CHAPTER 106
THE DEFENCE ACT

ARRANGEMENT OF SECTIONS

PART I
PRELIMINARY

Section
1. Short title
2. Interpretation
3. Provisions as to active service
4. Maintenance of Defence Force
5. Employment of Defence Force
6. Employment of Defence Force outside Zambia
7. Overseas training

PART II
DEFENCE COUNCIL

8. Establishment of Defence Council
PART III
OFFICERS

9. Officers selection board
10. Grant of commissions
11. Appointment and transfers of officers
12. Regulations under this Part

PART IV
ENLISTMENT AND TERMS OF SERVICE IN THE REGULAR FORCE

Enlistment
13. Recruiting officers
14. Enlistment
15. Terms of enlistment
16. Re-engagement and continuation in service
17. Prolongation of service

Discharge and Transfer to Reserve Force
18. Discharge
19. Transfer to Reserve Force
20. Postponement of discharge or transfer pending proceedings for offences, etc.
21. Discharge upon prescribed grounds
22. Right of soldier to purchase discharge
23. Restrictions on reduction in rank of warrant officers and non-commissioned officers
24. Right of warrant officer to discharge on reduction in rank
25. Persons enlisting in Corps of Instructors

Miscellaneous and Supplementary Provisions
26. Rules for reckoning service
27. Validity of attestation and enlistment
28. False answers in attestation papers
PART V

DISCIPLINE AND TRIAL AND PUNISHMENT OF MILITARY SERVICE

Treachery, Cowardice and Offences arising out of Military Service
29. Aiding the enemy
30. Communication with the enemy
31. Cowardly behaviour
32. Offences against morale
33. Becoming prisoner of war through disobedience or wilful neglect and failing to rejoin Force
34. Offences by or in relation to sentries, etc.
35. Looting

Mutiny and Insubordination
36. Mutiny
37. Failure to suppress mutiny
38. Insubordinate behaviour
39. Disobedience to particular orders
40. Obstruction of provost officers
41. Disobedience to standing orders

Desertion, Absence without Leave, etc.
42. Desertion
43. Absence without leave
44. Assisting and concealing desertion and absence without leave
45. Falsely obtaining or prolonging leave
46. Failure to perform military duties

Malingering and Drunkenness
47. Malingering
48. Drunkenness

Offences Relating to Property
49. Offences in relation to public and service property
50. Offences in relation to property of members of Force
51. Miscellaneous offences relating to property

Offences Relating to Billeting and Requisitioning of Vehicles
52. Billeting offences
53. Offences in relation to requisitioning of vehicles

Flying, etc., Offences
54. Dangerous flying, etc.
55. Inaccurate certification of aircraft, etc.
56. Low flying
57. Annoyance by flying

Offences Relating to, and by, Persons in Custody
58. Irregular arrest and confinement
59. Permitting escape, and unlawful release of prisoners
60. Resistance to arrest
61. Escape from confinement

Offences in Relation to Courts-martial
62. Offences in relation to courts-martial
63. False evidence

Miscellaneous Offences
64. Injurious disclosures
65. Making of false statements on enlistment
66. Making of false documents
67. Scandalous conduct of an officer
68. Ill-treatment of officers or men of inferior rank
69. Disgraceful conduct
70. False accusation, etc.
71. Attempts to commit military offences
72. Conduct to the prejudice of military discipline

Civil Offences
73. Civil offences
Punishments
74. Punishment of officers
75. Punishment of soldiers
76. Field punishment

Arrest
77. Power to arrest offenders
78. Provisions for avoiding delay after arrest

Investigation of, and Summary Dealing with, Charges
79. Investigation of charges by commanding officer
80. Charges to be dealt with summarily or by court-martial
81. Further proceedings on charges against non-commissioned officers and soldiers
82. Further proceedings on charges against officers and warrant officers
83. Dismissal of charges referred to higher authority
84. Officers who are to act as commanding officers and appropriate superior authorities
85. Limitation of powers of summary dealing with charges

Court-martial: General Provisions
86. Trial by, and powers of, court-martial
87. Officers having power to convene court-martial
88. Constitution of court-martial
89. Supplementary provisions as to constitution of court-martial
90. Place for sitting of court-martial and adjournment to other places

Court-martial: Provisions Relating to Trial
91. Challenges by accused
92. Administration of oaths
93. Court-martial to sit in open court
94. Dissolution of court-martial
95. Decisions of court-martial
96. Finding and sentence
97. Power to convict of an offence other than that charged
98. Rules of evidence
99. Privilege of witnesses and others at court-martial
100. Offences by civilians in relation to court-martial
101. Affirmations

Confirmation, Revision and Review of Proceedings of Court-martial
102. Confirmation of proceedings of court-martial
103. Petitions against finding or sentence
104. Revision of findings of court-martial
105. Powers of confirming officers
106. Confirming officers
107. Approval of death sentence by President
108. Review of finding and sentence of court-martial
109. Reconsideration of sentences of imprisonment and detention

Review of Summary Findings and Awards
110. Review of summary findings and awards

Findings of Insanity
111. Provisions where accused found insane

Commencement, Suspension and Duration of Sentences
112. Commencement of sentences
113. Duration of sentences of imprisonment and detention
114. Suspension of sentences
115. Restriction on serving of sentences of detention in prisons
116. Special provisions as to civil prisons in Zambia
117. Special provisions as to carrying out or serving sentences outside Zambia
118. Country in which sentence of imprisonment or detention to be served
119. Duties of officers in charge of prisons and others to receive prisoners

Trial of Persons Ceasing to be Subject to Military Law under this
Act and Time Limits for Trials
120. Trial and punishment of offences under this Act notwithstanding offender ceasing to be subject thereto
121. Limitation of time for trial of offences under this Act

Relations between Military and Civil Courts and Finality of Trials
122. Powers of civil courts
123. Persons not to be tried under this Act for offences already disposed of

Inquiries
124. Boards of inquiry
125. Inquiries into absence

Miscellaneous Provisions
126. Restitution or compensation for theft, etc.
127. Appointment of judge advocates
128. Promulgation
129. Custody of proceedings of court-martial and right of accused to copy thereof
130. Indemnity for prison officers, etc.

Rules of Procedure, etc.
131. Rules of Procedure
132. Imprisonment and Detention Regulations
133. Board of Inquiry Rules
134. Miscellaneous regulations

Interpretation of Part V
135. Interpretation of Part V

PART VI
APPEALS FROM COURTS-MARTIAL

Section
136. Right of appeal
137. Application for leave to appeal
138. Determination of appeals in ordinary cases
139. Powers of court of appeal in special cases
140. Commencement of sentence
141. Appeals to be final
142. Proceedings may be heard in absence of appellants
143. Defence of appeals
144. Right of appellant to present his case in writing
145. Suspension of death sentence
146. Person not to be tried again where conviction quashed
147. Removal of prisoners for purposes of this Part
148. Furnishing, on appeal, of documents relating to trial
149. Duties of registrar of court of appeal with respect to appeals, etc.
150. Saving of powers of reviewing authorities
151. Composition of court of appeal
152. Exercise of certain powers of court of appeal by a Judge
153. General provisions as to procedure

PART VII
FOREFEIURES AND DEDUCTIONS AND ENFORCEMENT OF MAINTENANCE LIABILITIES

154. Forfeitures and deductions; general provisions
155. Forfeiture of pay for absence from duty
156. Deductions for payment of civil penalties
157. Compensation for loss occasioned by wrongful act or negligence
158. Deductions for barrack damage
159. Remission of forfeitures and deductions
160. Enforcement of maintenance and affiliation orders by deduction from pay
161. Deductions from pay for maintenance of wife or child
162. Limit of deductions under sections 160 and 161 and effect on forfeiture
163. Service of process in maintenance proceedings

PART VIII
GOVERNMENT AND GENERAL PROVISIONS

Command
164. Command and precedence
165. Command of Forces
166. Regulations as to command
167. Powers of command of members of co-operating forces

Redress of Complaints
168. Complaints by officers
169. Complaints by soldiers

Exemptions for Officers and Soldiers
170. Exemption from service as assessor
171. Exemption from tolls, etc.
172. Exemption from taking in execution of property used for military purposes

Provisions Relating to Deserters and Absentees without Leave
173. Arrest of deserters and absentees without leave
174. Proceedings before a civil court where persons suspected of illegal absence
175. Deserters and absentees without leave surrendering to police
176. Certificates of arrest or surrender of deserters and absentees
177. Duties of superintendents of prisons and others to receive deserters and absentees

Offences Relating to Military Matters Punishable by Civil Courts
178. Punishment for pretending to be a deserter and for procuring and assisting desertion
179. Punishment for obstructing officers or soldiers in execution of duty
180. Punishment for aiding malingering
181. Unlawful purchase, etc., of military stores
182. Illegal dealings in documents relating to pay, pensions, mobilisation, etc.
183. Unauthorised use of and dealing in decorations, etc.

Provisions as to Evidence
184. General provisions as to evidence
185. Proof of outcome of civil trial
186. Evidence of proceedings of court-martial

Miscellaneous Provisions
187. Temporary reception in civil custody of persons under escort
188. Avoidance of assignment of, or charge on, military pay, pensions, etc.
189. Power of certain officers to take statutory declarations

PART IX

190-198. (Repealed by No. 32 of 1971)

PART X
RESERVE FORCE

199. Composition
200. Discharge from Reserve
201. Reporting of Reserve
202. Embodiment
203. Postponement of discharge
204. Failure to attend on embodiment
205. Regulations under this Part

PART XI
APPLICATION OF ACT AND SUPPLEMENTARY PROVISIONS

206. Persons subject to military law
207. Application of Act to civilians
An Act to provide for the creation and maintenance in Zambia of a Defence Force consisting of an Army comprising the Regular Force of the Army, the Territorial Force of the Army, the Army Reserve and the Territorial Army Reserve, and an Air Force comprising the Regular Force of the Air Force, the Auxiliary Air Force, the Air Force Reserve and the Auxiliary Air Force Reserve; to charge the Defence Force with the defence of Zambia and with such other duties as may from time to time be determined by the President; to provide for the creation of a Defence Council to advise the President in matters of policy and matters affecting the command, discipline and administration of the Defence Force; to provide for the commissioning, appointment and transfer of officers in the Defence Force and to set out the terms and conditions of
enlistment and service of soldiers in the Regular Force of the Defence Force; to provide the conditions of discharge of soldiers from the Regular Force and for their transfer to the Reserve Force; to provide for the discipline of the Defence Force and for the trial and punishment of members of the Force who commit such military offences as are set out in the Act, or civil offences; to make provision for the arrest of members of the Defence Force who commit an offence against any provision of the Act and for the investigation of and summary dealing with charges preferred against such members; to provide for the creation and constitution of courts-martial to try persons subject to military law under the Act, for the procedure to be followed by such courts-martial, for the awarding of punishments and for the confirmation, revision and review of proceedings of courts-martial and the review of summary findings and awards; to make provision for the carrying out of sentences of imprisonment awarded by courts-martial, for a right of appeal from the decision of a court-martial to the court of appeal and for the procedure in and determination of such appeals; to provide for the enforcement of maintenance and affiliation orders against members of the Defence Force by deduction from pay and for the imposition of forfeitures and deductions from the pay of such members in certain circumstances; to set out the order of precedence of officers and soldiers of the Defence Force and to make provision for the command of the Army and the command of the Air Force and for the exemption of officers and soldiers from serving as assessors in civil courts, to provide for the arrest, of deserters and absentees without leave and for the bringing of such persons before a civil court; to set out the offences relating to military matters which are punishable by civil courts and to make provision with respect to evidence in proceedings under this Act, whether before a court-martial or a civil court; to provide for the composition of and enlistment of persons in the Territorial Force, for the training of persons enlisted in such Force, for the embodiment of such Force when necessary in the public interest, for the discharge of persons from the Force and for all other matters affecting the discipline of the Force; to provide for the composition and embodiment of the Reserve Force, for the discharge of persons from that Force and for all other matters affecting the discipline of such Force; to set out the persons who are subject to military law under the Act and generally to provide for matters incidental to or connected with the foregoing; to repeal the Defence Act, 1955, and to give effect to the transitional provisions and savings set out in the Act.

[18th September, 1964]
1. This Act may be cited as the Defence Act.

2. (1) In this Act, unless the context otherwise requires-
"the Acts" mean the Army Act, 1955, and Air Force Act, 1955, of the United Kingdom as amended from time to time and any enactment substituted therefor;
"acting rank" means rank of any description (however called) such that under regulations made under section two hundred and ten a commanding officer has power to order the holder to revert from that rank; and "acting warrant officer" and "acting non-commissioned officer" shall be construed accordingly;
"active service" shall be construed in accordance with section three;
"aircraft" means any machine for flying, whether propelled by mechanical means or not, and includes any description of balloon;
"aircraft material" includes-
(a) parts of, and components of or accessories for, aircraft, whether for the time being in the aircraft or not;
(b) engines, armaments, ammunition and bombs and other missiles of any description in, or for use in, aircraft;
(c) any other gear, apparatus or instruments in, or for use in, aircraft;
(d) any apparatus used in connection with the taking-off or landing of aircraft or for detecting the movement of aircraft;
(e) any fuel used for the propulsion of aircraft and any material used as a lubricant for aircraft or aircraft material;
"air signal" means any message, signal or indication given, by any means whatsoever, for the guidance of aircraft or a particular aircraft;
"appropriate superior authority" has the meaning assigned to it by paragraph (b) of subsection (1) of section eighty-four;
"arrest" includes open arrest;
"before the enemy", in relation to a person, means that he is in action against the enemy or about to go into action against the enemy, or is under attack or threat of imminent attack by the enemy;
"Board of Inquiry Rules" means rules made by the President under section one hundred and thirty-three;
"civil court" means a court of ordinary criminal jurisdiction, but does not, except where otherwise expressly provided, include any such court outside Zambia;

"civil offence" has the meaning assigned to it in subsection (2) of section seventy-three;

"colour service" means service in the Regular Force under the provisions of this Act;

"Commander" means the person appointed under section one hundred and sixty-five, and "Army Commander" and "Air Commander" shall be construed accordingly;

"commanding officer" has the meaning assigned to it in paragraph (a) of subsection (1) of section eighty-four;

"competent military authority" means the President or any officer as may be prescribed;

"corps" means such body of the Defence Force as may from time to time be declared by the President to be a corps for the purposes of this Act and regulations made thereunder;

"corresponding civil offence" has the meaning assigned to it in subsection (2) of section seventy-three;

"corresponding rank", in relation to any rank in the Army or Air Force, means such rank in the other of those bodies as may be declared to correspond therewith by regulations made by the President under section two hundred and ten;

"court-martial", except where it is expressed to be under service law, means a court-martial under this Act;

"court of appeal" means the Supreme Court for Zambia;

"damage" includes destruction, and references to damaging shall be construed accordingly;

"date of attestation", in relation to any person, means the date on which he is attested in accordance with the provisions of regulations;

"decoration" includes medal, medal ribbon, clasp and good-conduct badge;

"Defence Force" means the Defence Force of Zambia referred to in section four;

"desertion" shall be construed in accordance with subsection (2) of section forty-two;

"detachment" means a part of a unit which is so separated from the unit to which it belongs that the officer commanding that unit cannot effectively exercise his disciplinary powers as commanding officer over
"enemy" includes all persons engaged in armed operations against the Defence Force or any forces co-operating therewith and also includes all armed mutineers, armed rebels and armed rioters;

"field rank" means the rank of major and any higher rank, and "field officer" shall be construed accordingly;

"the Home Guard" means the Home Guard established under section three of the Home Guard Act;

"Imprisonment and Detention Regulations" means regulations made by the President under section one hundred and thirty-two;

"military custody" includes Air Force custody;

"oath" includes affirmation, and references to swearing shall be construed accordingly;

"provost officer" means a provost marshal or officer subject to service law appointed to exercise the functions conferred by or under service law on provost officers;

"public property" means any property belonging to any department of the Government or held for the purposes of any such department;

"recruiting officer" means a person authorised as such under the provisions of section thirteen;

"Regular Force" means the Regular Force of the Army and the Regular Force of the Air Force referred to in subsection (1) of section four;

"Reserve Force" means the Army Reserve, the Territorial Army Reserve, the Air Force Reserve and the Auxiliary Air Force Reserve referred to in subsection (1) of section four;

"Rules of Procedure" means the Rules of Procedure made by the President under section one hundred and thirty-one;

"service", when used adjectivally, means belonging to or connected with the Defence Force or any part of the Defence Force, or any force co-operating therewith;

"service law" means this Act, the Acts and the Naval Discipline Act, 1957, of the United Kingdom as amended from time to time, and any enactment substituted therefor;

"soldier" does not include an officer but, with the modifications contained in this Act in relation to warrant officers and non-commissioned officers (which expression shall include lance-corps), includes a warrant officer and a non-commissioned officer;

"steals" has the meaning assigned to it in section two hundred and
sixty-five of the Penal Code;

"stoppages" means the recovery, by deductions from the pay of the offender, of a specified sum by way of compensation for any expense, loss or damage occasioned by the offence;

"Territorial Force" means the Home Guard and the Auxiliary Air Force referred to in subsection (1) of section four;

"unit" means-

(a) any independent portion of the Defence Force which is not higher in the organisation of that Force than a battalion or any equivalent body of troops; or

(b) any other body of that Force declared by the President to be a unit;

"United Kingdom Military or Air Forces" means any of the naval, military or air forces raised in any territory within the Commonwealth, by or on behalf of Her Majesty Queen Elizabeth II of the United Kingdom of Great Britain and Northern Ireland, and includes-

(a) armed forces of the former Federation of Rhodesia and Nyasaland; and

(b) for the purposes of section two hundred and ten, the Defence Force of the former Protectorate of Northern Rhodesia as existing prior to the 24th October, 1964.

(2) References in this Act to officers and soldiers of the Defence Force shall, except in Part VII, be construed as including references to officers and soldiers attached or seconded to the Defence Force.

(3) References in this Act to military or Army rank include references to the corresponding Air Force rank.

(As amended by S.I. No. 8 of 1964 and No. 32 of 1971)

3. (1) In this Act, "on active service", in relation to any unit, means that it is engaged in operations against an enemy and, in relation to a person, means that he is serving in or with such unit which is on active service.

(2) Where it appears to the President that, by reason of the imminence of active service or of the recent existence of active service, it is necessary in the public interest that a unit should be deemed to be on active service, he may declare that for such period, not exceeding three months, beginning with the coming into force of the declaration, as may
be specified therein, that unit shall be deemed to be on active service.

(3) Where it appears to the President that it is necessary in the public interest that the period specified in a declaration under subsection (2) should be prolonged or, if previously prolonged under this section, should be further prolonged, he may declare that the said period shall be prolonged by such time, not exceeding three months, as may be specified in the declaration under this subsection.

(4) If at any time while any unit is deemed to be on active service by virtue of the foregoing provisions of this section, it appears to the President that there is no longer necessity for the unit to continue to be treated as being on active service, he may declare that as from the coming into operation of the declaration the unit shall cease to be deemed to be on active service.

(5) Any declaration under this section shall be by statutory proclamation.

(As amended by S.I. No. 8 of 1964)

4. (1) There shall be maintained in Zambia a Defence Force which shall consist of-

(a) an Army comprising-
   (i) the Regular Force of the Army;
   (ii) the Home Guard;
   (iii) the Army Reserve;
   (iv) the Territorial Army Reserve; and

(b) an Air Force comprising-
   (i) the Regular Force of the Air Force;
   (ii) the Auxiliary Air Force;
   (iii) the Air Force Reserve; and
   (iv) the Auxiliary Air Force Reserve.

(2) Such components of the Defence Force referred to in subsection (1) may be formed into units or other military bodies as the President may
from time to time determine.

(As amended by No. 32 of 1971)

5. The Defence Force shall be charged with the defence of Zambia and with such other duties as may from time to time be determined by the President.

6. Subject to the provisions of section seven, the President may at any time order that the whole or any part of the Defence Force shall be employed out of or beyond Zambia.

7. (1) The President may order that any officer or soldier of the Regular Force or, with his consent, any officer or soldier of the Territorial Force or Reserve Force, shall proceed to any place outside Zambia for the purpose of undergoing instruction or training or for duty or employment.

(2) The President may, if the consent of the officer or soldier concerned is first obtained, place any officer or soldier of the Defence Force at the disposal of the military authorities of any other country or territory for the purpose of his being attached to the armed forces of that country or territory.

PART II

DEFENCE COUNCIL

8. (1) There shall be a Defence Council which shall advise the President in such matters of policy and matters affecting the command, discipline and administration of the Defence Force and shall perform such other functions and duties as may be referred to it from time to time by the President.

(2) The members of the Defence Council shall be appointed by the President.

(3) The President shall have power to co-opt any other person as a
member of the Defence Council from time to time as he may decide.

**PART III**

**OFFICERS**

9. No person shall be granted a commission in the Defence Force unless he has been recommended by a selection board which shall be established for this purpose by the President.

10. (1) The power to grant commissions in the Defence Force is vested in and shall be exercised only by the President.

(2) A commission may be granted either for an indefinite period or for a specified time.

(3) Every officer on being granted a commission shall be issued with a commission signed by the President in a form to be prescribed.

11. (1) Every officer upon being granted a commission shall be appointed to one of the components of the Defence Force referred to in subsection (1) of section four.

(2) The President may upon such terms and conditions as may be prescribed transfer any officer between the Regular Force and the Territorial Force, between the Regular Force and the Reserve Force, or between the Territorial Force and the Reserve Force.

12. (1) Subject to the provisions of this Act, the President may, by statutory instrument, make regulations for the better carrying out of the provisions of this Part and, without prejudice to the generality of the foregoing, such regulations may make provisions with respect to all or any of the following matters, that is to say, the commissioning of officers, their terms of service, appointment, transfer, promotion, retirement, resignation, removal from office and such other matters concerning officers as may seem necessary.
(2) The appointment, transfer, substantive promotion, retirement, resignation or removal from office of any officer shall be notified in the Gazette.

PART IV

ENLISTMENT AND TERMS OF SERVICE IN THE REGULAR FORCE

Enlistment

13. Any person authorised in that behalf by regulations, in this Act referred to as a recruiting officer, may enlist recruits in the Regular Force in the prescribed manner.

14. (1) A person offering to enlist in the Regular Force shall be given a notice in the prescribed form setting out the questions to be answered on attestation and stating the general conditions of the engagement to be entered into by him, and a recruiting officer shall not enlist any person in the Regular Force unless satisfied by that person that he has been given such a notice, understands it, and wishes to be enlisted.

(2) A recruiting officer shall not enlist a person under the apparent age of eighteen years unless consent to the enlistment has been given in writing by his parent or guardian or, where the parents or guardian are dead or unknown, by the District Secretary of the district in which such person resides.

15. (1) The term for which a person enlisting in the Regular Force may be enlisted shall be such term beginning at the date of his attestation as is mentioned in the following provisions of this section.

(2) Where the person enlisting has apparently attained the age of eighteen years, the term shall be seven years' colour service and five years with the Reserve Force, or as may be prescribed from time to time by regulations.
(3) Where the person enlisting has not apparently attained the age of eighteen years, the said term shall be seven years' colour service commencing on the date upon which he attains such age, and a term of five years thereafter with the Reserve Force, or as may be prescribed from time to time by regulations.

16. Any soldier of the Regular Force who at any time has completed or is within one year before completing the term of his service with the Regular Force may, with the approval of the competent military authority, re-engage for such further period or periods of service with the Regular Force and service in the Reserve Force as may be prescribed.

17. Any soldier of the Regular Force whose service expires during a state of war, insurrection, hostilities or public emergency, may be retained in the Regular Force and his service prolonged for such period as the competent military authority may direct.

Discharge and Transfer to Reserve Force

18. (1) Save as hereinafter in this Act provided, every soldier of the Regular Force upon becoming entitled to be discharged, shall be discharged with all convenient speed, but until discharge shall remain subject to military law under this Act.

(2) Where a soldier of the Regular Force who is entitled to be discharged is serving out of Zambia then-

(a) if he requires to be discharged in Zambia, he shall be sent there free of cost with all convenient speed and shall be discharged on his arrival there or, if he consents to his discharge being delayed, within six months from his arrival; but

(b) if at his request he is discharged at the place where he is serving, he shall have no claim to be sent to Zambia or elsewhere.

(3) Except in pursuance of the sentence of a court-martial, a soldier of the Regular Force shall not be discharged unless his discharge has been authorised by order of the competent military authority.
(4) Every soldier of the Regular Force shall be given on his discharge a certificate of discharge containing such particulars as may be prescribed.

19. (1) Every soldier of the Regular Force upon falling to be transferred to the Reserve Force shall be transferred to the Reserve Force but until so transferred shall remain subject to military law under this Act.

(2) Where a soldier of the Regular Force when falling to be transferred to the Reserve Force, is serving out of Zambia, he shall be sent to Zambia free of cost with all convenient speed and shall be transferred to the Reserve Force on his arrival there or, if he consents to his transfer being delayed, within six months from his arrival.

(3) Notwithstanding the provisions of subsections (1) and (2), the competent military authority may, when a soldier of the Regular Force falls to be transferred to the Reserve Force as aforesaid, discharge him forthwith without giving any reason and in any such case the provisions of section eighteen shall apply.

20. (1) Notwithstanding anything in this Part, a soldier of the Regular Force shall not be entitled to be discharged or transferred to the Reserve Force at a time when he has become liable to be proceeded against for an offence against any of the provisions of this Act:

Provided that if it is determined that the offence shall not be tried by court-martial this subsection shall cease to apply.

(2) Notwithstanding anything in this Part, a soldier of the Regular Force who is serving a sentence of imprisonment or detention awarded by a court-martial or by his commanding officer, shall not be entitled to be discharged or transferred to the Reserve Force during the currency of the sentence.

21. A soldier of the Regular Force may be discharged by the competent military authority at any time during the currency of any term of engagement upon grounds and subject to such special instructions as
may be prescribed.

22. (1) Subject to the provisions of this section, a soldier of the Regular Force shall be entitled to claim his discharge—

(a) at any time within three months after the date of his first attestation upon payment of a sum to be fixed by the Commander but which shall not exceed six hundred fee units; or

(b) at any time thereafter, with the consent of the Army Commander or Air Commander, as the case may be, upon payment of one-half of one month's pay for each whole year of service with the Regular Force then remaining uncompleted;

and shall be discharged with all convenient speed, but until discharge shall remain subject to military law under this Act.

(2) Notwithstanding the provisions of subsection (1), a soldier of the Regular Force shall not be entitled to claim his discharge pursuant to this section while soldiers of the Regular Forces are required to continue their colour service under the provisions of section seventeen.

(As amended by Act No. 13 of 1994)

23. (1) A warrant officer or non-commissioned officer of the Regular Force (other than a lance-corporal) shall not be reduced in rank except by a sentence of a court-martial or by order of an officer not below the rank of lieutenant-colonel authorised by regulations to act for the purposes of this subsection.

(2) An authorisation under subsection (1) may be given generally or subject to such limitations as may be prescribed.

(3) For the purposes of this section, a reduction in rank does not include reversion from acting rank to substantive rank or above.

24. A warrant officer of the Regular Force who is reduced to the rank of private soldier may thereupon claim to be discharged unless a state of war, insurrection, hostilities or public emergency exists.
25. Notwithstanding the provision of this Part, a person to be enlisted in the Corps of Instructors may be enlisted and discharged upon such terms and conditions as may be prescribed by the President.

Miscellaneous and Supplementary Provisions

26. In reckoning the service of any soldier of the Regular Force towards discharge or re-engagement or transfer to the Reserve Force, there shall be excluded therefrom—

(a) all periods during which he has been absent from his duty for any of the following causes:

(i) imprisonment;

(ii) desertion;

(iii) absence without leave exceeding twenty-eight days; and

(b) any period ordered by a court-martial to be forfeited.

27. (1) Where a person has made such declaration upon his attestation as may be prescribed and has thereafter received pay as a soldier of the Regular Force—

(a) the validity of his enlistment shall not be called in question on the ground of any error or omission in his attestation paper;

(b) after the expiration of a period of three months from the date on which he made the said declaration he shall be deemed to have been validly enlisted notwithstanding any non-compliance with the requirements of this Act or any regulation made as to enlistment or attestation or any other ground whatsoever (not being an error or omission in his attestation paper) and he shall be deemed to be a soldier of that Force until his discharge.

(2) Where a person has received pay as a soldier of the Regular Force without having previously made such declaration as aforesaid then—
(a) he shall be deemed to be a soldier of that Force until discharged;

(b) he may claim his discharge at any time and, if he makes such claim, the claim shall be submitted as soon as may be to the competent military authority who shall, if the claim is well founded, cause him to be discharged with all convenient speed.

(3) Nothing in the foregoing provisions of this section shall be construed as prejudicing the determination of any question as to the term for which a person was enlisted or as preventing the discharge of a person who has not claimed his discharge.

28. (1) If a person appearing before a recruiting officer for the purpose of being enlisted in the Regular Force knowingly makes a false answer to any question contained in the attestation paper and put to him by or by the direction of the recruiting officer, he shall commit an offence against this section and shall be liable on conviction to a fine not exceeding one thousand five hundred penalty units or to imprisonment for a term not exceeding three months, or to both.

