

GOVERNMENT OF ZAMBIA

ACT

No. 4 of 2011

Date of Assent: 12th April, 2011

An Act to establish the Zambia Institute of Planners and provide for its functions; provide for the registration of planners and planning firms and regulate their professional conduct; and provide for matters connected with, or incidental to, the foregoing.

[15th April, 2011

ENACTED by the Parliament of Zambia.

Enactment

PART I
PRELIMINARY

1. This Act may be cited as the Urban and Regional Planners Act, 2010.

Short title

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

Interpretation

“allied profession” means a profession in architecture, land management, natural resources management, geography or sociology;

“certificate of registration” means the certificate of registration issued under section *fifteen*;

“Code of Ethics” means the code of professional conduct and ethics adopted and published by the Institute;

“constitution” means the constitution of the Institute adopted in accordance with section *five*;

“Council” means the Council of the Institute constituted under section *eight*;

“Disciplinary Committee” means the Committee constituted under section *forty-six*;

“Fund” means the Fund referred to under sub-paragraph (5) of paragraph 8 of the Schedule;

“Honorary Secretary” means a person elected Honorary Secretary under the provisions of the constitution of the Institute;

“Honorary Treasurer” means a person elected Honorary Treasurer under the provisions of the constitution of the Institute;

“Institute” means the Zambia Institute of Planners established under section *three*;

“inspector” means a person appointed as an inspector under section *eleven*;

“Member” means a person registered as a Member of the Institute in accordance with the provisions of the constitution of the Institute, and “membership” shall be construed accordingly;

“Past President” means a person who has held the office of President before the commencement of this Act;

“planner” means a person with special knowledge of urban designing, the environmental, social, economic and political issues with the spatial approach to problem solving acquired through planning education and experience;

“planning field” means the planning profession within which planners implement their knowledge and experience with practical, analytical and organisational skills;

“planning firm” means a statutory corporation, a company, a partnership, an association or other body, corporate or unincorporate, that provides a service through the application of planning skills and knowledge;

“planning work” means carrying out an undertaking relating to the planning field, and includes any consultancy in the planning field;

“planning” means an area of expertise which involves the initiation and management of change in the built, socio-economic and natural environment across a spectrum of areas, ranging from urban to rural areas delineated at different geographic scales in order to provide and utilise services, further human development and sustain the environment;

**THE URBAN AND REGIONAL PLANNERS
ACT, 2011**

ARRANGEMENT OF SECTIONS

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“practising certificate” means a certificate issued under section *twenty-four*;

“President” means the person elected President of the Institute pursuant to section *six*;

“professional misconduct” has the meaning assigned to it under section *forty-four*;

“Register” means the Register referred to under section *thirty-five*;

“Registrar” means the person appointed as Registrar under section *ten*; and

“VicePresident” means the person elected VicePresident of the Institute pursuant to section *six*.

PART II

THE ZAMBIA INSTITUTE OF PLANNERS

3. (1) There is hereby established the Zambia Institute of Planners which shall be a body corporate with perpetual succession and a common seal, capable of suing and being sued in its corporate name and shall, subject to the provisions of this Act, have power to do all such acts and things as a body corporate may, by law, do or perform.

Establishment
of Institute

(2) The provisions of the Schedule apply to the Institute.

4. (1) The functions of the Institute are to—

Functions of
Institute

(a) promote the spatial, aesthetic, economic and social development of urban and rural areas in the best interest of the community;

(b) register planners and planning firms and regulate their professional conduct;

(c) register students of planning;

(d) develop, promote, maintain and improve appropriate standards of qualification in the planning profession;

(e) develop, promote and enforce internationally comparable planning practice standards in Zambia;

(f) investigate allegations of professional misconduct and impose such sanctions as may be necessary;

(g) advise the Government on matters relating to the planning profession;

PART III

THE COUNCIL OF THE INSTITUTE

Constitution
of Council

8. (1) There is hereby constituted the Council of the Institute which shall be responsible for the management and control of the affairs of the Institute.

(2) The Council shall be elected in accordance with the provisions of the constitution of the Institute.

(3) The Council shall consist of the following members:

- (a) the President;
- (b) the immediate past President;
- (c) the Vice-President;
- (d) the Honorary Secretary;
- (e) the Vice-Honorary Secretary;
- (f) the Honorary Treasurer;
- (g) a student member; and
- (h) two committee members.

