

THE POLITICAL PARTIES BILL, 2017

M E M O R A N D U M

The objects of this Bill is to provide for-

- (a) the registration and regulation of political parties;
- (b) the establishment of the Board of political parties;
- (c) the establishment and management of a Political Parties Fund;
- (d) the sources of funds for political parties; and
- (e) matters connected with, or incidental, to the foregoing.

LIKANDO KALALUKA, S. C.,
Attorney-General

THE POLITICAL PARTIES BILL, 2017

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**A BILL
ENTITLED**

An Act to provide for the registration and regulation of political parties, the establishment of the Political Parties Board, the establishment and management of a Political Parties Fund; the sources of funds for political parties; and matters connected with, or incidental, to the foregoing.

Enactment

ENACTED by the Parliament of Zambia

**PART I
PRELIMINARY**

Short title and commencement

1. This Act may be cited as the Political Parties Act, 2017, and shall come into operation on the date that the Minister appoints by statutory instrument.

Interpretation

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

“alliance” means an agreement between two or more political parties, made to advance common ideologies, interest or policies;

“associate”, has its meaning assigned to the word in the Anti-Corruption Act, 2012;

Act No. 3 of 2012

“Board” means the political parties’ Board established under section 3;

Cap. 1 “branch” means any devolved unit of a political party;

“Commission” means the Electoral Commission established under Article 229 of the Constitution;

Cap. 1 “election” has the meaning assigned to the word in the Constitution;

“Emoluments Commission” means the Emoluments Commission established under the Constitution;

“founding member” means a person who forms a political party and who has contributed or offered to contribute to the initial assets of the party in respect of the first year of its existence;

“Fund” means the Political Parties Fund established under section **34**;

“Governing body” means the party organ responsible for administering the affairs of a political party;

“merger” means where two or more political parties which consolidate their operations and combine all officers, structure, and other functions of the political parties;

“office holder” in relation to a political party means a person who is elected by the members of the political party to hold office and is registered with the Registrar of Political Parties;

Cap. 1 “**political party**” has the meaning assigned to the word in the Constitution;

“principal officer” includes a President, Vice-President, Chairperson, Deputy Chairperson, Secretary

General or Treasurer of a political party, or who holds a senior office or position in a political party;

Cap. 1 “public officer” has the meaning assigned to the word under the Constitution;

“Registrar” means the Registrar of Political Parties appointed under section 11;

Act No.3 of 2012 “relative” has its meaning assigned to the word in the Anti-Corruption Act, 2012; and

Cap. 1 “State” when used as a noun, means the collectivity of offices, organs and other entities comprising the government of the Republic under the Constitution.

PART II

THE POLITICAL PARTIES BOARD

Composition of Board

3. (1) There is established the Political Parties’ Board which consists of the following part-time members appointed by the President, **subject to ratification by the National Assembly:**

- (a) the Chairperson; and
- (b) **a representative from -**
 - (i) each of the three church mother bodies;**
 - (ii) the Zambia Institute of Chartered Accountants;**
 - (iii) the ministry responsible for finance; and**

(iv) the ministry responsible for home affairs.

(2) The members shall elect the Vice-Chairperson from amongst themselves.

(3) A person qualifies for appointment as Chairperson if that person -

(a) holds a degree, or an equivalent qualification, from a higher education institution established, registered or declared under the Higher Education Act, 2013; and

(b) has at least five years' experience in-

- (i) political science;
- (ii) law;
- (iii) public administration;
- (iv) governance;
- (v) economics;
- (vi) finance; or
- (vii) management.

(4) A person shall not be appointed as a member if that person -

- (a) is not a citizen;
- (b) has dual citizenship;
- (c) is below the age of twenty-one years;
- (d) has a mental disability that would make that person incapable of performing the functions of a member;
- (e) is convicted of an offence under this Act or any other law and sentenced to a term

of imprisonment for a period exceeding six months without the option of a fine;

(f) is an undischarged bankrupt or is declared bankrupt under any law; or

(g) is detained under the authority of any law or that person's freedom of movement is restricted.

Functions of Board

4. (1) The functions of the Board are to -

(a) regulate, monitor and supervise political parties to ensure compliance with this Act;

(b) administer the Fund;

(c) ensure publication of audited annual accounts of political parties;

(d) investigate complaints received under this Act;

(e) ensure publication of audited annual accounts of political parties; and

(f) perform such other functions as may be conferred by this Act or any other law.

