

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 65 OF 2022

**The Public Protector Act, 2016**

(Act No. 15 of 2016)

**The Public Protector Rules, 2022**

ARRANGEMENT OF REGULATIONS

*Rule*

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IN EXERCISE of the powers contained in section 42 of the Public Protector Act, 2016, the following Rules are made:

1. These Rules may be cited as the Public Protector Rules, 2022. Title
2. In these Rules, unless the context otherwise requires— Interpretation
  - “authorised officer” means an officer under the Office of the Public Protector authorised to carry out the functions of the Public Protector; Cap. 1
  - “complaint” means any information provided to, allegation made or matter reported to, and received by, the Public Protector for an investigation specified under the Constitution or the Act;
  - “complainant” means a person who lodges a complaint with the Public Protector under rules 3 and 4;
  - “Constitutional office holder” has the meaning assigned to the words in the Constitution; Cap. 1
  - “district investigations officer” means a person appointed as a district investigations officer under the Act;
  - “investigating officer” means an officer under the Office of the Public Protector authorised to carry out investigations of a complaint, and includes an expert or an assessor;
  - “legally disqualified” means the absence of legal capacity as provided in section 4 of the Mental Health Act, 2019; Act No. 6 of 2019
  - “legal practitioner” has the meaning assigned to the word “practitioner” in the Legal Practitioners Act; Cap. 30
  - “provincial director” means a person appointed as provincial director under the Act;
  - “public officer” has the meaning assigned to the words in the Constitution; Cap. 1
  - “Public Protector” means a person appointed as Public Protector under the Constitution; Cap. 1
  - “Registrar” has the meaning assigned to the word in the Act;
  - “respondent” means a State institution, Constitutional office holder or public officer;
  - “search warrant” means a warrant issued by the Public Protector in respect of entry to search any premises for purposes of carrying out an investigation under Part III of these Rules; and
  - “State institution” has the meaning assigned to the words in the Constitution. Cap. 1

## PART II

## LODGING AND HANDLING OF COMPLAINTS

Lodging of  
complaint

3. (1) A complainant may lodge a complaint with the Registrar, provincial director, district investigations officer or authorised officer of the area where the incident giving rise to the complaint occurred.

(2) A complaint may be made orally or in Form I set out in the Schedule.

(3) A complaint made in Form I set out in the Schedule may be lodged electronically.

(4) An authorised officer shall, where a complaint is made orally under subrule (2), reduce that complaint into writing.

(5) A complaint referred to in subrule (2) shall—

(a) contain a detailed statement of facts relating to the incident complained of or circumstances giving rise to the complaint including particulars of the respondent who is involved in the matter;

(b) be accompanied by an affidavit in Form II set out in the Schedule; and

(c) bear a signature or thumb print of the complainant.

Lodging and  
continuing  
of complaint  
on behalf of  
complainant

4. Despite rule 3, a complaint may be made or continued by the complainant's personal representative or a person legally appointed to represent the complainant where a complainant—

(a) dies after lodging a complaint;

(b) is legally disqualified; or

(c) is unable to act for oneself after lodging a complaint.

Submission  
and  
acknowledgment  
of receipt

5. (1) The provincial director, district investigations officer or any other authorised officer shall, within seven days of receipt of a complaint under these Rules, submit the complaint to the Registrar.

(2) The Registrar shall, within fourteen days of receipt of a complaint under subrule (1)—

(a) submit the complaint to the Public Protector; and

(b) acknowledge receipt of the complaint, in writing, to the complainant.

6. (1) The Registrar may, subject to the direction of the Public Protector, request a complainant to submit additional information in relation to the complaint in Form III set out in the Schedule.

Request for additional information

(2) The Registrar shall, where a complainant fails to submit the information requested under subrule (1) within the period specified in Form III, reject the application.

(3) The Public Protector may, in exceptional circumstances and on application by a complainant, extend the time within which to submit additional information.

7. The Public Protector or an authorised officer shall, within fourteen days of receipt of the complaint, where a complaint—

Admission or rejection of complaint

(a) discloses a *prima facie* case of maladministration, admit the complaint for investigation and notify the complainant in Form IV set out in the Schedule; or

(b) does not disclose a *prima facie* case that warrants an investigation, reject the complaint and inform the complainant, within seven days of making that decision, in Form V set out in the Schedule.