(2) For the avoidance of doubt it is hereby declared that a person may be proceeded against under this section notwithstanding that he has since become subject to military law under this Act.

(As amended by Act No. 13 of 1994)

PART V

DISCIPLINE AND TRIAL AND PUNISHMENT OF MILITARY OFFENCES

Treachery, Cowardice and Offences arising out of Military Service

29. (1) Any person subject to military law under this Act who, with intent to assist the enemy—

(a) abandons or delivers up any place or post which it is his duty to defend, or induces any person to abandon or deliver up any place or post...
which it is that person's duty to defend; or

(b) does any act calculated to imperil the success of operations of the Defence Force, or of any forces co-operating therewith or any part of any of those forces; or

(c) having been made a prisoner of war, serves with or aids the enemy in the prosecution of hostilities or of measures calculated to influence morale, or in any other manner whatsoever not authorised by international usage; or

(d) furnishes the enemy with arms or ammunition or with supplies of any description or with anything likely to assist him (whether similar to any of the things aforesaid or not); or

(e) harbours or protects an enemy not being a prisoner of war; or

(f) gives any false air signal or alters or interferes with any air signal or any apparatus for giving an air signal; or

(g) when ordered by a superior officer, or otherwise under orders, to carry out any warlike operation in the air fails to use his utmost exertions to carry such orders into effect; or

(h) causes the capture or destruction by the enemy of any aircraft belonging to the Defence Force;

shall, on conviction by court-martial, be liable to suffer death or any other punishment provided by this Act.

(2) Any person subject to military law under this Act who, knowingly and without lawful excuse, does any of the acts specified in paragraphs (a) to (g) of subsection (1) shall, where it is not proved that he acted with intent to assist the enemy, be liable on conviction by court-martial to imprisonment or any less punishment provided by this Act.

(3) Any person subject to military law under this Act who negligently causes the capture or destruction by the enemy of any aircraft belonging to the Defence Force, or any forces co-operating therewith shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act.
30. (1) Any person subject to military law under this Act who, with intent to assist the enemy, communicates with or gives intelligence to the enemy shall, on conviction by court-martial, be liable to suffer death or any punishment provided by this Act.

(2) Any person subject to military law under this Act who, without authority, communicates with or gives intelligence to the enemy shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act.

(3) In this section, "intelligence" means information which is or purports to be information as to any matter such that information about it would or might be directly or indirectly useful to an enemy, and in particular (but without prejudice to the generality of the foregoing provisions of this subsection) information as to any matter falling within the following paragraphs, being a matter such that information as to it would or might be useful as aforesaid, that is to say:

(a) the number, description, armament, equipment, disposition, movement or condition of the Defence Force or of any forces co-operating therewith, or any aircraft of the Defence Force or aircraft of any such co-operating forces;

(b) any operations or projected operations of any of such forces, or aircraft as aforesaid;

(c) any code, cypher, call-sign, password or countersign;

(d) any measures for the defence or fortification of any place;

(e) the number, description or location of any prisoners of war;

(f) munitions of war.

31. (1) Any person subject to military law under this Act who, when before the enemy-

(a) leaves his post, position or other place where it is his duty to be; or
(b) throws away his arms, ammunition or tools; or

c) does any of the acts specified in paragraphs (f) to (h) of subsection (1) of section twenty-nine;
in such a manner as to show cowardice, or otherwise behaves in such a manner as to show cowardice, shall be guilty of an offence against this section.

(2) Any person subject to military law under this Act who, when before the enemy, induces other persons subject to service law and before the enemy to commit an offence under subsection (1) shall be guilty of an offence against this section.

(3) Any person guilty of an offence against this section shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act.

32. Any person subject to military law under this Act who-
(a) spreads (whether orally, in writing, by signal, or otherwise) reports relating to operations of the Defence Force or of any forces co-operating therewith, or of any part of those forces, being reports calculated to create despondency or unnecessary alarm; or
(b) when before the enemy, uses words calculated to spread despondency or unnecessary alarm;
shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act.

33. (1) Any person subject to military law under this Act who, through disobedience to orders or wilful neglect of his duty, is captured by the enemy shall be guilty of an offence against this section.

(2) Any person subject to military law under this Act who, having been captured by the enemy, fails to take, or prevents or discourages any other person subject to service law captured by the enemy from taking,
reasonable steps to rejoin the Defence Force which are available to him or, as the case may be, to that other person shall be guilty of an offence against this section.

(3) Any person guilty of an offence against this section shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act.

(As amended by S.I. No. 8 of 1964)

34. (1) Any person subject to military law under this Act who, while on guard duty-
Offences by or in relation to sentries, etc.

(a) sleeps at his post; or

(b) when not on duty at his post, is asleep at a time when he is not allowed to be asleep; or

(c) is drunk; or

(d) leaves his post without having been regularly relieved, or otherwise absents himself from any place where it is his duty to be;
shall be guilty of an offence against this section.

(2) For the purposes of this section, a person shall be treated as being drunk if, owing to the influence of alcohol or any drug, whether alone or in combination with any other circumstances, he is unfit to be entrusted with his duty.

(3) Any person subject to military law under this Act who strikes or otherwise uses force against any person on guard duty, being a member of the Defence Force or of any forces co-operating with that Force, or who by the threat of force compels any such person to let him or any other person pass, shall be guilty of an offence against this section.

(4) Any person guilty of an offence against this section shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act:
Provided that if the offence is not committed on active service he shall not be liable to imprisonment for more than two years.

(5) References in this section to a person on guard duty are references to a person who-

(a) is posted or ordered to patrol; or

(b) is a member of a guard or other party mounted or ordered to patrol;

for the purpose of protecting any persons, property, premises or place.

(6) The foregoing provisions of this section shall apply in relation to persons posted or ordered to patrol, or members of a party mounted or ordered to patrol, for the purposes of preventing or controlling access to or egress from any premises, property or place, or regulating traffic by road, by rail or on any inland navigation, as they apply to persons on guard duty.

(As amended by S.I. No. 8 of 1964)

35. Any person subject to military law under this Act who-

(a) steals from or with intent to steal searches the person of anyone killed or wounded in the course of warlike operations; or

(b) steals any property which has been left exposed or unprotected in consequence of warlike operations; or

(c) takes otherwise than for the public service any vehicle, equipment or stores abandoned by the enemy;

shall be guilty of looting and liable, on conviction by court-martial, to imprisonment or any less punishment provided by this Act.

Looting

Mutiny and Insubordination

36. (1) Any person subject to military law under this Act who-

(a) takes part in a mutiny involving the use of violence or the threat of the use of violence, or having as its object or one of its objects the refusal or avoidance of any duty or service against, or in connection with operations against the enemy, or the impeding of the performance of any
such duty or service; or

(b) incites any person subject to service law to take part in such a mutiny, whether actual or intended;

shall, on conviction by court-martial, be liable to suffer death or any other punishment provided by this Act.

(2) Any person subject to military law under this Act who, in a case not falling within subsection (1), takes part in a mutiny, or incites any person subject to service law to take part in a mutiny whether actual or intended, shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act.

(3) In this Act, "mutiny" means a combination between two or more persons subject to service law, or between persons two at least of whom are subject to service law-

(a) to overthrow or resist lawful authority in the Defence Force or any forces co-operating therewith or in any part of any of the said forces; or

(b) to disobey such authority in such circumstances as to make the disobedience subversive of discipline, or with the object of avoiding any duty or service against, or in connection with operations against, the enemy; or

(c) to impede the performance of any duty or service in the Defence Force or in any forces co-operating therewith or in any part of any of the said forces.

37. Any person subject to military law under this Act who, knowing that a mutiny is taking place or is intended-

(a) fails to use his utmost endeavours to suppress or prevent it; or

(b) fails to report without delay that the mutiny is taking place or is intended;

shall, on conviction by court-martial-

(i) if his offence was committed with intent to assist the enemy, be liable to suffer death or any other punishment provided by this Act;

(ii) in any other case, be liable to imprisonment or any less
punishment provided by this Act;

38. (1) Any person subject to military law under this Act who—

(a) strikes or otherwise uses violence to or offers violence to a superior officer; or

(b) uses threatening or insubordinate language to a superior officer;

shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act:

Provided that he shall not be liable to be imprisoned for more than two years if the offence was not committed on active service and did not involve the striking or other use of violence, or offering of violence, to a superior officer exercising authority as such.

(2) In this section, "superior officer", in relation to a person, means an officer, warrant officer or non-commissioned officer subject to service law of superior rank, and includes an officer, warrant officer or non-commissioned officer of equal rank but greater seniority while exercising authority as the said person's superior.

39. (1) Any person subject to military law under this Act who, in such manner as to show a wilful defiance of authority, disobeys any lawful command given or sent to him personally shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act.

(2) Any person subject to military law under this Act who, whether wilfully or through neglect, disobeys any lawful command shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act:

Provided that if the offence was not committed on active service he shall not be liable to be imprisoned for more than two years.

40. Any person subject to military law under this Act who—
(a) obstructs; or

(b) when called on, refuses to assist;

any person known to him to be a provost officer, or to be a person
(whether subject to military law under this Act or not) legally exercising
authority under or on behalf of a provost officer, shall, on conviction by
court-martial, be liable to imprisonment for a term not exceeding two
years or any less punishment provided by this Act.

41. (1) Any person subject to military law under this Act who
contravenes or fails to comply with any provision of orders to which this
section applies, being a provision known to him, or which he might
reasonably be expected to know, shall, on conviction by court-martial,
be liable to imprisonment for a term not exceeding two years or any less
punishment provided by this Act.

(2) This section applies to standing orders or other routine orders of a
continuing nature made for any formation or unit or body of troops, or
for any command or other area, garrison or place, or for any vessel, train
or aircraft.

Desertion, Absence without Leave, etc.

42. (1) Any person subject to military law under this Act who-

(a) deserts; or

(b) persuades or procures any person subject to service law to
desert;

shall, on conviction by court-martial, be liable to imprisonment or any
less punishment provided by this Act:

Provided that a person shall not be liable to be imprisoned for more than
two years unless-

(i) if the offence was against paragraph (a), he was on active service
or under orders for active service at the time it was committed;

(ii) if the offence was an offence against paragraph (b), the person in
relation to whom it was committed was on active service or under orders
for active service at that time.
(2) For the purposes of this Act, a person deserts who-

(a) leaves the Defence Force or, when it is his duty to do so, fails to join or rejoin the Defence Force, with (in either case) the intention, subsisting at the time of leaving or failure or formed thereafter, of remaining permanently absent from his duty; or

(b) being an officer enlists in or enters any part of the Defence Force or other forces without having resigned his commission, or being a soldier enlists in or enters any part of the Defence Force or other forces without having been discharged from his previous enlistment; or

(c) absents himself without leave with intent to avoid serving at any place outside Zambia or to avoid service or any particular service when before the enemy;

and references in this Act to "desertion" and "to desert" shall be construed accordingly.

(3) In addition to or in lieu of any punishment authorised by subsection (1), the court-martial by whom a soldier of the Regular Force is convicted of desertion may direct that the whole or any part of his service previous to the period in respect of which he is convicted of having been a deserter shall be forfeited.

43. Any person subject to military law under this Act who-

(a) absents himself without leave; or

(b) persuades or procures any person subject to service law to absent himself without leave;

shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

44. Any person subject to military law under this Act who-

(a) knowingly assists any person subject to service law to desert or absent himself without leave; or

(b) knowing that any person subject to service law has deserted or absented himself without leave, or is attempting to desert or absent himself without leave, fails to report that fact without delay, or fails to
take any steps in his power to cause that person to be apprehended; shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

45. Any person subject to military law under this Act who, for the purpose of obtaining leave or prolonging his leave, knowingly makes any false statement shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

46. Any person subject to military law under this Act who, without reasonable excuse, fails to attend for any parade or any military duty of any description or leaves any such parade or duty as aforesaid before he is permitted to do so shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

Malingering and Drunkenness

47. (1) Any person subject to military law under this Act who-

(a) falsely pretends to be suffering from sickness or disability; or

(b) injures himself with intent thereby to render himself unfit for service, or causes himself to be injured by any person with that intent; or

(c) injures another person subject to service law, at the instance of that person, with intent thereby to render that person unfit for service; or

(d) with intent to render or keep himself unfit for service, does or fails to do anything (whether at the time of the act or omission he is in hospital or not) whereby he produces, or prolongs or aggravates, any sickness or disability; shall be guilty of malingering and shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

(2) In this section, "unfit" includes temporarily unfit.
48. (1) Any person subject to military law under this Act who is guilty of drunkenness, whether on duty or not, shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act:

Provided that when the offence is committed by a soldier neither on active service nor on duty the sentence imposed shall not exceed detention for a period of six months.

(2) For the purposes of subsection (1), a person is guilty of drunkenness if owing to the influence of alcohol or any drug, whether alone or in combination with any other circumstances, he is unfit to be entrusted with his duty or with any duty which he may be called upon to perform, or behaves in a disorderly manner or in any manner likely to bring discredit on the Defence Force.

Offences Relating to Property

49. (1) Any person subject to military law under this Act who-

(a) steals or fraudulently misapplies any public or service property, or is concerned in or connives at the stealing or fraudulent misapplication of any public or service property; or

(b) receives any public or service property knowing it to have been stolen or to have been fraudulently misapplied; or

(c) wilfully damages, or is concerned in the wilful damage of, any public or service property; or

(d) by wilful neglect, causes damage by fire to any public or service property;

shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act.

(2) Without prejudice to the generality of the provisions of subsection
(1), any person subject to military law under this Act who-

(a) wilfully damages, or is concerned in the wilful damage of, any aircraft or aircraft material of the Defence Force or of any forces co-operating therewith; or

(b) by wilful neglect, causes damage to, or the loss of, any aircraft or aircraft material of the Defence Force or of any forces co-operating therewith; or

(c) without lawful authority, disposes of any aircraft or aircraft material of the Defence Force or of any forces co-operating therewith;

shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act.

(3) Any person subject to military law under this Act who, during a state of war, wilfully and without proper occasion or negligently causes the sequestration by or under the authority of a neutral state or the destruction in a neutral state of any aircraft of the Defence Force or of any forces co-operating therewith shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act:

Provided that if he has not acted wilfully or with wilful neglect he shall not be liable to imprisonment for a term exceeding two years.

50. Any person subject to military law under this Act who-

(a) steals or fraudulently misapplies any property belonging to a person subject to service law, or is concerned in or connives at the stealing or fraudulent misapplication of any such property; or

(b) receives any such property knowing it to have been stolen or to have been fraudulently misapplied; or

(c) wilfully damages, or is concerned in the wilful damage of, any property belonging to a person subject to service law;

shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

51. Any person subject to military law under this Act who-

(a) loses, or by negligence damages, any public or service property

...
of which he had the charge or which has been entrusted to his care or which forms part of property of which he has the charge or which has been entrusted to his care; or

(b) by negligence, loses or damages any aircraft or aircraft material of the Defence Force or of any forces co-operating therewith; or

(c) is guilty of any act or neglect likely to cause damage to or loss of any aircraft or aircraft material of the Defence Force or of any forces co-operating therewith; or

(d) by negligence, causes damage by fire to any public or service property; or

(e) loses, or by negligence damages, any clothing, arms, ammunition or other equipment issued to him for his use for military purposes; or

(f) fails to take proper care of any animal or bird used in the public service which is in his charge; or

(g) makes away (whether by pawning, selling, destruction or in any other way) with any service decoration granted to him, or any clothing, arms, ammunition or other equipment issued to him for his use for military purposes;

shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act:

Provided that it shall be a defence for any person charged under this section with losing any property, clothing, arms, ammunition or other equipment that he took reasonable steps for the care and preservation thereof.

Offences Relating to Billeting and Requisitioning of Vehicles

52. Any person subject to military law under this Act who-

(a) knowing that no billeting requisition is in force under any law authorising him to demand any billets or that he is otherwise not authorised to demand them, obtains those billets or orders or procures another person to obtain them; or

(b) takes or agrees to take, or demands, from a person on whom he or any other person or any vehicle is or is to be billeted in pursuance of a billeting requisition under any law any money or thing as consideration for not requiring, or ceasing to require, the accommodation for himself or the said other person or standing room for the vehicle; or
(c) commits any offence against the personal property of the occupier or premises in which he is billeted in pursuance of a billeting requisition under any law or of any other person being in those premises, or against any other property in those premises, or wilfully or by wilful neglect damages those premises or any such property as aforesaid; shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

53. (1) Any person subject to military law under this Act who-

(a) knowing that no requisitioning order is in force under any law authorising him to give directions for the provisions of any vehicle, or that he is otherwise not authorised to give such directions, gives directions for the provision of the vehicle or orders or procures another person to give such directions; or

(b) in purported exercise of powers conferred by a requisitioning order under any law takes, or orders or procures any other person to take, possession of a vehicle, knowing that no requisitioning order is in force under which the taking possession of the vehicle could be authorised, or that the taking possession thereof is otherwise not authorised under such order; or

(c) takes or agrees to take, or demands, from any person any money or thing as consideration for directions, or any particular directions, for the provision of a vehicle not being given, or possession of a vehicle not being taken, or not being retained, under a requisition order under any law;

shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

(2) Subsection (1) shall apply in relation to horses, food, forage and stores as it applies in relation to vehicles.

Flying, etc., Offences
54. Any person subject to military law under this Act who is guilty of any act or neglect in flying, or in the use of any aircraft, or in relation to any aircraft or aircraft material, which causes or is likely to cause loss of life or bodily injury to any person, shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act:

Provided that if the offender has not acted wilfully or with wilful neglect he shall not be liable to be imprisoned for more than two years.

55. Any person subject to military law under this Act who signs any certificate in relation to an aircraft or to aircraft material without ensuring the accuracy of the certificate shall, on conviction by court-material, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

56. Any person subject to military law under this Act who, being the pilot of an aircraft, flies it at a height less than such height as may be provided by any regulations issued under the authority of the President, except:

(a) while taking off or alighting; or
(b) in such other circumstances as may be provided;

shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

57. Any person subject to military law under this Act who, being the pilot of an aircraft, flies it so as to cause, or to be likely to cause, unnecessary annoyance to any person shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

Offences Relating to, and by, Persons in Custody

58. (1) Any person subject to military law under this Act who, when another person subject thereto is under arrest-

(a) unnecessarily delays the taking of such steps as it is his duty to take for investigating the allegations against that other person or for
having the allegations against that other person investigated by his commanding officer or an appropriate superior authority, or, as the case may be, tried by court-martial; or

(b) fails to release, or effect the release of, that other person when it is his duty to do so;

shall be guilty of an offence against this section.

(2) Any person subject to military law under this Act who, having committed a person (hereinafter referred to as "the prisoner") to the custody of any provost officer or other officer, or any warrant officer, or non-commissioned officer, fails without reasonable cause to deliver-

(a) at the time of the committal; or

(b) if it is not practicable so to do at the time of the committal, then within twenty-four hours thereafter;

to the person to whose custody the prisoner was committed a report in writing signed by himself of the offence which the prisoner is alleged to have committed, shall be guilty of an offence against this section.

(3) Where any person (hereinafter referred to as "the prisoner") is committed to the charge of a person subject to military law under this Act who is in command of a guard, then if without reasonable cause that person does not as soon as he is relieved from his guard and any further duty, or if he is not sooner relieved, within twenty-four hours after the committal, give to the officer to whom it is his duty to report-

(a) a written statement containing, so far as known to him, the prisoner's name and alleged offence and the name and rank or other description of the officer or other person by whom the prisoner is alleged to have committed the offence; and

(b) if he has received it, the report required by sub-section (2);

he shall be guilty of an offence against this section.

(4) Any person guilty of an offence against this section shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.
59. (1) Any person subject to military law under this Act who wilfully allows to escape any person who is committed to his charge, or whom it is his duty to guard, shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act. Permitting escape, and unlawful release of prisoners

(2) Any person subject to military law under this Act who-

(a) without proper authority, release any person who is committed to his charge; or

(b) without reasonable excuse, allows to escape any person who is committed to his charge, or whom it is his duty to guard;

shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

60. (1) Any person subject to military law under this Act who, being concerned in any quarrel or disorder, refuses to obey any officer subject to service law who orders him into arrest, or strikes or otherwise uses violence to, or offers violence to, any such officer, shall be guilty of an offence against this section whether or not the officer is his superior officer. Resistance to arrest

(2) Any person subject to military law under this Act who strikes or otherwise uses violence to, or offers violence to, any person, whether subject to military law under this Act or not, whose duty it is to apprehend him or in whose custody he is, shall be guilty of an offence against this section.

(3) Any person guilty of an offence against this section shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

61. Any person subject to military law under this Act who escapes from arrest, prison or other lawful custody (whether military or not), shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act. Escape from confinement
Offences in Relation to Courts-martial

62. (1) Any person subject to military law under this Act who—

(a) having been duly summoned or ordered to attend as a witness before a court-martial, fails to comply with the summons or order; or

(b) refuses to swear an oath when duly required by a court-martial to do so; or

(c) refuses to produce any document in his custody or under his control which a court-martial has lawfully required him to produce; or

(d) when a witness, refuses to answer any question which a court-martial has lawfully required him to answer; or

(e) wilfully insults any person, being a member of a court-martial or a witness or any other person whose duty it is to attend on or before the court, while that person is acting as a member thereof or is so attending, or wilfully insults any such person as aforesaid while that person is going to or returning from the proceedings of the court; or

(f) wilfully interrupts the proceedings of a court-martial or otherwise misbehaves before the court;

shall, on conviction by court-martial, other than the court in relation to which the offence was committed, be liable to a term of imprisonment not exceeding two years or any less punishment provided by this Act.

(2) Notwithstanding anything in subsection (1), where an offence against paragraph (e) or (f) of that subsection is committed in relation to any court-martial held in pursuance of this Act, that court, if of opinion that it is expedient that the offender should be dealt with summarily by the court instead of being brought to trial before another court-martial, may by order under the hand of the president order the offender to be imprisoned for a period not exceeding twenty-one days, or, in the case of a soldier, either to be imprisoned for such a period or to undergo detention for such a period.
(3) References in paragraphs (a) to (f) of subsection (1) to a court-martial shall include references to a court-martial held in pursuance of service law.

63. (1) Any person subject to military law under this Act who, having been lawfully sworn as a witness or as an interpreter in proceedings before a court-martial or before any board or person having power by virtue of this Act to administer oaths, makes a statement material in those proceedings which he knows to be false or does not believe to be true shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

(2) A person shall not be liable to be convicted of an offence against this section solely on the evidence of one witness as to the falsity of any statement alleged to be false.

Miscellaneous Offences

64. (1) Any person subject to military law under this Act who, without authority, discloses, whether orally, in writing, by signal or by any other means whatsoever, any information which is or purports to be information useful to an enemy shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

(2) In this section, "information useful to an enemy" means information as to any matter such that information as to it would or might be directly or indirectly useful to an enemy, and in particular (but without prejudice to the generality of the foregoing provisions of this subsection) information as to any matter falling within the following paragraphs, being a matter such that information as to it would or might be useful as aforesaid, that is to say:

(a) the number, description, armament, equipment, disposition, movement or condition of the Defence Force or of any forces co-operating therewith, or any aircraft of the Defence Force or aircraft of any such co-operating forces;

(b) any operations or projected operations of any of such forces or aircraft as aforesaid;
(c) any code, cypher, call-sign, password or counter-sign;

(d) any measures for the defence or fortification of any place;

(e) the number, description or location of any prisoners of war;

(f) any munitions of war.

65. Any person who, when before a recruiting officer for the purpose of being attested in pursuance of Part IV, has knowingly made a false answer to any question contained in the attestation paper and put to him by the direction of the recruiting officer shall, if he has since become and remains subject to military law under this Act, be liable, on conviction by court-martial, to imprisonment for a period not exceeding three months or to any less punishment provided by this Act.

66. Any person subject to military law under this Act who-

(a) makes, signs or makes an entry in any service report, return, pay list or certificate or other service document, being a document or entry which is to his knowledge false in a material particular; or

(b) alters any service report, return, pay list, or certificate or other service document, or alters any entry in such document, so that the document or entry is to his knowledge false in a material particular, or suppresses, defaces or makes away with any such document or entry which it is his duty to preserve or produce; or

(c) with intent to defraud, fails to make an entry in any such document; or

(d) aids, abets, commands, cancels, procures or connives at the commission by another person subject to service law of an offence against this section or the corresponding section of the applicable service law (whether or not he knows the nature of the document in relation to which that offence will be committed);

shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

67. Every officer subject to military law under this Act who behaves in a scandalous manner, unbecoming the character of an officer, shall, on Scandalous conduct of an
conviction by court-martial, be cashiered. officer

68. If-

(a) any officer subject to military law under this Act strikes or otherwise ill-treats any officer subject to service law of inferior rank or less seniority, or any soldier subject to service law; or

(b) any warrant officer or non-commissioned officer subject to military law under this Act strikes or otherwise ill-treats any person subject to service law, being a warrant officer or non-commissioned officer of inferior rank or less seniority or a private soldier;

he shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

69. Any person subject to military law under this Act who is guilty of disgraceful conduct of a cruel, indecent or unnatural kind shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

70. Any person subject to military law under this Act who-

(a) makes an accusation against any officer or soldier subject to service law, which he knows to be false or does not believe to be true; or

(b) in making a complaint in which he thinks himself wronged, makes a statement affecting the character of an officer or soldier subject to service law, which he knows to be false or does not believe to be true, or wilfully suppresses any material facts;

shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

71. Any person subject to military law under this Act who attempts to commit an offence against any of the foregoing provisions of this Part shall, on conviction by court-martial, be liable to the like punishment as for that offence:

Provided that if the offence is one punishable by death, he shall not be liable to any greater punishment than imprisonment.
72. Any person subject to military law under this Act who is guilty of any act, conduct or neglect to the prejudice of good order and military discipline shall, on conviction by court-martial, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

Civil Offences

73. (1) Any person subject to military law under this Act who commits a civil offence, whether in Zambia or elsewhere, shall be guilty of an offence against this section.

(2) In this Act-

(a) "civil offence" means any act or omission punishable by the law of Zambia or which, if committed in Zambia, would be punishable by that law;

(b) "the corresponding civil offence" means the civil offence the commission of which constitutes the offence against this section.

(3) A person convicted by court-martial of an offence against this section shall-

(a) if the corresponding civil offence is treason or murder, be liable to suffer death;

(b) in any other case, be liable to suffer any punishment or punishments which the civil court could award for the corresponding civil offence, if committed in Zambia, being a punishment or punishments provided by this Act, or such punishment, less than the maximum punishment which a civil court could so award, as is so provided:

Provided that where a civil court could not so award imprisonment, a person so convicted shall be liable to suffer such punishment, less than cashiering in the case of an officer or detention in the case of a soldier, as is so provided.
(4) A person shall not be charged with an offence against this section committed in Zambia if the corresponding civil offence is treason, murder, manslaughter, treason-felony, rape or an offence under section eight of the Suicide Act.

(5) Where the corresponding civil offence is murder, manslaughter or an offence under section eight of the Suicide Act, an offence against this section shall be deemed, for the purposes of subsection (4), to have been committed at the place of the commission of the act or occurrence or the neglect which caused the death, irrespective of the place of death.

(As amended by No. 1 of 1967)

Punishments

74. (1) The punishments which may be awarded to an officer by sentence of a court-martial under this Act are those set out in the scale in subsection (2) and, in relation to an officer, references in this Act to punishments provided by this Act are references to those punishments.

(2) The scale referred to in subsection (1) is-

(a) death;

(b) imprisonment;

(c) cashiering;

(d) dismissal from the Defence Force;

(e) forfeiture in the prescribed manner of seniority of rank in the Defence Force or in the corps to which the offender belongs, or in both;

(f) fine of a sum not exceeding the equivalent of ninety days' pay;

(g) severe reprimand or reprimand;

(h) where the offence has occasioned any expense, loss or damage, stoppages.
(3) For the purposes of this Part, a punishment specified in any paragraph of the scale in subsection (2) shall be treated as less than the punishment specified in the preceding paragraphs, and greater than those specified in the following paragraphs, of the said scale.

(4) Save as expressly provided in this Act, not more than one punishment shall be awarded by a court-martial for one offence.

(5) Stoppages may be awarded by a court-martial either in addition to or without any other punishment.

(6) A severe reprimand or reprimand may be awarded by a court-martial in addition to forfeiture of seniority of rank or a fine.

(7) Where an officer is sentenced by a court-martial to imprisonment he shall also be sentenced to be cashiered:

Provided that if the court-martial fails to sentence him to be cashiered, the sentence of imprisonment shall not be invalid but shall be deemed to include a sentence of cashiering.

75. (1) The punishments which may be awarded to a soldier by a sentence of a court-martial under this Act are those set out in the scale in subsection (2) and, in relation to a soldier, references in this Act to punishments provided by this Act are references to those punishments.