(2) The Board may, in the performance of its functions -

(a) collect information that the Board considers relevant for the performance of the Board's

- functions;
- (b) undertake consultations with stakeholders or hold inquiries for the purposes of performing its functions under this Act; and
- (c) receive written or oral statements from any person or organisation for purposes of the Board's functions under the this Act.

Tenure of office
and vacancy

5. (1) A member of the Board shall hold office for a term of three years and may be re-appointed for a further term of three years.

(2) The office of a member becomes vacant if the member -

- (a) dies;
- (b) resigns;
- (c) is absent, without reasonable excuse, from three consecutive meetings of the Board of which the member has had notice without the approval of the Board;
- (d) is adjudged bankrupt;
- (e) is convicted of an offence under this Act or any other law and sentenced to imprisonment for a period exceeding six months without the option of a fine;
- (f) is removed by the President on grounds that the member acted dishonourably, dishonestly or fraudulently; or

(g) has a mental disability that makes the member incapable of performing the duties of a member.

(3) A member may resign by giving one month's notice, in writing, to the President.

(4) A member shall, on the expiration of the period for which the member is appointed, continue to hold office until a successor is appointed, but in no case shall the further period exceed four months.

(5) Whenever the office of a member becomes vacant before the expiry of the term of office, the President may appoint another person to be a member in place of the member who vacates the office for the remainder of that term.

Proceedings of
Board

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

(2) The Board shall meet for the transaction of its business at least once in every three months at such places and times as the Chairperson may determine.

(3) Three members shall form a quorum at a meeting of the Board, one member of which shall be the Chairperson or Vice-Chairperson.

(4) There shall preside at a meeting of the Board-

- (a) the Chairperson;
- (b) in the absence of the Chairperson, the Vice-Chairperson; and
- (c) in the absence of the Chairperson and the Vice-Chairperson, such other member as

the members present may elect for the purposes of that meeting.

(5) A decision of the Board on any question shall be by a majority of the members present and voting at the meeting and in the event of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to that person's deliberative vote.

(6) The Board may invite a person, whose presence is in its opinion desirable, to attend and to participate in the deliberations of the meeting of the Board, but that person shall have no vote.

(7) The validity of any proceedings, acts or decisions of the Board shall not be affected by any vacancy in the membership of the Board or by any defect in the appointment of any member or by reason that any person not entitled to do so took part in the proceedings.

(8) The Board shall cause minutes to be kept of the proceedings of its meetings.

Delegation of functions of Board

7. The Board may, subject to any conditions imposed and guidelines issued by it, delegate any of the Board's functions to the Registrar.

Seal of Board

8. (1) The seal of the Board shall be such be such device as may be determined by the Board and shall be kept by the Registrar.

(2) The affixing of the seal shall be authenticated by the Chairperson or the Vice-Chairperson and the Registrar or any other person

authorised in that behalf by a resolution of the Board.

(3) A contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under seal may be entered into or executed without seal on behalf of the Board by the Registrar or any other person generally or specifically authorised by the Board in that behalf.

(4) A document purporting to be under the seal of the Board or issued on behalf of the Board shall be received in evidence and shall be deemed to be so executed or issued, as the case may be, without further proof, unless the contrary is proved.

Emoluments

9. A member of the Board shall be paid such emoluments as the Emoluments Commission may determine.

Establishment of
Office of
Registrar

10. (1) There is established the Office of the Registrar of Political Parties, as an office in the civil service.

Registrar,
Deputy Registrar
and other staff

11. (1) The Civil Service Commission shall appoint, as public officers, the Registrar, the Deputy Registrar and such other staff as shall be necessary for the proper administration of this Act.

(2) The Registrar shall be responsible for the administration of this Act.

(3) The Registrar may, in writing, delegate the exercise of any of the powers and functions conferred upon the Registrar by this Act to the Deputy Registrar or such

other officer on such terms and conditions as the Registrar may determine.

(4) The Registrar may, in writing, revoke or vary the delegation of power made by the Registrar under subsection (3).

(5) The Registrar shall be **the Secretary of the Board.**

(6) A person qualifies for appointment as Registrar or as a deputy Registrar if that person-

(a) holds a degree, or an equivalent qualification, from a higher education institution established, registered or declared under the Higher Education Act, 2013; and

(b) has proven knowledge and at least five years' experience in -

(i) political science;

(ii) management;

(iii) finance;

(iv) law;

(v) **economics**; or

(vi) governance; and

(c) is a person of high moral character and integrity.