### PART III

#### INVESTIGATIONS BY PUBLIC PROTECTOR

8. (1) The Public Protector shall, on admission of a complaint under rule 7 (a), conduct a preliminary investigation within fourteen days of admitting the complaint for investigation.

Preliminary investigation

(2) The Public Protector may extend the period specified in subrule (1), once, for a period of five days where it is impracticable to conclude a preliminary investigation.

(3) The Public Protector shall, on conclusion of a preliminary investigation under this rule, prepare a preliminary report stating that—

(a) a formal investigation of the complaint be instituted;

(b) a matter be referred to alternative dispute resolution; or

(c) no further action is needed and the matter be closed.

9. The Registrar or an authorised officer shall give notice to a respondent of its intention to conduct an investigation of that respondent in Form VI set out in the Schedule.

Notice to investigate

Search warrant 10. The Public Protector may, by warrant in Form VII set out in the Schedule, enter any premises and carry out any inspection for purposes of an investigation.

#### PART IV

#### HEARINGS

Holding of investigative hearing 11. The Public Protector may hold an investigative hearing of a matter within ninety days of receiving a complaint.

Notice of hearing 12. (1) The Registrar shall, at least fourteen days before the hearing of a complaint by the Public Protector, cause a notice of the date, time and place of hearing of the complaint to be served on the parties to a hearing in Form VIII set out in the Schedule.

(2) A party served with a notice of hearing under subrule (1) may, before the date set for the hearing, apply to the Registrar to vary the date, time, place or mode of hearing.

(3) The Registrar shall not grant an application referred to under subrule (2) except in compelling and exceptional circumstances.

Summon to witness and production of document 13. The Public Protector shall issue summons for attendance of a witness or for the production of a book, document, record or other thing in Form IX set out in the Schedule.

Consolidation of proceedings 14. The Public Protector may, where more than one complaint is made by different complainants in respect of the same matter, on its own motion or on an application by a party, order that the complaints be consolidated.

Representation of party 15. (1) A party may attend a hearing in person or be represented by a legal practitioner.

(2) A legal practitioner appointed to represent a party shall file a notice of appointment.

(3) A legal practitioner appointed to represent a party may, at any stage of the proceedings, withdraw from representing that party.

(4) A legal practitioner who withdraws from representing a party shall file a notice of withdrawal stating the last known contact details of the party.

Default of appearance 16. (1) The Public Protector may, if a party is absent at a hearing without justifiable cause—

(a) hear and determine the complaint in the absence of the party or parties;

(b) adjourn the hearing on terms that the Public Protector considers appropriate; or

(c) dismiss the complaint.

17. (1) Subject to section 22 of the Act, the Public Protector may receive evidence that may assist the Public Protector to deal with the complaint, whether the evidence would be admissible in a court of law or not. Proceedings at hearing
- (2) At the commencement of the hearing—
- (a) the Public Protector shall summarise the complaint and the findings of the preliminary report;
  - (b) the Public Protector shall determine the order for the leading of evidence; and
  - (c) the parties may call witnesses to adduce evidence.
- (3) A person appearing before the Public Protector as a party or witness shall, before adducing evidence, take an oath or affirmation in a manner and form that the Public Protector may direct.
- (4) A party or a witness may give evidence at the hearing orally.
- (5) The Public Protector may —
- (i) dispense with the personal attendance of a witness or a party; and
  - (ii) receive affidavit evidence from a witness or party.
- (6) The Public Protector may, at any stage of the proceedings, make an order requiring the personal attendance of a deponent for examination.
- (7) The Public Protector shall put questions to a witness or party to an investigation.
- (8) The Public Protector may authorise any other person to put questions to a witness or party.
- (9) The parties may, at the conclusion of the hearing, present oral or written submissions to the Public Protector.

## PART V

### FINDINGS OF PUBLIC PROTECTOR

18. The Public Protector shall classify a complaint or matter as being concluded under the following circumstances: Close of matter
- (a) after the conclusion of a hearing and the matter is resolved;
  - (b) if the matter or complaint is resolved by way of negotiation, conciliation or mediation as provided under the Act;

- (c) after the conclusion of an investigation, the Respondent complies with the decision made by the Public Protector and the administrative action complained of is rectified;
- (d) where a complaint is withdrawn by the complainant and the Public Protector is satisfied that there are no compelling reasons that may warrant the Public Protector to proceed with an investigation; or
- (e) where a complainant wilfully fails to cooperate to have a matter resolved or investigated.

