

## GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT No. 29 OF 2021

**The Constitutional Court Act, 2016**  
(Act No. 8 of 2016)**The Constitutional Court (Amendment) Rules, 2021**

IN EXERCISE of the powers contained in section 31 of the Constitutional Court Act, 2016, the following Rules are made:

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| <p>1. These Rules may be cited as the Constitutional Court (Amendment) Rules, 2021, and shall be read as one with the Constitutional Court Rules, 2016, in these Rules referred to as the principal Rules.</p> | <p>Title<br/>S.I No. 37 of<br/>2016</p>                        |
| <p>2. The principal Rules are amended by the revocation of Order XIV and the substitution thereof of the following:</p>  | <p>Revocation<br/>and<br/>replacement<br/>of<br/>Order XIV</p> |

## ORDER XIV

## PRESIDENTIAL ELECTION PETITIONS

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| <p>1. (1) A petition challenging the election of the President-elect in accordance with Article 101 or 103 of the Constitution shall be filed before the Court and shall state theô</p> <p style="margin-left: 40px;">(a) name and address of the petitioner;</p> <p style="margin-left: 40px;">(b) facts relied on;</p> <p style="margin-left: 40px;">(c) provisions of the Constitution or any other law relating to elections allegedly not complied with;</p> <p style="margin-left: 40px;">(d) relief sought by the petitioner.</p> <p style="margin-left: 40px;">(2) A petition shall be filed together withô</p> <p style="margin-left: 40px;">(a) an affidavit verifying facts;</p> <p style="margin-left: 40px;">(b) skeleton arguments; and</p> <p style="margin-left: 40px;">(c) a list of authorities and copies of the authorities cited.</p> | <p>Commencement<br/>of presidential<br/>election<br/>petition</p> |
| <p>2. (1) A petition shall be served on the respondent within twenty four hours of filing the petition.</p> <p style="margin-left: 40px;">(2) The Court may, where the petitioner demonstrates to the court that prompt personal service cannot be effected on the respondent, make such order for substituted service or other service as the Court may consider just.</p>  | <p>Service of<br/>petition</p>                                    |

	<p>(3) A person shall prove service of a petition by filing an affidavit of service.</p>
Answer to petition	<p>3. (1) The respondent shall, within four days of service of the petition, respond to the petition by filing an answer together with</p> <p>(a) an opposing affidavit;</p> <p>(b) skeleton arguments; and</p> <p>(c) a list of authorities and copies of the authorities cited.</p> <p>(2) The respondent shall serve the answer and accompanying documents on the petitioner within twenty four hours of filing the answer.</p> <p>(3) A person shall prove service of an answer by filing an affidavit of service.</p>
Reply to answer	<p>4. (1) The petitioner may reply to the respondent's answer within twenty four hours of being served with the answer.</p> <p>(2) Where the petitioner replies to the respondent's answer, the reply shall be filed together with skeleton arguments.</p>
Scheduling conference	<p>5. (1) The Court shall, immediately after the filing of an answer, summon the parties to a scheduling conference at which the Court shall issue directions for the expeditious hearing of the petition which shall be strictly adhered to.</p> <p>(2) The Court may, at the scheduling conference, give directions or orders in relation to any interlocutory matters.</p>
Interlocutory applications	<p>6. (1) A party may make an interlocutory application within the time frame given by the Court at a scheduling conference prior to the commencement of the hearing of the petition.</p> <p>(2) The Court shall hear an interlocutory application</p> <p>(a) prior to the hearing of the petition; and</p> <p>(b) on the basis of written submissions not exceeding ten pages.</p>
Notice to Electoral Commission of Zambia	<p>7. The Registrar shall, where the Electoral Commission of Zambia is not a party to the proceedings, notify the Electoral Commission of Zambia of the petition within three days of a petition being filed.</p>
Hearing and determination of petition	<p>8. (1) The Court shall determine the petition on affidavit evidence, and on oral and written submissions.</p>

(2) The Court shall, at the close of a hearing, give its decision and may reserve its reasons for its decision to a later date.

(3) The Court shall, where the Court reserves its reasons for its decision under subrule (2), give a summary of the decision and the period within which it shall give its reasons.

(4) The Court's period for giving reasons for its decision under subrule (3) shall not exceed sixty days from the last day of the hearing.

9. The Registry of the Court shall be open at 0830 hours and close at 1500 hours, for the purposes of election petitions, from the day of filing an election petition to the last day of the hearing of the petition.

Registry  
hours  
for election  
petitions

LUSAKA  
[12th April, 2021]  
[RHC/1/4]

I. C. MAMBILIMA,  
*Chief Justice*

