

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT No. 50 OF 1998

**The Prisons Act**  
(Laws, Volume 7, Cap. 97)

**The Prisons (Kalundu House) Regulations, 1998**

IN EXERCISE of the powers contained in section *one hundred and forty-six* of the Prisons Act, the following Regulations are hereby made:

1. These Regulations may be cited as the Prisons (Kalundu House) Regulations, 1998. Title
2. In these Regulations unless the context otherwise requires:  
    “Commissioner” means the Commissioner of Prisons;  
    “immediate family” means spouse, children, grand-children and great-grand children, nieces, nephews, brothers and sisters; and  
    “officer-in-charge” means the person appointed to be in charge of a prison in pursuance of the provisions of section *five* of the Act. Interpreta-  
tion
3. (1) A prisoner may be visited twice a week by persons authorised by the officer-in-charge and may, in special circumstances, be allowed further visits in the discretion of the officer-in-charge. Visits  

Provided that the immediate family of a prisoner shall have unlimited access and may visit at such time and for such periods as they may desire with the prior permission of the officer-in-charge.

(2) Visits shall be made at such times and places and subject to such conditions as the officer-in-charge may specify.

(3) A prisoner shall not be visited by more than five visitors at any one time:

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P.O. Box 30136, 10101 Lusaka. Price K1,500 each.*

Provided that visitors under this subsection shall not include the immediate family of a prisoner.

(4) The officer-in-charge shall permit the legal representative of a prisoner to interview such person at such times and subject to such conditions as the officer-in-charge may specify and such interviews shall not be reckoned as visits for the purpose of sub-regulation (1).

(5) A legal practitioner who wishes to interview any prisoner shall, if so requested by the officer-in-charge, produce proof that he is the legal representative of the person whom he wishes to interview.

Letters

4. (1) The officer-in-charge may, at his discretion, permit a prisoner to receive and write letters.

(2) The Officer-in-charge or any person duly authorised in that behalf by him shall read every letter to or from a prisoner and may stop any such letter if in his opinion its contents are objectionable.

(3) A prisoner by whom or to whom a letter is written which is stopped under the provisions of sub-regulation (2) shall forthwith be advised that such letter has been stopped, and the officer-in-charge shall forward the letter to the Commissioner who may give directions, either generally or specifically, as to the disposal of the letter including directions for impounding or destroying the letter or for obliterating or excising an objectionable matter therein before it is transmitted to the addressee.

Prohibited  
articles and  
unauthorised  
communications

5. (1) Any person—

(a) who, by any means whatever, introduces into the prison or removes therefrom any letters or articles contrary to these Regulations;

(b) who gives to or takes from any prisoner any letters or articles, contrary to these Regulations;

(c) being a prisoner who communicates or attempts to communicate with any members of the press or any person not authorised by the Commissioner; or

(d) not being a prisoner, who communicates or attempts to communicate with a prisoner otherwise than in accordance with these Regulations;

shall be guilty of an offence and shall be liable, upon conviction to a fine not exceeding five thousand penalty units or to imprisonment for a period not exceeding twelve months, or to both.

(2) When any person in the presence of any officer or guard commits any offence specified in this regulation and refuses on demand of such officer or guard to state his name and residential address, or gives a name or residential address which such officer or guard knows or has reason to believe to be false, such officer or guard shall arrest him and shall without unnecessary delay make him over to a police officer.

6. (1) No officer-in-charge, officer or guard in dealing with a prisoner shall use force unless its use is necessary, and no more force than is reasonably necessary shall be used.

Use of force  
and  
communica-  
tion with  
prisoner

(2) Subject to the provisions of regulation 6, an officer-in-charge, officer or guard shall not strike a prisoner unless he is compelled to do so in self-defence or the defence of others.

(3) An officer-in-charge, officer or guard shall not act in a manner calculated to provoke a prisoner.

7. (1) Subject to the provisions of these regulations, an officer or guard may use a weapon against—

Use of  
weapons by  
officer and  
guards

(a) a prisoner who is:

(i) escaping or attempting to escape;

(ii) engaged in a combined outbreak or in an attempt to force, break open or scale the outside door, gate, fence or enclosure wall of the prison; or

(iii) using violence to him or another officer or guard or other person; and

(b) a person who:

(i) whilst assisting a prisoner to escape, is using violence to such officer or guard or other person; or

(ii) is engaged in a combined break-in or in an attempt to force, break open or scale the outside door, gate, fence or enclosure wall of the place of restriction or an inside door, gate, fence or wall of the prison.

(2) Resort shall not be had to the use of a weapon unless—

(a) the officer or guard has reasonable ground to believe that he cannot otherwise prevent the escape or break-in;

(b) the officer or guard gives a warning that he is about to use the weapon; and

(c) the warning given by the officer or guard is unheeded.

(3) No officer or guard shall, in the presence of an officer-in-charge, make use of a weapon as authorised in sub-regulation (1), except on the orders of the officer-in-charge.

(4) The use of weapons in pursuance of the provisions of this regulation shall be, as far as possible, to disable and not to kill.

(5) For the purposes of this regulation, "weapon" shall include any firearm, baton or tear smoke.

Offences

8. Any officer or guard who—

- (a) disobeys or fails to comply with any lawful order, including any standing order issued by the Commissioner;
- (b) allows to escape any prisoner whom it is his duty to keep or guard;
- (c) offers or uses unwarranted personal violence to any person in his custody;
- (d) steals or unlawfully destroys any property belonging or issued to a prisoner;
- (e) assists or connives with any prisoner in having or obtaining any letter or article contrary to these Regulations;
- (f) is guilty of any other act, conduct, disorder or neglect of duty to the prejudice of good order or discipline;

shall be guilty of an offence against discipline.

Powers to  
punish  
officers and  
guards

9. (1) Alleged offences against discipline may be inquired into by the Commissioner or an officer-in-charge.

(2) Where an officer conducting an inquiry into an offence against discipline is satisfied that such offence has been committed, he may punish the offender by—

- (a) admonition;
- (b) reprimand or severe reprimand;
- (c) extra duty not exceeding seven days; or
- (d) a fine not exceeding three months' pay;

provided that the imposition of a fine of or above the amount of thirty penalty units under paragraph (d) shall be subject to confirmation by the Commissioner.

(3) The Commissioner shall have the power to reduce or quash any sentence passed by an officer-in-charge and imposed under this regulation: