Mean?

Previously, Article 149(7) stated that the Electoral Commission is responsible for describing the boundaries of a Province but did not specify the type of boundaries. The amendment helps to clearly define the scope of the Electoral Commission’s responsibility, making it explicit that its mandate relates to “electoral” boundaries used during elections.

13. Amendment of Article 153

Legal Text

Article 153 of the Constitution is amended—

(a) by the deletion of clause (2) and the substitution therefor of the following:

(2) A council shall consist of the following members:

- (a) persons elected in accordance with clause (1);*
- (b) a Member of Parliament from each constituency within the district;*

(c) a mayor or council chairperson elected in accordance with Article 154; and

(d) not more than three chiefs representing chiefs in the district, elected by the chiefs in the district;

(b) in clause (3), by the deletion of words “clause (2) (b)” and the substitution therefor of the words “clause (2) (d) ”;

(c) in clause (4), by the deletion of the words “excluding councilors specified under clause (2) (b),” and the substitution therefor of the words “ in accordance with clause (1)”;

(d) by the insertion of the following new clause immediately after clause (6):

(7) Notwithstanding clause (6), members of a council shall be deemed to have served until a day before the next general election.

Simplified Legal Text

Article 153 of the Constitution is amended to clarify who will form the council. A council will now include elected councillors, Members of Parliament from each constituency within the district, the mayor or council chairperson, and up to three chiefs chosen from the district. The amendment also states that council members will remain in office until the day before the next General Election.

What Does This Mean?

It means a council will include councillors, Members of Parliament, the mayor or chairperson, and a maximum of three chiefs, and they will stay in office until the day before the next General Election.

14. Repeal and replacement of Article 154

Legal Text

The Constitution is amended by the repeal of Article 154 and the substitution therefor of the following:

154. (1) *There shall be a mayor and deputy mayor or council chairperson and deputy council chairperson for every council, as prescribed.*

(2) *A person is eligible to be elected as a mayor or council chairperson, if that person—*

(a) is a citizen;

(b) is at least twenty-one years old;

(c) is a registered voter;

(d) has obtained, as a minimum academic qualification, a grade twelve certificate or its equivalent; and

(e) declares that person's assets and liabilities, as Prescribed.

(3) A mayor and council chairperson shall be elected directly, in accordance with Article 47 (4) during elections for councillors, as prescribed.

(4) A deputy mayor and a deputy council chairperson shall be elected by the councillors from amongst themselves.

Simplified Legal Text

Article 154 is repealed to provide that every council will have a mayor and deputy mayor, or a council chairperson and deputy chairperson. It also sets the qualifications for becoming a mayor or chairperson, including citizenship, being at least 21 years old, being a registered voter, and having a Grade 12 certificate or equivalent. The amendment further provides that mayors and chairpersons will be elected directly by voters during council elections, while councillors will choose deputy mayors and deputy chairpersons from among themselves.

What Does This Mean?

The changes explain who can become council leaders and how they will be chosen.

In cities and municipalities, there will be a mayor and a deputy mayor. In other councils, there will be a council chairperson and a deputy chairperson. And that to become a mayor or chairperson, a person must;

1. be a Zambian citizen,
2. be at least 21 years old,
3. be a registered voter, and
4. have a Grade 12 certificate or an equivalent qualification.

Further, it means that the public will directly vote for mayors and chairpersons during council elections and Deputy mayors and deputy chairpersons will not be directly elected by the public. Instead, councillors will choose them from among themselves.

15. Amendment of Article 159

Legal Text

Article 159 (4) of the Constitution is amended by the insertion of the words “and determined” immediately after the word “heard”.

Simplified Legal Text

The provision introduces the words “and determine” after the word “heard”, clarifying that once an election petition to nullify the election of a Councillor is submitted to a Local Government Elections Tribunal, the petition must not only be heard but also determined within 30 days.

What Does This Mean?

The inclusion of the words "and determine" removes any misunderstanding about the role of the Local Government Elections Tribunal in resolving an election petition by imposing a clear obligation not just to hear such petitions but to resolve them within the 30 day timeframe.

16. Amendment to Article 176

Legal Text

Article 176 (3) of the Constitution is amended by the deletion of the word “ten” and the substitution therefor of the word “five” immediately before the word “years”.

Simplified Legal Text

The provision changes one of the qualifications for who can be appointed as Secretary to the Cabinet from the current 10 years of experience as a Permanent Secretary or an equivalent rank, to 5 years.

What Does This Mean

The provision means that reducing the number of years for one to qualify to be appointed in the office of the Secretary to the Cabinet, from 10 years of experience as a Permanent Secretary or an equivalent rank, to 5 years, allows more persons to qualify to be appointed to the office. This change aims to widen the pool of suitably qualified candidates eligible for the position.

17. Amendment of Article 178

Legal Text

Article 178 (1) of the Constitution is amended by the—

(a) deletion of paragraph (b); and

(b) renumbering of paragraphs (c) and (d) as paragraphs (b) and (c), respectively.

Simplified Legal Text

The provision deletes paragraph (b), which states that the office of the Attorney-General becomes vacant if another person assumes the office of President.

What Does This Mean?

Previously, the Constitution under Article 178(1)(b) provided that when a new President is elected, the person who was serving as Attorney-General under the previous President should leave office. Removing Article 178(1)(b) from the Constitution will mean that the Attorney-General will stay in office until a new one is appointed by the new President. This will help ensure a smooth transition between the outgoing and incoming President without any gap in the office of the Attorney-General.

The rest of the Constitutional provisions regarding vacancy in the office of the Attorney General remain the same.

18. Amendment of Article 179

Legal Text

Article 179 (4) of the Constitution is amended by the—

(a) deletion of paragraph (b); and

(b) renumbering of paragraphs (c) and (d) as paragraphs (b) and (c), respectively.

Simplified Legal Text

The provision deletes paragraph (b), which states that the office of the Solicitor-General becomes vacant if another person assumes the office of President.

What Does This Mean?

Previously, the Constitution under Article 179(4)(b) provided that when a new President is elected, the person who was serving as Solicitor-General under the previous President should leave office. This leaves the office vacant until a new Solicitor-General is appointed by the President.

Removing Article 179(4)(b) from the Constitution will mean that the Solicitor-General will stay in office until a new one is appointed by the new President. This will help ensure a smooth transition between the outgoing and incoming President without any gap in the office of the Solicitor General.

The rest of the Constitutional provisions regarding vacancy in the office of the Solicitor General remain the same.

19. Amendment to Article 266

Legal Text

Article 266 of the Constitution is amended by —

(a) the deletion of the definitions of “adult”, “by-election”, “child”, “election”, “general election” and “term” and the substitution therefor of the following in the appropriate places in alphabetical order:

“adult” means a person who has attained the age of eighteen years;

“child” means a person who is below the age of eighteen years;

“election” means an election to the office of President, Member of Parliament, mayor, council chairperson or a councillor;

“general election” means elections to the office of President, Member of Parliament, mayor, council chairperson or a councillor, when held on the same day;

“term” means a period commencing when Parliament or a council first sits, after a general election, ending when Parliament is dissolved, except as is provided under Article 106; and

“youth” means a person who has attained the age of eighteen years, but is below the age of thirty-five years; and

(b) the insertion of the following new definitions in the appropriate places:

“constituency-based seat” means a seat in the National Assembly that is held by a Member of Parliament elected under the first-past-the-post electoral system; and

“ward-based seat” means a seat in a council that is held by a councilor elected under the first-past-the-post electoral system.