(7) A person is not qualified for appointment as a Registrar or deputy Registrar if the person has, at any time, within the preceding five years, held office or stood for election as a member of Parliament or as a member of a governing body of a political party.

Functions of Registrar

12. The functions of the Registrar are to -
- (a) register, regulate, monitor and supervise political parties to ensure compliance with this Act;
 - (b) verify and make available by notice in the Gazette, a list of members of political parties;
 - (c) maintain a register of political parties and symbols of political parties;
 - (d) ensure and verify that a person is not a member of more than one political party and notify the Board of the Registrar's findings; and
 - (e) perform such other functions as may be conferred by this Act or any other law.

Disclosure of interest

13. (1) A person who is present at a meeting of the Board at which any matter is the subject of consideration, and in which matter that person or that person's relative or associate is directly or indirectly interested in a private capacity shall, as soon as is practicable after the commencement of the meeting, declare such interest and shall not, unless the Board otherwise directs, take part in any consideration or discussion of, or vote on any question relating to that matter.

(2) A disclosure of interest made under subsection (1) shall be recorded in the minutes of the meeting at which it is made.

(3) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding two year, or to both.

Prohibition of publication or disclosure of information to unauthorised persons

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

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

(3) A person who, having any information which to the knowledge of that person has been published or disclosed in contravention of subsection (1), unlawfully publishes or communicates the information to another person, commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

Oath on appointment
Cap. 5

15. A member of the Board shall, on appointment, take an oath in accordance with the Official Oaths Act.

Immunity

16. An action or other proceeding shall not lie or be instituted against a member of the Board or a member of staff for or in respect of an act or thing done or omitted to be done in good faith in the exercise or performance, or purported exercise or performance, of any of the powers, functions or duties conferred under this Act.

PART IV

REGISTRATION AND REGULATION OF POLITICAL PARTIES

Formation of
political party
Cap. 1

17. (1) A person may, subject to the provisions of the Constitution and this Act, form a political party in Zambia to further purposes which are not contrary to the Constitution or any other law.

Cap. 1

(2) A citizen of Zambia who has attained the age of eighteen years may, subject to the provisions of this Act and any other law, contest for an elective position in a political party in which that citizen is a member.

Requirements of
political party

18. (1) An association of persons or an organisation shall not operate or function as a political party unless that association of persons or an organisation has been registered in accordance with the provisions of this Act.

(2) The Registrar shall not register an association of persons or an organisation as a political party if such association or organisation does not meet the requirements set out in Article 60 of the Constitution.

Cap. 1

19. (1) An association of persons or organisation applying to be registered as a political party may apply to the Registrar for provisional registration.

(2) The Registrar shall, upon an application for registration under subsection (1), within thirty days of the association or organisation fulfilling the conditions prescribed in section 18, issue that association or organisation with a certificate of provisional registration.

(3) A political party that has been provisionally registered under subsection (2) shall, not later than six months from the date of provisional registration, apply to the Registrar for full registration.

(4) The Registrar shall, within seven days of receipt of an application under subsection (3), publish a notice in the Gazette and in at least two newspapers of general circulation in Zambia, inviting objections from any person or any other political party concerning the registration of the name, symbol or colour of the party or any other issue relating to the registration of the political party.

(5) The provisional registration of a political party which has not applied for full registration lapses on the expiry of six months from the date of issue of the certificate of the provisional registration.

(6) Subject to subsection (5), the provisional registration of a political party which has applied for full registration is valid until the political party is issued with a certificate of full registration, or until the application of the political party to be registered has been rejected.

(7) A political party that has been provisionally registered under subsection (2) is not entitled to participate in an election.

Application for provisional registration

20. (1) A citizen may apply for the provisional registration of a proposed political party in the prescribed manner and form.

(2) An application for provisional registration under subsection (1) shall be accompanied by-

- (a) the signed minutes of the first meeting of the founding members of the political party;**
- (b) a copy of the constitution of the proposed political party;**
- (c) an undertaking to be bound by this Act, any other applicable law and a Code of Conduct to be prescribed; and
- (d) the prescribed fee.

(3) An application for provisional registration shall include a request for the registration of the symbol of the political party.