Report of  
Public  
Protector

19. Subject to section 19 of the Act, the Public Protector shall provide a respondent and a complainant a report of the Public Protector's decision within sixty days of the date of hearing of the complaint.

#### PART VI GENERAL PROVISIONS

Service of  
notices,  
documents,  
etc.

20. (1) The Registrar shall cause a notice or any other document required by these Rules to be served to the person to whom it is addressed by—

- (a) delivering it personally to the person to whom it is addressed;
- (b) sending the document to the electronic mail address or to the registered postal address;
- (c) advertising the document in a newspaper of wide circulation in the Republic; or
- (d) any other mode of service which the Public Protector may authorise.

(2) The Registrar shall, on service of a document, file an affidavit of service.

Change of  
address

21. A party shall, where that party changes its address notify the Registrar and the other parties of the change within seven days of the change.

Enforcement  
notice

22. (1) Subject to these Rules, the High Court Rules shall, where applicable, apply with respect to enforcement of decisions of the Public Protector.

(2) The Public Protector shall issue a respondent with an enforcement notice in Form X set out in the Schedule, where a respondent fails, without reasonable cause to comply with a decision of the Public Protector.



(3) An enforcement notice shall take effect from the date of service of the enforcement notice on the respondent.

(4) A person who fails to comply with an enforcement notice commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand penalty units or imprisonment for a term not exceeding two years, or to both.

(5) An enforcement notice shall be discharged on compliance with the conditions specified in the enforcement notice.

23. A warrant of arrest issued by the Public Protector shall be in Form XI set out in the Schedule.

Warrant of arrest

24. The Public Protector may, on terms and conditions that the Public Protector may determine and with the approval of the Emoluments Commission, appoint a suitably qualified person as an expert or assessor to assist the Public Protector carry out the Public Protector's functions.

Experts and assessors

25. (1) A person who is aggrieved by a decision made by the Public Protector may appeal to the Court of Appeal.

Appeals

(2) Despite subrule (1), an appeal shall not lie against a recommendation of the Public Protector.

26. (1) Any proceedings of the Public Protector, regardless of whether they are made before the Public Protector or an authorised officer, shall be recorded verbatim and stored in electronic or written form and form part of the record of proceedings.

Recording of proceedings

(2) The Public Protector or an authorised officer shall, before the commencement of any proceedings, inform the persons present at a proceeding of the recording of the proceeding.

27. The Commission for Investigations Rules, 1974, are revoked.

Revocation of S.I. No.151 of 1974

FORM I  
(Rule 3(2))

Republic of Zambia

**The Public Protector Act, 2016**  
(Act No. 15 of 2016)

**The Public Protector Rules, 2022**

**COMPLAINT FORM**

FOR OFFICE USE	
File No.....	Institution(s).....
BP No.....	Subject.....
Date received.....	Jurisdiction: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Undecided
Received by.....	Request for urgency <input type="checkbox"/> Yes <input type="checkbox"/> No

**I. PERSONAL DETAILS**

Full Names and Surname:.....

Title..... Gender..... ID No. Pension No. (if relevant) 

Residential Address:.....

Postal Address.....

City:..... Province..... Postal Code.....

Telephone No.....  Home  Work  Cell  OtherAlternative Phone No. ....  Home  Work  Cell  Other

Fax No..... Email Address.....

If this complaint is for someone else, please provide their details:

Name:..... ID No.....

Tel No..... Cell No..... Gender.....

Address.....

2. YOUR COMPLAINT

(a) How did you hear about the Office of the Public Protector?

Radio  Newspaper  Poster  Friend  TV  Other

(b) When did you first become aware of the problem?

Date..... Month..... Year.....

If it is more than one year since you first became aware of the problem, please give reasons why you did not complain to the Office of the Public Protector earlier.

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.....  
.....  
.....  
.....  
.....  
.....

(c) Which State institution is involved? (please identify by specific name)

.....

(d) Whom have you dealt with at the State institution?

(list any names, titles, Telephone numbers or addresses and state when last you contacted them)

.....  
.....  
.....  
.....  
.....