(2) The scale referred to in subsection (1) is-

(a) death;

(b) imprisonment;

(c) discharge with ignominy from the Defence Force;

(d) in the case of a warrant officer, dismissal from the Defence Force;
(e) detention for a term not exceeding two years;

(f) where the offender is on active service on the day of the sentence, field punishment for a period not exceeding ninety days;

(g) in the case of a warrant officer or non-commissioned officer, reduction to the ranks or any less reduction in rank;

(h) in the case of a warrant officer or non-commissioned officer, forfeiture in the prescribed manner of seniority of rank;

(i) where the offence is desertion, forfeiture of service;

(j) fine of a sum not exceeding the equivalent of ninety days' pay;

(k) in the case of a warrant officer or non-commissioned officer, severe reprimand or reprimand;

(l) where the offence has occasioned any expense, loss or damage, stoppages.

(3) For the purposes of this Part, a punishment specified in any paragraph in the scale in subsection (2) shall be treated as less than the punishments specified in the preceding paragraphs, and greater than those specified in the following paragraphs, of the said scale:

Provided that detention shall not be deemed to be a less punishment than imprisonment if the term of detention is longer than the term of imprisonment.

(4) Save as expressly provided in this Act, not more than one punishment shall be awarded by a court-martial for any one offence.

(5) A soldier sentenced by a court-martial to imprisonment may, in addition thereto, be sentenced to be discharged with ignominy from the Defence Force, and a warrant officer sentenced by a court-martial to imprisonment may, in addition thereto, be sentenced to dismissal from the Defence Force.
(6) Where a warrant officer or non-commissioned officer is sentenced by a court-martial to imprisonment, detention or field punishment, he shall also be sentenced to be reduced to the ranks:

Provided that if the court-martial fails to sentence him to be so reduced, the sentence shall not be invalid but shall be deemed to include a sentence of reduction to the ranks.

(7) In the case of a warrant officer or non-commissioned officer, a severe reprimand or reprimand may be awarded by a court-martial in addition to forfeiture of seniority of rank or a fine.

(8) Where an offender is on active service when sentence of a court-martial is announced, a fine may be awarded in addition to field punishment.

(9) Stoppages may be awarded by a court-martial either in addition to or without any other punishment.

(10) Where an offender has been sentenced by a court-martial to detention, then, if he is subsequently sentenced by a court-martial to imprisonment, any part of the sentence of detention which has not been served shall thereupon be remitted by virtue of this subsection.

(11) Without prejudice to the validity of any award, an offender shall not be kept continuously in detention under this Act for more than two years.

76. Field punishment shall consist of such duties or drills, in addition to those which the offender might be required to perform if he were not undergoing punishment, and such loss of privileges, as may be provided by or under regulations to be made by the President, and may include confinement in such place or manner as may be so provided and such personal restraint as may be necessary to prevent the escape of the offender and as may be so provided.

Arrest
77. (1) Any person subject to military law under this Act found committing an offence against any provision of this Act or alleged to have committed or reasonably suspected of having committed any such offence, may be arrested in accordance with the following provisions of this section.

(2) An officer may be arrested by an officer subject to service law of superior rank, or, if engaged in a quarrel or disorder, by such an officer of any rank.

(3) A soldier may be arrested by any officer, warrant officer or non-commissioned officer subject to service law:

Provided that a person shall not be arrested by virtue of this subsection except by a person of superior rank.

(4) A provost officer, or any officer, warrant officer or non-commissioned officer subject to service law lawfully exercising authority under a provost officer or on his behalf, may arrest any officer or soldier:

Provided that an officer shall not be arrested by virtue of this subsection except on the order of another officer.

(5) The power of arrest given to any person by this section may be exercised either personally or by ordering into arrest the person to be arrested or by giving orders for that person's arrest.

78. (1) The allegations against any person subject to military law under this Act who is under arrest shall be duly investigated without unnecessary delay and, as soon as may be, either proceedings shall be taken for punishing his offence or he shall be released from arrest.

(2) Wherever any person subject to military law under this Act, having been taken into military custody, remains under arrest for a longer period than eight days without a court-martial for his trial being assembled, a special report on the necessity for further delay shall be made by his commanding officer to the prescribed authority in the
prescribed manner, and a similar report will be made to the like
authority and in the like manner every eight days until a court-martial is
assembled or the offence is dealt with summarily or he is released from
arrest:

Provided that, in the case of a person on active service, compliance with
this subsection shall be excused in so far as it is not reasonably
practicable having regard to the exigencies of military operations.

(3) For the purposes of subsection (1) of section fifty-eight, the question
as to whether there has been unnecessary delay in the taking of any steps
for the investigation of allegations against a person under arrest shall be
determined without regard to the provisions of subsection (2).

Investigation of, and Summary Dealing with, Charges

79. Before an allegation against a person subject to military law under
this Act (hereinafter referred to as "the accused") that he has committed
an offence against any provision of this Part is further proceeded with,
the allegation shall be reported, in the form of a charge, to the accused's
commanding officer and the commanding officer shall investigate the
charge in the prescribed manner.

80. (1) After investigation, a charge against an officer below the rank of
lieutenant-colonel or against a warrant officer may, if an authority has
power under the following provisions of this Part to deal with it
summarily, be so dealt with by that authority (in this Act referred to as
"the appropriate superior authority") in accordance with those
provisions.

(2) After investigation, a charge against a non-commissioned officer or
private soldier may be dealt with summarily by his commanding officer,
subject to, and in accordance with, the following provisions of this Part.

(3) Any charge not dealt with summarily as aforesaid shall, after
investigation, be remanded for trial by court-martial.

(4) Notwithstanding anything in the foregoing provisions of this
section, where-
(a) a commanding officer has investigated a charge against an officer or warrant officer; or

(b) the commanding officer has investigated a charge against a non-commissioned officer or private soldier, which is not one which can be dealt with summarily;

the commanding officer may dismiss the charge if he is of opinion that it ought not to be further proceeded with.

(5) References in this Act to dealing summarily with a charge are references to the taking by the appropriate superior authority or the commanding officer of the accused, as the case may require, of the following action, that is to say, determining whether the accused is guilty, dismissing the charge or recording a finding of guilty accordingly, and awarding punishment.

81. (1) The following provisions of this section shall have effect where the commanding officer has investigated a charge against a non-commissioned officer or private soldier.

(2) If-

(a) the charge is not one which can be dealt with summarily and the commanding officer has not dismissed it; or

(b) the charge is one which can be dealt with summarily but the commanding officer is of opinion that it should not be so dealt with;

he shall take the prescribed steps with a view to the charge being tried by court-martial.

(3) Otherwise, the commanding officer shall proceed to deal with the charge summarily, and if he records a finding of guilty he may award one or more of the following punishments, that is to say:

(a) if the accused is a non-commissioned officer-

(i) a fine of a sum not exceeding the equivalent of seven days' pay;
(ii) severe reprimand or reprimand;
(iii) where the offence has occasioned any expense, loss or damage, stoppages;
(iv) admonition;

(b) if the accused is a private soldier-
(i) detention for a period not exceeding twenty-eight days, or, if the accused is on active service, field punishment for a period not exceeding twenty-eight days;
(ii) a fine of a sum not exceeding the equivalent of seven days' pay;
(iii) where the offence has occasioned any expense, loss or damage, stoppages;
(iv) confinement to barracks for a period not exceeding fourteen days;
(v) extra guards or pickets;
(vi) admonition.

(4) Where the accused is an acting warrant officer or an acting non-commissioned officer, and the commanding officer finds him guilty, the commanding officer may, if he awards no other punishment or no other punishment except stoppages, order the accused to revert to his permanent rank or to assume an acting rank lower than that held by him but higher than his permanent rank.

(5) Notwithstanding the provisions of subsection (4), where the accused is a substantive corporal or lance-corporal, and the commanding officer finds him guilty, the commanding officer may, if he awards no other punishment or no other punishment except stoppages, order the accused to be reduced to the ranks.

(6) No fine or severe reprimand or reprimand, confinement to barracks, extra guards or pickets, or admonition shall be awarded for an offence for which detention is awarded.

(7) A fine shall not be awarded for an offence for which stoppages have been awarded.
(8) Notwithstanding anything in subsection (3), where a commanding officer has determined that the accused is guilty and if the charge is dealt with summarily will award a punishment other than severe reprimand, reprimand or admonition, confinement to barracks, extra guards or pickets, or where a finding of guilty (whatever the punishment awarded) will involve a forfeiture of pay, the commanding officer shall not record a finding until after affording the accused an opportunity of electing to be tried by court-martial; and if the accused so elects and does not subsequently, in accordance with regulations, withdraw his election, the commanding officer shall not record a finding but shall take the prescribed steps with a view to the charge being tried by court-martial.

(9) Where a charge is one which can be dealt with summarily, but the commanding officer has taken steps with a view to its being tried by court-martial, any higher authority to whom the charge is referred may refer the charge back to the commanding officer to be dealt with summarily; and on any such reference subsections (3), (4), (5), (6), (7) and (8) shall apply as if the commanding officer had originally been of opinion that the charge should be dealt with summarily:

Provided that a charge shall not be referred back where the accused has elected to be tried by court-martial and has not withdrawn his election.

(10) Notwithstanding anything in the foregoing provisions of this section, the power thereby conferred on a commanding officer in the Home Guard shall not be exercisable by a commanding officer except during any period when the President has ordered the employment of the Home Guard or any part thereof under the provisions of section nineteen of the Home Guard Act, or during any period when the person to be dealt with is on any other duty pursuant to the provisions of the said Act.

(As amended by No. 32 of 1971)
(3) If the charge is not so referred, the prescribed steps shall be taken with a view to its being tried by court-martial.

(4) Where the charge is referred to the appropriate superior authority, that authority shall investigate the charge in the prescribed manner and determine whether the accused is guilty of the charge and accordingly dismiss the charge or record a finding of guilty:

Provided that if in the course of investigating the charge the authority determines that it is desirable that the charge be tried by the court-martial, the prescribed steps shall be taken with a view to its being so tried.

(5) If the appropriate superior authority records a finding of guilty, the authority may award one or more of the following punishments, that is to say:

(a) forfeiture in the prescribed manner of seniority of rank, where the accused is an officer the forfeiture being of seniority of rank either in the Defence Force or in the corps to which the accused belongs, or in both;

(b) a fine of a sum not exceeding the equivalent of twenty-eight days' pay;

(c) severe reprimand, or reprimand;

(d) where the offence has occasioned any expense, loss or damage, stoppages; except that he may not award both forfeiture of seniority of rank and a fine.

(6) Notwithstanding anything in subsection (4), where the appropriate superior authority has determined that the accused is guilty and if the charge is dealt with summarily will award forfeiture of seniority, a fine, stoppages, or where a finding of guilty will involve a forfeiture of pay the authority shall not record a finding until affording the accused an opportunity of electing to be tried by court-martial; and if the accused so
elects the authority shall not record a finding but shall take the prescribed steps with a view to the charge being tried by court-martial.

83. (1) Notwithstanding the provisions of sections eighty-one and eighty-two, where a charge-

(a) has been referred to higher authority with a view to its being tried by court-martial; or

(b) has been referred to higher authority for determination of how it is to be proceeded with;

that authority may, subject to the provisions of this section, refer the charge back to the commanding officer of the accused with a direction that it shall be dismissed, and in any such case the commanding officer shall dismiss the charge.

(2) The reference back of a charge in pursuance of this section shall be without prejudice to the preferring of another charge if the higher authority has so directed or the commanding officer thinks fit.

84. (1) In this Act-

(a) "commanding officer", in relation to a person charged with an offence, means the officer for the time being commanding the unit or detachment to which the person belongs or is attached;

(b) "appropriate superior authority", in relation to a person charged with an offence, means-

(i) in the case of officers of the rank of major and below and of warrant officers, any officer of the Defence Force not below the rank of colonel;

(ii) in the case of officers of the rank of lieutenant and below and of
warrant officers, any officer of the Defence Force not below the rank of lieutenant-colonel who is not the commanding officer of such person.

(2) Regulations made by the President under this section may confer on commanding officers power to delegate powers of commanding officers, in such cases and to such extent and to such officer or class of officers as may be specified in the regulations.

85. (1) The charges which may be dealt with summarily by a commanding officer, and the charges which may be dealt with summarily by an appropriate superior authority, shall be such as may be specified by regulations of the President.

(2) In such cases as may be specified in that behalf by regulations of the President, the powers of a commanding officer or appropriate superior authority to award punishment shall be subject to such limitations as may be so specified.

Court-martial: General Provisions

86. Subject to the provisions of this Act, a court-martial under this Act shall have power to try any person subject to military law under this Act for any offence which under this Act is triable by court-martial and to award for any such offence any punishment authorised by this Act for that offence.

87. (1) A court-martial may be convened by an officer not below the rank of colonel or by any officer not below field rank in the name of such officer and authorised by him to convene courts-martial.

(2) Any authorisation under subsection (1) to convene courts-martial—

(a) may be made subject to restrictions, reservations, exceptions or conditions;

(b) may be addressed to officers by name or by designation of their offices, and may be issued or given to a named or designated officer, to a named or designated officer and to the person for the time being
performing the duties of his office, to a named or designated officer and his successors in that office or to a named or designated officer and such person and successors;

(c) may be varied or may be revoked either wholly or in part by the officer by whom it was given or his successor in office.

88. (1) A court-martial shall consist of the president and not less than two other officers as members:

Provided that a court-martial shall consist of the president and not less than four other officers as members if-

(i) an officer is to be tried; or

(ii) the only punishment or the maximum punishment which can be awarded in respect of the charge before the court is death.

(2) An officer shall not be appointed to be the president or a member of a court-martial unless-

(a) he belongs to the Defence Force, is subject to military law and has been an officer in the Defence Force for a continuous period of not less than two years; or

(b) is an officer in the Defence Force, is subject to military law and has served in that Force or in any other military, naval or air force for periods amounting in the aggregate to not less than two years.

(3) Not less than two of the members of a court-martial shall be of a rank not below that of captain.

(4) The president of a court-martial shall be appointed by order of the convening officer and shall not be under field rank unless in the opinion of the convening officer an officer of field rank having suitable qualifications is not, with due regard to the public service, available; and in any event the president of a court-martial shall not be under the rank of captain.
(5) The members of a court-martial shall be appointed by order of the convening officer or in such other manner as may be prescribed.

(6) An officer under the rank of captain shall not be a member of a court-martial for the trial of an officer above that rank.

(As amended by S.I. No. 8 of 1964)

89. (1) The officer who convenes a court-martial shall not be a member of that court-martial.

(2) An officer who, at any time between the date on which the accused was charged with the offence and the date of the trial, has been the commanding officer of the accused, and any other officer who has investigated the charge against the accused, or who under service law has held, or has acted as one of the persons holding, an inquiry into matters relating to the subject-matter of the charge against the accused, shall not be president or sit as a member of the court-martial or act as judge advocate at such a court-martial.

(3) Where the officer convening a court-martial appoints a captain to be president, being of opinion that a field officer having suitable qualifications is not, with due regard to the public service, available, the order convening the court-martial shall contain a statement of such opinion, and that statement shall be conclusive.

90. (1) Subject to the provisions of this section, a court-martial shall sit at such place (whether within or without Zambia) as may be specified in the order convening the court.

(2) A court-martial sitting at any place shall, if the convening officer directs it to sit at some other place, and may without any such direction if it appears to the court requisite in the interest of justice to sit at some other place, adjourn for the purpose of sitting at that other place.

Court-martial: Provisions Relating to Trial
91. (1) An accused about to be tried by court-martial shall be entitled to object, on any reasonable grounds, to any member of the court, whether appointed originally or in lieu of another officer.

(2) For the purpose of enabling the accused to avail himself of the right conferred by subsection (1), the names of the members of the court shall be read over in the presence of the accused before they are sworn, and he shall be asked whether he objects to any of those officers.

(3) Every objection made by the accused to any officer shall be considered by the other officers appointed members of the court.

(4) If objection is made to the president and not less than one-third of the other members of the court allow it, the court shall adjourn and the convening officer shall appoint another president.

(5) If objection is made to a member of the court other than the president and not less than one-half of the members entitled to vote allow it, the member objected to shall retire and the vacancy may, and if otherwise the number of members would be reduced to below the legal minimum shall, be filled in the prescribed manner by another officer.

92. (1) An oath shall be administered to every member of a court-martial and to any person in attendance on a court-martial as judge advocate, officer under instruction, shorthand writer or interpreter.

(2) Every witness before a court-martial shall be examined on oath:

Provided that where any child of tender years called as a witness does not in the opinion of the court understand the nature of an oath, his evidence may be received, though not given upon oath if, in the opinion of the court he is possessed of sufficient intelligence to justify the reception of the evidence and understands the duty of speaking the truth, so however that where the evidence is given on behalf of the prosecution, the accused shall not be liable to be convicted unless it is corroborated by some other material evidence in support thereof implicating the accused.
(3) An oath required to be administered under this section shall be in the prescribed form and shall be administered at the prescribed time by the prescribed person and in the prescribed manner.

93. (1) Subject to the provisions of this section, a court-martial shall sit in open court and in the presence of the accused. Court-martial to sit in open court

(2) Nothing in subsection (1) shall affect the power of a court-martial to sit in camera on the ground that it is necessary or expedient in the interests of the administration of justice so to do; and without prejudice to that power a court-martial may order that, subject to any exceptions the court may specify, the public shall be excluded from all or any part of the proceedings of the court if it appears to the court that any evidence to be given or statement to be made in the course of the proceedings or that part, as the case may be, might otherwise lead to the disclosure of any information which would or might be directly or indirectly useful to an enemy.

(3) A court-martial shall sit in closed court while deliberating on their finding or sentence on any charge.

(4) A court-martial may sit in closed court on any other deliberation amongst the members.

(5) Where a court-martial sits in closed court no person shall be present except the members of the court and such other persons as may be prescribed.

94. Where, whether before or after the commencement of the trial, it appears to the convening officer necessary or expedient in the interests of the administration of justice that a court-martial should be dissolved, the convening officer may by order dissolve the court-martial. Dissolution of court-martial

(2) Without prejudice to the generality of subsection (1), if after the commencement of a trial a court-martial is, by reason of the death of one of the members or for any other reason, reduced below the legal minimum, it shall be dissolved.
(3) If after the commencement of the trial the president dies or is otherwise unable to attend and the court is not reduced below the legal minimum, then-

(a) if the senior member of the court is of the rank of captain or is of higher rank, the convening officer may appoint him president and the trial shall proceed accordingly; but

(b) if he is not, the court shall be dissolved.

(4) Without prejudice to the generality of subsection (1), if after the commencement of the trial it is represented to the convening officer that owing to the sickness or other incapacity of the accused it is impracticable having regard to all the circumstances to continue the trial within a reasonable time, the convening officer may dissolve the court.

(5) Where a court-martial is dissolved under the foregoing provisions of this section the accused may be tried by another court-martial.

95. (1) Subject to the provisions of this section, every question to be determined on a trial by court-martial shall be determined by a majority of votes of the members of the court.

2] In the case of an equality of votes on the finding, the court shall acquit the accused.

3] A finding of guilty where the only punishment which the court can award is death shall not have effect unless it is reached with the concurrence of all the members of the court; and where on such a finding being come to by the majority of the members there is no such concurrence, the court shall be dissolved and the accused may be tried by another court.

4] Where the accused is found guilty and the court has power to sentence him either to death or to some less punishment, sentence of death shall not be passed without the concurrence of all the members of the court.
(5) In the case of an equality of votes on the sentence, or on any question arising after the commencement of a trial, except the finding, the president shall have a second or casting vote.

96. (1) Without prejudice to the provisions of section ninety-three, the finding of a court-martial on each charge shall be announced in open court.

(2) Any finding of guilty shall be, and be announced as being, subject to confirmation.

(3) Any sentence of a court-martial, together with any recommendation to mercy, shall be announced in open court and a sentence of a court-martial shall be, and be announced as being, subject to confirmation.

97. (1) An accused charged before a court-martial with an offence under this Act may, on failure of proof of the offence having been committed under circumstances involving a higher degree of punishment, be found guilty of the offence as having been committed under circumstances involving a less degree of punishment.

(2) An accused charged before a court-martial with any offence may be found guilty of attempting to commit that offence.

(3) An accused charged before a court-martial with attempting to commit an offence may be convicted on that charge notwithstanding that it is proved that he actually committed that offence.

(4) Where an accused is charged before a court-martial under section seventy-three in respect of attempting to commit a civil offence, he may be convicted on that charge notwithstanding that it is proved that he actually committed that civil offence.

(5) Where an accused is charged before a court-martial with an offence against section seventy-three, and the corresponding civil offence is one in proceedings for which, if he had been tried by a civil court for committing the offence in Zambia, he might have been found guilty of
another civil offence, then, if the court finds that he has committed that other civil offence, he may be convicted of an offence against section seventy-three in respect of the commission of that other civil offence.

(6) An accused charged before a court-martial with an offence specified in the first column of the First Schedule may be found guilty of an offence specified in relation thereto in the second column of that Schedule.

98. (1) Subject to the provisions of this Act, the rules as to the admissibility of evidence to be observed in proceedings before courts-martial shall be the same as those observed in civil courts in Zambia, and no person shall be required in proceedings before a court-martial to answer any question or to produce any document which he could not be required to answer or produce in similar proceedings before a civil court in Zambia.

(2) Notwithstanding anything in subsection (1), a statutory declaration shall, in a trial by court-martial, be admissible as evidence of the facts stated in the declaration in a case where, and to the extent to which oral evidence to the like effect would be admissible in that trial:

Provided that a statutory declaration shall not be admitted in evidence in any such trial on behalf either of the prosecution or of the defence-

(i) where the declaration is put forward on behalf of the prosecution, unless a copy of the declaration has, not less than seven days before the commencement of the trial, been served on the accused;

(ii) where the declaration is put forward on behalf of the defence, unless a copy of the declaration has, not less than seven days before the commencement of the trial, been served on the commanding officer of the accused, or the commanding officer of the accused has given his agreement in writing to its admission;

(iii) in any case, if, not later than three days before the commencement of the trial or within such further time as the court-martial may in special circumstances allow, the accused or, as the case may be, the commanding officer of the accused serves a notice in the prescribed form on the commanding officer or accused requiring that oral evidence shall be given in lieu of the declaration;
(iv) in any case, if the court-martial is of opinion that it is desirable in the interests of justice that oral evidence should be given in lieu of the declaration and declares that it is of that opinion.

(3) A court-martial shall take judicial notice of all matters of notoriety including all matters within the general service knowledge of the court, and of all other matters of which judicial notice would be taken in a civil court in Zambia.

99. A witness before a court-martial or any other person whose duty it is to attend on or before the court shall be entitled to the same immunities and privileges as a witness before the High Court.  

(As amended by S.I. No. 8 of 1964)

100. Where in Zambia any person not subject to military law under this Act-

(a) having been duly summoned to attend as a witness before a court-martial, fails to comply with the summons; or

(b) refuses to swear an oath when duly required by a court-martial to do so; or

(c) refuses to produce any document in his custody or under his control which a court-martial has lawfully required him to produce; or

(d) when a witness refuses to answer any question which a court-martial has lawfully required him to answer; or

(e) wilfully insults any person, being a member of a court-martial or a witness or any other person whose duty it is to attend on or before the court, while that person is acting as a member thereof or is so attending, or wilfully insults any such person as aforesaid while that person is going to or returning from the proceedings of the court; or

(f) wilfully interrupts the proceedings of a court-martial or otherwise misbehaves before the court; or

(g) does any other thing which would, if the court-martial had been a court of law having power to commit for contempt, have been contempt of that court;

the president of the court-martial may certify the offence of that person under his hand to the High Court, and the High Court may thereupon inquire into the alleged offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the
offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the High Court.

101. (1) If-

(a) a person required by virtue of this Act to take an oath for the purposes of proceedings before a court-martial objects to be sworn, and states as the ground of his objection either that he has no religious belief or that the taking of an oath is contrary to his religious belief; or

(b) it is not reasonably practicable to administer an oath to such a person as aforesaid in the manner appropriate to his religious belief; he shall be permitted to make a solemn affirmation in the prescribed form instead of taking an oath.

(2) A person who may be permitted under this section to make his solemn affirmation may also be required to do so and for the purposes of this section, "reasonably practicable" means reasonably practicable without inconvenience or delay.

Confirmation, Revision and Review of Proceedings of Court-martial

102. (1) Where a court-martial finds the accused guilty on any charge, the record of the proceedings of the court-martial shall be transmitted to a confirming officer for confirmation of the finding and sentence of the court on that charge.

(2) A finding of guilty or sentence of a court-martial shall not be treated as a finding or sentence of the court until confirmed:

Provided that this subsection shall not affect the keeping of the accused in custody pending confirmation or the operation of sections one hundred and three and one hundred and four or the provisions of this Act as to confirmation or approval.

103. At any time after a court-martial has sentenced the accused, but not later than the prescribed time after confirmation is completed, the accused may in the prescribed manner present a petition against finding or sentence.
104. (1) A confirming officer may direct that a court-martial shall revise any finding of guilty come to by the court in any case where it appears to him—

(a) that the finding was against the weight of evidence; or

(b) that some question of law determined at the trial and relevant to the finding was wrongly determined.

(2) Any such direction shall be accompanied by the necessary directions for the reassembly of the court, and shall contain a statement of the reasons for the direction.

(3) On any revision of a finding the court shall reconsider the finding, and (unless the court adheres thereto) may substitute therefor either a finding of not guilty or any other finding to which the court could originally have come at the trial in lieu of the finding under revision.

(4) On any such revision the court shall not have power to receive further evidence.

(5) Where on any such revision the court either adheres to the original finding or substitutes therefor a finding of guilty of another offence, or of the same offence in different circumstances the court may substitute a different sentence for the original sentence.

Provided that the court shall not have power to substitute a sentence of a punishment greater than the punishment or greatest of the punishments awarded by the original sentence, or to substitute a sentence which in the opinion of the court is more severe than the original sentence.

(6) The confirming officer shall not have power to direct the revision of any substituted finding come to by the court on a previous direction of the confirming officer, or the revision of the original finding if adhered to by the court on such a previous direction; but save as aforesaid this Act shall apply to the proceedings of the court on any such revision as it applies to their deliberations on the original finding or sentence, and any
substituted finding or sentence shall be treated for all purposes as an original finding or sentence of the court:

Provided that the decision of the court on the revision shall not be required to be announced in open court.

105. (1) Subject to the provisions of section one hundred and four and to the following provisions of this section, a confirming officer shall deal with the finding or sentence of a court-martial either by withholding confirmation, if of opinion that the finding of the court is unreasonable or cannot be supported having regard to the evidence or involves a wrong decision on a question of law or that, on any ground, there was a miscarriage of justice, or by confirming the finding or sentence or referring the finding or sentence, or both, for confirmation to a higher confirming officer.

(2) In lieu of withholding confirmation of the finding of a court-martial, a confirming officer may, if-

(a) some other finding of guilty could have been validly made by the court-martial on the charge before it; and

(b) he is of opinion that the court-martial must have been satisfied of the facts necessary to justify that other finding;

substitute that other finding, and if he does so he shall consider in what manner, if at all, the powers conferred by subsection (4) should be exercised.

(3) Where it appears to a confirming officer that a sentence of a court-martial is invalid, he may, in lieu of withholding confirmation of the sentence, substitute therefor a sentence of any punishment or punishments which could have been awarded by the court, not being greater than the punishment or greatest of the punishments awarded by the court and not in his opinion more severe than that punishment or those punishments.

(4) In confirming the sentence of a court-martial, a confirming officer may-

(a) remit in whole or in part any punishment awarded by the court;
or

(b) commute any such punishment for one or more punishment or punishments provided by this Act, being less than the punishment commuted.

(5) In confirming any sentence, a confirming officer may postpone the carrying out of the sentence for such time as seems expedient, and a confirming officer may extend or terminate any postponement ordered under this subsection.

(6) A finding or sentence substituted by the confirming officer, or any sentence having effect after the confirming officer has remitted or commuted punishment, shall be treated for all purposes as a finding or sentence of the court duly confirmed.

(7) The confirmation of a finding or sentence shall not be deemed to be completed until the finding or sentence has been promulgated; and in the event of any such substitution, remission or commutation as aforesaid the finding or sentence shall be promulgated as it has effect after the substitution, remission or commutation.

(8) Where the confirming officer determines to withhold confirmation, the determination shall be promulgated and shall have effect as from the promulgation thereof.

106. (1) Subject to the provisions of this section, the following shall have power to confirm the finding and sentence of any court-martial, that is to say:

(a) the officer who convened the court-martial or any officer superior in rank to that officer;

(b) the successor of any such officer or superior officer, or any person for the time being exercising the functions of any such officer or superior officer;

(c) failing any such officer as aforesaid, the President.
(2) The following shall not have power to confirm the finding or sentence of a court-martial, that is to say:

(a) any officer who was a member of the court-martial; or

(b) any person who, as commanding officer of the accused, investigated the allegations against him or who is for the time being the commanding officer of the accused; or

(c) any person who, as appropriate superior authority, investigated the allegations against the accused.

