

Zambia

Zambia Security Intelligence Service Act, 1973

Chapter 109

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Zambia Security Intelligence Service Act, 1973

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Zambia

Zambia Security Intelligence Service Act, 1973

Chapter 109

Commenced on 1 October 1974

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

[43 of 1973]

An Act to provide for the establishment of the Zambia Security Intelligence Service, its functions and discipline; and to provide for matters incidental thereto or connected therewith.

1. Short title

This Act may be cited as the Zambia Security Intelligence Service Act.

2. Interpretation

In this Act, unless the context otherwise requires—

"**Director-General**" means the person appointed under section four;

"**espionage**" means an act constituting the offence of espionage under the State Security Act;

[Cap. 111]

"**Intelligence Officer**" means any officer of the Service other than persons in the clerical and supporting staff thereof;

"**member**" means a person for the time being holding or acting in any post or appointment in the Service, including any person in the clerical and supporting staff thereof;

"**sabotage**" means an act intended to cause damage with a view to assisting any State or organisation hostile to the Republic or furthering a subversive political aim;

"**security**" means a protection from espionage, subversion and sabotage;

"**Service**" means the Zambia Security Intelligence Service established and constituted under section three;

"**subversion**" means any act constituting an offence against public order under the Penal Code or any other written law.

[Cap. 87]

3.

There shall be established and constituted a service for the Republic to be known as the Zambia Security Intelligence Service, which shall consist of the Director-General, such number of Directors, Assistant Directors and other officers and members of staff as the President may determine.

4. Establishment and constitution of the Service appointments

- (1) There shall be a Director-General of the Service who shall be appointed by the President on such terms and conditions as the President may determine.
- (2) Members of the Service of and above the rank of Director shall be appointed by the President or by such other person or authority as the President may designate in that behalf.

- (3) Members of the Service below the rank of Director shall be appointed by the Director-General on the advice of the Staff Board established under section eight.

5. Command and administration of the Service

- (1) The Director-General shall, subject to the orders and directions of the President or of a Minister appointed by the President in that behalf, have command, control, direction and supervision of the Service and, in particular, but without derogating from the generality of the foregoing, may issue orders and instructions for the general administration of the Service in relation to duties, distribution, inspection, transfer, training, arms, clothing and equipment, transport and places of residence, and may issue such other orders as he may deem necessary or desirable for promoting efficiency and discipline or preventing negligence in the Service.
- (2) The command and control of the Service in any place or area shall vest in the Intelligence Officer who is appointed by the Director-General to be in charge of the Service in that place or area.

6. Functions of the Service

- (1) The Service shall have such functions as the President may from time to time specify and, in particular, but without derogating from the generality of the foregoing, its functions shall be—
- (a) to collect, correlate and evaluate intelligence relevant to the security or interests of the Republic;
 - (b) to disseminate such intelligence to Government institutions in such manner as the President may direct;
 - (c) to advise Government, public bodies or institutions, and statutory bodies or corporations on the protection of vital installations and classified documents;
 - (d) to vet all persons who may have access to classified information;
 - (e) to co-ordinate and supervise the activities of any Ministry or department of Government, the armed forces and police force in so far as such activities relate to security intelligence, and to act as a channel for the dissemination of the intelligence obtained from such activities.
- (2) For the purposes of this Act, the expressions "classified document" and "classified information" shall mean any document or, as the case may be, any information which is a classified matter within the meaning of the State Security Act.

[Cap. 111]

7. Powers of Intelligence Officers

- (1) In the exercise of his functions and performance of his duties, an Intelligence Officer shall have all the powers conferred on a police officer by or under the Preservation of Public Security Act and the State Security Act; and an Intelligence Officer shall be deemed to be a police officer for the purposes of those Acts.
- (2) Notwithstanding anything to the contrary contained in any other law, an Intelligence Officer, while on duty, shall be entitled to carry such small arms as may be prescribed by regulations made under this Act, and may, in the course of his duties, use such arms in circumstances where use of arms is necessary and justifiable.

[Cap. 112; Cap. 111]

8. Staff Board

- (1) There shall be a Staff Board which shall, subject to the directions of the Director-General, be responsible for the selection, appointments, termination of appointments, promotion and

discipline of the members of the Service below the rank of Director, and the Staff Board shall advise the Director-General on matters affecting the welfare and efficiency of the Service.

- (2) The Staff Board shall consist of a chairman and five other members to be appointed by the President on the recommendation of the Director-General and they shall hold office at the pleasure of the President.
- (3) The Director responsible for staff members shall, *ex officio*, be the secretary of the Staff Board, but he shall not have the right to vote unless he is a member of the Staff Board.
- (4) The quorum for a meeting of the Staff Board shall be the chairman and three other members.

9. Declarations and oath of allegiance

- (1) At the time of joining and leaving the Service, every member shall make and sign before the Director-General or an officer appointed by him, in such manner as such member shall declare to be most binding on his conscience, such declarations as may be prescribed by regulations.
- (2) In addition to the declarations referred to in subsection (1), officers of the rank above Assistant Director shall take an oath of allegiance before the President.
- (3) Every member shall, before making the declarations referred to in subsection (1), answer truthfully all questions put to him as to his previous employment and as to whether he has at any time been convicted of or charged with any offence.
- (4) Every person who is, at the commencement of this Act, a member of the Service shall be bound by the provisions of this Act and shall be deemed to have made the declarations referred to in subsection (1) unless, within three months of such commencement, he has signified in writing an objection to his being so bound.

10. Regulations

The President may, by statutory instrument, make regulations for the better carrying out of the provisions of this Act and, without prejudice to the generality of the foregoing, such regulations may make provision with respect to all or any of the following matters, that is to say:

- (a) the appointment, resignation, removal and retirement of members;
- (b) the designation and grading of members and of appointments in the Service;
- (c) the pay, allowances, pensions, gratuities, benefits and other conditions of service of members;
- (d) the discipline of members;
- (e) declarations to be made by members at the time of joining and leaving the Service;
- (f) any other matter which may, in the opinion of the President, help the Service to operate efficiently.