

GOVERNMENT OF ZAMBIA

ACT

No. 14 of 1999

Date of Assent: 23rd December, 1999

An Act to amend the Zambia Police Act

[24th December, 1999

ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the Zambia Police (Amendment) Act, 1999, and shall be read as one with the Zambia Police Act, in this Act referred to as the principal Act.

Short title
Cap. 107

2. Section two of the principal Act is amended by the insertion in the appropriate places of the following definitions:

Amendment
of section 2

“Hertzian waves” has the meaning assigned to it under the Radiocommunications Act;

Cap. 169

“vehicle” means any mechanically propelled machine intended for use, or capable of being used, on roads and includes a bicycle and tricycle;

“police radio device” means any apparatus used by the police or belonging to the police for the transmission and reception of sound, graphic images or impulses wholly or partially by Hertzian waves;

“police telecommunication device” means apparatus or facilities belonging to the police or used by the police for transmission and reception of—

(a) speech, music or other sounds;

(b) visual images;

(c) electronic or other data;

(d) signals capable of being interpreted as or converted to sounds, images or data; or

(e) signals for actuation or control of machinery or apparatus:

whose principle utilises electrical, magnetic, electromagnetic or electrochemical energy or any combination of them;

“postal article” means every article collected for conveyance by post and includes telegram and any bag, box, basket, parcel, hamper or other container or covering in which a postal article is conveyed;

Cap. 469

“telecommunication” has the meaning assigned to it under the Telecommunications Act; and

Cap. 469

“telecommunications apparatus” has the meaning assigned to it under the Telecommunications Act.

Amendment of section 15

3. Section *fifteen* of the principal Act is amended in subsection (1) by the deletion of the word “Sub-Inspector” and the substitution therefor of the word “Inspector”.

Insertion of new sections 18A and 18B

4. The principal Act is amended by the insertion immediately after section *eighteen* of the following new sections:

Designation of custody officer

18A. (1) The officer-in-charge of a police station or post or any other officer authorised by the Inspector-General shall designate a number of police officers from among the police officers serving at the police station or post as custody officers for the purposes of this Act.

(2) The officer-in-charge of a police station or post shall ensure that there is, in attendance at the station or post at least one male and one female custody officer.

Duties of Custody Officer

18B. (1) The duties of a custody officer shall be to ensure that—

(a) a person in police custody is treated in a decent and humane way;

(b) a person in police custody who requires medical attention has access to medical facilities;

(c) police cells or other places used for the custody of persons are in clean and habitable conditions; and

(d) necessary provisions and other facilities used by a person in custody are in a hygienic condition.

(2) A person shall, before being placed in police custody, be presented to the custody officer.

(3) Where a person is presented to a custody officer under subsection (2), the custody officer shall—

(a) record the name, the offence for which the person is arrested and the state or condition of the person; and

(b) make such recommendations as to that person's well being as are necessary including the requirement for that person to have medical attention.

5. The principal Act is amended by the insertion immediately after section *forty-five* of the following new section:

Insertion of
new section
45A

45A. (1) The Inspector-General may establish at a police station or post a public storage space to be known as Vehicle Parking Lot.

Establish-
ment of
vehicle
parking lot

(2) The Vehicle Parking Lot shall be for—

(a) the safe-keeping of vehicles; and

(b) the storage of vehicles found abandoned or unattended to in a public place.

(3) A person—

(a) who has deposited a vehicle for safe keeping at a Vehicle Parking Lot; or

(b) whose vehicle is being kept in a Vehicle Parking Lot on account of that person's neglect or abandonment;

shall be charged a fee payable to the officer-in-charge of the particular police station or post where the vehicle is kept.

(4) The Inspector-General shall from time to time by Gazette Notice determine the fees payable under subsection (3).

(5) The fees payable under this section shall form part of the General Revenue of the Republic.

(6) Any vehicle in Vehicle Parking Lot not claimed after a notice in the *Gazette* and one national daily newspaper has been given to collect it shall be forfeited to the State after the expiry of six months following the notice and the cost of the advertisement shall be payable by the person claiming the vehicle.

(7) Any vehicle forfeited to the State under subsection (6) shall be disposed of by public auction and the proceeds shall form part of the General Revenue of the Republic.

(8) Where there is damage or loss to a vehicle in the Vehicle Parking Lot due to the negligence of the police, liability of the State will be limited to ten times the fee per day charged by the police under subsection (3) of section *forty-five A* or to such other amount as the Minister may by statutory instrument prescribe.