(4) A person shall not be qualified to be elected or nominated as a member of the Council if the person—

- (a) has committed any professional misconduct within a period of five years preceding the election or nomination;
- (b) is in lawful custody or the person's freedom of movement is restricted under any law in force in, or outside, Zambia on the date of the election or nomination;
- (c) has not been on the Register for at least three years preceding the election or nomination; or
- (d) has been declared to be of unsound mind under any law.

(5) A member shall, subject to the other provisions of this Act, hold office for a term of three years and may be re-elected for a further term of three years.

(6) Upon the expiration of the term for which a member is elected or nominated, the member shall continue to hold office until another member is elected or nominated, but in no case shall any extension of the period exceed three months.

(7) The office of a member shall be vacated—

- (a) upon the member's death;
- (b) if the member is adjudged bankrupt;

- (c) if the member is absent from three consecutive meetings of the Council, of which the member has had notice, without the prior approval of the Council;
- (d) upon the expiry of one month's notice of the member's intention to resign, given by the member, in writing, to the Council;
- (e) if the member becomes mentally or physically incapable of performing duties as a member;
- (f) if the member is found guilty of professional misconduct;
- (g) if the member's registration is cancelled; or
- (h) if the member is convicted of an offence under this Act or any other law and sentenced to a term of imprisonment exceeding six months.

(8) Where there is a vacancy in the membership of the Council before the expiry of the term of office, the Council shall appoint another person to replace the member who vacates office but that person shall only hold office for the remainder of the term.

(9) The provisions of the Schedule apply to the Council.

9. The functions of the Council are to—

- (a) perform all the functions of the Institute;
- (b) accredit planning educational institutions;
- (c) take such steps as may be considered necessary for the protection of the public and the improvement of standards of service rendered by planners;
- (d) promote an understanding of professional ethics amongst the planners and create awareness of the importance of protecting the environment against unsound planning practices;
- (e) ensure that the rules and guidelines for professional ethics developed by the Institute are responsive to the expectations of business institutions, the public and those who rely on planning work;
- (f) participate in the development of international planning practice standard setting;
- (g) make recommendations affecting, or relating to, the planning profession to the general meeting of the Institute;
- (h) promote continuing professional development among planners; and
- (i) do all such things and acts as the Institute or Council may do under this Act.

Functions of
Council

Application
for
registration

14. (1) A person shall apply to the Council for registration as a planner in the prescribed manner and form upon payment of the prescribed fee.

(2) The Council may, within thirty days of receipt of an application under subsection (1), grant or reject the application.

(3) The Council shall, where it rejects an application under subsection (2), inform the applicant accordingly and give the reasons therefor.

Registration
of planners

15. (1) The Council shall, where an applicant meets the requirements of this Act, issue the applicant with a certificate of registration if the applicant—

(a) is registered as a Member in accordance with the provisions of the constitution of the Institute;

(b) possesses such knowledge, training and experience as may be prescribed;

(c) holds a qualification from a training institution recognised by the Institute;

(d) is resident in Zambia, or has an established office or appointment in Zambia in the planning profession or allied profession;

(e) is of good character and good professional standing; and

(f) meets such other requirements as the Institute may determine.

(2) The Minister may, by statutory instrument, on the recommendation of the Institute, prescribe the qualifications for registration of a person as a planner.

Prohibition
of planning
firm
practising
without
registration

16. (1) A planning firm shall not provide any planning service or undertake any planning work unless that planning firm is registered in accordance with this Act.

(2) A planning firm that contravenes subsection (1) commits an offence and is liable, upon conviction, to a fine not exceeding one million penalty units.

Application
for
registration
of
planning
firm

17. (1) A planning firm or any other body intending to provide any planning service or to undertake any planning work shall apply to the Council for registration in the prescribed manner and form upon payment of the prescribed fee.

(2) The Council shall, within thirty days of receipt of an application under subsection (1), where the applicant meets the requirements of this Act, issue the applicant with a certificate of registration in a planning field if—

(a) the planning firm intends to practice in the planning field;
and

(b) the planning firm has an established office or appointment
in Zambia in planning or an allied profession.

(3) The Council shall, where it rejects an application, inform
the applicant accordingly and give the reasons therefor.

Titles for
registered
planner

18. (1) A planner registered under this Act shall use the
following titles and abbreviations:

<i>Title</i>	<i>Abbreviation</i>
Fellow of Zambia Institute of Planners	FZIP
Member of Zambia Institute of Planners	MZIP
Technician of Zambia Institute of Planners	Tec ZIP
Associate of Zambia Institute of Planners	AZIP

(2) A person shall not use a title or abbreviation under
subsection (1) unless the person is registered in accordance with
this Act.