Conditions of full registration

21. (1) An application for full registration of a political party shall be in the prescribed manner and form.

(2) A provisionally registered political party shall be qualified to be fully registered if -

- (a) a provisionally registered political party it has recruited as members, not fewer than **one hundred registered voters from each province;**

- (b) the members referred to in paragraph (a) shall be resident in the province and the recruitment of members shall ensure that fifty percent of each gender is recruited, unless it is not practicable to do so;
- (c) the composition of its governing body reflects the regional diversity of the people of Zambia;
- (d) not more than two-thirds of the members of the governing body are of the same gender;
- (e) the provisionally registered political party has demonstrated that members of the governing body meet the requirements of the Constitution, this Act or any other law;
- (f) a provisionally registered political party has submitted to the Registrar-
 - (i) a list of the names, addresses and identification particulars of the members;
 - (ii) the location of the head office, which shall be a registered office within Zambia and a postal address to which notices and other communication may be sent; and
 - (iii) the location and addresses of the branch offices of the political party, which shall be in more than half of the provinces;

(g) the provisionally registered political party has undertaken to be bound by this Act and a Code of Conduct for political parties.

(3) A person is disqualified from being a member of the governing body if that person-

(a) is an undischarged bankrupt;

(b) has been convicted of a criminal offence and sentenced to imprisonment for a period exceeding six months, without an option of a fine;

(c) has a mental disability that makes the member incapable of performing the functions of a member;

(d) has been suspended for a period of six months for violating the code of conduct of the political party; or

(e) has contravened the provisions of the Constitution, **this Act or any other laws relating to the conduct of political parties or elections.**

(4) The Registrar shall, within thirty days of an application under subsection (2), issue a certificate of full registration to a provisionally registered political party which has fulfilled the conditions for full registration.

(5) A person who is not a citizen of Zambia shall not be appointed to any office, or be a member, of a political party in Zambia.

Parties with certain names not to be registered

22. The Registrar may **reject** an application for the registration of a political party if the name of the political party, the abbreviation of the name or the symbol that it wishes to use for the purposes of this Act-

- (a) is obscene or offensive;
- (b) is the name, or is an abbreviation of political party that is registered under this Act; or
- (c) so nearly resembles the name or symbol, or an abbreviation of the name of another political party registered under this Act or any other legal entity registered under any other law.

Contents of constitution or rules of political party

23. (1) The Minister shall prescribe the matters to be included in the constitution or rules of a political party.

(2) The Registrar may, by notice in writing, require a political party to amend its name, constitution or rules within three months after the date of the notice to comply with the Constitution, this Act and any other law.

Cap.1

(3) The notice referred to in subsection (2) shall specify the areas of non-compliance, the nature of the amendment and the reason for such amendment.

(4) **The Registrar shall, where a political party fails to comply with a notice issued under subsection (2), deregister that political party.**

24. (1) A political party may form an alliance with two or more political parties.

(2) A political party shall not form an alliance with another political party or political parties unless the alliance is in accordance with the constitution, rules and procedures of the political party.

(3) The decision to form an alliance shall be in writing and duly executed by the political party officials authorised to execute agreements on behalf of the political parties.

(4) The governing body of each political party that intends to form an alliance under subsection (1) shall -

- (a) determine the constitution, rules, regulations and the principles which shall form the basis of the alliance; and
- (b) sign the alliance agreement.

(5) The Alliance Agreement signed under subsection (4) shall be deposited with the Registrar within twenty-one days of the signing of the agreement.

(6) Where two or more political parties under subsection (1) form an alliance of their parties the following provisions shall apply :

- (a) each party shall remain as a separate registered party for the purposes of this Act;
- (b) in any election each candidate shall be identified by that candidate portrait and the symbol of that

candidates party on the ballot paper;

(c) where the parties nominate separate candidates to contest an election in the same constituency each candidate shall be identified separately on the ballot paper and in relation to the candidate's political party only; and

(d) fees payable under this Act or the Electoral Process Act, 2016, shall be paid separately by or for each candidate as standing for the elections in the name of the candidate's party.

Act No. 35 of
2016

Mergers

25. (1) A political party may merge with another political party.

(2) A political party shall not merge with another political party unless the merger is in accordance with the Constitution, rules and procedures of the political parties.