(e) Did you write to them/ did you receive any correspondence in writing?

Yes  (If yes please attach copies)

(f) Please state facts giving rise to the complaint

.....  
.....  
.....

.....  
.....  
.....

*(You may continue on a separate sheet and attach)*

(g) Please tell us about the steps you have taken to try and resolve this matter  
*(please indicate any file or reference numbers and relevant dates)*

.....  
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.....

(h) Did you report this matter to any other State institution?    Yes  No

If yes what was the result, what was the outcome?

.....  
.....  
.....  
.....

(i) Why do you believe the State institution's actions are unfair or improper?

.....  
.....  
.....  
.....

(i) Describe how you would like the Office of the Public Protector to help you.

.....  
.....  
.....  
.....

(l) If you consider the matter urgent, explain why.

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(m) Comments by the Registrar (If Any) (For Office Use)

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Complainant's Signature:..... Date:.....

**SEND YOUR COMPLAINT TO:**  
The Office of the Public Protector  
P.O Box 50494  
**LUSAKA**

FORM II  
(Rule 3(4))



Republic of Zambia

**The Public Protector Act, 2016**  
(Act No. 15 of 2016)

**The Public Protector Rules, 2022**

**AFFIDAVIT ACCOMPANYING A COMPLAINT**

I, ..... do solemnly swear -

(a) that the facts mentioned in this complaint are correct to the best of my knowledge and belief;

(b) that no complaint on this subject has previously been lodged by me, or on my behalf, with the Office of the Public Protector;

or

that a complaint No:..... dated .....has previously been lodged with the Office of the Public Protector on this subject;

(c) that no suit, appeal, petition or other judicial proceeding in connection with the subject matter of this complaint is pending before any court, tribunal or board;

or

\* That a suit, appeal, petition or other judicial proceeding in this connection is pending before the..... case No:.....

\_\_\_\_\_  
Signature/thumb print of the complainant

\_\_\_\_\_  
Commissioner for Oaths



Republic of Zambia

**The Public Protector Act, 2016**  
(Act No. 15 of 2016)

**The Public Protector Rules, 2022**

**REQUEST FOR ADDITIONAL INFORMATION**

To: .....

Address: .....

You are requested to furnish, within twenty-one days of this Notice, the following information or documents in respect of your application for.....

- (a) .....
- (b) .....
- (c) .....
- (d) .....

If you fail to furnish the requested information within the stipulated period, your application will be treated as invalid and shall be rejected.

Dated this..... day of ....., 20.....

\_\_\_\_\_  
Registrar

OFFICIAL  
STAMP

FORM IV  
(Rule 7(a))



Republic of Zambia

**The Public Protector Act, 2016**  
(Act No. 15 of 2016)

**The Public Protector Rules, 2022**

**NOTICE OF ADMISSION OF COMPLAINT**

(1) Here insert the full names and address of complainant TO: (1) .....

(2) Here insert the reference No. of the complainant IN THE MATTER OF (2) .....

You are notified that your complaint has been admitted on the following grounds:

- (a) .....
- (b) .....

Dated this .....day of..... 20.....

\_\_\_\_\_  
*Public Protector*

OFFICIAL  
STAMP



FORM IV  
(Rule 7(b))



Republic of Zambia

**The Public Protector Act, 2016**  
(Act No. 15 of 2016)

**The Public Protector Rules, 2022**

**NOTICE OF REJECTION OF COMPLAINT**

(1) Here insert the full names and address of complainant

TO: (1) .....

(2) Here insert the reference No. of the complainant

IN THE MATTER OF (2) .....

You are notified that your complaint has been rejected on the following grounds:

(a) .....

(b) .....

(c) .....

Dated this .....day of..... 20.....

\_\_\_\_\_  
*Public Protector*

OFFICIAL  
STAMP



Republic of Zambia

**The Public Protector Act, 2016**  
(Act No. 15 of 2016)

**The Public Protector Rules, 2022**

**NOTICE OF INTENTION TO CONDUCT AN INVESTIGATION ON RESPONDENT**

- (1) Here insert the full names and address of complainant
- (2) Here insert the reference No. of the complainant

TO: (1) .....  
.....

IN THE MATTER OF (2)  
.....