Amendment
of section 47

6. Section *forty-seven* of the principal Act is amended by the insertion immediately after subsection (3) of the following new subsection:

(4) The President may—

(a) on the request of an international institution or organisation; and

(b) on being satisfied that the request is necessary in the interests of the Republic and the international community;

despatch or cause to be despatched for a specified period any number of police officers as the President considers necessary for service in respect of that request.

Repeal and
replacement
of Part IX

7 The principal Act is amended by the repeal of Part IX and the substitution therefor of the following new Part:

PART IX

COMMUNITY CRIME PREVENTION

Establish-
ment of
community
crime
prevention
methods

48. (1) In this part “ association ” means a crime prevention and control association established under subsection (2).

(2) Any community may establish in a residential, commercial or industrial area a crime prevention and control association to compliment the police in the maintenance of law and order.

(3) An association established under subsection (1) shall be registered under the Societies Act and a copy of the certificate of registration shall be lodged with the officer-in-charge of the police station in the area where the association is to operate.

(4) Membership of an association shall be voluntary and open to any person who is normally resident or operates in the area or community where an association is established.

(5) Every association shall perform its functions subject to the direction and control of the officer-in-charge.

49. The Inspector-General may assign a police officer of or above the rank of Inspector to an association. Assignment of police officer to an association

50. The Inspector-General may, on request from an association, provide equipment and other requisities to the association necessary for the prevention and control of crime. Provision of equipment by police to association

51. (1) A member of an association may arrest any person without warrant who— Power of arrest by association member

(a) commits a cognisable offence in the presence of that member; or

(b) the member reasonably suspects of having committed an offence.

(2) Where a member of an association arrests a person without a warrant the member shall at the earliest opportunity—

(a) hand over that person to a police officer; or

(b) take the person to the nearest police station or post.

52. Where a member of an association suffers serious injury or dies during the performance of that member's duties the provisions of section *twelve* of the Police Reserve Act shall apply as if that member were a police reserve officer. Compensation
Cap. 117

53. (1) There shall be a Victim Support Unit at all police stations and posts to be administered by police officers appointed by the Inspector-General. Establishment of Victim Support Unit

(2) The functions of a Victim Support Unit shall be—

(a) to provide professional counselling to victims of crime and to offenders; and

(b) to protect citizens from various forms of abuse.

(3) Police officers in the Victim Support Unit may co-ordinate with the civil society and professional bodies in carrying out their duties.

9. The principal Act is amended by the insertion immediately after Part X of the following new Part: Insertion of Part XA

PART XA

POLICE PUBLIC COMPLAINTS AUTHORITY

57A. In this Part, unless the context otherwise requires— Interpretation

“ Authority ” means the Police Public Complaints Authority established under *section 57B*;

Cap. 281

“ member ” means a person appointed member of the Authority under section *fifty-seven C*;

“ principal officer ” has the meaning assigned to it under the Local Government Act;

“ Secretary ” means the person appointed Secretary of the Authority under section *fifty-seven D*; and

“ serious injury ” means fracture, damage to an internal organ, impairment of bodily function, a deep cut, a deep laceration or unlawful carnal knowledge.

Complaints
Authority

57B. There is hereby established the Police Public Complaints Authority.

Composition

57C. (1) The Authority shall consist of the following part-time members appointed by the Minister:

(a) the Chairperson;

(b) the Vice-Chairperson; and

(c) three other members.

(2) The Chairperson shall be a person who has held, or is qualified to hold the office of Judge of the High Court.

(3) Subject to the other provisions of this Act a member shall hold office for a period of three years and may be re-appointed for a further like period.

(4) A member may resign upon giving one month's notice in writing to the Minister.

(5) The Minister may remove a member if—

(a) the member is absent without reasonable excuse from three consecutive meetings of the Authority of which the member has had notice;

(b) the member is found guilty of an offence involving dishonesty; or

(c) the member fails to perform the duties of the member's office.

(6) Where the office of a member falls vacant before the expiry of the term of office, the Minister may appoint another person to be a member in place of the member who vacates office but the new member shall hold office only for the unexpired part of the term.

57D. The Minister shall appoint a full-time Secretary to the Authority who shall be a serving public officer and shall be— Appointment of Secretary

- (a) responsible for the management and administration of the Authority; and
- (b) responsible for the implementation of any matters referred to the Secretary by the Authority.