Cap. 1

(3) The decision to merge shall be in writing and shall be duly executed by the political party officials authorised to execute agreements on behalf of the political parties.

(4) The governing body of each political party that intends to merge under subsection (1) shall-

(a) determine the constitution, rules, regulations and the principles which shall

form the basis of the merger and the registration of the new political party; and
(b) sign the merger agreement and the particulars for the new political party to be registered under this Act.

(5) The merger agreement signed under **subsection (4)(b)** shall be deposited with the Registrar within twenty-one days of the signing of the agreement.

(6) The political parties which have merged into a new political party under this section shall stand dissolved upon registration of the new political party.

(7) Subject to the Constitution, where a political party merges with another political party, a member of the political party that has merged with another political party who is a member of Parliament, and who does not desire to be a member of the political party formed after the merger shall continue to serve as an independent member of Parliament for the remainder of the term of that member.

Restrictions on public officers in a political party

26. (1) A public officer shall not-

- (a) be eligible to be a founding member of a political party;
- (b) be eligible to hold office in a political party;
- (c) engage in political activity that may compromise or be seen to compromise the political neutrality of that persons' office; or

(d) publicly indicate support for or opposition to any political party or candidate in an election.

(2) Subsection (1) shall not apply to the President, Vice-President or a Member of Parliament.

Disqualification from holding office in a political party
Cap. 1

27. A person disqualified from holding public office under the Constitution, this Act or any other law shall not hold office in the governing body of a political party or be its founding member.

Resignation from political party

28. (1) A member of a political party who intends to resign from the political party shall give a one month written notice prior to the member's resignation to-

- (a) the political party; or
- (b) the Speaker of the National Assembly, if the member is a member of Parliament; or
- (c) the mayor or council chairperson, if the member is a councillor.

(2) The resignation of the member of the political party shall take effect upon receipt of the notice referred to under subsection (1).

(3) The political party of which the person is a member shall notify the Registrar of such resignation.

(4) A person shall only be a member of one political party.

(5) Despite the provisions of subsection (1), a person shall be considered to have resigned from a political party if the person -

- (a) forms another political party;
- (b) joins in the formation of another political party;
- (c) joins another political party;
- (d) in any way or manner, publicly advocates for the formation of another political party;
or
- (e) promotes the ideology, interests or policies of another political party.

(6) Subsection (5) (d) and (e) do not apply to a member of a political party in relation to the common objective of a merger or alliance.

(7) A member of a political party may only be expelled from that political party if the member has infringed the constitution of the political party and after the member has been afforded a fair opportunity to be heard in accordance with the internal party dispute resolution mechanism as prescribed in the constitution of the party.

Rights and
privileges

Cap. 1

29. (1) **Subject to the Constitution or any other law**, a political party which has been provisionally or fully registered is entitled -

- (a) to hold and address public meetings in any area in **Zambia** for the purposes of

publicising the political party and recruiting members;

(b) to the protection and assistance of the **Zambia Police Service** for the purposes of facilitating peaceful and orderly meetings; and

(c) to fair opportunity to present the political party's programmes to the public by ensuring equitable access to the State owned media.

(2) Provisional registration shall not entitle a political party to organise or hold public meetings in connection with an election, or to propose or campaign for a candidate in an election.

(3) A political party which contravenes the provision of subsection (2) commits an offence.

Declaration of assets etc.

30. (1) A political party shall, within **three months of** being issued with a certificate of full registration in accordance with section 21, submit to the Registrar a written declaration giving details of assets and expenditure including contributions, donations or pledges of contributions or donations, whether in cash or in kind, made or to be made to the initial assets of the political party by its founding members in respect of the first year of its existence.

(2) A declaration submitted to the Registrar under subsection (2) shall -

- (a) state the sources of funds and other assets of the political party;
- (b) contain such other relevant particulars as the Registrar may prescribe; and
- (c) be supported by a statutory declaration made by the person designated to issue such a declaration by the governing body of the political party.

(4) The Registrar shall, within thirty days after the receipt of the declaration required under subsection (2), cause the declaration to be published in the Gazette and in at least one daily newspaper of general circulation in Zambia.

(5) Despite any other penalty prescribed by this Act or any other law, the Registrar shall, subject to section 34 of deregister a political party which -

- (a) fails to comply with this section; or
- (b) submits a declaration, which is false in any material particular.