(3) An authorisation empowering the convening of a court-martial may reserve for confirmation by superior authority findings or sentences, or both, in such circumstances as may be specified by or under the authorisation, and the power conferred by subsection (1) shall be exercisable subject to any such reservation.

107. Subject to the provisions of the proviso to section one hundred and forty-five, a sentence of death shall not be carried into effect unless it has been approved by the President or by the advisory committee established under the Constitution.

(S.I. No. 8 of 1964)

108. (1) A finding or sentence which has been confirmed may at any time be reviewed by a reviewing authority, and if after confirmation of a finding or sentence, a petition is duly presented under section one hundred and three against the finding or sentence, then, subject to the provisions of this section, the finding or sentence shall be so reviewed as soon as may be after the presentation of the petition and after consideration of the matters alleged therein.

(2) The reviewing authorities for the purposes of this Act are-

(a) any officer superior in command to the confirming officer;

(b) the President.
(3) If an application for leave to appeal is received by the registrar of the court of appeal under the provisions of Part VI, so much of subsection (1) as requires the review of a finding or sentence against which a petition has been presented shall thereupon cease to apply to the finding to which the appeal or the application for leave to appeal relates and to the sentence passed in consequence of that finding.

(4) On a review under this section the reviewing authority may-

(a) in so far as the review is of a finding, quash the finding and, if the sentence relates only to the finding quashed, the sentence; or

(b) in so far as the review is of a sentence, quash the sentence; or

(c) in any case, exercise the like powers of substituting findings, substituting valid for invalid sentences, and remitting or commuting a punishment as are conferred on a confirming officer by subsections (2), (3) and (4) of section one hundred and five;

and any substituted finding or sentence, or sentence having effect after the remission or commutation of punishment, shall be treated for all purposes as a finding or sentence of the court duly confirmed.

(5) Where a reviewing authority exercises any of the powers conferred by subsection (4), the determination shall be promulgated and shall have effect as from the promulgation thereof.

109. (1) Sentences of imprisonment and detention passed by courts-martial may be reconsidered by the Commander and if on any such reconsideration it appears that the conduct of the offender since his conviction has been such as to justify remission of the sentence, whether in part or in whole, it shall be remitted accordingly.

(2) The power to reconsider a sentence may be exercised at any time after confirmation, and where after review a sentence remains effective it shall be reconsidered at intervals of six months:

Provided that delay in complying with this subsection shall not invalidate the sentence.
Review of Summary Findings and Awards

110. (1) Where a charge has been dealt with summarily, otherwise than by the dismissal thereof, the authority hereinafter mentioned may at any time review the finding or award.

(2) The said authority is-

(a) any officer superior in command to the officer who dealt summarily with the charge; or

(b) the President.

(3) Where on a review under this section it appears to the said authority expedient so to do by reason of any mistake of law in the proceedings on the summary dealing with the charge or of anything occurring in those proceedings which in the opinion of the authority involved substantial injustice to the accused, the authority may quash the finding.

(4) If a finding in any proceedings is quashed under subsection (3) and the award made in those proceedings relates only to the finding quashed, the authority shall also quash the award; and if the award relates also to any other finding and it appears to the authority that the award was not warranted by this Act in respect of that other finding, the authority may vary the award by substituting such punishment or punishments as the authority may think proper, being a punishment or punishments which could have been included in the original award in relation to that other finding, and not being in the opinion of the authority more severe than the punishment or punishments included in the original award.

(5) Where on a review under this section it appears to the said authority that a punishment awarded was invalid, or too severe, or (where the award included two or more punishments) that those punishments or some of them could not validly have been awarded in combination or are, taken together, too severe, the authority may vary the award by substituting such punishment or punishments as the authority may think proper, being a punishment or punishments which could have been included in the original award and not being in the opinion of the authority more severe than the punishment or punishments included in
the original award.

Findings of Insanity

111. (1) Where, on the trial of a person by court-martial, it appears to the court that the accused is by reason of insanity unfit to stand his trial, the court shall so find; and if the finding is confirmed in accordance with the following provisions of this section the accused shall be kept in custody in such manner as may be provided by or under regulations made under this Part until the directions of the President are known or until any earlier time at which the accused is fit to stand his trial.

(2) Where, on the trial of a person by court-martial, it appears to the court that the evidence is such as, apart from any question of insanity, to support a finding that the accused was guilty of any offence, but at the time of the acts or omissions constituting that offence the accused was insane, the court shall find that the accused was guilty of that offence but was insane at the said time, and thereupon the accused shall be kept in custody in such manner as may be provided by or under regulations made under this Part until the directions of the President are known.

(3) In the case of any such finding as aforesaid, the President may give orders for the safe custody of the accused during his pleasure in such place and in such manner as the President thinks fit.

(4) A finding under subsection (1) shall not have effect unless and until the finding has been confirmed by an officer who would have had power to confirm a finding of guilty come to by the court-martial in question and has been promulgated.

(5) Where the court or the confirming officer comes to or substitutes a finding of guilty but insane, the confirming officer or, as the case may be, the reviewing authority shall not have power to substitute for that finding a finding of guilty; but, save as aforesaid, the provisions of this Act as to revision, confirmation and review (and in particular the provisions of this Act which confer power to substitute for any finding any other finding which could have been come to by the court-martial in question) apply in relation to such findings as are provided for by subsection (2) as those provisions apply in relation to other findings of guilty.
Commencement, Suspension and Duration of Sentences

112. (1) A military sentence of imprisonment or detention or a sentence of field punishment shall, subject to the provisions of subsection (4) of section one hundred and thirty-seven (which empowers the court of appeal in certain cases to direct that a sentence shall begin to run from the day on which the court dismisses an application for leave to appeal), begin to run from the beginning of the day on which sentence was originally pronounced by the court-martial trying the offender or, as the case may be, was originally awarded by his commanding officer.

(2) A sentence of imprisonment or detention passed by a court-martial on a soldier which is suspended in pursuance of section one hundred and fourteen before he has been committed to prison or a military establishment shall not begin to run until the beginning of the day on which the suspension is determined:

Provided that where the sentence is suspended by the confirming officer and the reviewing authority determines the suspension, the reviewing authority may direct that the sentence shall run from such earlier date, not earlier than the day on which sentence was originally pronounced by the court-martial, as the reviewing authority may specify.

113. (1) Where a soldier has been sentenced to imprisonment or detention by a court-martial, and the sentence is suspended in pursuance of section one hundred and fourteen after he has been committed to prison or a military establishment, the currency of the sentence shall be suspended from the beginning of the day after the day on which he is released in accordance with the provisions of that section until the beginning of the day on which the suspension is determined.

(2) Where any person serving a military sentence of imprisonment or detention becomes unlawfully at large during the currency of the sentence, then, in calculating the period for which he is liable to be imprisoned or detained in pursuance of the sentence, no account shall be taken of time elapsing during the period beginning with the day on which he became at large and ending with the day on which, as a person having become unlawfully at large, he is taken into military custody or the custody of a civil authority or (not having been taken into such custody) returns to the place in which he was imprisoned or detained.
before he became unlawfully at large.

Provided that if he satisfies such authority as may be specified in that behalf by or under Imprisonment and Detention Regulations made by the President, that during any time during the last mentioned period he was in the custody of a civil authority, otherwise than on account of an offence committed by him while unlawfully at large, the last mentioned time shall not be disregarded in calculating the period for which he is liable to be imprisoned or detained in pursuance of the military sentence.

(3) In subsection (2), "civil authority" means a civil authority authorised by law to detain persons, and includes a police officer.

(4) Without prejudice to subsection (2), where any person serving a military sentence of imprisonment or detention has in accordance with Imprisonment and Detention Regulations been temporarily released on compassionate grounds, then, in calculating the period for which he is liable to be imprisoned or detained in pursuance of the sentence, no account shall be taken of time elapsing during the period beginning with the day after that on which he is released and ending with the day on which he is required to return to custody.

(5) A person who for any period is released as mentioned in subsection (4) or who is otherwise allowed, in pursuance of Imprisonment and Detention Regulations, out of any military establishment or otherwise out of military custody for any period or subject to any condition shall, on failure to return at the expiration of the period or to comply with the condition, be treated for the purposes of subsection (2) as being unlawfully at large.

(6) A person serving a military sentence of imprisonment or detention in civil custody who, after being temporarily released under civil law, is at large at any time during the period for which he is liable to be detained in civil custody in pursuance of his sentence shall be deemed to be unlawfully at large if the period for which he was temporarily released has expired or if an order recalling him has been made in pursuance of civil law.

(7) References in subsection (6) to release or recall under civil law are references to release or recall under the provisions of the Prisons Act.
114. (1) The following provisions of this section shall have effect with regard to the suspension of a sentence of imprisonment or detention passed by a court-martial on a soldier.

(2) Without prejudice to subsection (5) of section one hundred and five, in confirming such a sentence the confirming officer may order that the sentence shall be suspended.

(3) Any such sentence which is not for the time being suspended may, on the review or reconsideration of the sentence, be suspended by order of the authority reviewing or reconsidering the sentence.

(4) The suspension of any such sentence may (without prejudice to its again being suspended) be determined on the review or reconsideration of the sentence by an order of the said authority committing the person sentenced to imprisonment or detention, as the case may be.

(5) Where, while any such sentence is suspended, the person sentenced is sentenced by court-martial to imprisonment or detention for a fresh offence, then (unless the balance of the earlier sentence is remitted by virtue of subsection (10) of section seventy-five).

(a) the court may determine the suspension of the earlier sentence by an order committing the person sentenced to imprisonment or detention as the case may be, and if so the court shall direct whether the two sentences are to run concurrently or consecutively:

(b) if the court does not exercise the powers conferred by paragraph (a), the confirming officer may exercise those powers on the confirmation of the later sentence;

(c) if neither the court nor the confirming officer exercises the said powers, a reviewing authority may exercise those powers on the review of the later sentence.

(d) where the said powers are exercised (whether by the court, the confirming officer or a reviewing authority), any power of suspension or remission exercisable in relation to the later sentence shall be exercisable also in relation to the earlier sentence:
Provided that this subsection has effect subject to the provisions of subsection (11) of section seventy-five.

(6) Without prejudice to the further suspension of the earlier sentence, an order under subsection (5) directing that the suspension of that sentence shall be determined shall not be affected by the later sentence not being confirmed or by its being quashed.

(7) Where the sentence of a person in custody is suspended he shall thereupon be released.

(8) The maximum intervals for the reconsideration, under subsection (2) of section one hundred and nine, of a sentence of imprisonment or detention which is suspended shall be three months, and not as specified under that subsection.

115. A person shall not be required to serve any part of a military sentence of detention in a military or civil prison.

Restiction on serving of sentences of detention in prison

Provided that in such cases and subject to such conditions as may be specified by or under Imprisonment and Detention Regulations a person serving such a sentence may be temporarily detained in a military or civil prison for any period not exceeding seven days.

116. A person sentenced to death or imprisonment and committed or transferred to a civil prison in pursuance of regulations made under section one hundred and thirty-four or of Imprisonment and Detention Regulations made under section one hundred and thirty-two shall, while in that prison, be confined and otherwise dealt with in the same manner as a person confined therein under a like sentence of a civil court.

Special provisions as to civil prisons in Zambia

117. The President may from time to time make arrangements with the authorities of any country or territory outside Zambia whereby sentences of death passed by courts-martial may in accordance with regulations made under this Part be carried out in establishments under special provisions as to carrying out or serving
the control of those authorities and military sentences of imprisonment or detention may in accordance with Imprisonment and Detention Regulations be served wholly or partly in such establishments.

118. (1) A person who is serving a military sentence of imprisonment or detention in Zambia may (in so far as may be specified by or under Imprisonment and Detention Regulations) be removed out of Zambia to any place where the unit or any part thereof to which for the time being he belongs is serving or is under orders to serve, but not to any other place.

(2) Subject to the following provisions of this section, a person sentenced under this Act by a court-martial held out of Zambia, to imprisonment or detention for more than twelve months shall as soon as practicable after the confirmation of the sentence is completed be removed to Zambia.

(3) Where a person has been sentenced under this Act by a court-martial held out of Zambia to imprisonment or detention for more than twelve months, the confirming officer or reviewing authority may, notwithstanding anything in subsection (2), direct that he shall not be required to be removed to Zambia until he has served such part of his sentence, not exceeding (in the case of a sentence of more than two years' imprisonment) two years, as may be specified in the direction; and in determining whether or not to exercise the powers conferred by this subsection a confirming officer or reviewing authority shall have regard to any recommendation in that behalf made by the court-martial.

(4) Any direction of a confirming officer under this section may at any time be revoked by the confirming officer or by a reviewing authority, or superseded by any direction of a confirming officer or a reviewing authority which the officer or authority could have given under subsection (3); and any direction of a reviewing authority under this section may at any time be revoked by a reviewing authority or superseded as aforesaid.

(5) Any direction given under this section, and the revocation of any such direction, shall be promulgated.

(6) In ascertaining at any time for the purposes of this section the nature
or length of a sentence regard shall be had to any commutation or remission of the sentence previously directed.

119. (1) It shall be the duty, in so far as regulations made under this Part or Imprisonment and Detention Regulations so provide, of the superintendent or other person in charge of a prison (not being a military prison) to receive any person duly sent to that prison in pursuance of such regulations and to confine him until execution of the sentence is completed or the prisoner is discharged or delivered over in due course of law. Duties of officers in charge of prisons and others to receive prisoners

(2) Where a person is in the military custody in pursuance of a military sentence of imprisonment or detention, then, on receipt of a written order in that behalf purporting to be signed by that person's commanding officer, it shall be the duty of any such superintendent or other person as aforesaid or the police officer in charge of a police station or of any person in charge of any other place in which prisoners may be lawfully confined to keep that person in custody for a period not exceeding seven days unless the said person is earlier discharged or delivered over in due course of law.

Trial of Persons Ceasing to be Subject to Military Law under this Act and Time Limits for Trials

120. (1) Subject to the provisions of section one hundred and twenty-one, where an offence under this Act triable by court-martial has been committed, or is reasonably suspected of having been committed by any person while subject to military law under this Act, then in relation to that offence he shall be treated, for the purposes of the provisions of this Act relating to arrest, keeping in custody, investigation of charges, trial and punishment by court-martial (including confirmation, review and reconsideration and suspension) and execution of sentences as continuing subject to military law under this Act notwithstanding his ceasing at any time to be subject thereto. Trial and punishment of offences under this Act notwithstanding offender

(2) Where, while a person is in military custody by virtue of this section (whether before, during or after trial), he commits, or is reasonably suspected of having committed, an offence which if he were subject to military law under this Act would be an offence under this Act triable by court-martial, then in relation to that offence or suspected offence he shall be treated, for the purposes of the provisions of this Act mentioned in subsection (1) and the provisions thereof as to the summary dealing
with charges, as having been subject to military law under this Act when the offence was committed or is suspected of having been committed and as continuing subject thereto thereafter.

(3) Where by virtue of either subsection (1) or subsection (2) a person is treated as being at any time subject to military law under this Act for the purpose of any provision of this Act, that provision shall apply to him-

(a) if he holds any military rank, as to a person having that rank;

(b) otherwise as to a person having the rank which he had when last actually subject to military law under this Act:

Provided that as respects any time after he has been sentenced for the offence in question and the sentence has been confirmed the said provision shall apply to him (in any case) as to a private soldier.

(4) Where apart from this subsection any provision of this Act would under subsection (3) apply to a person, in relation to different offences, as to a person having different ranks, it shall apply to him as to a person having the lower or lowest of those ranks.

121. (1) No person shall be tried by court-martial for any offence, other than one against section thirty-six or thirty-seven or desertion, unless the trial is begun within three years after the commission of the offence, there being disregarded any time during which he was a prisoner of war and any time during which he was illegally absent:

Provided that-

(i) in the event of an offence against section seventy-three where proceedings for the corresponding civil offence must, by virtue of any law, be brought within a limited time, that limit of time shall apply to the trial of the offence under the said section seventy-three in substitution for the foregoing provisions of this subsection;

(ii) subject to any such limit of time as is mentioned in proviso (i), a person may be tried by court-martial for a civil offence committed outside Zambia notwithstanding that it was committed more than three years before the beginning of the trial, if the Attorney-General by notice
in writing consents to the trial.

(2) Where a person who has committed an offence of desertion, other than desertion on active service, has since the offence served as a member of the Regular Force continuously in an exemplary manner for not less than three years, he shall not be tried for that offence.

(3) A person shall not be triable by virtue of subsection (1) of section one hundred and twenty unless his trial is begun within three months after he ceases to be subject to military law under this Act, or the trial is for a civil offence committed outside Zambia and the Attorney-General by notice in writing consents to the trial:

Provided that this subsection shall not apply to an offence against section thirty-six or thirty-seven or to desertion.

(4) A person shall not be arrested or kept in custody by virtue of subsection (1) of section one hundred and twenty for an offence at any time after he has ceased to be triable for the offence.

Relations between Military and Civil Courts and Finality of Trials

122. Save as provided in section one hundred and forty-six, nothing in this Act shall restrict the offences for which persons may be tried by any civil court, or the jurisdiction of any civil court to try a person subject to military law under this Act for any offence.

123. (1) Where a person subject to military law under this Act-

(a) has been tried for an offence by a competent civil court or a court-martial under service law;

(b) has been charged with an offence under service law, and has had the charge dismissed, or has been found guilty on the charge, by his commanding officer or an appropriate superior authority;
(c) has had the offence condoned by his commanding officer; he shall not be liable in respect of that offence to be tried by court-martial or to have the case dealt with summarily by his commanding officer or an appropriate superior authority.

(2) For the purposes of this section-

(a) a person shall not be deemed to have been tried by a court-martial if confirmation is withheld of a finding by the court-martial that he is guilty of the offence;

(b) a person shall not be deemed to have had an offence taken into consideration by a court-martial in sentencing him if confirmation of the sentence of the court is withheld or the sentence is quashed;

(c) a case shall be deemed to have been dealt with summarily by the commanding officer or appropriate superior authority notwithstanding that the finding of that officer or authority has been quashed, or the award of that officer or authority quashed or varied, on the review thereof;

(d) an offence shall be deemed to have been condoned by the commanding officer of a person alleged to have committed the offence if, and only if, that officer or any officer authorised by him to act in relation to the alleged offence has with knowledge of all relevant circumstances informed him that he will not be charged therewith;

(e) a person ordered under subsection (2) of section sixty-two or the corresponding provision of any service law, to be imprisoned or to undergo detention for an offence against that section or provision shall be deemed to have been tried by court-martial for the offence.

(3) Subject to the provisions of subsection (2) of section one hundred and thirty-eight, where confirmation of a finding of guilty of an offence is withheld the accused shall not be tried again by court-martial for that offence unless the order convening the later court-martial is issued not later than twenty-eight days after the promulgation of the decision to withhold confirmation.
(4) Save as provided in the foregoing provisions of this section, proceedings for an offence against this Act (whether before a commanding officer or appropriate superior authority or before a court-martial) shall not be barred on the grounds of condonation.

Inquiries

124. (1) Subject to and in accordance with the provisions of rules made under section one hundred and thirty-three (in this Act referred to as "Board of Inquiry Rules") the Commander or any officer empowered by or under such Rules so to do, may convene a board of inquiry to investigate and report on the facts relating to-

(a) the absence of any person subject to military law under this Act;

(b) the capture of any such person by the enemy;

(c) the death of any person where any inquiry into the death is not required to be held by any civil authority;

(d) any other matter of a class specified in such Rules or referred to such a board by the President or any such officer as aforesaid;

and a board of inquiry shall, if directed so to do, express their opinion on any question arising out of any matters referred to the board.

(2) A board of inquiry shall consist of such number of persons as may be provided for by Board of Inquiry Rules who shall be persons subject to service law and the president of a board of inquiry shall be an officer not below the rank of lieutenant.

(3) Evidence given before a board of inquiry shall not be admissible against any person in proceedings before a court-martial, commanding officer or appropriate superior authority, other than proceedings for an offence against section sixty-three or for an offence against section seventy-three where the corresponding civil offence is perjury.

125. (1) Where a board of inquiry inquiring into the absence of an officer or soldier of the Defence Force reports that he has been absent without leave or other sufficient cause for a period specified in the
report, not being less than twenty-one days, a record of the report shall
in accordance with Board of Inquiry Rules be entered in the service
books.

(2) A record entered in pursuance of subsection (1) shall, unless the
absentee subsequently surrenders or is arrested, or the report of the
board of inquiry is annulled by the Commander or a subsequent board of
inquiry, have the like effect as a conviction by a court-martial for
desertion.

Miscellaneous Provisions

126. (1) The following provisions shall have effect where a person has
been convicted by court-martial of unlawfully obtaining any property,
whether by stealing it, receiving it knowing it to have been stolen,
 fraudulently misapplying it or otherwise.

(2) If any of the property unlawfully obtained has been found in the
possession of the offender, it may be ordered to be delivered or paid to
the person appearing to be the owner thereof.

(3) If there has been found in the possession of the offender any
property (other than money) appearing to have been obtained by him by
the conversion or exchange of any of the property unlawfully obtained,
the property may be ordered to be delivered to the person appearing to
be the owner of the property unlawfully obtained.

(4) Where money is found in the possession of the offender, then,
whether or not it appears to have been obtained as aforesaid, an order
may be made that there shall be paid out of that money to the person
appearing to be the owner of the property unlawfully obtained such sum
as may be specified in the order as or towards compensation for the loss
caused to the said person by the offence, in so far as not otherwise made
good under this Act or by the recovery of the property unlawfully
obtained.

(5) Where any of the property unlawfully obtained has been sold or
given in pawn to some other person who did not then know it to have
been unlawfully obtained, an order may be made that, subject to the
restitution to the owner thereof of the property sold or given as
aforesaid, there shall be paid to the said other person, out of any money found in the possession of the offender (whether or not the money appears to be proceeds of the sale or giving in pawn), such sum as may be specified in the order as or towards compensation for the loss caused to him in consequence of the sale or giving in pawn.

(6) Where any of the property unlawfully obtained has been given in exchange to some other person who did not then know it to have been unlawfully obtained, an order may be made that, subject to the restitution to the owner thereof of the property given as aforesaid, there shall be restored to the said other person the property taken in exchange for the property unlawfully obtained.

(7) An order under this section may be made by the court-martial by whom the offender is convicted, by the confirming officer, or by any reviewing authority; and, in this section, "appearing" means appearing to the court, officer or authority making the order.

(8) An order under this section made by a court-martial shall not have effect until confirmed by the confirming officer; and the provisions of this Part as to the confirmation and review of the proceedings of courts-martial shall apply to an order under this section as they apply to a sentence.

(9) The operation of any order under this section shall be suspended-

(a) in any case, until the expiration of any period prescribed under Part VI as the period within which an application for leave to appeal to the court of appeal against the conviction must be lodged; and

(b) if such an application is duly lodged, until either the application is finally refused or is withdrawn or the appeal is determined or abandoned;

and where the operation of such an order as aforesaid is suspended under this section-

(c) it shall not take effect if the conviction is quashed on appeal;

(d) the court of appeal may by order annul or vary the order although the conviction is not quashed;
such steps shall be taken for the safe custody, during the period which the operation of the order is suspended, of the property ordered to be restored or handed over or the money to which the order relates as may be provided by rules of court.

(10) Notwithstanding anything in subsection (9), an order under this section shall not, so far as it relates to the delivery of property to the person appearing to be the owner thereof, be suspended if the court, officer or authority making the order directs to the contrary in any case in which, in the opinion of the court, officer or authority, the title to the property is not in dispute.

(11) An order under this section shall not bar the right of any person, other than the offender or a person claiming through him, to recover any property delivered or paid in pursuance of such an order from the person to whom it is delivered or paid.

127. The appointment of a judge advocate to act at any court-martial may be made by the Chief Justice upon application being made to him by the Commander.

(As amended by Act No. 21 of 1985)

128. Any finding, sentence, determination or other thing required by this Act to be promulgated shall be promulgated either by being communicated to the accused or in such other manner as may be prescribed or as the confirming officer or reviewing authority, as the case may be, may direct.

129. (1) The record of the proceedings of a court-martial shall be kept in the custody of the Commander for not less than the prescribed period, being a period sufficient to ensure that the rights conferred by subsections (2) and (3) shall be capable of being exercised.

(2) Subject to the provisions of this section, any person tried by a court-martial shall be entitled to obtain from the Commander on demand at any time within the relevant period and on payment therefor of such payment as may be prescribed a copy of the record of the proceedings of
(3) Where a person tried by court-martial dies within the relevant period, his personal representatives or any person who in the opinion of the President ought to be treated for the purposes of this subsection as his personal representative shall, subject to the provisions of this section, be entitled to obtain from the Commander on demand at any time within the period of twelve months from the death and on payment therefor of such payment as may be prescribed a copy of the record of the proceedings of the court.

(4) If, on an application in pursuance of either subsection (2) or (3) for a copy of the record of any proceedings, the President certifies that it is requisite for reasons of security that the proceedings or any part thereof should not be disclosed, the applicant shall not be entitled to a copy of the proceedings or part to which the certificate relates.

(5) In this section, "the relevant period", in relation to any person tried by court-martial, means the period of five years beginning with the date of his acquittal or, when he was convicted, of the promulgation of the findings and sentence or, where a finding of guilty was not confirmed, of the promulgation of the withholding of confirmation:

Provided that where the proceedings relate to two or more charges and the person tried was acquitted on one or more of the charges and convicted on another or others, the relevant period shall be the period of five years beginning with the date of the promulgation of the finding or findings of guilty and the sentence thereon or of the withholding of confirmation of that finding or those findings.

(6) Any reference in this section to the record of the proceedings of a court-martial includes a reference to a record of the proceedings with respect to the confirmation or revision of the findings and sentence of the court-martial.

130. No action shall lie in respect of anything done by any person in pursuance of a military sentence of imprisonment or detention if the doing thereof would have been lawful but for a defect in a warrant or other instrument made for the purposes of that sentence.
Rules of Procedure, etc.

131. (1) Subject to the provisions of this section, the President may, by statutory instrument, make rules (in this Act referred to as "Rules of Procedure") with respect to the investigation and trial of, and awarding of punishment for, offences cognizable by courts-martial, commanding officers and appropriate superior authorities and with respect to the confirmation and revision of findings and sentences of courts-martial.

(2) Without prejudice to the generality of subsection (1), Rules of Procedure may make provision with respect to all or any of the following matters, that is to say:

(a) the procedure to be observed in the bringing of charges before commanding officers and appropriate superior authorities;

(b) the manner in which charges so brought are to be investigated, and the taking of evidence (whether orally or in writing, whether or not on oath and whether in full or in summary or abstract form) for the purpose of investigating or dealing summarily with such charges or otherwise as a preliminary to the trial thereof by court-martial, so, however, that the Rules shall make provision for the application of section ninety-two in any case where the accused requires that evidence shall be taken on oath;

(c) in addition to, or substitution for, a charge which has been investigated of a new charge for an offence disclosed by evidence taken on the investigation and the treating of the investigation as the investigation of the new charge;

(d) the convening and constitution of courts-martial;

(e) the sittings, adjournment and dissolution of courts-martial;

(f) the procedure to be observed in trials by courts-martial;

(g) the representation of the accused at such trials;

(h) procuring the attendance of witnesses before courts-martial and at the taking of evidence in pursuance of Rules of Procedure;
(i) applying in relation to proceedings before commanding officers and appropriate superior authorities and otherwise in relation to proceedings prior to trial by courts-martial all or any of the provisions of sections ninety-eight, ninety-nine, one hundred and one hundred and one;

(j) empowering a court-martial or the convening officer, in such cases and to such extent as may be prescribed, to amend a charge which is being tried by the court;

(k) empowering a court-martial, where the particulars proved or admitted at the trial differ from those alleged in the charge but are sufficient to support a finding of guilty of the like offence as that charged, to make a finding of guilty subject to exceptions or variations specified in the finding if it appears to the court that the difference is not so material as to have prejudiced the accused in his defence;

(l) the forms of orders and other documents to be made for the purposes of any provision of this Act or the Rules of Procedure.

(3) Rules of Procedure shall secure that the power to amend charges referred to in paragraph (j) of subsection (2) shall not be exercisable in circumstances substantially different from those in which charges or informations are amendable by a civil court in Zambia, or otherwise than subject to the like conditions, as nearly as circumstances admit, as those subject to which charges or informations are so amendable, and shall not be exercisable by a court-martial (otherwise than for the purpose only of correcting a mistake in the name or description of the accused or a clerical error or omission) unless there is a judge advocate present at the trial.

(4) Rules of Procedure may make provision as to the exercise by a judge advocate of his functions at a trial by court-martial, and without prejudice to the generality of this provision may make provision-

(a) as to the effect of advice or rulings given to the court by a judge advocate on questions of law;

(b) for requiring or authorising the president of a court-martial, in such cases as may be specified in the Rules, to direct that questions of law shall be determined by a judge advocate in the absence of the
president and other members of the court and any officers under
instruction, and for applying to the judge advocate and his proceedings
on any such determination such of the provisions of this Act relating to
the court or its members and the proceedings thereof as may be specified
in the Rules.

