

Zambia

Preservation of Public Security Act, 1960

Chapter 112

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Preservation of Public Security Act, 1960

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Preservation of Public Security Act, 1960

Chapter 112

Commenced on 4 March 1960

[This is the version of this document at 31 December 1996.]

[5 of 1960; Government Notices 229 of 1964; 497 of 1964; Statutory Instrument 85 of 1964]

An Act to make provision for the preservation of public security; and to provide for matters incidental thereto.

1. Short title

This Act may be cited as the Preservation of Public Security Act.

2. Interpretation

In this Act, the expression "public security" includes the securing of the safety of persons and property, the maintenance of supplies and services essential to the life of the community, the prevention and suppression of violence, intimidation, disorder and crime, the prevention and suppression of mutiny, rebellion and concerted defiance of, and disobedience to, the law and lawful authority, and the maintenance of the administration of justice.

[As amended by G.N. No. 229 of 1964 and S.I. No. 85 of 1964]

3. Public security regulations

- (1) The provisions of this section shall have effect during any period when a declaration made under the Constitution has effect.
- (2) The President may, for the preservation of public security, by regulation—
 - (a) make provision for the prohibition of the publication and dissemination of matter prejudicial to public security, and, to the extent necessary for that purpose, for the regulation and control of the production, publishing, sale, supply, distribution and possession of publications;
 - (b) make provision for the prohibition, restriction and control of assemblies;
 - (c) make provision for the prohibition, restriction and control of residence, movement and transport of persons, the possession, acquisition, use and transport of movable property, and the entry to, egress from, occupation and use of immovable property;
 - (d) make provision for the regulation, control and maintenance of supplies and services; or
 - (e) make provision for, and authorise the doing of, such other things as appear to him to be strictly required by the exigencies of the situation in Zambia.
- (3) If the President is satisfied that the situation in Zambia is so grave that it is necessary so to do, he may, by statutory instrument, make regulations to provide for—
 - (a) the detention of persons;
 - (b) requiring persons to do work and render services.

[Cap. 1]

[As amended by S.I. No. 85 of 1964]

4. Incidental and supplementary provisions in regulations

Regulations made under section three may—

- (a) make provision for the payment of compensation and remuneration to persons affected by the regulations;
- (b) make provision for the apprehension and trial of persons offending against the regulations and for such penalties as the President may think fit for offenders thereunder;
- (c) make provision for suspending the operation of any written law other than the Constitution;
[Cap. 1]
- (d) make provision for empowering such authorities and persons as may be specified in the regulations to make orders and rules for any of the purposes for which such regulations may be made;
- (e) make provision for the delegation and transfer of powers and duties conferred and imposed by or under the regulations; and
- (f) contain such other incidental and supplementary provisions as appear to the President to be necessary or desirable for the purposes of such regulations:

Provided that nothing in the foregoing provisions of this section or in the provisions of section three shall authorise the making of any regulations providing for the trial of persons by military courts.

[As amended by S.I. No. 85 of 1964]

5. Application and effect of regulations

- (1) Any regulations made under this Act may be made to apply to Zambia or to any part thereof, and to any person or class of persons or to the public generally.
- (2) Subject to the provisions of section twenty-two of the Interpretation and General Provisions Act, any regulation made under this Act, and any order or rule made under any such regulation, shall have effect notwithstanding anything inconsistent therewith contained in any written law other than the Constitution and to the extent of any such inconsistency any such law as aforesaid shall have no effect so long as such regulation, order or rule shall remain in force.

[Cap. 2; Cap. 1]

- (3) Where any regulation made under this Act or any order or rule made under any regulation made under paragraph (d) of section four has not been laid before the National Assembly on a sitting day within three months of the date of making thereof, such regulation, order or rule shall, on the expiration of the said period of three months, cease to have effect, but without prejudice to the validity of anything previously done thereunder or to the making of any new regulation, order or rule.

[As amended by G.N. No. 229 of 1964 and S.I. No. 85 of 1964]

6. Proof of documents

Every document purporting to be an order, licence, permit, certificate, direction, authority, or other document made, granted or issued by the Governor of Northern Rhodesia prior to the 24th October, 1964, or thereafter by the President, or any other authority or person in pursuance of this Act or any regulation made under this Act or any order or rule made under any such regulation, and purporting to be signed by or on behalf of the Governor of Northern Rhodesia prior to the 24th October, 1964, or thereafter by the President, or such other authority or person, shall be received in evidence, and shall, until the contrary is

proved, be deemed to have been made, granted or issued by the Governor of Northern Rhodesia prior to the 24th October, 1964, or thereafter by the President, or that authority or person.

[As amended by S.I. No. 85 of 1964]