Records of
political party

31. (1) A political party shall maintain at its head office and at each of its **provincial** offices an accurate and authentic record of -

- (a) a register of its members **in the prescribed manner and form;**
- (b) a copy of the constitution of the political party in the prescribed manner and form;

- (c) a copy of the policies and plans of the political party;
- (d) particulars of any contribution, donation or pledge of a contribution or donation, whether in cash or in kind, made to the political party;
- (e) estimates of the expenditure of the political party in accordance with the laws relating to public finance management;
- (f) particulars of any property that belongs to the political party and the time and mode of acquisition of the property;
- (g) the latest audited books of accounts of the political party which shall be in accordance with the principles of accounting having regard to the purpose of this Act, showing -
 - (i) the sources of the funds of the political party and names, addresses and such other contact details as the Registrar may require, of any persons who have contributed **to the funds of the political party**;
 - (ii) membership **fees** paid;
 - (iii) donations in cash or in kind; and

(iv) all the financial transactions and records of assets and liabilities of the political party; and

(h) such other relevant particulars as the Registrar may specify.

(2) A person, who interferes with, damages or destroys the records of a political party commits an offence.

(3) A member of a political party may, during working hours and on payment of the prescribed fee, inspect and obtain copies of the records of a political party maintained at its head office or **provincial** office.

Duty of political party to inform Registrar

32. (1) The Registrar may, issue a written notice, in the prescribed form, to the secretary-general or deputy secretary-general of a political party to furnish for inspection by the Registrar, the records required to be maintained under section 31, or such other information as is reasonably required by the Registrar to ensure compliance with the provisions of this Act.

(2) The Registrar may make copies of or take extracts from any records or other information furnished to the Registrar under this section.

(3) The secretary-general or deputy secretary-general of a political party shall comply with a notice issued by the Registrar under subsection (1).

(4) A secretary-general or deputy secretary-general of a political party who fails to comply with the notice under

this section commits an offence.

Notification of changes, alterations in constitution etc. of political party

33. (1) A fully registered political party which intends to change or amend-

- (a) its constitution;
- (b) its rules and regulations;
- (c) the title, name or address of any party official; or
- (d) its name, symbol, slogan or colour;

shall notify the Registrar of its intention and the Registrar shall, within fourteen days after the receipt of the notification, cause a notice of the intended change or alteration to be published in the Gazette.

(2) The political party giving notification under sub-section (1) shall publish such notification in at least two daily newspapers of general circulation in Zambia.

(3) The **Registrar** may, upon the expiry of thirty days from the date of publication of the notice in subsection (1), after taking into account any representations received from the public under subsections (1) and (2), effect the change or alteration in accordance with its constitution and rules.

Deregistration of political party

34. (1) The Registrar may deregister a political party if the political party-

- (a) has contravened the provisions of Article 60 of the Constitution;

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- (b) does not adhere to the law relating to the nomination of candidates;
- (c) does not respect the national values and principles of the Constitution;
- (d) obtained its registration in a fraudulent manner;
- (e) has instigated or participated in the commission of an election offence; or
- (f) has acted contrary to the provisions of section.

(2) The Registrar shall, before deregistering a political party **under subsection (1)** -

- (a) inform the political party, in writing, of the particulars of the breach or contravention;
- (b) inform the political party, in writing, of the intention to deregister the political party; and
- (c) direct the political party to remedy the breach or contravention within ninety days or otherwise show cause why the party should not be deregistered.

(3) The Registrar may suspend a political party to enable that political party to remedy the breach specified in

the notice issued by the Registrar under subsection (2).

(4) A political party that has been suspended under subsection (3) is not entitled to any of the rights and privileges specified in section 29.

(5) The Registrar shall deregister a political party which has not remedied the breach or complied with the Act as required by the Registrar under subsection (2).

(6) **The Registrar shall deregister a political party which is dissolved in accordance with the constitution of that political party.**

(7) The Registrar shall deregister a political party which has been declared to be a prohibited organisation under the provisions of any law.

Effect of
deregistration

35. (1) Where a political party is deregistered under this Act, a person shall not-

- (a) summon a meeting of members or officers of the political party other than for purposes of winding up the political party or for purposes of challenging the de-registration of the political party;
- (b) attend or make a person attend a meeting in the capacity of a member or officer of the political party;

- (c) publish a notice or advertisement relating to a meeting of the political party except for purposes of a meeting under paragraph (a);
- (d) invite persons to support the political party;
- (e) make a contribution or loan to funds held or to be held by or for the benefit of the political party or accept a contribution or loan; or
- (f) give a guarantee in respect of such funds.