(5) In subsection (4) references to questions of law include references to
questions as to the joinder of charges and as to the trial of persons jointly
or separately.

(6) Rules of Procedure may make provision for determining the cases in
which and the extent to which courts-martial may, in sentencing an
accused for any offence of which he is convicted, at the request of the
accused take into consideration other offences against this Act
committed by him.

(7) Where Rules of Procedure make such provision as provided by
subsection (6), they may also make provision for conferring on the court
taking one or more offences into consideration power to direct the
making of such deductions from the offender's pay as the court would
have had power to direct if he had been found guilty of the offence or
offences taken into consideration as well as of the offence of which he
was in fact found guilty.

132. The President may, by statutory instrument, make regulations (in
this Act referred to as "Imprisonment and Detention Regulations") with
respect to all or any of the following matters, that is to say:

(a) the places in which and the establishments or forms of custody
(whether military or not) in which persons may be required to serve the
whole or any part of military sentences of imprisonment and detention
passed on them under this Act;

(b) the committal of persons under military sentences of
imprisonment or detention to the appropriate establishment or form of
custody, their removal from one country or place to another and from
one establishment or form of custody to another and their release on the
coming to an end of any term of imprisonment or detention;

(c) the provision, classification, regulation and management of
military establishments;
the classification, treatment, employment, discipline and control of persons serving military sentences of imprisonment or detention in military establishments or otherwise in military custody;

the temporary release on compassionate grounds of persons serving such sentences in such establishments or custody as aforesaid, the cases in which, periods for which, and conditions subject to which they may be allowed out of any such establishment or custody and the remission of part of any such sentence for good conduct and industry;

the appointment, powers and duties of inspectors, visitors and superintendents, and of officers and other members of the staff of military establishments.

133. (1) The President may, by statutory instrument, make rules with respect to the convening, constitution and procedure of boards of inquiry (in this Act referred to as "Board of Inquiry Rules").

(2) Without prejudice to the generality of subsection (1), Board of Inquiry Rules may make provision with respect to all or any of the following matters, that is to say:

(a) the rules of evidence to be observed by boards of inquiry and the taking of evidence before such boards, so however that the Rules shall provide for the taking of evidence on oath or affirmation except in circumstances such that if the evidence were being taken at a court-martial an oath could be dispensed with;

(b) without prejudice to the provisions of section one hundred and twenty-five, the making in service books of records of findings of boards of inquiry in such cases as may be provided by the Rules.

(3) Board of Inquiry Rules shall contain provision for securing that any witness or other person who may be affected by the findings of a board of inquiry shall have an opportunity of being present, and represented, at the sittings of the board or such part thereof as may be specified by or under the Rules.

134. The President may, by statutory instrument, make regulations
with respect to all or any of the following matters, that is to say: regulations

(a) the execution of sentences of death under this Act, including the manner and place where such executions are to be carried out and the custody, treatment and removal of persons under sentence of death;

(b) field punishment;

(c) any matter which by this Part is required or authorised to be prescribed or for which regulations may be made;

(d) such incidental and supplementary matters as appear requisite for any of the purposes set out in sections one hundred and thirty-one, one hundred and thirty-two and one hundred and thirty-three, and in this section.

Interpretation of Part V

135. (1) In this Part-

"civil prison" means a prison in Zambia in which a person sentenced by a civil court to imprisonment can for the time being be confined;

"convening officer", in relation to a court-martial, means the officer convening that court-martial and includes his successor or any person for the time being exercising his or his successor's functions;

"military establishment" means a military prison or any other establishment under the control of the Commander where persons may be required to serve military sentences of imprisonment or detention;

"military prison" means separate premises designated for persons serving military sentences of imprisonment;

"prison" means a civil prison or a military prison;

"private soldier" means a soldier who is not a warrant officer or a non-commissioned officer.

(2) References in this Part to a military sentence of imprisonment are references to a sentence of imprisonment passed by a court-martial.

(3) References in this Part to a military sentence of detention are references to a sentence of detention passed by a court-martial or awarded by the offender's commanding officer.
(4) References in this Part to warrant officers do not include references to acting warrant officers.

(5) References in this Part to non-commissioned officers include references to acting non-commissioned officers and also to acting warrant officers.

PART VI
APPEALS FROM COURTS-MARTIAL

136. Subject to the following provisions of this Part, a person convicted by a court-martial may, with the leave of the supreme court appeal to that court against his conviction:

Provided that an appeal as aforesaid shall lie as of right without leave from any conviction by a court-martial involving a sentence of death.

137. (1) Leave to appeal to the supreme court shall not be given except in pursuance of an application in that behalf made by or on behalf of the appellant, and lodged within forty days of the date of promulgation of the finding of the court-martial in respect of which the appeal is brought, with the registrar of the court of appeal, being an application in the prescribed form and specifying the grounds on which leave to appeal is sought and such other particulars, if any, as may be prescribed.

(2) An appeal against a conviction involving a sentence of death shall not be entertained by the court of appeal unless the appeal is lodged by or on behalf of the appellant within fourteen days of the date of promulgation of the finding of the court-martial in respect of which the appeal is brought, with the registrar of the supreme court in the prescribed manner.

(3) The supreme court may extend the period within which an application for leave to appeal is required by subsection (1) to be lodged, whether that period has expired or not and may similarly extend the
period for lodging the appeal provided by subsection (2), if, owing to the
fact the appellant is outside Zambia or otherwise, he has not had a
reasonable opportunity of lodging his appeal within fourteen days.

(4) Where the supreme court dismisses an application for leave to
appeal it may, if it considers the application to have been frivolous or
vexatious, order that any sentence passed upon the applicant in the
proceedings from which it was sought to bring the appeal shall begin to
run from the day on which the court dismisses the application.

138. (1) Subject to the provisions of section one hundred and
thirty-nine, on an appeal under this Part against a conviction, the
supreme court shall allow the appeal if it thinks that the finding of the
court-martial is unreasonable or cannot be supported having regard to
the evidence or involves a wrong decision on a question of law or that,
on any ground, there was a miscarriage of justice, and in any other case
shall dismiss the appeal:

Provided that the supreme court may, notwithstanding that it is of the
opinion that the point raised in the appeal might be decided in favour of
the appellant, dismiss the appeal if it considers that no substantial
miscarriage of justice has actually occurred.

(2) If the supreme court allows an appeal under this Part, it shall either
quash the conviction or direct that the finding of the court-martial shall
be treated as if confirmation thereof had been withheld and, in the latter
event, notwithstanding the provisions of subsection (3) of section one
hundred and twenty-three, a new trial by court-martial may be held
within such time as the court may order.

139. (1) If it appears to the Supreme Court that an appellant, though not
properly convicted on some charge preferred against him before the
court-martial by which he was tried, was properly convicted on some
other charge so preferred, then, if the sentence passed by the
court-martial on the appellant was not one that could lawfully be passed
by the court-martial for the offence for which he was convicted on the
other charge, the court shall pass on the appellant, in substitution for the
sentence passed on him by the court-martial, such sentence as it thinks
proper, being a sentence which might lawfully be passed in respect of
the charge on which the appellant was properly convicted, but not being
a sentence of greater severity.
(2) Where an appellant has been convicted of an offence and the court-martial by which he was tried could lawfully have found him guilty of some other offence, and it appears to the supreme court that the court-martial must have been satisfied with the facts which proved him guilty of that other offence, the court may, instead of allowing or dismissing the appeal, substitute for the finding of the court-martial a finding of guilty of the other offence and pass on the appellant, in substitution for the sentence passed on him by the court-martial, such sentence as it thinks proper, being a sentence which could lawfully have been passed for that other offence, but not being a sentence of greater severity.

(3) Where-

(a) an appellant has been convicted of an offence committed under circumstances involving the higher of two degrees of punishment, and it appears to the supreme court that the court-martial by which he was tried ought to have found him guilty of the offence as being committed under circumstances involving the lower degree of punishment; or

(b) an appellant has been convicted of an offence and it appears to the supreme court that the court-martial by which he was tried ought to have found him guilty of the offence subject to exceptions or variations; the supreme court may, instead of allowing or dismissing the appeal, substitute for the finding of the court-martial a finding of guilty of the offence as being committed under circumstances involving the lower degree of punishment or, as the case may be, guilty of the offence subject to exceptions or variations and pass on the appellant, in substitution for the sentence passed on him by the court-martial, such sentence as it thinks proper, being a sentence which could lawfully have been passed for the offence specified or involved in the substituted finding, but not being a sentence of greater severity.

(4) If, on an appeal, it appears to the supreme court that although the appellant was guilty of the act or omission charged against him, he was insane at the time the act was done or the omission was made so as not to be responsible according to law for his actions, the supreme court may quash the sentence passed at the trial and order the appellant to be kept in custody under the provisions of section one hundred and eleven in like manner as on a special finding of insanity by the court-martial by which the appellant was convicted.
140. The term of any sentence passed by the supreme court under any of the provisions of section one hundred and thirty-nine shall, unless the court otherwise directs, begin to run from the time from which it would have begun to run if it had been passed in the proceedings from which the appeal is brought, and a sentence passed by the supreme court shall be deemed, for the purposes of this Act, to be a sentence passed by the court-martial, being a sentence that has been confirmed.

141. Any determination by the Supreme Court of any appeal or other matter which it has power to determine under the provisions of this Part shall be final.

(As amended by S.I. No. 8 of 1964)

142. An appellant shall not be entitled to be present at the hearing of an appeal to the supreme court under this Part or to any proceedings preliminary or incidental to such an appeal except where rules of court provide that he shall have the right to be present or the supreme court gives him leave to be present, and accordingly any power of the court under this Part to pass a sentence may be exercised notwithstanding the absence of the appellant.

143. It shall be the duty of the Attorney-General on an appeal against conviction by court-martial to undertake the defence of the appeal.

144. An appellant may, if he so desires, instead of presenting his case orally, present it in writing in the prescribed form.

145. Where a conviction by court-martial involves sentence of death-

(a) the sentence shall not in any case be executed until the expiration of the period within which the appeal to the supreme court against the conviction shall be lodged;

(b) if such an appeal is duly lodged or if application is made for the extension of the period for lodging the appeal, the sentence shall not be executed until the appeal or application is determined or abandoned;
Provided that, where a sentence of death passed on a person on active service by a court-martial is confirmed and the officer who confirms the sentence certifies that it is essential in the interests of discipline for the purposes of securing the safety of the force with which that person is present that the sentence should be carried out forthwith, the foregoing provisions of this section shall not apply to the sentence.

*(As amended by S.I. No. 8 of 1964)*

146. Where the conviction of a person by a court-martial for an offence has been quashed under this Part, he shall not be liable to be tried again for this offence by a court-martial or by any other court.

147. Imprisonment and Detention Regulations may provide in what manner an appellant, when in custody, is to be taken to, kept in custody at, and brought back from any place at which he is entitled to be present for the purposes of this Part or any place to which the supreme court or a Judge thereof may order him to be taken for the purpose of any proceedings of the court of appeal.

148. In the case of every appeal or application for leave to appeal, under this Part to the supreme court against a conviction by court-martial, it shall be the duty of the Commander to furnish to the registrar of the supreme court, in accordance with rules of court, the proceedings of the court-martial (including any proceedings with respect to the revision of the findings or sentence of the court-martial in pursuance of subsection (1) of section one hundred and four), the proceedings with respect to the confirmation of the findings and sentence of the court-martial and any petition presented by the person convicted.

149. (1) The registrar of the supreme court shall take all necessary steps for obtaining the determination of an appeal or application under this Part and shall obtain and lay before the supreme court in proper form all documents, exhibits and other things relating to the proceedings in the court-martial before which the appellant or applicant was tried which appear necessary for the proper determination of the appeal or application.
The registrar of the supreme court shall furnish the necessary forms and instructions relating to appeals or applications for leave to appeal under this Part to any person who demands them, to persons in charge of places where persons sentenced by court-martial may lawfully be confined for the purpose of serving their sentences and to such other persons as he thinks fit; and every person in charge of such a place as aforesaid shall cause the forms and instructions to be placed at the disposal of persons confined in that place who desire to lodge an appeal or make application for leave to appeal under this Part.

150. Nothing in this Part shall affect the exercise by the reviewing authorities of the powers conferred by section one hundred and eight in respect of a conviction by a court-martial so far as regards the exercise thereof at a time before the lodging with the registrar of the supreme court of an appeal or an application for leave to appeal to that court against the conviction, and nothing in this Part shall affect the exercise by the President of the prerogative of mercy.

151. Upon the hearing of any appeal from any court-martial, supreme court shall consist of an uneven number of Judges not being less than three.

152. Any Judge of the supreme court may-

(a) give leave to appeal; or  
(b) extend the period within which an application for leave to appeal or an appeal is required by subsection (1) or (2) of section one hundred and thirty-seven to be lodged; or  
(c) allow the applicant or appellant to be present at any proceedings under this Part;

but if the Judge refuses an application on the part of an applicant or appellant to exercise in his favour any of the powers hereinbefore mentioned, the applicant or appellant, upon making a requisition in that behalf within the prescribed period and in the prescribed manner, shall be entitled to have the application determined by the supreme court which shall consist of an uneven number of Judges not being less than three.

153. (1) Subject to the provisions of this Part, any rules of court in force relating to the hearing of criminal appeals by the supreme court shall apply to the hearing and determination of an appeal by that court under
(2) Where under this Part anything is required or authorised to be prescribed, it shall be prescribed by rules of court to be made by the Chief Justice.

PART VII

FORFEITURES AND DEDUCTIONS AND ENFORCEMENT OF MAINTENANCE LIABILITIES

154. (1) No forfeiture of the pay of an officer or soldier of the Defence Force shall be imposed unless authorised by this Act, other service law or any other law and no deduction from such pay shall be made unless so authorised or authorised by regulations.

(2) Regulations shall not authorise the making of any penal deduction, that is to say, a deduction to be made by reason of the commission of any offence or other wrongful act or in consequence of any negligence.

(3) The provisions of subsections (1) and (2) shall not prevent the making of regulations providing for the imposition of any forfeiture authorised by this Act or the making of any deduction so authorised, or for the time at which and manner in which sums may be deducted from pay to give effect to authorised deductions or the manner in which amounts may be so deducted in order to recover any fine imposed in pursuance of this Act, or as to the appropriation of any such sum or amount when deducted, or of providing for the determination of questions relating to forfeitures or deductions.

(4) Notwithstanding any deduction from the pay of an officer or soldier of the Defence Force, he shall (subject to any forfeiture) remain in receipt of pay at not less than such minimum rate as may be prescribed.

(5) Notwithstanding that forfeiture of pay of an officer or soldier of the Defence Force for any period has been ordered in pursuance of this Act, he shall remain in receipt of pay at such minimum rate as aforesaid, but
the amount received for that period may be recovered from him by
deduction from pay.

(6) Any amount authorised to be deducted from the pay of an officer or
soldier of the Defence Force may be deducted from any balance
(whether or not representing pay) which may be due to him as an officer
or soldier and references in this Act to the making of deductions from
pay shall be construed accordingly and the whole or any part of any sum
forfeited from an offender's pay may be recovered by deductions from
any such balance.

155. (1) The pay of an officer or soldier of the Defence Force may be
forfeited-

Forfeiture of
pay for absence
from duty

(a) for any day of absence in such circumstances as to constitute an
offence under section forty-two or forty-three or, if the Commander so
directs, of other absence without leave;

(b) for any day of imprisonment, detention or field punishment
awarded under service law by a court-martial or commanding officer, or
of imprisonment or detention of any description to which he is liable in
consequence of an order or sentence of a civil court;

(c) where he is found guilty (whether by court-martial under service
law, an appropriate superior authority or his commanding officer) of an
offence under service law, for any day (whether before or after he is
found guilty) on which he is in hospital on account of sickness or injury
certified by the proper medical officer to have been occasioned by the
offence.

(2) The pay of an officer or soldier of the Defence Force may be
forfeited for any day of absence by reason of his having been made a
prisoner of war if the President or an officer authorised by him is
satisfied-

(a) that he was made a prisoner of war through disobedience to
orders or wilful neglect of his duty; or

(b) that having been made a prisoner of war he failed to take any
reasonable steps available to him to rejoin the Defence Force; or
(c) that having been made a prisoner of war he served with or aided the enemy in the prosecution of hostilities or measures calculated to influence morale or in any other manner whatsoever not authorised by international usage;

but, save as aforesaid, nothing in paragraph (a) of subsection (1) shall apply to absence by reason of having been made a prisoner of war.

(3) Regulations or orders of the President may make provision as to the computation of time for the purposes of this section and in particular as to the counting or disregarding of parts of days.

(As amended by S.I. No. 8 of 1964)

156. Where a person sentenced or ordered by a civil court (whether within or without Zambia) to pay a sum by way of fine, penalty, damages, compensation or costs in consequence of being charged before the court with an offence is at the time of the sentence or order, or subsequently becomes an officer or soldier of the Defence Force, then, if the whole or any part of that sum is met by a payment made by or on behalf of any military authority, the amount of the payment may be deducted from his pay.

Deductions for payment of civil penalties

157. (1) Without prejudice to the provisions of this Act as to the imposition of stoppages as a punishment, the following provisions shall have effect where, after perusal of the record of the proceedings of a board of inquiry, the Commander is satisfied that any loss of, or damage to, public or service property has been occasioned by any wrongful act or negligence of an officer or soldier of the Defence Force (hereinafter referred to as "the person responsible").

Compensation for loss occasioned by wrongful act or negligence

(2) The Commander may order the person responsible to pay, as or towards compensation for the loss or damage, such sum as may be specified in the order; and any such sum, in so far as not otherwise paid by the person responsible, may be deducted from his pay.

(3) No order shall be made under the provisions of subsection (2) if, in proceedings before a court-martial under service law, an appropriate superior authority or the commanding officer of the person responsible, that person-
(a) has been acquitted in circumstances involving a finding that he was not guilty of the wrongful act or negligence in question; or

(b) has been awarded stoppages in respect of the same loss or damage;

but save as aforesaid, the fact that any such proceedings have been brought in respect of the wrongful act or negligence in question shall not prevent the making of an order or deductions under subsection (2).

158. (1) When damage occurs to any premises in which one or more units or parts of such units of the Defence Force are quartered or billeted, or any fixtures, furniture or effects in or belonging to such premises are damaged or lost, then if it appears, on investigation in accordance with the provisions of regulations made by the President, that the damage or loss was occasioned by the wrongful act or negligence of persons belonging to any of the units or parts of units in occupation of the premises and was so occasioned at a time when they were in occupation thereof but that the said persons cannot be identified, any person belonging to any of such units or parts of units may be required to contribute towards compensation for the damage or loss such amount as may in accordance with such regulations be determined to be just, and the amount may be deducted from his pay.

(2) The provisions of subsection (1) shall extend to vessels, trains, motor vehicles and aircraft in which units or parts of units are being transported, and reference to premises, quartering and occupation shall be construed accordingly.

159. Any forfeiture or deduction imposed under this Part or under regulations may be remitted by the president or in such manner or by such authority as may be provided by such regulations.

160. (1) Where any court in Zambia has made an order against any person (in this section referred to as "the defendant") for the payment of any periodical or other sum specified in the order for or in respect of-

(a) the maintenance of his wife or child; or

Deductions for barrack damage

Remission of forfeitures and deductions

Enforcement of maintenance and affiliation orders by deduction from pay
(b) any costs incurred in obtaining the order; or

(c) any costs incurred in proceedings on appeal against, or for the variation, revocation or revival of, any such order;

and the defendant is an officer or soldier of the Defence Force then (whether or not he was a member of that Force when the said order was made) the Commander or an officer authorised by him may order such sum to be deducted from the pay of the defendant and appropriated in or towards satisfaction of the payment due under the order of the court as the Commander or authorised officer may think fit.

(2) Where to the knowledge of the court making any such order as aforesaid, or an order varying, revoking or reviving any such order, the defendant is an officer or soldier of the Defence Force, the court shall send a copy of the order to the Commander.

(3) Where such an order as is mentioned in subsection (1) has been made by a court of a country outside Zambia, and the Commander or an officer authorised by him is satisfied that the defendant has had a reasonable opportunity of appearing in person, or has appeared by a duly authorised legal representative, to defend the case before the court by which the order was made, the Commander or authorised officer shall have the like power under subsection (1) as if the order had been made by such a court as is mentioned in that subsection:

Provided that this subsection shall not apply to an order for payment of a sum for or in respect of the maintenance of an illegitimate child or for the payment of costs incurred in obtaining such an order or in proceedings on appeal against, or for the variation, revocation or revival of, such an order.

(4) The Commander or an officer authorised by him may by order vary or revoke any order previously made under this section, and may treat any order made under this section as being in suspense at any time while the person against whom the order was made is absent as mentioned in paragraph (a) of subsection (1) of section one hundred and fifty-five.

(5) In this section-

(a) references to an order made by a court in Zambia include Cap. 55
references to an order registered in or confirmed by such a court under the provisions of the Affiliation and Maintenance of Children Act;

(b) references to a wife or child include, in relation to an order made in proceedings in connection with the dissolution or annulment of a marriage, references to a person who would have been the wife or child of the defendant if the marriage had subsisted;

(c) references to a child of a person include references to a child of his wife, and to an illegitimate or adopted child of that person or of his wife, and in this paragraph "adopted child" means a child adopted (whether alone or jointly) in pursuance of an adoption order made under the Adoption Act.

161. (1) Where the Commander or an officer authorised by him is satisfied that an officer or soldier of the Defence Force is neglecting, without reasonable cause, to maintain his wife or any child of his under the age of sixteen, the Commander or authorised officer may order such sum to be deducted from his pay and appropriated towards the maintenance of his wife or child as the Commander or authorised officer thinks fit.

(2) On an application made to the Commander or an officer authorised by him for an order under subsection (1), the Commander or authorised officer, if satisfied that a prima facie case has been made out for the making of such an order, may make an interim order for such deduction and appropriation as is mentioned in subsection (1) to take effect pending the further examination of the case.

(3) Where an order is in force under subsection (1) or (3) of section one hundred and sixty for the making of deductions in favour of any person from the pay of an officer or soldier of the Defence Force, no deductions from his pay in favour of the same person shall be ordered under the foregoing provisions of this section unless the officer or soldier is in a place where process cannot be served on him in connection with proceedings for the variation of the order of the court in consequence of which the order under section one hundred and sixty was made.

(4) The Commander or authorised officer may by order vary or revoke any order previously made under this section, and may treat any order made under this section as being in suspense at any time while the
person against whom the order was made is absent as mentioned in paragraph (a) of subsection (1) of section one hundred and fifty-five.

162. (1) The sums deducted under sections one hundred and sixty and one hundred and sixty-one shall not together exceed-

- in the case of an officer, three-sevenths of his pay;
- in the case of a warrant officer or a non-commissioned officer not below the rank of sergeant, two-thirds of his pay;
- in the case of a soldier below the rank of sergeant, three-fourths of his pay.

(2) Where any deductions have been ordered under either section one hundred and sixty or one hundred and sixty-one from a person's pay and (whether before or after the deductions have been ordered) he incurs a forfeiture of pay by or in consequence of the finding or sentence of a court-martial or the finding or award of an appropriate superior authority or his commanding officer, it shall apply only to so much of his pay as remains after the deductions have been made.

(3) For the purposes of paragraphs (b) and (c) of subsection (1), a person having acting rank shall be treated as of that rank.

163. (1) Any process to be served on an officer or soldier of the Defence Force (in this section referred to as "the defendant") in connection with proceedings for any such order of a court in Zambia as is mentioned in subsection (1) of section one hundred and sixty, or for the variation, revocation or revival of such an order, shall be deemed to be duly served on him if served either on him or his commanding officer, and may, without prejudice to any other method of service, be so served by registered post.

(2) Where any such process is served in Zambia and the defendant will be required to appear in person at the hearing, then if his commanding
officer certifies to the court by which process was issued that the defendant is under orders for service out of Zambia and that in the commanding officer's opinion it would not be possible for the defendant to attend the hearing and return in time to embark for that service, the service of the process shall be deemed not to have been effected.

PART VIII

GOVERNMENT AND GENERAL PROVISIONS

Command

164. (1) Officers and soldiers of the Defence Force shall stand with each other in such order of precedence as may be prescribed by the President.

(2) Officers and soldiers of any other military, naval or air force may, with the approval of the President, be attached or seconded to the Defence Force.

(As amended by S.I. No. 8 of 1964)

165. (1) The President shall appoint an officer to be Commander of the Army, and another officer to be Commander of the Air Force and the command of the Army and of the Air Force respectively shall vest in the persons so appointed.

(2) Each Commander shall have such rank and title and fulfil such duties and functions as may be determined by the President.

(3) Each Commander may delegate to any officer under his command such duties, functions and powers, other than such power of delegation, as he may from time to time deem expedient.

166. Without prejudice to the provisions of section one hundred and sixty-five, the President may, by statutory instrument, make regulations as to the persons in whom command over any part of the Defence Force or member thereof is vested and as to the circumstances in which such
command as aforesaid is to be exercised.

167. (1) In so far as powers of command depend on rank, a member of any other military, naval or air force who-

(a) is acting with; or

(b) is a member of a body of those forces which is acting with;

any body of the Defence Force shall have the like such powers as a member of the Defence Force of corresponding rank; and, for the purposes of sections thirty-eight and seventy-seven, any such member of the said forces shall be treated as if he were a member of the Defence Force of corresponding rank.

(2) If the whole or any part of the Defence Force is required to act with any other military, naval or air force, the President may place the Defence Force or such part thereof under the command of the officer commanding such other force.

(3) Where any part of the Defence Force is acting in co-operation with any other force, the Army Commander or Air Commander or the officer commanding that part of the Defence Force, may, in agreement with the officer commanding that other force, define the powers of command and the order of precedence of the officers, warrant officers and non-commissioned officers of the Defence Force in relation to the officers, warrant officers and non-commissioned officers of such other force.

(As amended by S.I. No. 8 of 1964)

Redress of Complaints

168. (1) If an officer of the Defence Force thinks himself wronged in any matter by a superior officer and on application to his commanding officer does not obtain the redress to which he thinks he is entitled, he may make a complaint with respect to that matter to the Commander.
(2) On receiving any such complaint it shall be the duty of the Commander to investigate the complaint and to grant any redress which appears to him to be necessary or, if the complainant so requires, the Commander shall make his report on the complaint to the President in order to receive the directions of the President thereon.

169. (1) If a soldier of the Defence Force thinks himself wronged in any matter by any officer other than his commanding officer or by any soldier, he may make a complaint with respect to that matter to his commanding officer.

(2) If a soldier of the Defence Force thinks himself wronged in any matter by his commanding officer, either by reason of redress not being given to his satisfaction on a complaint under subsection (1) or for any other reason, he may make a complaint with respect thereto to any officer under whom the complainant is for the time being serving, being an officer not below the rank of lieutenant-colonel.

(3) It shall be the duty of a commanding or other officer to have any complaint received by him under this subsection investigated and to take any steps for redress in the matter complained of which appear to him to be necessary.

Exemptions for Officers and Soldiers

170. An officer or soldier of the Regular Force shall be exempt from serving as an assessor in any civil court.

171. (1) Duties or tolls for passing over any road, ferry or bridge in Zambia shall not be payable in respect of-

(a) members of the Defence Force on duty;

(b) vehicles in military service, being vehicles belonging to the Government or other vehicles driven by persons (whether members of the Defence Force or not), in the service of the Government;

(c) goods carried in such vehicles;
animals in military service.

(2) In subsection (1), "in military service" means employed under proper military authority for the purposes of any body of the Defence Force or accompanying any body of the Defence Force.

172. No judgment, decree or order given or made against an officer or soldier of the Defence Force by any court in Zambia shall be enforced by the levying of execution on any service property, nor shall any distress be made thereon.

Provisions Relating to Deserters and Absentees without Leave

173. (1) A police officer may arrest any person whom he has reasonable cause to suspect of being an officer or soldier of the Defence Force who has deserted or is absent without leave.

(2) Where no police officer is available any person may arrest any person whom he has reasonable cause to suspect as aforesaid.

(3) Any person having authority to issue a warrant for the arrest of a person charged with crime, if satisfied by evidence on oath that there is, or is reasonably suspected of being, within his jurisdiction an officer or soldier of the Defence Force who has deserted or is absent without leave or is reasonably suspected of having deserted or of being absent without leave, may issue a warrant authorising his arrest.

(4) Any person in custody in pursuance of this section shall as soon as practicable be brought before a subordinate court.

(5) Notwithstanding the provisions of any other law to the contrary, a person arrested and brought before a subordinate court under the provisions of this section or section one hundred and seventy-four or one hundred and seventy-five shall not be admitted to bail.

174. (1) Where a person who is brought before a subordinate court is
alleged to be an officer or soldier of the Defence Force who has deserted or is absent without leave, the following provisions shall have effect.

(2) If he admits that he is illegally absent from the Defence Force and the court is satisfied of the truth of the admission, then-

(a) unless he is in custody for some other cause, the court shall; and

(b) notwithstanding that he is in custody for some other cause, the court may;

forthwith either cause him to be delivered into military custody in such manner as the court may think fit or commit him to some prison, police station or other place provided for the confinement of persons in custody, to be kept there for such reasonable time as the court may specify (not exceeding such time as appears to the court reasonably necessary for the purpose of enabling him to be delivered into military custody) or until sooner delivered into such custody.