(3) A person who contravenes subsection (2) commits an
offence and is liable, upon conviction, to a fine not exceeding five
hundred thousand penalty units or to imprisonment for a period not
exceeding five years, or to both.

19. (1) A person shall not qualify for registration as a planner
under this Act if the person

Disqualification
from
registration

(a) has been convicted of an offence involving fraud or
dishonesty under this Act or any other law;

(b) has been declared to be of unsound mind under any law in
force in Zambia;

(c) is an undischarged bankrupt; or

(d) has been found, by the Disciplinary Committee, to be
guilty of professional misconduct.

20. The Institute shall register students of planning in
accordance with the provisions of the constitution of the Institute.

Registration
of students
of planning

21. Any person registered under this Act, shall notify the
Registrar of any change in particulars relating to the registration,
within seven days of the change.

Changes in
detail

Regulations relating to practising certificates

29. The Minister may, by statutory instrument, on the recommendation of the Council, make regulations to provide for—

- (a) the terms and conditions for the issuance of practising certificates;
- (b) the type of continuous professional development and training and any other information required for the issuance of a practising certificate; and
- (c) any other matter necessary for purposes of this Act.

Conditions of certificate

30. A certificate issued under this Part shall contain such terms and conditions of the certificate as the Council may determine.

Prohibition of transfer of certificate

31. A certificate issued under this Part shall not be transferred to a third party.

Re-registration

32. Where a certificate of registration has been cancelled or suspended, the holder of the certificate of registration may, subject to such terms and conditions as the Council may determine, apply for reregistration.

Duplicate certificate of registration

33. (1) A person whose certificate of registration is destroyed or lost may apply to the Registrar for a duplicate certificate in the prescribed manner and form upon payment of the prescribed fee.

(2) The Registrar may, upon receipt of an application under subsection (1), issue a duplicate certificate of registration to the applicant.

Certificate of status

34. (1) A person may apply to the Registrar for a certificate of status containing particulars relating to the registration of a planner, planning firm or planning student in the prescribed manner and form and upon payment of the prescribed fee.

(2) The Registrar may, within thirty days of the receipt of an application under subsection (1), issue a certificate of status to the applicant in the prescribed form.

Register

35. (1) The Registrar shall keep and maintain a Register of all persons registered under this Act, in which the Registrar shall enter the details and particulars relating to—

- (a) registered planners, planning firms or planning students;
- (b) the holders of practising certificates;
- (c) the applications rejected and the reasons therefor; and
- (d) any other information as the Council may determine.

(2) The Register shall be kept in the custody of the Registrar at the offices of the Institute, and shall be open for inspection by members of the public during normal office hours upon payment of such fee as the Council may determine.

(3) The Registrar may, upon application by any person, issue to the person a certified extract from the Register or a copy of a certificate of registration, upon payment of such fee as the Council may determine.

36. (1) The Minister may, on the recommendation of the Council, make regulations prescribing the circumstances and manner in which a planner, planning firm or planning student

Removal and restoration of name on Register

(a) may be removed from the Register; and

(b) who is removed from the Register, may be restored on the Register and the fee to be paid for the restoration.

(2) Subject to subsection (1), a planner, planning firm or planning student who is removed from the Register ceases to be registered as a planner, planning firm or planning student.

(3) The Council may, where a holder of a practising certificate does not intend to practise for a specified period of time, maintain the name of the holder of the practising certificate on the Register, in a non-practising category, for that period of time.

37. (1) The Registrar shall, on the direction of the Council, cause copies of the Register and any alterations thereof, or additions thereto, to be printed and published in such manner and form as the Council may direct.

Publication of copies of Register

(2) Subject to this Act, a copy of the last published and printed Register shall be evidence admissible in all legal proceedings of what is contained in that Register and the absence of the name of a planner, planning firm or planning student from that copy shall be *prima facie* evidence that the planner, planning firm or planning student is not registered.

38. (1) A person aggrieved with a decision of the Council may, within thirty days of receiving the decision, appeal to the Minister.

Appeals

(2) A person aggrieved with a decision of the Minister may, within thirty days of receiving the decision, appeal to the High Court.