(2) **Where a political party, deregistered under section 34, had representatives elected to Parliament, such representatives shall continue to serve for the remainder of the term as independent members.**

PART IV

FUNDING AND ACCOUNTS OF POLITICAL PARTIES POLITICAL PARTIES' FUND

Establishment of
Political Parties
Fund

36. (1) **There is established a Political Parties' Fund for purposes of providing financial support to political parties with seats in the National Assembly.**

(2) **The fund consists of-**

- (a) **such monies as may be appropriated by Parliament for the purpose of the Fund;**

(b) **such monies as may be paid to the Fund by way of loans, grants, or donations;**

(c) interest arising out of any investment of the Fund; and

(d) such other monies as may vest in or accrue to the Fund.

Distribution of the Fund

37. (1) The Fund shall be distributed as follows:

(a) ninety five per cent of the Fund proportionately by reference to the total number of votes secured by each political party **with seats in the National Assembly** in the preceding general election; and

(b) five percent for the administration expenses of the Fund.

(2) **Despite paragraph (a) of subsection (1), an independent candidate is not entitled to receive funding under the provisions of this Act.**

Purposes of the Fund

38. (1) Monies allocated to a registered political party from the Fund shall be used for purposes compatible with democracy including-

(a) promoting the representation in Parliament of women and youths;

- (b) promoting active participation by individual citizens in political life;
- (c) covering the election expenses of the political party and the broadcasting of the policies of the political party;
- (d) the organisation by the political party of civic education in democracy and other electoral processes;
- (e) bringing the political party's influence to bear on the shaping of public opinion; and
- (f) administrative and staff expenses of the political party which shall not be more than thirty per cent of the monies allocated to the political party, except that not less than thirty per cent of the monies allocated to a political party under section 37 shall be used for the purposes referred to in subsection (1)(a) under this section.

(2) The monies allocated to a political party shall not be used for purposes other than those specified in this Act.

(3) Monies allocated to a political party from the Fund shall not be used-

- (a) for paying directly or indirectly remuneration, fees, rewards, allowances or any other benefit to a member or supporter of the political party, other than a member of staff;
- (b) to finance or as a contribution to any matter, cause, event or occasion directly or indirectly in contravention of any code of ethics binding on public officers;
- (c) directly or indirectly for the purposes of establishing any business or acquiring or maintaining any right or financial interest whatsoever in any business or in any immovable property; or
- (d) for any other purpose incompatible with the promotion of a multiparty democracy and the electoral processes, or with the Constitution.

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(4) A political party shall ensure accountability and transparency in its procurement processes.

(5) A person who contravenes the provisions of this section commits an offence.

Technical
assistant and
duty of
disclosure

39. (1) A foreign agency, or a foreign political party which shares an ideology with a political party registered in Zambia, may provide technical assistance to that political party.

(2) **Technical assistance under subsection (2) shall not include provision of any assets to the political party.**

(3) **A political party which contravenes this section commits an offence.**

(4) A political party shall disclose to the Registrar full particulars of all funds or other resources obtained by it from any source.

Publishing
sources of funds

40. (1) A political party shall, within ninety days of the end of its financial year, publish-

(a) the sources of its funds stating:

- (i) the amount of money received from the Fund;

(ii) the amount of money received from its members and supporters; and

(iii) the amount and sources of the donations given to the party;

(b) the income and expenditure of the political party; and

(c) the assets and liabilities of the political party.

(2) The publication referred to in subsection (1) shall be in at least two daily newspapers of general

circulation in Zambia.

(3) A political party which contravenes this section commits an offence.

(4) Despite the provisions of subsection (3), a political party that fails to comply with this section shall, during the period of non compliance, be disqualified from receiving monies from the Fund.

Financial year

41. The financial year of the Board shall be a period of twelve months ending on 31st December in each year.

Accounts and audit

42. (1) The Board shall cause to be kept proper books of accounts and other records relating to its accounts.

(2) The accounts of the Board shall be audited annually by the Auditor-General or an auditor appointed by the Auditor-General.

(3) The Auditor-General's fees shall be paid by the Board.