(3) Any time specified by the court may be extended by the court from time to time if it appears to the court reasonably necessary so to do for the purpose aforesaid.

(4) If he does not admit that he is illegally absent as aforesaid, or the court is not satisfied of the truth of the admission, the court shall consider the evidence and any statement of the accused, and if satisfied that he is subject to service law and if of opinion that there is sufficient evidence to justify his being tried under service law for an offence of desertion or absence without leave, then, unless he is in custody for some other cause, the court shall cause him to be delivered into military custody or commit him as aforesaid, but otherwise shall discharge him:

Provided that if he is in custody for some other cause the court shall have power, but shall not be required, to act in accordance with this subsection.

175. (1) Where a person surrenders himself to a police officer as being illegally absent from the Defence Force the police officer shall (unless...Deserters and absentees
he surrenders himself at a police station) bring him to a police station. without leave surrendering to police

(2) The police officer in charge of a police station at which a person has surrendered himself as aforesaid, or to which a person who has so surrendered himself is brought, shall forthwith inquire into the case and, if it appears to that officer that the said person is illegally absent as aforesaid, he may cause him to be delivered into military custody without bringing him before a subordinate court or may bring him before such a court.

176. (1) Where a subordinate court in pursuance of section one hundred and seventy-four deals with a person as illegally absent, then when that person is delivered into military custody there shall be handed over with him a certificate in the prescribed form, signed by a magistrate, containing the prescribed particulars as to his arrest or surrender and the proceedings before the court.

Certificates of arrest or surrender of deserters and absentees

(2) Where a person is delivered into military custody without being brought before a court, whether under the provisions of section one hundred and seventy-five or under any other lawful power, there shall be handed over a certificate in the prescribed form signed by a police officer who causes him to be delivered into military custody, containing the prescribed particulars relating to his surrender.

(3) In any proceedings for an offence against section forty-two or forty-three-

(a) a document purporting to be a certificate under either of subsections (1) or (2), or under the corresponding provisions of any service law (other than this Act) and to be signed as thereby required, shall be evidence of the matters stated in the document;

(b) where the proceedings are against a person who has been taken into military custody on arrest or surrender, a certificate in the prescribed form purporting to be signed by a provost officer or by any officer in charge of the guardroom or other place where that person was confined on being taken into custody, stating the fact, date, time and place of arrest or surrender, shall be evidence of the matter stated in the certificate.
177. (1) It shall be the duty of the superintendent or other person in charge of a civil prison to receive any person duly committed to that prison by a subordinate court as illegally absent under service law and to detain him until, in accordance with the directions of the court, he is delivered into military custody.  

(2) Subsection (1) shall apply to the person having charge of any police station or other place (not being a prison) provided for the confinement of persons in custody, as it applies to the superintendent of a prison.

Offences Relating to Military Matters Punishable by Civil Courts

178. (1) Any person who falsely represents himself to any military or civil authority to be a deserter from the Defence Force shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand and five hundred penalty units or to imprisonment for a term not exceeding three months, or to both.  

(2) Any person who-

- procures or persuades any officer or soldier of the Defence Force to desert or to absent himself without leave; or
- knowing that any such officer or soldier is about to desert or absent himself without leave, assists him in so doing; or
- knowing any person to be a deserter or absentee without leave from the Defence Force, conceals him or assists him in concealing himself or assists in his rescue from custody; shall be guilty of an offence and liable on conviction to a fine not exceeding three thousand penalty units or to imprisonment for a term not exceeding six months, or to both.  

(As amended by Act No. 13 of 1994)
179. Any person who wilfully obstructs or otherwise interferes with any officer or soldier of the Defence Force acting in the execution of his duty shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand and five hundred penalty units or to imprisonment for a term not exceeding three months, or to both.

(As amended by Act No. 13 of 1994)

180. Any person who-

(a) produces in an officer or soldier of the Defence Force any sickness or disability; or

(b) supplies to or for him any drug or preparation calculated or likely to render him, or lead to the belief that he is, permanently or temporarily unfit for service;

with a view to enabling him to avoid military service, whether permanently or temporarily, shall be guilty of an offence and liable on conviction to a fine not exceeding three thousand penalty units or to imprisonment for a term not exceeding six months, or to both.

(As amended by Act No. 13 of 1994)

181. (1) Any person who acquires any military stores or solicits or procures any person to dispose of any military stores, or acts for any person in the disposing of any military stores, shall be guilty of an offence, unless he proves either-

(a) that he did not know, and could not reasonably be expected to know, that the chattels in question were military stores; or

(b) that those chattels had (by the transaction with which he is charged or some earlier transaction) been disposed of by order or with the consent of some person or authority who had, or whom he had reasonable cause to believe had, power to give the order or consent; or

(c) that those chattels had become the property of an officer of the Defence Force who had retired or ceased to be an officer, or of a soldier of the Defence Force who had been discharged or of the personal representatives of a person who had died;

and shall be liable on conviction to a fine not exceeding three thousand penalty units or to imprisonment for a term not exceeding two years, or to both.
(2) A police officer may arrest without warrant any person whom he has reasonable grounds for suspecting of having committed an offence against this section, and may seize any property which he has reasonable grounds for suspecting of having been the subject of the offence.

(3) Any person having authority to issue a warrant for the arrest of a person charged with crime may, if satisfied by evidence on oath that a person within his jurisdiction has, or is reasonably suspected of having, in his possession any property which has been the subject of an offence against this section, grant a warrant to search for such property as in the case of stolen goods; and any property suspected of having been the subject of such an offence which is found on such a search shall be seized by the officer charged with the execution of the warrant, and that officer shall bring the person in whose possession or keeping the property is found before a subordinate court.

(4) In this section-

(a) "acquire" means buy, take in exchange, take in pawn or otherwise receive (whether apart from this section the receiving is lawful or not);

(b) "dispose" means sell, give in exchange, pledge or otherwise hand over (whether apart from this section the handing over is lawful or not);

(c) "military stores" means any chattel of any description belonging to the Government which has been issued for use for military purposes or is held in store for the purpose of being so issued when required, and includes any chattel which had belonged, and had been issued or held, as aforesaid at some past time.

(5) For the purposes of subsection (3), property shall be deemed to be in the possession of a person if he has it under his control and whether he has it for his own use or benefit or for the use or benefit of another.

**182. (1)** Any person who-

Illegal dealings in documents relating to pay, pensions, mobilisation, etc.
(a) as a pledge or a security for a debt; or

(b) with a view to obtaining payment from the person entitled thereto of a debt due either to himself or to any other person; receives, detains or has in his possession any official document issued in connection with the payment to any person of any pay, pension, allowance, gratuity or other payment payable in respect of his or any other person's military service shall be guilty of an offence against this section.

(2) Any person who has in his possession without lawful authority or excuse (the proof whereof shall lie on him) any such document as aforesaid or any official document issued in connection with the mobilisation or demobilisation of the Defence Force or any member thereof, shall be guilty of an offence against this section.

(3) Any person guilty of an offence under this section shall be liable on conviction to a fine not exceeding three thousand penalty units or to imprisonment for a term not exceeding six months, or to both.

(4) For the purposes of this section, a document shall be deemed to be in the possession of a person if he has it under his control and whether he has it for his own use or benefit or for the use or benefit of another.

(As amended by Act No. 13 of 1994)

183. (1) Any person who purchases or takes in pawn any naval, military or air force decoration awarded to any member of the Defence Force, or solicits or procures any person to sell or pledge any such decoration, or acts for any person in the sale or pledging thereof, shall be guilty of an offence against this section unless he proves that at the time of the alleged offence the person to whom the decoration was awarded was dead or had ceased to be a member of that Force.

(2) Any person who is guilty of an offence under this section shall be liable on conviction to a fine not exceeding one thousand penalty units or to imprisonment for a term not exceeding three months, or to both such a fine and such imprisonment.

(As amended by S.I. No. 8 of 1964 and No. 1 of 1987,
Provisions as to Evidence

184. (1) The following provisions shall have effect with respect to evidence in proceedings under this Act, whether before a court-martial, a civil court, or otherwise.

(2) A document purporting to be a copy of the attestation paper signed by any person and to be certified to be a true copy by a person stated in the certificate to have the custody of the attestation paper shall be evidence of the enlistment of the person attested.

(3) The attestation paper purporting to be signed by a person on his enlistment shall be evidence of his having given the answers to questions which he is therein recorded as having given.

(4) A letter, return or other document stating that any person-

(a) was or was not serving at any specified time or during any specified period in any part of the Defence Force or was discharged from any part of that Force at or before any specified time; or

(b) held or did not hold at any specified time any specified rank or appointment in the Defence Force, or at any specified time or during any specified period was or was not serving or held or did not hold any rank or appointment in any particular country or place; or

(c) was or was not at any specified time authorised to use or wear any decoration, badge, wound stripe or emblem;

shall, if purporting to be issued by or on behalf of the Commander, or a person authorised by him, be evidence of the matters stated in the document.

(5) A record made in any prescribed service book or any other prescribed document, being a record made in pursuance of service law or regulations, or otherwise in pursuance of military duty, and purporting to be signed by the commanding officer or by any person whose duty it was to make the record, shall be evidence of the facts
stated therein, and a copy of a record (including the signature thereto) in any such book or other document as aforesaid purporting to be certified to be a true copy by a person stated in the certificate to have the custody of the book or other document, shall be evidence of the record.

(6) A document purporting to be issued by order or on the instructions of the Commander and to contain instructions or orders given or made by the Commander shall be evidence of the giving of the instructions or making of the orders and of their contents.

(7) A certificate purporting to be issued by or on behalf of the Commander, or by a person authorised by him, and stating-

(a) that a decoration of a description specified in or annexed to the certificate is a military or air force decoration; or

(b) that a badge, wound stripe or emblem of a decoration specified in or annexed to the certificate is one authorised by the President; shall be evidence of the matters stated in the certificate.

(8) A certificate purporting to be signed by a person's commanding officer or any officer authorised by him to give the certificate, and stating the contents of, or any part of, standing orders or other routine orders of a continuing nature made for-

(a) any formation or unit or body of troops; or

(b) any command or other area, garrison or place; or

(c) any vessel, train or aircraft;

shall in proceedings against the said person be evidence of the matters stated in the certificate.

(As amended by S.I. No. 8 of 1964)

185. (1) Where a person subject to military law under this Act has been tried before a civil court (whether at the time of the trial he was so subject or not) a certificate signed by the clerk of the court or by a Judge or a magistrate and stating all or any of the following matters:

Proof of outcome of civil trial
(a) that the said person has been tried before the court for an offence specified in the certificate;

(b) the result of the trial;

(c) what judgment or order was given or made by the court;

(d) that other offences specified in the certificate were taken into consideration at the trial;

shall, for the purposes of this Act, be evidence of the matters stated in the certificate.

(2) A document purporting to be a certificate under this section and to be signed by the clerk of the court, a Judge or a magistrate shall, unless the contrary is shown, be deemed to be such a certificate.

(3) The clerk of the court shall, if required by the commanding officer of the person in question or any other officer authorised by him, furnish a certificate under this section.

(4) References in this section to the clerk of the court include references to his deputy, to the Registrar of the High Court, and to any other person having the custody of the records of a court.

186. (1) The original record of the proceedings of a court-martial under service law purporting to be signed by the president of the court and being in the custody of any person having the lawful custody thereof shall be admissible in evidence on production from that custody.

(2) A document purporting to be a copy of the original record of the proceedings of a court-martial under service law or any part thereof and to be certified by the person having the lawful custody of the proceedings to be a true copy shall be evidence of the contents of the proceedings or the part to which the document relates, as the case may be.

(3) This section applies to evidence given in any court, whether civil or criminal.
Miscellaneous Provisions

187. (1) Where a person is in military custody when charged with, or with a view to his being charged with, an offence against Part V in the corresponding provisions of any other service law, it shall be the duty of the superintendent or other person in charge of a civil prison or of the person having charge of any police station or other place in which prisoners may be lawfully detained, upon delivery to him of a written order purporting to be signed by the commanding officer of the person in custody, to receive him into his custody for a period not exceeding seven days.

(2) In subsection (1), "civil prison" has the meaning ascribed to it in section one hundred and thirty-five.

188. (1) Every assignment of or charge on, and every agreement to assign or charge, any pay, award, grant, pension or allowance payable to any person in respect of his or any other person's service in the Defence Force shall be void.

(2) Save as expressly provided by this Act, no order shall be made by any court the effect of which would be to restrain any person from receiving anything which by virtue of this section he is precluded from assigning and to direct payment thereof to another person.

(3) Nothing in this section shall prejudice any law providing for the payment of any sum to a bankrupt's trustee in bankruptcy for distribution among creditors.

(As amended by S.I. No. 8 of 1964)

189. (1) An officer of the Defence Force or of any other military, naval or air force not below field rank (hereinafter referred to as an "authorised officer") may, outside Zambia, take statutory declarations from persons subject to military law under this Act.

(2) A document purporting to have subscribed thereto the signature of an authorised officer in testimony of a statutory declaration being taken
before him in pursuance of this section and containing in the jurat or attestation a statement of the date on which and the place at which the declaration was taken and of the full name and rank of that officer, shall be admitted in evidence without proof of the signature being the signature of that officer or of the facts so stated.

(As amended by S.I. No. 8 of 1964)

PART IX

190-198. (Repealed by No. 32 of 1971)

PART X

RESERVE FORCE

199. The Reserve Force shall consist of such officers and soldiers who shall be appointed therein under the provision of sections eleven and nineteen.

Composition

Discharge from Reserve

200. A soldier of the Reserve Force may be discharged by the competent military authority at any time during the currency of any term of service in the Reserve Force upon such grounds as may be prescribed.

201. Officers and soldiers of the Reserve Force shall be required to report to such authority and to attend such examination before a medical board as may be prescribed by the President.

202. (1) Whenever it appears to the President necessary or desirable in the public interest, he may, by statutory notice, or otherwise-

(a) order the employment of the whole or any part of the Reserve Force; and

(b) order the employment of any officer or soldier of the Reserve Force for service within or, with his consent, without Zambia.

(2) Any officer or soldier of the Reserve Force employed in terms of
subsection (1) by reason of an order issued by the President shall remain so employed until released by the President.

(3) Every officer and soldier of the Reserve Force may, when called out for service under this section, be posted or attached to any unit of the Regular Force or the Territorial Force or the Reserve Force.

203. Where the time at which a soldier of the Reserve Force would otherwise be entitled to be discharged occurs at a time when the Reserve Force, or any part thereof, is employed in terms of section two hundred and two, he may be required to prolong his service for such further term as the President may order.

204. (1) Any officer or soldier of the Reserve Force who, without leave lawfully granted or such sickness or other reasonable excuse as may be allowed in the prescribed manner, fails to appear at the time and place appointed on embodiment in accordance with directions given under section two hundred and two, shall be guilty, according to the circumstances, of desertion or absence without leave, and on conviction by court-martial shall be punishable as for an offence under section forty-two or, as the case may be, section forty-three.

(2) Sections one hundred and seventy-three and one hundred and seventy-four shall apply to a deserter or an absentee without leave contrary to subsection (1).

(3) Any person who, knowing any officer or soldier of the Reserve Force to be a deserter within the meaning of this Act, employs or continues to employ the officer or soldier, shall be deemed to aid him in concealing himself within the meaning of paragraph (c) of subsection (2) of section one hundred and seventy-eight (which provides, among other things, for the punishment of persons concealing deserters from the Defence Force).

(4) Where an officer or soldier of the Reserve Force deserts contrary to subsection (1), the time which elapsed between the time of his desertion and the time of his apprehension or voluntary surrender shall not be taken into account in reckoning his service for the purpose of retirement or discharge.
205. Subject to the foregoing provisions of this Part, the President may, by statutory instrument, make regulations for the better carrying out of the provisions of this Part and generally for the good government and organisation of the Reserve Force and for providing for matters required by this Part to be prescribed 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 transfer of persons into, and the discharge of persons from, the Reserve Force;

(b) the pay, allowances, pensions and gratuities of officers and soldiers of the Reserve Force and of their dependants surviving them and the deductions therefrom and the forfeiture thereof;

(c) the calling out of officers and soldiers of the Reserve Force on service in accordance with section two hundred and two, including prescribing the manner in which notification of the places and times appointed is to be given;

(d) requiring officers and soldiers of the Reserve Force to report themselves from time to time.

PART XI
APPLICATION OF ACT AND SUPPLEMENTARY PROVISIONS

206. (1) Subject to the provisions of sections two hundred and eight and two hundred and nine, the following persons are subject to military law under this Act:

(a) officers and soldiers of the Regular Force;

(b) officers and soldiers when attached to the Defence Force or any part thereof;

(c) members of the Home Guard under the provisions of the Home Guard Act, when employed in terms of section nineteen of the said Act.
or when performing any other duty pursuant to the provisions of the said Act;

(d) officers and soldiers of the Auxiliary Air Force;

(e) officers and soldiers of the Reserve Force when employed in terms of section two hundred and two.

(2) This Act shall apply to the persons subject thereto-

(a) as well outside as within Zambia; and

(b) notwithstanding their attachment under the provisions of section seven.

(As amended by No. 32 of 1971)

207. (1) Subject to the modifications hereinafter specified, where any part of the Defence Force is on active service, Part V shall apply to any person who is employed in the service of that part of the Defence Force or a member thereof, or accompanies the said part of the Defence Force, and is not subject to service law, as Part V applies to soldiers subject to military law under this Act.

(2) The said modifications are the following:

(a) the punishments which may be awarded by a court-martial shall include a fine, but shall not include any other punishment less than imprisonment;

(b) the punishment which may be awarded where a charge is dealt with summarily shall, in the case of any offence, be a fine not exceeding one hundred kwacha, but no other punishment;

(c) the following provision shall have effect in substitution for subsections (2), (3) and (4) of section seventy-seven, that is to say, that a person may be arrested by a provost officer, by any warrant officer or non-commissioned officer legally exercising authority under a provost officer or on his behalf, or by order of any officer subject to service law;
(d) where a charge is being dealt with summarily and it has been determined that the accused is guilty, a finding shall not be recorded until after the accused has been afforded an opportunity of electing to be tried by court-martial, and if the accused so elects a finding shall not be recorded but such steps shall be taken with a view to the charge being tried by court-martial as may be prescribed by Rules of Procedure;

(e) the provisions of this Act relating to the investigation of, and summary dealing with, offences shall, save as otherwise expressly provided, apply as they apply to soldiers;

(f) for the purposes of the provisions of this Act relating to the investigation of offences, the commanding officer of a civilian to whom this section applies shall be the officer for the time being commanding the unit or detachment in which that person is employed or which he accompanies;

(g) for references in sections one hundred and twenty and one hundred and twenty-one to being, continuing, or ceasing to be subject to this Act, there shall be substituted references to being, continuing to be or ceasing to be in such circumstances that Part V applies and subsection (3) of section one hundred and twenty shall not apply.

(3) Any fine awarded by military law under this Act, whether by a court-martial or the commanding officer, shall be recoverable summarily on complaint by any officer of the Defence Force before a subordinate court as a debt due to the Government.

208. (1) Officers, warrant officers and non-commissioned officers who, being members of the United Kingdom Military or Air Forces, are subject to military or air force law under the Acts and are seconded to serve with the Defence Force or any part thereof, shall remain subject to military law or air force law under the Acts and shall not be subject to military law under this Act.

(2) The powers of arrest conferred by section 74 of the Acts and the provisions of sections 186 to 190 inclusive of the Acts (which relate to deserters and absentees without leave) shall continue to apply in Zambia to the persons referred to in subsection (1) on or after the 24th October, 1964, as they applied before that date.
(3) In the event of a person referred to in subsection (1) committing an offence against the provisions of the Acts, he may be held, tried and punished in Zambia under the Acts for the offence thereunder.

209. (1) The provisions of Parts I, II, III, V, VI, VII, VIII and XI shall not apply to members of the Home Guard except—

(a) when the President has ordered the employment of the whole or any part of the Home Guard under section nineteen of the Home Guard Act; or

(b) when on duty pursuant to any other provisions of the Home Guard Act.

(2) The provisions of Part V relating to the award of fines and stoppages and the provisions of Part VII shall not apply to officers and soldiers of the Reserve Force except when employed in terms of section two hundred and two.

(No. 32 of 1971)

210. Subject to the foregoing provisions, the President may, by statutory instrument, make regulations for the better carrying out of the provisions of this Act and generally for the good government and organisation of the Defence Force and for providing for matters required by this Act to be prescribed 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 enlistment of persons into, and the discharge of persons from, the Regular Force and generally for the carrying into effect of Part IV, including the prescribing of the necessary forms and the administration of oaths and affirmations;

(b) determining to what extent and under what conditions colour service in any other military, naval or air force may be counted as colour service in the Regular Force;

(c) the pay, allowances, pensions and gratuities of soldiers and their dependants surviving them, and the deductions therefrom and the forfeiture thereof (including the reckoning for pay, pensions and gratuities of service in any other military, naval or air force prior to the commencement of service in the Defence Force);
the description, supply, use and disposal of arms, accountrements, clothing and other stores;

prohibiting, restricting and regulating the holding of meetings, within the limits of any camp or other military establishment and the admission thereto of civilians for the purpose of holding, addressing or attending any such meeting;

in respect of matters for which regulations may be made under the foregoing provisions of this Act, other than under the provisions of Parts III and VI.

(As amended by S.I. No. 8 of 1964)

211. (1) Any power conferred by this Act to make regulations, rules orders or other instruments shall include power to make provisions for specified cases or classes of cases, and to make different provisions for different classes or cases, and for the purpose of any such instrument classes or cases may be defined by reference to any circumstances specified in the instrument.

Powers exercisable in subsidiary legislation

(2) Any such regulations, rules, orders or other instruments as aforesaid may impose conditions, require acts or things to be performed or done to the satisfaction of any person named therein, whether or not such persons are members of the Defence Force or of any other military, naval or air force, empower such persons to issue orders orally or in writing requiring acts or things to be performed or done or prohibiting acts or things from being performed or done, and prescribed periods or dates upon, within or before which such acts or things shall be performed or done or such conditions shall be fulfilled and provide for appeal against any such order, requirement or direction.

(3) Any regulations made under section twelve or made with respect to any matter refered to in paragraph (c) of section two hundred and ten may, if the President considers it expedient to do so in order to confer a benefit on or remove a disability attaching to any officer or soldier be made with retrospective effect.

(As amended by Act No. 18 of 1988)

212. Save as expressly provided by any regulations, any order, determination, direction or appointment required or authorised to be made under this Act by any military officer or authority may be under the hand of any officer authorised in that behalf, and any instrument

Execution of orders, instruments, etc.
signifying such an order, determination, direction or appointment and purporting to be signed by an officer stated therein to be so authorised shall, unless the contrary is proved, be deemed to be signed by an officer so authorised.

213. (1) The units raised under the Defence Act, 1955, of the former Federation of Rhodesia and Nyasaland, existing in the former Protectorate of Northern Rhodesia at the commencement of this Act shall be deemed to have been raised under this Act.

(2) Any person who, immediately before the commencement of this Act, held a commission as an officer in the Defence Forces of the former Protectorate of Northern Rhodesia constituted under the Defence Act, 1955, of the former Federation of Rhodesia and Nyasaland or is a member, other than an officer, of such Defence Forces shall be deemed, as from the commencement of this Act-

(a) in the case of a person holding such commission as aforesaid, to have been granted a commission pursuant to this Act and to have been appointed to the Regular Force, Territorial Force or Reserve Force, as the case may be; and

(b) in the case of a member (not being an officer) as aforesaid, to have been enlisted as a soldier under Part IV or IX, or transferred to the Reserve Force under the provisions of section nineteen, as the case may be, so however, that any such member who held, immediately before the commencement of this Act, the rank of a warrant officer or a non-commissioned officer in the said Defence Forces shall be deemed to have been promoted to that rank in the Regular Force, Territorial Force or Reserve Force, as the case may be, by virtue of the provisions of this Act.

(3) No person shall, if he held a commission as an officer in or was a soldier in the Defence Forces of the former Federation of Rhodesia and Nyasaland and transferred from such Defence Forces to the Defence Force without a break in his service, be required, without his consent, to serve for a longer period or on terms and conditions (including rights and privileges) less favourable than he would have been required to serve pursuant to the Defence Act, 1955, of the former Federation of Rhodesia and Nyasaland.
(4) Where any question exists in relation to any matter arising under subsection (3), such question may be determined by the President.


214. None of the provisions of the Trades Licensing Act or the Clubs' Registration Act shall apply to any canteen, mess or other similar institution belonging to the Defence Force.
# FIRST SCHEDULE

**PART V, SECTION 97**

**ALTERNATIVE OFFENCES OF WHICH ACCUSED MAY BE CONVICTED BY COURT-MARTIAL**

<table>
<thead>
<tr>
<th>Offence Charged</th>
<th>Alternative Offence</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Any offence against subsection (1) of section 29.</td>
<td>1. Any offence against subsection (2) of section 29.</td>
</tr>
<tr>
<td>2. Any offence against subsection (1) of section 30.</td>
<td>2. Any offence against subsection (2) of section 30.</td>
</tr>
<tr>
<td>3. Any offence against subsection (1) of section 36.</td>
<td>3. Any offence against subsection (2) of section 36.</td>
</tr>
<tr>
<td>4. Communicating with or giving intelligence to the enemy, either with intent to assist the enemy or without authority.</td>
<td>4. Disclosing information without authority.</td>
</tr>
<tr>
<td>5. Striking a superior officer.</td>
<td>5. (a) Using violence to a superior officer otherwise than by striking him; (b) offering violence to a superior officer.</td>
</tr>
<tr>
<td>6. Using violence to a superior officer otherwise than by striking him.</td>
<td>6. Offering violence to a superior officer.</td>
</tr>
<tr>
<td>8. Disobeying, in such a manner as to show wilful defiance of authority, a lawful command given or sent to him personally.</td>
<td>8. Disobeying a lawful command.</td>
</tr>
<tr>
<td>10. Attempting to desert.</td>
<td>10. Absence without leave.</td>
</tr>
<tr>
<td>11. Stealing any property.</td>
<td>11. Fraudulently misapplying the property.</td>
</tr>
<tr>
<td>12. Any offence against subsection (1) of section 59.</td>
<td>12. Any offence against subsection (2) of section 59.</td>
</tr>
</tbody>
</table>
13. Any offence against subsection (1) of section 60 involving striking.

14. Any offence against section 60 involving the use of violence other than striking.

(a) The corresponding offence involving the use of violence other than striking;

(b) the corresponding offence involving the offering of violence.

The corresponding offence involving the offering of violence.
SECOND SCHEDULE

(Section 213)

TRANSITIONAL PROVISIONS AND SAVINGS

1. In this Schedule-
"the appointed day" means the *day upon which this Act comes into operation; *18th September, 1964.
"the Defence Act" means the Defence Act, 1955, of the former Federation of Rhodesia and Nyasaland.

2. (1) In relation to an offence against any section in Part V of the Defence Act, sections seventy-four to one hundred and twenty-three, and sections one hundred and twenty-six to one hundred and thirty-one of this Act, and the regulations made under these sections, shall apply as if the said section had been contained in this Act and this Act had been in force when the offence was committed, and as if any finding or punishment having effect before the appointed day, and anything done before that date by virtue of or in relation to such a finding or sentence, had been come to, awarded or done under this Act:

Provided that nothing in this sub-paragraph shall render an offence capable of being tried by court-martial or dealt with summarily, if by reason of the time or place of the commission of the offence it could not have been so tried or dealt with under the Defence Act.

(2) Notwithstanding anything in sub-paragraph (1), where any proceedings for such an offence as aforesaid have been begun before the appointed day, any step in the proceedings taken after that day shall be deemed to be validly taken if taken in accordance with the Defence Act and the regulations made thereunder.

(3) In section one hundred and twenty-three of this Act (which provides against trials for offences already disposed of) references to this Act or to any provision thereof shall be construed as including respectively references to the Defence Act and to the corresponding provision thereof.

3. Where after the appointed day a person is alleged-
(a) to have committed an offence continuing over a period beginning before that day and ending thereon or thereafter; or
(b) to have committed an offence between two dates falling within such a period;
and the offence would be one against a provision in Part V of this Act if this Act had been in force at all material times, he may be proceeded against as if this Act had so been in force.

4. Any instrument issued before the appointed day which authorises the convening of a court-martial shall, if in force on that day, continue in force thereafter as if issued under this Act, and may be varied or revoked accordingly.
5. (1) A person enlisted in pursuance of the Defence Act whose term of enlistment is current at the appointed day shall be deemed to have been enlisted under the corresponding provisions of this Act.

(2) Anything done under the provisions of the Defence Act and relating to the varying of a person's terms of enlistment shall, if the doing thereof would have been authorised by any provisions of this Act if they had been in force when it was done, be deemed to have been done under the last-mentioned provisions.