39. (1) A person shall not, unless the person is registered as a planner or planning firm under this Act

Holding out as planner or planning firm

(a) practice as, be employed as, offer planning services, be engaged as an agent of, or hold out to be, a planner or planning firm;

- (c) engages in conduct that is dishonest, fraudulent or deceitful;
- (d) commits an offence under any other law;
- (e) engages in any conduct that is prejudicial to the planning profession or is likely to bring it into disrepute; or
- (f) breaches the Code of Ethics or encourages another planner or planning firm to breach or disregard the principles of the Code of Ethics.

Initiation of disciplinary action

45. (1) A person may lodge a complaint with the Disciplinary Committee against a planner or planning firm where the person alleges that the planner or planning firm has contravened the Code of Ethics or any provision of this Act.

(2) The Institute may initiate disciplinary action under this section where it has reasonable grounds to believe that a planner or planning firm has contravened the Code of Ethics or any provision of this Act.

(3) A complaint or allegation shall be made to the Registrar in the prescribed manner and form.

Disciplinary Committee

46. (1) The Institute shall establish a Disciplinary Committee which shall comprise the following members:

- (a) a Chairperson;
- (b) a Vice-Chairperson;
- (c) the President of the Council; and
- (d) five registered planners who are not members of the Council, elected at a general meeting of the Institute.

(2) The Chairperson and Vice-Chairperson of the Disciplinary Committee shall be legal practitioners qualified to hold, or who have held, high judicial office.

(3) A person shall not be appointed as a member of the Disciplinary Committee if the person—

- (a) has committed or been convicted of any professional misconduct;
- (b) is in lawful custody or the person's freedom of movement is restricted under any law in force within or outside Zambia;
- (c) has been convicted of an offence under any law and sentenced to a term of imprisonment for a period exceeding six months; or
- (d) is declared to be of unsound mind under any written law.

(4) A member of the Disciplinary Committee shall hold office for three years and may be appointed for a further term of three years.

(5) A member of the Disciplinary Committee shall not serve for more than two terms.

(6) The Chairperson, or in the absence of the Chairperson, the Vice-Chairperson, shall preside at every meeting and sitting of the Disciplinary Committee.

47. (1) The functions of the Disciplinary Committee are to hear and determine

Functions of
Disciplinary
Committee

(a) any disciplinary action initiated by the Institute against a planner or planning firm that has contravened any provision of the Code of Ethics or any provision of this Act; or

(b) any complaint or allegation made by any person against a planner or planning firm.

(2) The Disciplinary Committee may publicise, as it may consider appropriate, the facts relating to any planner or planning firm that is found guilty of, and punished for, professional misconduct.

48. (1) Five members of the Disciplinary Committee shall form a quorum.

Proceedings
of
Disciplinary
Committee

(2) Any question at a sitting or meeting of the Disciplinary Committee shall be decided by a majority of the votes of the members of the Disciplinary Committee at the sitting or meeting and in the event of an equality of votes, the person presiding at the sitting or meeting shall have a casting vote in addition to that person's deliberative vote.

(3) All proceedings of the Disciplinary Committee shall be in camera.

(4) The Disciplinary Committee shall cause to be kept a record of its proceedings.

(5) A party to a hearing of the Disciplinary Committee may be represented by a legal practitioner or, if the party so elects, by any other person or in person.

(6) A decision of the Disciplinary Committee shall be in the form of a reasoned judgment and a copy thereof shall be supplied to each party to the proceedings and to every person affected by the decision.

Reports by
Disciplinary
Committee

50. The Disciplinary Committee shall, as soon as practicable after the completion of each hearing, submit to the Council a report of the proceedings together with a copy of the record.

Appeals to
High Court

51. (1) A person aggrieved with a decision of the Disciplinary Committee may, within thirty days of receiving the decision, appeal to the High Court.

(2) The Institute shall be the respondent on any appeal under this section.

(3) A decision of the Disciplinary Committee under this Part shall not take effect until the expiration of the time for lodging an appeal against the decision or, if an appeal is lodged, until the time the appeal is disposed of, withdrawn or struck out for want of prosecution, as the case may be.

(4) The High Court may, on any appeal under this section

(a) confirm, vary or set aside any finding made, penalty imposed or direction given by the Disciplinary Committee;

(b) remit the matter to the Disciplinary Committee for further consideration in accordance with such directions as the High Court may give; or

(c) make such other order as to costs or otherwise as it considers appropriate.

(5) Proceedings of the Disciplinary Committee shall not be set aside by reason only of some irregularity in those proceedings if such irregularity did not occasion a substantial miscarriage of justice.