Annual report

43. (1) As soon as practicable, but not later than ninety days after the end of the financial year, the Board shall submit to the President a report concerning its activities during the financial year.

(2) The report referred to in subsection (1) shall include information on the financial affairs of the Board and there shall be appended to the report-

- (a) **an audited statement of financial position;**
- (b) **a n a u d i t e d s t a t e m e n t o f comprehensive income; and**
- (c) **such other information as the President may require.**

(3) The Minister shall, not later than seven days after the first sittings of the National Assembly next after the receipt of the report referred to in subsection (1) lay it before the National Assembly.

Declaration of assets, liabilities and expenditure in relation to elections

Act No. 35 of 2016

44. (1) Subject to the Electoral Process Act, 2016, a political party shall, at least ninety days before a general election, submit to the Registrar a register of its members and a statement of its assets and liabilities in the prescribed form.

(2) Despite any other penalty provided in this Act or in any other written law, the Registrar shall deregister a political party which-

- (a) fails to comply with this section; or
- (b) submits a statement which is false in any material particular.

Audit of political parties' accounts

45. (1) A political party shall keep proper books and records of account of the income, expenditure, assets and liabilities of the political party.

(2) A political party shall, within three months after the end of each financial year submit to the Auditor-General

the accounts of the political party in respect of that year.

(3) The accounts of every political party shall be audited annually by the Auditor-General and shall be submitted to the Registrar and tabled in the National Assembly.

(4) The Registrar may at any time request the Auditor-General to carry out an audit of the accounts of a political party.

(5) Any person shall be entitled, to inspect the audited accounts filed by a political party and, upon payment of a fee prescribed by the Registrar to be issued with copies of the audited accounts.

Appeal

46. (1) A person who is aggrieved by a decision of the Board may, within thirty days of receiving the decision, appeal to the Minister.

(2) A person who is aggrieved by a decision of the Minister may, within thirty days of the Minister's decision, appeal to the High Court.

PART VI

GENERAL PROVISIONS

Offences

47. (1) A person commits an offence who-

(a) fails to furnish particulars or information required to be furnished by a political party or by a

person under this Act;

- (b) makes a statement which the person knows to be false; or
- (c) recklessly makes a false statement under this Act.

(2) Where an offence under this Act is committed by a political party and a principal officer of that political party, is suspected to have committed the offence and is charged of that offence, that principal officer of the political party is liable, on conviction, to the penalty specified for the offence, unless the principal officer of the political party proves to the satisfaction of the court that the act constituting the offence was done without the knowledge, consent or connivance of the principal officer of that political party or that the principal officer of the political party took reasonable steps to prevent the commission of the offence.

(3) A person who suppresses or attempts to suppress any lawful political activity of another person commits an offence .

General penalty

48. A person convicted of an offence under this Act for which no penalty is provided shall be liable to a fine not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding two years or, to both.

Winding up
political party

49. (1) The Registrar shall, upon the deregistration of a political party or its declaration as a prohibited organisation under any law, notify the Attorney-General.

(2) The Attorney-General shall, upon receipt of such notice, make an application for the winding up and dissolution of that political party, and the disposition of the property, assets, rights and liabilities of the political party.

(3) The High Court shall make such orders as appear to it to be just and equitable in the circumstances of the case.

Regulations

50. (1) The Minister may, by statutory instrument, make regulations generally for the better carrying into effect of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make Regulations-

- (a) prescribing the manner of registration of political parties;
- (b) regulating the activities of political parties that are registered under this Act as provided under this Act;
- (c) regulating or restricting the use or changes of names, symbols or colours of political parties;
- (d) prescribing the forms, which may be used for carrying out the provisions of this Act;

- (e) for securing the submission, to the Registrar, of the audited accounts and financial accounts relating to the assets and liabilities, income and expenditure of political parties;
- (f) prescribing the fees in respect of anything to be done under this Act;
- (g) **prescribing the maximum amount of money to be used by political parties for campaigns during elections; or**
- (h) requiring the submission, to the Registrar, of annual or other periodical returns relating to the constitution, objects and membership of political parties.

Transitional
provisions
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51. (1) A political party registered under the Societies Act, 1958, immediately before the commencement of this Act shall be deemed to have been registered under this Act and shall comply with the provisions of this Act, within **six months** from the commencement of this Act.

(2) The Register of Political Parties and the Register of members of the political parties maintained shall be deemed to have been prepared under this Act.