You are notified that the Pubic Protector will conduct an investigation on the .....day of ..... 20..... at your institution to look into the following complaints:

- (a) .....
- (b) .....
- (c) .....

Dated this .....day of..... 20.....

\_\_\_\_\_  
Registrar

OFFICIAL  
STAMP



Republic of Zambia

**The Public Protector Act, 2016**  
(Act No. 15 of 2016)

**The Public Protector Rules, 2022**

**SEARCH WARRANT**

Inquiry No..... 20.....

To.....  
.....  
(authorised officer)

**WHEREAS** a complaint has been lodged with the Public Protector for investigations;

**AND WHEREAS** the Public Protector has decided to conduct an investigation into the alleged complaint;

**NOW THEREFORE**, you are authorised and commanded in the name of the President with proper assistance, to enter the premises of ..... (name of place or person) (any reasonable time) and there diligently carry out any inspection and collect any oral and documentary evidence concerning the said inquiry from the said premises and bring it before the public protector to be used for the purposes of the said investigation.

Issued at .....the .....day of .....20.....

\_\_\_\_\_  
*Public Protector*

FORM VIII  
(Rule 12 (1))



Republic of Zambia

**The Public Protector Act, 2016**  
(Act No. 15 of 2016)

**The Public Protector Rules, 2022**

**NOTICE OF HEARING**

Complaint No:.....

Name of Complainant:.....

TO:

1. ....(Name and address of the complainant)
2. ....(Name of State institution)

**TAKE NOTICE** that you are required to attend before the Public Protector on the ..... day of ..... on the hearing of a matter relating to the complaint lodged before the Public Protector.

On the mentioned date, you will be required to.....  
..... (state any of the aspects under Rule 16).....  
.....  
.....

\_\_\_\_\_  
*Registrar*



Republic of Zambia

**The Public Protector Act, 2016**  
(Act No. 15 of 2016)

**The Public Protector Rules, 2022**

**SUMMONS TO WITNESS**

To: .....(full name)

.....(full address)

You are commanded in the President’s name to attend before the Public

Protector on Stand No. ....(Place) on the .....day of 20.....

at..... hours and so from day to day until your attendance is dispensed with, to  
come and give evidence in the said inquiry;

.....  
.....  
.....

Dated the .....day of .....20.....

\_\_\_\_\_  
Public Protector

I..... (full names)

have this .....day of .....20..... received a copy  
of the original summons.

FORM X  
(Rule 22(1))



Republic of Zambia

**The Public Protector Act, 2016**  
(Act No. 15 of 2016)

**The Public Protector Rules, 2022**

**NOTICE OF ENFORCEMENT**

.....  
(Insert Name and Address of the state institution)

.....  
(insert date)

**THE NOTICE RELATES TO COMPLAINT NO.....**

**THIS NOTICE** is issued due to the following reasons:.....

It appears that your failure to attend to the following issues constitutes a failure to comply with the decision of the Public Protector.

The Public Protector considers it expedient that you comply with the following directives within twenty-one days of the date of this notice:

- (a) .....
- (b) .....
- (c) .....
- (d) .....
- (e) .....

Dated in Lusaka this ..... day of ..... 20.....

\_\_\_\_\_  
*Public Protector*

FORM XI  
(Rule 22(1))



Republic of Zambia

**The Public Protector Act, 2016**  
(Act No. 15 of 2016)

**The Public Protector Rules, 2022**

**WARRANT OF ARREST**

Inquiry No. .... 20.....

To .....

(Police Officer and other Officers)

**WHEREAS**, Mr/Mrs/Miss .....  
(full name of addressee).....

was commanded to appear before the Public Protector at ..... (place) on the ..... day of ....., 20..... and subsequent days to testify what addressee knew or to produce specified documents in relation to the above stated inquiry and the said Mr/Mrs/Miss ..... has not appeared according to the summons issued in that regard and has not excused the addressee’s failure;

**NOW THEREFORE**, you are commanded in the name of the President to apprehend, bring and have the said ..... before the Public Protector at ..... (place) on the ..... day of ..... 20.....

Issued at .....this day of ..... 20.....

\_\_\_\_\_  
*Public Protector*

DR. M. MALILA SC,  
*Chief Justice*

LUSAKA  
28th September, 2022  
[ci.64/9/1)