Rules by
Chief Justice

52. The Chief Justice may, by statutory instrument, make rules regulating appeals to the High Court under this Part.

Rules
relating to
disciplinary
proceedings

53. (1) The Chief Justice may, by statutory instrument, on the recommendation of the Council, make rules relating to—

(a) the manner and form for lodging of complaints under this Part;

(b) the mode of summoning persons before the Disciplinary Committee;

(c) the form and manner of service of a summons requiring the attendance of a witness before the Disciplinary Committee and the production of any book, record, document or thing;

- (d) the procedure to be followed and rules of evidence to be observed in proceedings before the Disciplinary Committee; and
 - (e) the functions of the assessors to the Disciplinary Committee.
- (2) Rules made under this section may, in particular, provide
- (a) that before any matters are referred to the Disciplinary Committee they shall, in such manner as may be provided by the rules, have been brought before, and investigated by, the Institute in this respect;
 - (b) for securing notices for the proceedings and specifying the time and manner of the proceedings; and
 - (c) for securing that any party to the proceedings shall, if that person requires, be entitled to be heard by the Disciplinary Committee.

PART VI

GENERAL PROVISIONS

54. (1) A court of competent jurisdiction shall have jurisdiction over planners or planning firms for any act committed outside Zambia which, if it had been committed in Zambia, would have been an offence or professional misconduct under this Act.

Jurisdiction over acts committed outside Zambia

(2) Any proceedings against a planner or planning firm under this section which would be a bar to subsequent proceedings against the planner or planning firm, for the same offence, if the offence had been committed in Zambia, shall be a bar to further proceedings against the planner or planning firm under any written law relating to the extradition of persons, in respect of the same offence outside Zambia.

(3) The Mutual Legal Assistance in Criminal Matters Act shall apply to proceedings under this Act.

Cap. 98

55. In any criminal proceedings against a planner or planning firm upon a charge of having performed an act which constitutes an offence if performed by an unregistered planner or planning firm, the planner or planning firm charged shall be presumed to be unregistered unless that planner or planning firm proves the contrary.

Presumption of non-registration

Proceedings
of Council

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

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

(3) Upon giving notice of not less than fourteen days, a meeting of the Council may be called by the President and shall be called if not less than one-third of the members so request in writing:

Provided that if the urgency of a particular matter does not permit the giving of notice, a special meeting may be called upon giving a shorter notice.

(4) One half of the members of the Council shall form a quorum.

(5) There shall preside at a meeting of the Council—

(a) the President;

(b) in the absence of the President, the Vice-President; or

(c) in the absence of the President and the Vice-President, a member of the Council as the members present may elect from amongst themselves for the purpose of that meeting.

(6) A decision of the Council 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, in addition to a deliberative vote, a casting vote.

(7) Where a member is for any reason unable to attend a meeting of the Council, the member may, in writing, nominate another person from the same organisation to attend the meeting in that member's stead and such person shall be deemed to be a member for the purpose of that meeting.

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

(9) The validity of any proceedings, act or decision of the Council shall not be affected by any vacancy in the membership of the Council or any defect in the appointment of any member or by reason that any person not entitled to do so, took part in the proceedings.

(10) The Council shall cause minutes to be kept of the proceedings of every meeting of the Council and any committee established by the Council.

3. (1) The Council may, for the purpose of performing its functions under this Act, constitute a committee and delegate to the committee such functions of the Council as it considers necessary. Committees

(2) The Council may appoint as members of a committee constituted under subparagraph (1), persons who are, or are not, members of the Council and such persons shall hold office for such period as the Council may determine.

(3) Subject to any specific or general direction of the Council, any committee constituted under this paragraph may regulate its own procedure.

4. A member of the Council, or any committee thereof, shall be paid such allowances as the Council may, with the approval of the Minister, determine. Allowances

5. (1) If any person is present at a meeting of the Council, or a committee of the Council, at which any matter, in which that person or that person's spouse is directly or indirectly interested in a private capacity, is the subject of consideration, that person shall, as soon as practicable after the commencement of the meeting, disclose that interest and shall not, unless the Council or the committee otherwise directs, take part in any consideration or discussion of, or vote on any question relating to that matter. Disclosure of interest

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

6. (1) A person shall not, without the consent in writing given by or on behalf of the Council, publish or disclose to any unauthorised person, otherwise than in the course of that person's duties, the contents of any document, communication or information whatsoever, which relates to, and which has come to that person's knowledge in the course of that person's duties under this Act. Prohibition of publication of, or disclosure of information to unauthorised persons

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

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

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