57E. No civil or criminal proceedings shall lie against any member of the Authority or the Secretary for things done in the lawful exercise of that person's functions under this Act. Immunity of members

57F. The members of the Authority shall be paid allowances and remuneration determined by the Minister. Remuneration of members

57G. (1) The functions of the Authority shall be— Functions of Authority

- (a) to receive all complaints against police actions;
- (b) to investigate all complaints against police actions which result in serious injury or death of a person;
- (c) to submit its findings, recommendations and directions to —
 - (i) the Director of Public Prosecutions for consideration of possible criminal prosecution;
 - (ii) the Inspector-General for disciplinary action or other administrative action; or
 - (iii) the Anti-Corruption Commission or any other relevant body or authority.

(2) Where the Authority directs the Inspector-General, the Anti-Corruption Commission, relevant body, or authority under subsection (1) the Inspector-General, Anti-Corruption Commission, relevant body or authority shall give effect to such directions.

57H. (1) The Authority shall have powers to investigate all complaints referred to it under this Part by— Powers of Authority

- (i) an aggrieved person directly affected by police action;
- (ii) an association acting in the interests of its members; and
- (iii) a person, acting on behalf of an aggrieved person, body or organisation.

(2) The Authority shall have power to—

- (a) issue summons or orders requiring the attendance of any person before the Authority and the production of any document, record, or anything relevant to any investigation by the Authority;
- (b) question any person in respect of any subject matter under investigation before the Authority; and
- (c) require any person to disclose any information within that person's knowledge relevant to any investigation by the Authority.

(3) A person summoned under subsection (1) shall be examined under oath and the oath shall be administered by the Chairperson.

Lodging of
Complaint

57I. (1) A person who has a complaint against a police officer may, within two years of the occurrence of the incident that gave rise to the complaint, lodge it with—

- (a) the Secretary;
- (b) the principal officer of the local authority in the area where the incident or circumstances giving rise to the complaint occurred; or
- (c) the Inspector-General or the officer-in-charge of a police station or post.

(2) A complaint may be made orally or in writing.

(3) A complaint shall include the following:

- (a) the name, physical and postal address of the person making the complaint;
- (b) the complainant's age; and
- (c) a detailed statement of the facts of the incident or circumstances giving rise to the complaint.

(4) Where a complaint is made orally, the recipient of the complaint shall reduce it to writing.

(5) A complaint shall bear the signature or thumb print of the person making it.

Receipt of
complaint by
principal
officer

57J. (1) Where a complaint has been received by a principal officer of a local authority, the officer shall, within fourteen days of receipt of the complaint, submit it to the Secretary.

(2) The Secretary shall, upon receipt of the complaint under subsection (1), acknowledge receipt of the complaint to the principal officer within seven days of receipt of the complaint and send a copy of acknowledgement of receipt to the person who has made the complaint.

(3) The Secretary shall, upon receipt of any complaint under this part. submit it to the Authority.

57K. (1) The Inspector-General shall within seven days of receipt of a complaint under this Part submit it to the Secretary.

Complaints received by Inspector-General, or Officer-In-Charge

(2) The Officer-in-charge of a police station or post shall within seven days of receipt of a complaint under this Part submit it to the Inspector-General.

57L. (1) Subject to the other provisions of this Act, the Authority may regulate its own procedure.

Proceedings of Authority

(2) The Authority shall meet for the performance of its functions at such places and times as the Chairperson may determine.

(3) Three members shall form a quorum at any meeting of the Authority.

(4) The Chairperson shall preside at any meeting of the Authority.

(5) Where the Chairperson and Vice-Chairperson are absent from a meeting the members present at the meeting shall elect any other member to preside at that meeting.

(6) A decision of the Authority shall be by a majority of the members present and voting at a meeting.

(7) Where the Authority is of the opinion that a person who is not a member of the Authority is required to attend a meeting, that person may be invited but such person shall have no vote.

57M. (1) The Authority may, in the execution of its functions. establish such committees as it considers necessary and delegate to any of the committees such of its functions as it considers fit.

Committees

(2) Where a committee is appointed under subsection (1), at least one member of the Authority shall be a committee member.

(3) A person serving as a member of a committee shall hold office for such period as the Authority may determine.

(4) Subject to any specific or general direction of the Authority, a committee may regulate its own procedure.

57N. (1) Where a person present at a meeting of the Authority has a direct or indirect interest, in the subject matter under consideration, that person shall as soon as is practicable disclose such interest.