6. Any order authorising the discharge of a person given before the appointed day by an officer prescribed in that behalf under the Defence Act shall be treated for the purposes of subsection (3) of section eighteen of this Act as an order of the competent military authority.

7. The powers conferred by this Act of remitting forfeitures and deductions shall be exercisable in relation to forfeitures and deductions imposed under the Defence Act.

8. (1) Any forfeiture of, or deduction from, pay having effect under the Defence Act immediately before the appointed day shall, subject to paragraph 7, continue to have effect notwithstanding that the Defence Act has ceased to be in force.

(2) Any order having effect immediately before the appointed day under the provisions of the Defence Act corresponding with sections one hundred and sixty and one hundred and sixty-one of this Act shall continue to have effect as if made under this Act, and section one hundred and sixty-two of this Act shall apply accordingly.

9. Any document made before the appointed day which would have been admissible under the provisions of the Defence Act shall be admissible to the like extent and in the like proceedings notwithstanding that the Defence Act has ceased to be in force.

* 18th September, 1964.
PART I
GENERAL

Regulation
1. Title
2. Interpretation
3. Pension contributions to be transferred to the Board
3A.-3H. Revoked by S.I. No. 176 of 1993
4. Pensionable service
5. Officers and members of Corps of Instructors to contribute to cost of tribute
6. Pension benefits not assignable, etc.
7. Pension to cease on bankruptcy
8. Pension to cease on imprisonment
9. Forfeiture of pension
10. Payment of benefits to widows and children of a deceased person who was married under a system permitting of polygamy
11. Medical examination or treatment
12. Resumption of duty by persons retired on the grounds of ill health

PART II
BENEFITS ON RESIGNATION, DISCHARGE OR DISMISSAL
13. Benefits on resignation or discharge
13A. Pension entitlement for Personnel who die of natural causes
14. Benefits on dismissal

PART III
RETIREMENT BENEFITS

15. Interpretation of Part III
16. Benefits for a Commander who retires under provisions of Defence Force (Regular Force) (Officers) Regulations
17. Benefits for other persons required to retire on grounds of age or length of service
18. Benefits for persons required to retire on grounds of ill health
20. Benefits for persons transferred from Regular Force who retire from the service of a Scheduled Government

PART IV
SPECIAL PROVISIONS
APPLICABLE ONLY TO NON-ZAMBIANS SERVING IN THE REGULAR FORCE ON PENSIONABLE TERMS

21. Application of Part IV
22. Retirement to facilitate Zambianisation
23. Retirement following supersession for promotion
24. Additional benefits for persons required to retire
25. Right to retire voluntarily
26. Benefits on voluntary retirement
PART V

BENEFITS IN RESPECT OF INJURY OR DEATH IN THE COURSE OF DUTY

27. Application of Part V
28. Interpretation of Part V
29. Injury benefits
30. Death benefits
30A. Special Death gratuity
31. Conditions applicable to pensions and allowances payable in terms of regulation 29 or 30
32. Reimbursement of medical and other expenses

PART VI

DEATH BENEFITS

33. Interpretation of Part VI
34. Death benefits: officers and members of Corps of Instructors with less than two years' service
35. Death benefits: officers with between two and ten years' service
35A. Death of officer or warrant officer before notice or date of retirement
35B. Death of warrant officer before notice to retire or before date of retirement
36. Death benefits: other ranks
37. Pensions for widows of officers and members of Corps of Instructors
38. Pensions for children of officers and members of Corps of Instructors
38A. Gratuity Payment upon death.
PART VII
MISCELLANEOUS

39. Commutation of pensions
40. Revocation

FIRST SCHEDULE-Degree of disablement of an injured person

SECOND SCHEDULE-Calculation of the capitalised value of a pension

THIRD SCHEDULE-Commutation of pension factors

SECTIONS 12 AND 210-THE DEFENCE (REGULAR FORCE) (PENSIONS) REGULATIONS
Regulations by the President

PART I
GENERAL

1. These Regulations may be cited as the Defence (Regular Force) (Pensions) Regulations.

2. In these Regulations, unless the context otherwise requires-

"average pensionable emoluments" means-

(a) in the case of a person who was appointed to the Regular Force before the commencement of these Regulations, the annual rate of the pensionable emoluments payable to him on his last day of pensionable service or total service, as the case may be;
(b) in the case of a person who was appointed to the Regular Force on or after the \*commencement of these Regulations and who-
* 29th April, 1966.

(i) has held the same rank; or

(ii) has held different ranks carrying the same maximum annual rate of pensionable emoluments;

for a period of three years immediately preceding the date on which he retires, the annual rate of pensionable emoluments payable to him on his last day of pensionable service or total service, as the case may be:

Provided that such person shall be deemed to have enjoyed the benefit of any increase due to a revision of salaries in the pensionable emoluments of any rank held by him as if such increase had been payable throughout such period;

(c) in the case of a person who was appointed to the Regular Force on or after the \*commencement of these Regulations and whose pensionable service or total service, as the case may be, amounts to less than three years, the average of the annual rates of the pensionable emoluments to which that person was entitled during his period of pensionable service or total service, as the case may be:
*  29th April, 1966.

Provided that such person shall be deemed to have enjoyed the benefit of any increase due to a revision of salaries in the pensionable emoluments of any rank held by him as if such increase had been payable throughout such period;

(d) in the case of any other person, one-third of the aggregate of his pensionable emoluments during the period of three years immediately preceding the date on which he retires:

Provided that-

(i) the average pensionable emoluments of a person
calculated in accordance with this paragraph shall in no case be less than they would have been had he retired immediately prior to his appointment to any rank held by him during his last three years of service;

(ii) such person shall be deemed to have enjoyed the benefit of any increase due to a revision of salaries in the pensionable emoluments of any rank held by him as if such increase had been payable throughout such period;

"Board" means the Civil Service (Local Conditions) Pensions Board;

"child" means an unmarried legitimate or legitimated son or daughter (including a posthumous child, stepchild or child legally adopted) under the age of eighteen years, of an officer, retired officer, member of the Corps of Instructors or former Federal Instructor or person to whom regulation 29 or 30 applies;

"Corps of Instructors" means the body of the Regular Force which has been declared to be the Corps of Instructors for the purposes of the Act;

"dependant" means the wife, child or such other relative dependent upon a member of the Regular Force for maintenance as the Permanent Secretary may recognise for the purposes of these Regulations;

"emoluments factor" means-

\[
\frac{KA}{KA + KB};
\]

Where \( KA \) = the total of the pensionable emoluments received by the person concerned during his service in the Regular Force;

\( KB \) = the total of the emoluments accepted as pensionable by the Scheduled Government or Scheduled Governments concerned during the period of service of the person concerned under that Scheduled Government or Scheduled Governments:

Provided that where part only of any service is taken into account as total service, a proportionate part only of the total
emoluments paid during that service shall be taken into account for the purpose of determining \( K_A \) or \( K_B \);

"former Federal Instructor" means a member of the Corps of Instructors who was appointed to the Regular Force on transfer from the service of the Defence Forces of the former Federation of Rhodesia and Nyasaland on or after the 1st October, 1963;

"former Federal officer" means an officer who was appointed to the Regular Force either as an officer or as a member of the Corps of Instructors on transfer from the service of the Defence Forces of the former Federation of Rhodesia and Nyasaland on or after the 1st October, 1963;

"the Government" means, in respect of any period before the 24th October, 1964, the Government of the former Protectorate of Northern Rhodesia, and in respect of any period on or after that date, the Government of the Republic of Zambia;

"Government medical officer" means a medical practitioner serving in the Defence Force or a medical practitioner serving in the public service of Zambia;

"gratuity" means a lump sum payment;

"medical board" means a board of not less than three medical practitioners, one of whom shall be a Government medical officer, appointed and constituted from time to time by the Senior Medical Officer in the Regular Force for the purpose of carrying out functions imposed under these Regulations on a medical board;

"medical certificate" means a certificate given by a medical authority specified in these Regulations regarding-

(a) the fitness or otherwise of a person to perform his work;

(b) the nature of the incapacity, if any, of a person;

(c) the period of leave, if any, which, in the opinion of the medical authority, is necessary and indispensable for the recovery of the health of a person;
"medical practitioner" means a person registered as a medical practitioner under the Medical and Allied Professions Act; Cap. 297

"officer" means a person holding commissioned rank.

"pension" means an annual pension payable during the lifetime of the recipient unless under these Regulations it is payable for a shorter period;

"Pension Authority" means the Commander.

"pensionable age" means-

(i) in the case of a soldier other than a warrant officer the forty-fifth anniversary of his date of birth;

(ii) in the case of an officer and a warrant officer the fifty-fifth anniversary of his date of birth:

Provided that if the President considers that it is desirable in the public interest and under conditions to be agreed upon, he may allow that officer or warrant officer to continue serving in the Regular Force until he is sixty years of age.

"pensionable emoluments" means-

(a) in respect of service in the Regular Force-

   (i) in the case of an officer or a member of the Corps of Instructors who was appointed to the Regular Force before the *commencement of these Regulations-

   *29th April, 1966.

   A. pay; and

   B. an amount calculated at the rate of one-sixth of such person's pay or K516 per annum, whichever is the less; and
C. personal allowance;

(ii) in the case of any other person-

A. pay; and

B. personal allowance; and

C. any amount in respect of ration allowance which the Government may have directed should be deemed to be a pensionable allowance;

(b) in respect of service with a Scheduled Government, emoluments which count for pension in accordance with the provisions of any law of that Scheduled Government dealing with such service:

Provided that a person shall be deemed to have received his full pensionable emoluments during any period when he is on leave with reduced pensionable emoluments or without pensionable emoluments;

"pensionable service" means pensionable service in accordance with the provisions of regulation 4;

*29th April, 1966.

"Permanent Secretary" means the permanent secretary for the Personnel Division at Cabinet Office;

"personal allowance" means a special addition to pay granted personally to a member of the Regular Force, but does not include such addition if it is granted subject to the condition that it shall not be pensionable;

"retired member of the Corps of Instructors" means a member of the Corps of Instructors who has retired and is in receipt of a pension awarded under these Regulations other than a pension awarded under Part V;

"retired officer" means an officer who has retired and is in receipt of a pension awarded under these Regulations other than a pension awarded under Part V;
"Scheduled Government" means-

(a) any Government or Administration included in the Schedule to the European Officers’ Pensions Regulations; and

(b) any other Government or Administration the President may determine to be a Scheduled Government for the purposes of these Regulations:

Provided that-

(i) service in the public service of Zambia, and the Teaching Service shall be deemed to be service under a Scheduled Government for the purposes of these Regulations;

(ii) the President may determine that service in any public service, public corporation or public organisation or the like shall be deemed to be service under a Scheduled Government for the purposes of these Regulations;

"Secretary" means Secretary of the Board

"Soldier" means a non-commissioned officer and includes a warrant officer;

"Teaching Service" means the Teaching Service described in the Teaching Service Regulations;

"total service" means the continuous period of a transferred person's pensionable service in the Regular Force and any service under any Scheduled Government which may be taken into account by such Scheduled Government for the purpose of calculating pension or gratuity:

Provided that service under the age of eighteen years shall not reckon as total service;

"transferred person" means a person transferred to or from the Regular
Force from or to a Scheduled Government:

Provided that a person shall be deemed to have been transferred only if the President and the Scheduled Government concerned mutually agree to treat such person as having been transferred;

"Unified African Teaching Service" means the Unified African Teaching Service which was established in accordance with section three of the African Education Act;

"year" means a calendar year.


3. All pension contributions and other transferred payments made by members of the Defence Force to the general revenues of the Republic prior to the commencement of these Regulations shall be transferred to the Board and be administered in accordance with these Regulations.

(As amended by S.I. No. 176 of 1993)


4. (1) Pensionable service means continuous service in the Regular Force on or after a person' eighteenth birthday and shall include-

(a) time spent on duty;

(b) time spent on leave; and

(c) time spent on attachment or secondment to any other military, naval or air force or to the service of a Scheduled Government.

(2) Notwithstanding the provisions of sub-regulation (1), where any person who has had previous service in the Regular Force is later appointed to employment in the Regular Force within two years of the termination of his previous service, such previous service shall be reckoned as pensionable service if-

(a) he is not a person required to resume duty under the provisions of regulation 12; and
(b) he was not previously serving on a short service commission; and

(c) he did not receive a gratuity or pension under these Regulations, other than a pension under regulation 29; and

(d) being a person who has been paid any sum or sums in respect of his previous service or any portion thereof under the provisions of regulation 13 or sub-regulation (4) of regulation 14, he enters into a written undertaking within a period of three months of the date of his later appointment to employment in the Regular Force whereby he agrees to make payment to the Government of an amount equal to such sum or sums plus interest at the rate of 5 per centum per annum thereon, from the day following the date on which such sum or sums accrued to him until payment is made.

(3) Pensionable service shall not include any period of service during which a person-

(a) is undergoing a sentence of imprisonment imposed under the Act by a court-martial or civil court; or

(b) is being treated as an in-patient at a hospital for an illness or injury which a Government medical officer certifies was occasioned by an offence in respect of which such person has been convicted under the Act; or

(c) is absent in circumstances constituting the offence of desertion or absence without leave; or

(d) serves on a short service engagement, unless such person-
(i) is appointed on a permanent regular engagement; and
(ii) elects not to receive any gratuity or other benefit which may be payable to him in respect of such short service engagement under any written law.

(4) Where a person has entered into an undertaking to make payment of an amount in terms of paragraph (d) of sub-regulation (2) and such amount is not paid in full within one month after the date on which he
entered into such undertaking, such amount shall be paid by such instalments and in such manner as the Chief Paymaster may determine.

5. (1) An officer, soldier or a member of the Corps of Instructors shall pay the Board seven and half per centum of his personal emoluments during pensionable service. Officers and members of Corps of instructors to contribute to cost of tribute

(2) The payment of contributions payable by a person under sub-regulation (1) shall ordinarily be effected by deducting such amounts from his pensionable emoluments.

(3) All amounts paid to the Board under this regulation shall be paid into the general revenues of the Republic.

(4) All benefits payable under Part IV of the Regulations shall be paid from the general revenues of the Republic. 


6. A pension benefit granted under these Regulations shall not be assignable or transferable except for the purpose of satisfying-

(a) a debt due to the Government;

(b) an order of any court for the periodical payment of sums of money towards the maintenance of the wife or former wife or child of the person to whom the pension benefit has been granted;

and shall not be liable to be attached, sequestered or levied upon for, or in respect of, any debt or claim whatever except a debt to the Government.

Pension benefits not assignable, etc.

7. If any person to whom a pension benefit involving periodical payments has been granted under these Regulations is adjudicated a bankrupt or is declared insolvent by a judgment of the Court, then such benefit shall forthwith cease:

Pension to cease on bankruptcy

Provided always that in a case where a pension benefit ceases by reason of bankruptcy or insolvency of the pensioner, the Pension Authority
may from time to time during the remainder of such pensioner's life or during a shorter period or periods, either continued or discontinued, as it shall think fit, cause all or any part of the moneys to which such pensioner would have been entitled had he not become a bankrupt or insolvent to be paid to, or applied for the maintenance and personal support or benefit of all or any, to the exclusion of all other or others, of the following persons, namely, such pensioner and any wife, child or children of his in such proportions and manner as the Pension Authority thinks proper and such moneys shall be paid or applied accordingly.


8. If any person to whom a pension benefit involving periodical payments has been granted under these Regulations is convicted of any offence and is required to undergo a period of imprisonment exceeding three months, the payment of his pension shall, if the Pension Authority so directs, be discontinued during the whole or part of the period of imprisonment:

Provided that the Pension Authority may authorise the payment of the whole or any portion of the pension in respect of the period during which it has been so discontinued to or for the benefit of such dependant or dependants of the pensioner as the Pension Authority may determine.


9. The Pension Authority may declare forfeit, suspend or reduce the pension of any person who has been awarded a pension benefit involving periodical payments under the provisions of these Regulations and who is found guilty by a court of-

(a) misappropriating public moneys or property of the Government; or

(b) making any false statement for the purpose of obtaining a pension knowing the statement to be false or not believing it to be true

(As amended by S.I. No. 102 of 1988, 1667 of 1993 and 176 of 1993)

10. (1) Where a person who was married under a system permitting of polygamy dies and a pension or other benefit is payable under the provisions of regulation 30, 35, 36, 37 or 38, then that pension or other benefit shall be calculated as if there had been only one widow of that
person and shall be divided equally into the same number of parts as the number of widows surviving at the date of the person's death.

deceased person who was married under a system permitting of polygamy

(2) Each surviving widow of the deceased person shall be paid one part of the pension or other benefit calculated in accordance with sub-regulation (1).

(3) A pension payable to a widow under this regulation shall cease on the date on which she marries or dies, and the pension for the remaining widow, or widows, if any, shall not be increased.

(4) Subject to the provisions of sub-regulation (5), when a person who was married under a system permitting of polygamy dies and a pension is payable under the provisions of regulation 30 or 38 in respect of the children, then that pension shall be calculated on the pension payable as if there had been one widow.

(5) Paragraph (b) of sub-regulation (3) of regulation 30 and the proviso to sub-regulation (1) of regulation 38 shall only apply from the date on which the last widow's pension ceases in terms of sub-regulation (3).

11. (1) Any person who is in receipt of a pension or allowance under regulation 18 or 29 may be required by the Commander to submit to a medical examination or to undergo medical or surgical treatment-

Medical examination or treatment

(a) if he is receiving a pension under regulation 18, at any time within a period of two years from the date of his retirement;

(b) if he is a person to whom regulation 29 applies and is in receipt of a person or allowance under that regulation, at any time.

(2) If any person referred to in sub-regulation (1) fails to submit himself to the examination or to undergo the treatment required by the Commander his right to a pension or allowance under regulation 18 or 29, as the case may be, shall, if the Pension Authority concurs, cease as from the date on which he fails to do so:
Provided that-

(i) if at any time thereafter he submits himself to the examination or to undergo the treatment required by the Commander, the pension or allowance shall be revived-

(a) in the case of a pension payable under regulation 18, where a person is not certified as being fit to resume duty or is not required to resume duty, with effect from the date on which it ceased to be payable;

(b) in the case of a pension or allowance payable under regulation 29, with effect from the date on which the person submits himself to that examination or undergoes that treatment;

(ii) in any event, the pension shall be restored with effect from the person's pensionable age.


12. (1) If any person who is receiving a pension under regulation 18 is, within two years of the date of his retirement and before his pensionable age, certified by a medical board to be fit to resume duty in the Regular Force, he may, subject to the provisions of sub-regulation (2), be required by the Pension Authority to resume duty in that Force. If the person refuses to resume duty without reasonable cause, his right to a pension under regulation 18 shall cease with effect from the date on which he is required to resume duty:

Provided that in any event the pension shall be restored with effect from the person's pensionable age.

(2) The following provisions shall apply in relation to any person required to resume duty under sub-regulation (1):

(a) the pensionable emoluments attaching to the rank to which he is appointed shall not, without his consent, be less than the pensionable emoluments received by him immediately before the date of his retirement;

(b) he shall not, without his consent, be appointed to a rank lower than the rank held by him before the date of his retirement;
(c) the pension which he was receiving under regulation 18 shall cease with effect from the date of his resumption of duty;

(d) his pensionable service shall not be deemed to have been interrupted by the period during which he was receiving pension under regulation 18, but that period shall not form part of his pensionable service.


PART II

BENEFITS ON RESIGNATION, DISCHARGE OR DISMISSAL

13. A person, other than a former Federal Instructor, who is required to contribute under the provisions of regulation 5 and who resigns or is discharged in circumstances under which no pension or gratuity is payable to him under these Regulations, other than a pension under the provisions of regulation 29, shall be entitled to receive-

(a) if his pensionable service or total service, as the case may be, amounts to less than two years, to a refund of the amounts paid by him under regulation 5.

(b) if his pensionable service or total service, as the case may be, amounts to twenty years or more but less than twenty-five years, a gratuity calculated as follows:

\[ KX \times 2; \]

(c) if his pensionable service or total service, as the case may be, amounts to twenty-five years or more, a gratuity calculated as follows:

\[ 2 \times KX + (2 \times KX \times Y); \]

\[ \frac{50}{50} \]

Where \( KX \) = the total amount paid by the person under regulation 5;

\( Y \) = the number of completed years during which the person has been required to contribute under the provisions of regulation 5.

(As amended by S.I. No. 166 of 1992 and 176 of 1993)
13A. Any person serving in the Defence Force who is required to contribute under regulation 5 and who dies from any natural cause not entitling him to any pension or gratuity under these Regulations, other than under the provisions of regulation 29, shall be entitled, if his pensionable service or total service, as the case may be, amounts to two years or more but less than twenty years, to a gratuity calculated as follows:

\[ \frac{KX + KX \times 19 \times B}{400} \]

Where \( KX \) = the total amount paid to the person under regulation 5; and

\( B \) = the number of completed years during which the person has been required to contribute under regulation 5.


14. (1) Subject to the provisions of sub-regulations (2) and (3), a person who is dismissed from the Regular Force shall forfeit all right to the award of a pension or gratuity.

(2) Notwithstanding the provisions of sub-regulation (1), a former Federal officer or former Federal Instructor who is discharged or dismissed from the Regular Force in circumstances in which no pension is otherwise payable to him under these Regulations, other than a pension awarded under regulation 29, shall be entitled, as from the day following the date of his discharge or dismissal, to receive a pension equal to the pension, but exclusive of any additional abolition of office pension for which he would have been entitled under the provisions of the Federation of Rhodesia and Nyasaland (Dissolution) Order in Council, 1963, had he retired from the Defence Forces of the former Federation of Rhodesia and Nyasaland on the date of his transfer to the Regular Force.

(3) The President may award to a person who is dismissed and who is not entitled to a pension under sub-regulation (2)-

(a) if that person’s pensionable service or total service, as the case
may be, amounts to less than ten years, such gratuity as the President may determine;

(b) if that person's pensionable service or total service, as the case may be, amounts to ten years or more, such pension or gratuity as the President may determine.

(4) A person who is dismissed and who is not awarded a pension or gratuity under sub-regulation (2) or (3) shall be refunded any payments he may have made under the provisions of regulation 5.

PART III
RETIREMENT BENEFITS

15. For the purposes of this Part-

Interpretation of Part III

$K_A =$ average pensionable emoluments;

$K_B =$ the annual rate of the pensionable emoluments taken by the Scheduled Government concerned for the purpose of calculating a person's pension or gratuity;

$C =$ emoluments factor.

d = completed months of pensionable service;

e = completed months of total service;

(As amended by S.I. No. 176 of 1993)

16. Subject to the provisions of Parts I and V, a Commander who is required to retire under the provisions of regulation 9 of the Defence (Regular Force) (Officers) Regulations, 1960, shall be entitled as from the date of his retirement- Benefits for a Commander
(a) if he was appointed to the Regular Force on transfer from the service of a Scheduled Government, to receive a pension calculated as follows:

\[ K_A \times e \times \frac{x}{\text{age at which the officer or soldier retires expressed in complete months}} \times C; \]

(b) if he was not appointed to the Regular Force on transfer from the service of a Scheduled Government, to receive a pension calculated as follows:

\[ K_A \times d \]

\[ \text{the age at which the officer or soldier retires expressed in complete months} \]

(As amended by S.I. No. 102 of 1988)

17. Subject to the provisions of Parts I and IV, a person who is required to retire from the Regular Force shall-

(a) in the case of a Commander to whom neither regulation 16 nor 18 applies; or

(b) in the case of an officer other than a Commander to whom regulation 9 of the Defence (Regular Force) (Officers) Regulations, 1960, applies; or

(c) in the case of a soldier to whom regulation 8 or item (xviii) of the Third Schedule to the Defence Force (Regular Force) (Enlistment and Service) Regulations applies; be entitled, as from the date of his retirement-

(i) if he was appointed to the Regular Force on transfer from the service of a Scheduled Government and his total service amounts to less than ten years, to receive a gratuity calculated as follows:

\[ K_A \times e \times \frac{x}{5} \times \frac{x}{\text{age at which the officer or soldier retires expressed in complete months}} \times C; \]

(ii) if he was appointed to the Regular Force on transfer from the service of a Scheduled Government and his total service amounts to ten years or more, to receive a pension calculated as follows:

\[ K_A \times e \times \frac{x}{\text{age at which the officer or soldier retires expressed in complete months}} \times C; \]

(iii) if he was not appointed to the Regular Force on transfer from the service of a Scheduled Government and his pensionable service amounts to less than ten years, to receive a gratuity calculated as follows:
the age at which the officer or soldier retires expressed in complete months

(iv) if he was not appointed to the Regular Force on transfer from the service of a Scheduled Government and his pensionable service amounts to ten years or more, to receive a pension calculated as follows:

$KA \times d$

the age at which the officer or soldier retires expressed in complete months

(As amended by S.I. No. 102 of 1988)

18. Subject to the provisions of Parts I and IV, a person who is required to retire from the Regular Force because he is medically unfit shall be entitled, as from the date of his retirement-

(a) if his medical grading is, in the opinion of the Pension Authority, due to an infirmity contracted or occasioned by his default but not contracted or occasioned deliberately with the intention of escaping a duty or of qualifying for a benefit under these Regulations, and-

(i) he was appointed to the Regular Force on transfer from the service of a Scheduled Government-

A. if his total service amounts to less than ten years, to receive a gratuity calculated as follows:

$KA \times e$

the age at which the officer or soldier retires expressed in complete months

$\frac{x \times 5 \times C}{C} ;$ or

B. if his total service amounts to ten years or more, to receive a pension calculated as follows:

$KA \times e$

the age at which the officer or soldier retires expressed in complete months

$\frac{x \times C}{C} ;$ or

Benefits for persons required to retire on grounds of ill health
(ii) he was not appointed to the Regular Force on transfer from the service of a Scheduled Government-

A. if his pensionable service amounts to less than ten years, to receive a gratuity calculated as follows:

\[
\frac{KA \times d}{\text{the age at which the officer or soldier retires expressed in complete months}} \times 5; \text{ or}
\]

B. if his pensionable service amounts to ten years or more, to receive a pension calculated as follows:

\[
\frac{KA \times d}{\text{the age at which the officer or soldier retires expressed in complete months}} ;
\]

(b) if his medical grading is, in the opinion of the Pension Authority, due to an infirmity contracted or occasioned without his default, and-

(i) he was appointed to the Regular Force on transfer from the service of a Scheduled Government-

A. if his total service amounts to less than ten years, to receive a gratuity calculated as follows:

\[
\frac{KA \times d}{\text{the age at which the officer or soldier retires expressed in complete months}} \times 5 \times C; \text{ or}
\]

B. if his total service amounts to ten years or more, to receive a pension calculated as follows:

\[
\left\{ \frac{KA \times e}{\text{the age at which the officer or soldier retires expressed in complete months}} \times C \right\}
\]
(ii) he was not appointed to the Regular Force on transfer from the service of a Scheduled Government-

A. if his pensionable service amounts to less than ten years, to receive a gratuity calculated as follows:

\[ KA \times \frac{d}{x} \times 5; \text{ or} \]

the age at which the officer or soldier retires expressed in complete months

B. if his pensionable service amounts to ten years or more, to receive a pension calculated as follows:

\[ KA \times \frac{d}{x} \times 7 \]

the age at which the officer or soldier retires expressed in complete months

\[ + \frac{6000}{x} \]

Provided that an officer who is required to retire from the Regular Force because he is medically unfit and who is entitled to receive only a gratuity under the provisions of this regulation shall, in addition, be refunded any payments made by him under regulation 5.


