

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 35 OF 2020

The Electoral Process Act, 2016
(Act No. 35 of 2016)The Electoral Process (Code of Conduct) (Enforcement)
(Amendment) Regulations, 2020

IN EXERCISE of the powers contained in section 125 of the Electoral Process Act, 2016, the following Regulations are made:

1. These Regulations may be cited as the Electoral Process (Code of Conduct) (Enforcement) (Amendment) Regulations, 2020, and shall be read as one with the Electoral Process (Code of Conduct) (Enforcement) Regulation, 2016, in these Regulations referred to as the principal Regulations.

2. The principal Regulations are amended by the insertion of the following new regulation immediately after regulation 3:

3A. (1) The Commission shall, within twenty-four hours of receipt of a complaint or allegation, determine whether the complaint is of an urgent nature requiring the Commission to hear the complaint or allegation within forty-eight hours of receipt of the complaint or allegation.

(2) The Commission shall, where the Commission determines that an urgent situation exists under subregulation (1)—

(a) issue a notice of hearing within forty-eight hours of the determination of the urgency of the complaint or allegation, to a candidate or political party complained against, the complainant, and to any other person the Commissioner considers necessary for the purposes of the hearing and shall specify the date, time and venue of the hearing; and

Title

SI No. 62 of 2016

Insertion of regulation 3A

Determination of urgent complaint or allegation by Commission

(b) attach the written complaint or allegation to the notice issued under paragraph (a).

(3) The Commission shall hear the complaint or allegation within seventy-two hours of receipt of the complaint or allegation.

(4) The Commission shall, where it finds a candidate or political party in breach of the code, disqualify the candidate or political party from participating as a candidate or political party in an election in a district, constituency or ward concerned.

Repeal and
replacement
of regulation
4

3. The principal Regulations are amended by the repeal of regulation 4 and the substitution therefor of the following:

Referral of
complaint or
allegation

4. (1) Where the Commission determines under regulation 3A that an urgent situation does not exist for the Commission to hear the complaint or allegation, the Commission shall, within forty-eight hours of receipt of a complaint or allegation of breach of the Code, refer the complaint or allegation to the district conflict management committee in the area in which the breach occurs for determination.

(2) Regulations 5, 6, 7 and 8 apply in hearing the complaint or allegation where no urgent situation exists.

Repeal and
replacement
of regulation
6

4. The principal Regulations are amended by the repeal of regulation 6 and the substitution therefor of the following:

Review of
decision by
National
Conflict
Management
Committee

6. (1) The National Conflict Management Committee shall, within forty-eight hours of receipt of the recommendations of the district conflict management committee, review the decision of a district conflict management committee and where it considers necessary, adopt the recommendations made by a district conflict management committee.

(2) The National Conflict Management Committee may, where it considers it necessary, afford the parties to the complaint an opportunity to be heard on the recommendations submitted by a district conflict management committee under subregulation (1).

(3) The National Conflict Management Committee shall, after the review of the decision of a district conflict management committee, make recommendations on the matter to the Commission within forty eight hours of the review.

24th April, 2020

Statutory Instruments

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Made by the Electoral Commission of Zambia at Lusaka this
20th day of April, 2020.

JUSTICE E. E. CHULU,
Chairperson

E. J. SIKAZWE,
Member

A. D. SIMWINGA,
Member

LUSAKA

20th April, 2020

[EC/101/5/7 CONF]

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 62 OF 2016

The Electoral Process Act, 2016
(Act No. 35 of 2016)

**The Electoral Process (Code of Conduct)
(Enforcement) Regulations, 2016**

ARRANGEMENT OF REGULATIONS

Regulation

1. Title
2. Interpretation
3. Notification of breach of Code
4. Referral of complaint or allegation
5. Determination of complaint by district conflict management committee
6. Review of decision by National Conflict Management Committee
7. Decision by Commission
8. Disqualification of candidate or political party

IN EXERCISE of the powers contained in section *one hundred* and *twenty-five* of the Electoral Process Act, 2016, the following Regulations are made:

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| 1. These Regulations may be cited as the Electoral Process (Code of Conduct) (Enforcement) Regulations, 2016. | Title |
| 2. In these Regulations, unless the context otherwise requires, words and expressions have the meaning assigned to them in the Act. | Interpretation |
| 3. (1) A person who witnesses a breach of the Code or alleges that a candidate or political party has breached the Code shall notify the Commission of the breach of the Code, in writing.

(2) The Commission may, on its own motion, take notice of any breach of the Code. | Notification of breach of Code |
| 4. The Commission shall, within forty-eight hours of receipt of a complaint or allegation of breach of the Code, refer the complaint or allegation to the district conflict management committee in the area in which the breach occurs for determination. | Referral of complaint or allegation |
| 5. (1) A district conflict management committee shall—

(a) upon receipt of a complaint, issue a notice of hearing to the candidate or political party complained against and to the complainant, specifying the date, time and venue of the hearing;

(b) attach the written complaint or allegation to the notice issued to the candidate or political party under paragraph (a); and

(c) hear the complaint or allegation within twenty-four hours of the receipt of the complaint or allegation.

(2) The determination of a matter before a district conflict management committee shall be by consensus and in the absence of that consensus, according to the votes of the majority of the members present and considering the matter.

(3) A district conflict management committee shall, at the conclusion of a hearing, evaluate the facts and make recommendations on the matter to the National Conflict Management Committee. | Determination of complaint by district conflict management committee |
| 6. (1) The National Conflict Management Committee may, where it considers it necessary, adopt a recommendation made by the district conflict management committee. | Review of decision by National Conflict Management Committee |

(2) The National Conflict Management Committee shall, after review of the decision of a district conflict management committee, make recommendations on the matter to the Commission within forty-eight hours of the review.

Decision by
Commission

7. (1) The Commission shall hear a complaint within seventy-two hours of the receipt of the recommendation on the complaint of the National Conflict Management Committee.

(2) The Commission shall afford the parties to the complaint an opportunity to be heard on the recommendations submitted by the National Conflict Management Committee.

(3) The Commission may adopt, modify or vary the recommendation made by the National Conflict Management Committee.

Dis-
qualification
of candidate
or political
party

8. The Commission shall, where it finds a candidate or political party in breach of the Code, disqualify the candidate or political party from participating as a candidate or political party in an election in the district, constituency or ward concerned.

Made by the Electoral Commission of Zambia this 9th day of August, 2016.

JUSTICE E. E. CHULO,
Chairperson

JUSTICE C. S. MUSHABATI,
Member

DR. F. NG'ANDU,
Member

DR. E. J. SIKAZWE,
Member

D. MATONGO,
Member

LUSAKA

[EC.101/5/2]