Disclosure of interest by member

(2) The Authority shall consider the interest disclosed under subsection (1) and decide whether or not the person disclosing interest should attend the meeting during the discussion of the subject matter in which the person has disclosed interest.

(3) A disclosure of interest made under this section shall be recorded in the minutes of that meeting.

(4) Any person who contravenes the provisions of subsection (1) commits an offence and shall be liable, upon conviction, to a fine not exceeding five thousand penalty units.

Prohibition
of disclosure
of informa-
tion

57O. (1) A person shall not, without the written consent of the Authority, publish or disclose to any person other than in the course of that person's duties the contents of any document, communication or information which relates to, and which has come to that person's knowledge in the course of that person's duties under the Act.

(2) A person who contravenes subsection (1) commits an offence and shall be liable, upon conviction, to a fine not exceeding ten thousand penalty units, or to imprisonment for a term not exceeding three years, or to both.

Register of
complaints

57P. (1) The Secretary shall keep a register of complaints which shall state—

- (a) the name and address of the person making the complaint;
- (b) the nature of the complaint; and
- (c) the date and time when the complaint is made.

(2) The Register of complaints shall be open to public inspection upon payment of a prescribed fee.

Authority to
submit
report to
Minister

57Q. (1) The Authority may at the request of the Minister provide to the Minister such information as the Minister may specify relating to the functions of the Authority.

(2) The Authority may make a report to the Minister on any matters concerning its functions that it considers ought to be brought to the attention of the Minister.

(3) As soon as is practicable at the end of each calendar year but not later than three months after the end of each year, the Authority shall make a report to the Minister on its functions during that year and send a copy to the Inspector-General.

(4) The Minister shall not later than fourteen days after the first sitting of the National Assembly next after receipt of the report referred to in subsection (3) lay the report before the National Assembly.

57R. The Authority shall publish quarterly reports of its activities. Publication of quarterly report

57S. A person who— Offences

(a) gives false information to the Authority;

(b) insults, interrupts, or obstructs any member of the Authority or the Secretary in the performance of that member's or Secretary's functions; or

(c) disobeys any summons or order made under this Part;

commits an offence and shall be liable, upon conviction, to a fine not exceeding ten thousand penalty units, or to imprisonment for a term not exceeding six months, or to both.

57T. The Minister may by statutory instrument make regulations for the better carrying out of this Part. Regulations

10. The principal Act is amended by the insertion after section *fifty-nine* of the following new sections: Insertion of new sections 59A and 59B

59A. (1) A person who sends to any other person by police radio or telecommunication device any message— Sending of offensive message on police radio and telecommunications

(a) which is grossly offensive, indecent, or which is false; or

(b) meant to cause needless anxiety, annoyance or inconvenience;

commits an offence and shall be liable, upon conviction, to a fine not exceeding two thousand penalty units or to a term of imprisonment not exceeding three years, or to both.

(2) A person who—

(a) is in unlawful possession of a police radio or telecommunications device; or

(b) has reason to believe that a police radio or telecommunications device is established or operates without the permission of the Inspector-General and fails to report to the police that such radio or telecommunications device is established or operates without the authority of the Inspector-General; or

- (c) unlawfully operates or receives any service by such police radio or telecommunications device or any other device;

commits an offence and shall be liable, upon conviction, to a fine not exceeding ten thousand penalty units or to imprisonment for a term not exceeding three years, or to both.

(3) A person who—

- (a) with intent to defraud takes a police radio or telecommunications device from the possession of any police officer or other person having lawful custody of such a device;
- (b) steals, conceals or destroys any police radio or telecommunications device; or
- (c) forges any radio or telecommunications message or knowing it to have been forged or the information contained herein to be false, transmits it by police radio or telecommunications device;

commits an offence and shall be liable, upon conviction, to a fine not exceeding three thousand penalty units, or to imprisonment for a term not exceeding eight months, or to both.

59B. A police officer who—

- (a) without the permission of the Inspector-General or a person authorised by the Inspector-General transfers or gives to another person a police radio or telecommunications device used by the police duly issued to that police officer;
- (b) negligently loses a police radio or telecommunications device in that officer's custody;

commits an offence and shall be liable, upon conviction, to a fine not exceeding ten thousand penalty units or to imprisonment for a term not exceeding six months.

Transfer or
loss of radio
or telecommu-
nications
device