19. Subject to the provisions of Parts I and IV, a person to whom this Part applies and who elects to retire from the Regular Force at any time after completing ten or more years' pensionable service or total service, as the case may be, shall be entitled, as from the date of his retirement-

(a) if he was appointed to the Regular Force on transfer from the

Benefits for persons who retire voluntarily
service of a Scheduled Government and-

(i) if his total service amounts to less than twenty years, to receive a gratuity calculated as follows:

\[
\frac{KA \times e}{\text{the age at which the officer or soldier retires expressed in complete months}} \times 5 \times C; \text{ or}
\]

(ii) if his total service amounts to twenty years or more, to receive a pension calculated as follows:

\[
\frac{KA \times e}{\text{the age at which the officer or soldier retires expressed in complete months}} \times C;
\]

(b) if he was not appointed to the Regular Force on transfer from the service of a Scheduled Government, and-

(i) if his pensionable service amounts to less than twenty years, to receive a gratuity calculated as follows:

\[
\frac{KA \times d}{\text{the age at which the officer or soldier retires expressed in complete months}} \times 5; \text{ or}
\]

(ii) if his pensionable service amounts to twenty years or more, to receive a pension calculated as follows:

\[
\frac{KA \times d}{\text{the age at which the officer or soldier retires expressed in complete months}}
\]

(As amended by S.I. No. 102 of 1988)

20. (1) A person who is transferred from the Regular Force to the service of a Scheduled Government and who is required either by that Scheduled Government or by any other Scheduled Government to which he may have been subsequently transferred to retire-

Benefits for persons transferred from Regular Force who retire from the service of a Scheduled Government
(a) on the abolition of his post; or

(b) to facilitate improvement in the organisation of the service to which he belongs by which greater economy or efficiency can be effected;

in circumstances in which he qualifies for the award of a pension under any pensions legislation of the Scheduled Government, shall be entitled as from the date of his retirement to receive a pension calculated as follows:

\[
\frac{KB \times e}{\text{the age at which the officer or soldier retires expressed in complete months}} \times C.
\]

(2) A person who is transferred from the Regular Force to the service of a Scheduled Government and who is required or permitted, either by that Scheduled Government or any other Scheduled Government to which he may have been subsequently transferred, to retire in circumstances in which he qualifies for the award of a pension or gratuity under any pensions legislation of the Scheduled Government, but to whom sub-regulation (1) does not apply, shall be entitled as from the date of his retirement-

(a) if his total service amounts to less than ten years, to receive a gratuity calculated as follows:

\[
\frac{KB \times e}{\text{the age at which the officer or soldier retires expressed in complete months}} \times 5 \times C;
\]

(b) if his total service amounts to ten years or more, to receive a pension calculated as follows:

\[
\frac{KB \times e}{\text{the age at which the officer or soldier retires expressed in complete months}} \times C.
\]

(As amended by S.I. No. 102 of 1988)
PART IV

SPECIAL PROVISIONS
APPLICABLE ONLY TO
NON-ZAMBIANS SERVING IN
THE REGULAR FORCE ON
PENSIONABLE TERMS

21. This Part shall apply only to persons serving on pensionable terms in the Regular Force who are citizens of a country other than Zambia notwithstanding that they may also be citizens of the Republic.

22. (1) The Commander may, with the approval of the President, by notice in writing require a person to whom this Part applies to retire to facilitate the appointment of a person who is a Zambian citizen and who is not a citizen of any other country to the Regular Force or to facilitate the promotion of a person who is a Zambian citizen and who is not a citizen of any other country to the rank held by the person to whom this Part applies.

(2) Any notice given under sub-regulation (1) requiring a person to retire shall-

(a) in the case of a person who is on leave when he is given notice, specify the date on which he shall so retire, which shall, if the period of leave for which he is eligible on the date upon which he is given notice-

(i) is not less than six months, be the date upon which such leave expires; or

(ii) is less than six months, be a date six months after the date upon which he is given notice and his leave shall be extended accordingly on full pensionable emoluments;

(b) in the case of any other person, specify the period which shall not be less than six months from the date upon which he is given notice, at the expiration of which period he shall proceed upon leave pending
Provided that, with the consent of the person concerned, the notice may specify a shorter period than six months.

(3) In the case of a person to whom paragraph (b) of sub-regulation (2) applies, he shall, if the period of leave on full pensionable emoluments for which he is eligible at the expiry of the period of notice is less than six months, be granted such additional leave on full pensionable emoluments as will bring the aggregate period of such leave up to six months.

(4) A person to whom this regulation applies shall be granted the travel benefits and baggage facilities to which a person of his rank would be eligible when proceeding on leave pending retirement.

(5) A person to whom this regulation applies and who is on leave when he is given notice, shall, if he returns to his station to settle his affairs, be granted the travel facilities to and from his station for himself only for which he would have been eligible had he been proceeding on privilege leave, and be eligible for subsistence allowance at the rates then current for the period (not exceeding ten days) of his stay at his station.

(6) Any person to whom this Part applies shall not be compulsorily retired from the Regular Force for the purpose of facilitating the appointment or promotion of a Zambian citizen except in accordance with the provisions of this regulation.

23. (1) In the event of a person who is a citizen of Zambia and who is not a citizen of any other country being promoted in preference to a person to whom this Part applies and who would otherwise have been promoted on the grounds of seniority and merit, the person so superseded shall be informed by notice in writing by the Commander that he has been superseded for promotion in the interests of Zambianisation, and that he may retire in accordance with the provisions of this regulation.

(2) Subject to the provisions of sub-regulations (3), (4) and (5), any person given notice under the provisions of sub-regulation (1) that he
has been superseded for promotion in the interests of Zambianisation may, if he so wishes and has not subsequently been promoted, elect to retire at any time.

(3) Any person not on leave when given notice under the provisions of sub-regulation (1) and who, not having been absent on leave since being given such notice, within six months of being given such notice elects to retire in accordance with sub-regulation (2) shall-

(a) be permitted to proceed on leave pending retirement on any date within six months of the date upon which he was given such notice; and

(b) if his leave (including any deferred leave) for which he is eligible on the date on which he proceeds on leave pending retirement is less than six months, be granted additional leave to bring his period of leave up to a total of six months; and

(c) be granted the travel benefits and baggage facilities to which a person of his rank would be eligible when proceeding on leave pending retirement.

(4) Any person who is on leave when given notice under the provisions of sub-regulation (1) and who elects forthwith to retire, shall-

(a) if the period of leave (including any deferred leave) for which he is eligible on the date on which he is given such notice is less than six months, be granted additional leave to bring his period of leave up to six months; and

(b) if he returns to his station to settle his affairs, be granted the travel facilities to and from his station for himself only for which he would have been eligible had he been proceeding on privilege leave, and subsistence allowance at the rates then current for the period (not exceeding ten days) of his stay at his station.

(5) Any person who is given notice under sub-regulation (1) and who, not being on leave when given such notice, does not proceed on leave pending retirement under the provisions of sub-regulation (3) or, if he is on leave when given such notice, does not elect to retire forthwith under the provisions of sub-regulation (4) may, until and unless he is subsequently promoted, elect to retire by giving notice in accordance with the provisions of regulation 25.
24. Any person to whom this Part applies and who is required to retire shall, in lieu of any other benefit provided by these Regulations other than a benefit provided under Part V, be granted, as from the date of his retirement, a pension calculated as follows:

(a) in the case of a person who was appointed to the Regular Force on transfer from the service of a Schedule Government-

\[
\left\{ \frac{KA \times B}{C} \right\} \times C + KY;
\]

the age at which the officer or soldier retires expressed in complete months

(b) in any other case-

\[
\frac{KA \times B}{C} + KY;
\]

the age at which the officer or soldier retires expressed in complete months

Where \( KA \) = the annual rate of the person's pensionable emoluments on his last day of pensionable service or total service, as the case may be;

\( B \) = number of completed months of total service or pensionable service, as the case may be;

\( C \) = the age at which the officer or soldier retires expressed in complete months;

\( KY = \frac{KA \times B}{1800} \)

Provided that-

(i) the pension so calculated shall not exceed seven-tenths of the annual rate of the highest pensionable emoluments received by the person at any time in the course of his pensionable service or total service, as the case may be;

(ii) the pension shall not exceed the pension for which the person would have been entitled if he had continued until the age of fifty-five years to hold the rank held by him at the date of his retirement, having received all scale increments for which he would have been eligible by that date and, in the case of a transferred person, if all his total service had been pensionable service;

(iii) a person who is required to retire because he is medically unfit shall be given the opportunity to elect to receive a pension calculated in accordance with regulation 18 in lieu of a pension calculated under this regulation;

(iv) a former Federal Officer or a former Federal Instructor may elect that his pension under this regulation shall be calculated without the addition of \( KY \) and that instead he shall receive a gratuity equal to half the compensation for which he would be entitled if he were an "entitled officer" for the purposes of the
25. Any person to whom this Part applies may retire voluntarily at any time if-

(a) having been on duty for not less than three months since last returning from leave, he gives six months' notice in writing of his intention to retire to the Commander; or

(b) having been granted leave for a period of not less than four months, he gives notice of his intention to retire to the Commander in writing not less than two months before such leave commences:

Provided that the Commander may at his discretion accept shorter notice if he thinks fit.

26. (1) Any person who retires voluntarily under the provisions of regulation 25 and who has completed less than twenty-four months' service (excluding leave) in the Regular Force after the 9th January, 1964, shall be entitled, as from the date of his retirement, to receive a pension calculated as follows:

(a) in the case of a person who was appointed to the Regular Force on transfer from the service of a Scheduled Government -

\[
\frac{KA \times B}{x C; \text{ the age at which the officer or soldier retires expressed in complete months}}
\]

(b) in any other case -

\[
\frac{KA \times D}{x C; \text{ the age at which the officer or soldier retires expressed in complete months}}
\]

Where $KA = \text{the annual rate of the person's pensionable emoluments on his last day of pensionable service or total service, as the}$
case may be;

\[ B = \text{completed months of total service}; \]

\[ C = \text{the age at which an officer or soldier retires expressed in completed months.} \]

\[ D = \text{completed months of pensionable service.} \]

(2) A former Federal Officer or a former Federal Instructor shall, in addition to the pension payable under sub-regulation (1), be entitled to receive a further pension calculated as follows:

(a) if he has completed twelve months or more, but less than eighteen months' service in the Regular Force after the 9th January, 1964-

\[ \frac{KX}{3}; \]

(b) if he has completed eighteen months but less than twenty-four months' service in the Regular Force after the 9th January, 1964-

\[ \frac{KX \times 2}{3}; \]

(c) if he has completed twenty-four months' service in the Regular Force after the 9th January, 1964, but is not eligible for a pension under the provisions of sub-regulation (3)-

\[ KX: \]

Where \( KX \) = the additional abolition of office pension, if any, to which the person would have been entitled under the provisions of the Federation of Rhodesia and Nyasaland (Dissolution) Order in Council, 1963, had he retired from the service of the Government of the former Federation of Rhodesia and Nyasaland on the date of his transfer to the Regular Force.

(3) Any person who retires voluntarily under the provisions of regulation 25 and who has completed two years' service (excluding
leave) in the Regular Force after the 9th January, 1964, shall be entitled to receive as from the date of his retirement a pension calculated as follows:

(a) in the case of a person who has appointed to the Regular Force on transfer from the service of a Scheduled Government-

\[
\left\{ \frac{K_A \times B}{C} \times C + K_D; \right. \\
\text{the age at which the officer or soldier retires expressed in complete months}
\]

(b) in any other case-

\[
\frac{K_A \times B}{K_D}; \\
\text{the age at which the officer or soldier retires expressed in complete months}
\]

Where \( K_A \) = the annual rate of the person's pensionable emoluments on his last day of total service or pensionable service, as the case may be;

\( B = \) the number of the person's completed months of total service or pensionable service, as the case may be;

\( C = \) the age at which an officer or a soldier retires expressed in complete months;

\[ D = \frac{K_A \times B}{1800} \]

(4) No pension payable under this regulation shall exceed seven-tenths of the annual rate of the highest pensionable emoluments received by that person during his pensionable service or total service, as the case may be, and further, shall not exceed the pension which the person would have been entitled to receive if he had continued until the age of fifty-five years to hold the rank held by him at the date of his retirement,
having received all scale increments for which he would have been eligible by that date and, in the case of a transferred person, if all his total service had been pensionable service.

(5) A person who retires voluntarily under the provisions of regulation 25 shall be granted the travel and baggage facilities for which he would be eligible if proceeding on leave pending retirement.

(As amended by S.I. No. 102 of 1988)

PART V

BENEFITS IN RESPECT OF INJURY OR DEATH IN THE COURSE OF DUTY

27. This Part applies to all persons serving in the Regular Force.

28. In this Part, unless the context otherwise requires-

"emoluments" means-

(a) in the case of a person to whom regulation 29 applies, either-

(i) the annual rate of his pensionable emoluments or the annual rate of his emoluments which would be accepted as pensionable emoluments if he were serving on pensionable terms before the date on which a temporary allowance or pension first became payable to him, but for the provisions of sub-regulation (10) of regulation 29; or

(ii) in the case where an injury does not manifest itself until after that person has ceased
to serve in the Regular Force, the annual rate of his pensionable emoluments, or the annual rate of his emoluments which would be accepted as pensionable emoluments if he had been serving on pensionable terms at the date he received the injury or, if the date of the injury is not established to the satisfaction of the Pension Authority, the annual rate of his said emoluments at a date determined by the Pension Authority;

(b) in the case of a person to whom regulation 30 applies-

(i) if that person has been awarded a pension, or a gratuity in lieu of a pension, under regulation 29 in respect of the injury which was the cause of the death, his emoluments as defined in paragraph (a);

(ii) if that person has not been awarded a pension, or a gratuity in lieu of a pension, under regulation 29 in respect of the injury which was the cause of his death, the annual rate of his pensionable emoluments which would be accepted as pensionable if he had been serving on pensionable terms at the date he received the injury or, if the date of the injury is not established to the satisfaction of the Pension Authority, the annual rate of his said emoluments at a date fixed by the Pension Authority;

"injury" means-

(a) ill health, physical or mental unfitness, physical or mental incapacity or personal injury which, in the opinion of the Pension Authority, is caused by or due to the discharge of the person's duties; or

(b) the aggravation to a material extent of ill health, physical or mental unfitness, physical or mental incapacity, or personal injury, which aggravation, in the opinion of the Pension Authority, is caused by or due to the person's duties without any misconduct or serious negligence on the person's part:
Provided that for the purposes of this definition a person who is participating in any regimental sport, recreational training, display or competition authorised by his commanding officer shall be deemed to be discharging his duties while so participating;

"material extent", in relation to an injury which has been aggravated by the discharge of the person' duties, means-

(a) where the degree of disablement which would have been applicable had the whole of the condition of the person been caused by the discharge of his duties (hereinafter in this paragraph called his full degree of disablement) is less than 20 per centum, a degree of disablement of 5 per centum or more, which is not less than one-half of his full degree of disablement;

(b) in cases not falling under paragraph (a), a degree of disablement of at least 10 per centum.


29. (1) This regulation applies to any person who sustains an injury. Injury benefits

(2) The Commander may grant to any person to whom this regulation applies, sick leave, with full pay-

(a) for a period of, or for periods not exceeding in the aggregate ninety days on production of a medical certificate given by the medical practitioner or dentist, as the case may be, of the person to whom this regulation applies or, if the Commander desires the production of a medical certificate given by a medical practitioner or dentist, as the case may be, nominated by him, the production of that certificate;

(b) in addition to sick leave granted under paragraph (a), for a further period of, or for further periods not exceeding in the aggregate ninety days on production of a medical certificate given by a Government medical officer or, if the Commander desires the production of a certificate given by a medical board, on production of that certificate;

(c) in addition to any sick leave granted under paragraphs (a) and (b), for such further periods, being not more than one hundred and eighty days each, as may be recommended by a medical board:
Provided that-

(i) no one continuous period of sick leave granted under this sub-regulation shall exceed five hundred and forty days;

(ii) the Commander shall not grant any further period of sick leave under this sub-regulation if the Pension Authority is satisfied, after considering the report of a medical board, that the person to whom this regulation applies will be permanently unfit for further service in the Regular Force and deems his degree of disablement to have reached a final and stationary condition.

(3) The degree of disablement of a person to whom this regulation applies shall be-

(a) in respect of disabilities mentioned in the First Schedule, the percentage indicated in that Schedule;

(b) in respect of any disability not mentioned in the First Schedule, such percentage as may be assessed by a medical board on the percentage of disability.

(4) In making a report under paragraph (b) of sub-regulation (3), a medical board shall make a comparison of the condition of the person to whom this regulation applies with the condition of a normal healthy person of the same age and sex without taking into account the earning capacity, in his disabled condition, of the person to whom this regulation applies in his own or any other trade or occupation.

(5) In the case where a person to whom this regulation applies has two or more disabilities which are the result of one or more injuries, the degree of disablement shall be determined in relation to the combined disabilities, but shall in no case exceed 100 per centum.

(6) Notwithstanding the provisions of this regulation, if the Pension Authority deems the degree of disablement of a person to whom this regulation applies to be inadequate by reason of the particular consequences of the disablement in relation to the special nature of that person's occupation, it may assess the degree of disablement at such
percentage, being not more than 100 per centum, as it may deem equitable in the circumstances:

Provided that, if there is any material improvement in the earning capacity of a person to whom this regulation applies, the Pension Authority may reduce or vary any assessment made under this sub-regulation to a percentage not lower than that fixed by or under the provisions of sub-regulation (3), (5) or (12).

(7) Subject to the provisions of sub-regulation (11), a person to whom this regulation applies shall, in addition to any other benefit payable under these Regulations, be entitled-

(a) until such time as his degree of disablement is deemed by the Pension Authority to have reached a final and stationary condition, to a temporary allowance calculated under sub-regulation (8) according to his degree of disablement as assessed from time to time;

(b) when his degree of disablement has been deemed by the Pension Authority to have reached a final and stationary condition, to a pension calculated under sub-regulation (8), or to a sum calculated under sub-regulation (10), as the case may be.

(8) The annual rate of a temporary allowance or pension payable to a person to whom this regulation applies, shall be calculated-

(a) in the case of a person whose degree of disablement is 100 per centum, as the amount equal to the aggregate of two-thirds of his emoluments up to and including K1,300, and one-third of his emoluments from K1,301 to K3,040, both inclusive;

(b) in the case of a person whose degree of disablement is less than 100 per centum, as an amount equal to one-hundredth of the allowance or pension calculated as in paragraph (a), multiplied by the degree of disablement:

Provided that in the case of a person appointed to the Regular Force before the *commencement of these Regulations who-

* 29th April, 1966.

(i) is required to retire because he is medically unfit; and
(ii) is entitled on his retirement to receive a pension under the provisions of regulation 18;

the pension shall, if it is to the person's advantage, be calculated in accordance with the following provisions:

A. where the degree of disablement is 100 per centum, he shall be awarded a pension equal to 50 per centum of the annual rate of his pensionable emoluments on his last day of pensionable service or total service, as the case may be;

*29th April, 1966.

B. where the degree of such disablement is less than 100 per centum, he shall be awarded a pension bearing the same proportion to the pension calculated in accordance with paragraph A as the degree of disablement bears to 100 per centum.

C. if the aggregate of the pension calculated in accordance with paragraph A or B, as the case may be, and the pension to which the person is entitled under the provisions of regulation 18 and any pension or pensions payable to him in respect of service under a Scheduled Government or Scheduled Governments exceeds the annual rate of his pensionable emoluments on his last day of pensionable service or total service, as the case may be, the pension calculated under this proviso shall be reduced by an amount equal to such excess. For the purposes of this paragraph, "pension" means the value of a pension without regard to any commutation for which the person concerned may have elected;

D. notwithstanding the provisions of sub-regulation (9), no allowance in respect of children shall be paid to a person who received a pension calculated in accordance with paragraph C.

(9) In addition to any temporary allowance or pension payable under sub-regulation (7) to a person to whom this regulation applies, there shall be paid in respect of that person's children, an allowance-

(a) if the degree of disablement is 100 per centum, at the rate of one forty-eighth of his emoluments or K60 per annum, whichever is the less, for the first child, and one-sixtieth of his emoluments or K48 per annum, whichever is the less, for each additional child;

(b) if the degree of disablement is less than 100 per centum, at rates
in the same proportion to the rates referred to in paragraph (a) as the
degree of disablement bears to 100 per centum:

Provided that any allowance payable under this sub-regulation shall
cease from the date on which a pension becomes payable in respect of
any of the children under the provisions of regulation 29.

(10) Notwithstanding the provisions of this regulation, the Permanent
Secretary, Ministry of Finance, shall, unless the Pension Authority
concurs otherwise, at the request of the person to whom this regulation
applies, pay to that person, in lieu of any pension calculated under
sub-regulation (8), a gratuity equal to the capitalised value thereof,
calculated in terms of the Second Schedule.

(11) Temporary allowances and pensions under this regulation shall
accrue-

(a) in the case of a temporary allowance, from such date as may be
determined by the Commander;

(b) in the case of a pension, from such date as may be determined by
the Pension Authority as the date on which it may be deemed that the
degree of disablement has reached a final and stationary condition.

(12) In any case where the degree of disablement of a person to whom
this regulation applies has been deemed by the Pension Authority to
have reached a final and stationary condition, the Pension Authority
may at any time vary the degree of disablement if it is satisfied, after
considering the report of a medical board, that there has been a variation
of 5 per centum or more of the total disablement in respect of such
person, and any pension payable to the injured person, or any allowance
payable in respect of his child under this regulation, shall thereupon be
calculated accordingly.


30. (1) This regulation shall apply to persons to whom this Part applies
who sustain an injury which results in their death.

(2) Subject to the provisions of this Part and of Part I, the spouse and
children, if any, of a person to whom this regulation applies, hereinafter in this regulation referred to as the deceased person, shall, in addition to any other benefit payable under these Regulations, be entitled-

(a) in the case of a spouse, to a pension equal to 66 2/3 per centum of the pension which would have been payable to the deceased person under paragraph (a) of sub-regulation (8) of regulation 29 had he sustained a 100 per centum degree of disability;

(b) in the case of the children, to a pension at the rate of one twenty-fourth of the emoluments of the deceased person or K120 per annum, whichever is the less, for the first child, and one-fortieth of the said emoluments or K72 per annum whichever is the less, for each additional child:

Provided that if the deceased person leaves children of a marriage or marriages previous to his marriage to his widow and the children live in households other than that in which the widow resides with her children by the deceased person, the children in those other households shall, if the Commander so determines, be entitled to pensions at the rate which would have been appropriate if they were the only children of the deceased person.

(3) Notwithstanding the provisions of sub-regulation (2), the children of the deceased person shall, subject to the provisions of regulation 10, be entitled to pensions at the rate of one-fifteenth of the deceased person's emoluments or K192 per annum, whichever is the less, each-

(a) if the deceased person leaves no spouse; or

(b) with effect from the date the pension to the widow of the deceased person ceases as a result of her marriage or death.

(4) If the deceased person leaves no spouse or child but there are other dependants, there shall be paid to those dependants in such proportions as the Commander may determine, a gratuity equal to-

(a) three times the deceased person's emoluments; or

(b) three times the rate of pension which would be payable under paragraph (a) of sub-regulation (8) of regulation 29 to a person to whom
that regulation applies whose earnings are K2,880 per annum; whichever is the less:

Provided that any amount payable in terms of this sub-regulation shall be reduced by the aggregate of any payments made to or on behalf of the deceased person under sub-regulation (7), (9), (10) or (12) of regulation 29.

(5) The estate of-

(a) an officer, soldier, or member of the Corp of Instructors who dies while in service shall be entitled to K250,000.00; and

(b) an officer or soldier who dies during the course of his official duty will be entitled to a death on duty compensation of K500,000.00 or three times his annual salary whichever is greater.

(6) The entitlements under sub-regulation (5) shall be paid in accordance with the Interstate Succession Act; (As amended by S.I. No. 102 of 1988, 166 of 1992 and 176 of 1993) Cap. 59

30A. (1) Subject to regulation 30, a gratuity shall be payable in respect of an officer or a soldier who dies and whose death, in the opinion of the Commander, was not caused by any wrongful act or omission on the part of such officer or soldier in discharging his official duties.

(2) A gratuity payable under this regulation shall be equal to the officer’s or soldier’s annual pensionable emoluments at the date of his death or K45,000 whichever is the greater and shall be paid as follows:

(a) where there remains a spouse but no children, to the spouse;

(b) where there remains any children of the deceased, whether or not there is also remaining a spouse, to such persons and in such proportions as the Commander shall determine;

(c) where there is no spouse or child remaining, to the estate of the deceased.
31. The following conditions shall apply to a pension payable to the spouse, and to allowances or pensions payable in respect of the children under regulation 29 or 30, as the case may be:

(a) the pension shall be payable from the day following the death of the person to whom regulation 30 applies;

(b) the pension to the spouse shall cease from the date on which the spouse remarries;

(c) any allowance payable in respect of a child under sub-regulation (9) of regulation 29, or a pension payable under regulation 30, as the case may be, shall be paid to such person or persons as shall from time to time be determined by the Commander;

(d) if a child dies or ceases to be a child within the definition of a child in regulation 2, the allowance payable under sub-regulation (9) of regulation 29 or the pension payable under regulation 30, as the case may be, shall cease or, if there are other children, shall be adjusted accordingly;

(e) if a person to whom regulation 30 applies leaves a spouse who does not maintain or deserts or abandons a child of herself and that person, the Commander may direct that such portion of the widow's pension as he thinks fit shall be paid to such person as he may direct and be applied by such person for the benefit of such child.

32. (1) In any case where a person to whom regulation 29 applies incurs unavoidable expense of a nature other than that referred to in sub-regulation (2) or (3), which the Commander is satisfied is directly attributable to his undergoing medical examination or treatment in respect of his injury, the Commander shall, unless the Pension Authority directs otherwise—

(a) in a case where the injured person is in receipt of a temporary allowance or pension under regulation 29, authorise the increase of the allowance or pension, together with the allowances in respect of children, if any, payable under sub-regulation (9) of that regulation, to an amount not exceeding that which would have been payable had the degree of disablement of the injured person been 100 per centum, for the period that the injured person undergoes medical examination or treatment and while travelling in connection therewith;
(b) in a case where the injured person is not in receipt of a temporary allowance or pension under regulation 29, award a temporary allowance together with the allowances in respect of the children, if any, payable under sub-regulation (9) of that regulation, not exceeding that which would have been payable had the degree of disablement been 100 per centum during the period of the medical examination or treatment and while travelling in connection therewith.

(2) When it is necessary for any person to whom regulation 29 applies to make a journey for the purpose of undergoing a medical examination or treatment in connection with his injury, the Commander shall, unless the Pension Authority directs otherwise, authorise the payment of subsistence allowance and transport costs at such rates and subject to such conditions as he may determine:

Provided that no subsistence allowance shall be payable for any period during which an injured person is an in-patient at an institution or hospital, the cost of which is paid, in whole or in part, under sub-regulation (3).

(3) A person to whom regulation 29 applies shall be entitled to the payment of such expenses, not exceeding in the aggregate K500, as the Commander is satisfied have been reasonably and necessarily incurred by that person as a result of an injury in respect of dental, medical, surgical, hospital or other treatment, including the supply of artificial limbs and appliances-

(a) where the treatment of the injury incurs expenditure in excess of K500, the Commander of the Regular Force shall report thereon and make recommendations to the Pension Authority and the Pension Authority may direct the payment of such additional payments in excess of K500 as it may approve;

(b) where the expenses are related to an injury which is due to aggravation to a material extent by the discharge of his duties-

(i) the sum payable under this sub-regulation in respect of each claim shall not exceed an amount equal to the same proportion of that claim as the actual degree of disablement of the injured person due to the aggravation bears to the degree of disablement which would have been applicable to him had the whole of his disablement been due to an injury;
the aggregate of the amounts payable under this sub-regulation shall not exceed an amount equal to the same proportion of K500, or such increased amounts as the Pension Authority may fix under paragraph (a), as the actual degree of disablement of the injured person due to the aggravation bears to the degree of disablement which would have been applicable to him had the whole of his disablement been due to an injury.


PART VI
DEATH BENEFITS

33. For the purposes of this Part-

Interpretation of Part VI

KA = average pensionable emoluments;

KB = the annual rate of the pensionable emoluments taken by the Scheduled Government concerned for the purpose of calculating the person's gratuity or pension;

C = the age at which an officer or a soldier retires expressed in complete months;

d = completed months of pensionable service;

f = number of completed months between the date of death and the date on which the person would have attained his pensionable age.

(As amended by S.I. No. 102 of 1988)
34. If an officer or a member of the Corps of Instructors, whose pensionable service or total service, as the case may be, amounts to less than two years dies, there shall be paid to his legal personal representative an amount equal to the payments made by him under the provisions of regulation 5.

35. (1) Subject to the provisions of Part I, if an officer who is not a former Federal officer and who was not a former Federal Instructor before being appointed to commissioned rank, and who was appointed to the Regular Force on transfer from the service of a Scheduled Government, and whose total service amounts to two years or more but less than ten years dies, there shall be paid to his legal personal representative a gratuity calculated as follows:

\[
\frac{KA \times e}{120} \times C; \text{ or }
\]

\[
120 \times \text{the amount of the payments made by the officer under the provisions of regulation 5;}
\]

whichever is the greater.

(2) Subject to the provisions of Part I, if an officer who was not appointed to the Regular Force on transfer from the service of a Scheduled Government and whose pensionable service amounts to two years or more but less than ten years dies, there shall be paid to his legal personal representative a gratuity calculated as follows:

\[
\frac{KA \times e}{120}; \text{ or }
\]

\[
120 \times \text{the amount of the payments made by the officer under the provisions of regulation 5;}
\]

whichever is the greater.

35A. (1) An officer who after completing twenty years or more of service and who-
(a) dies before giving due notice to retire; or

(b) after giving notice to retire dies before his date of retirement;

shall be deemed to have voluntarily retired on the date of his death in accordance with these Regulations.

(2) A soldier who after completing twenty years or more of service and who-

(a) dies before giving due notice to retire; or

(b) after giving notice to retire dies before his date of retirement;

shall be deemed to have voluntarily retired immediately before the date of his death in accordance with these Regulations.

(As amended by S.I. No. 176 of 1993)

35B. A Warrant Officer or soldier who after completing twenty years or more of service and who-

(a) dies before giving due notice to retire; or

(b) after giving notice to retire dies before his date of retirement;

shall be deemed to have voluntarily retired immediately before the date of his death in accordance with these Regulations.

(As amended by S.I. No. 166 of 1992)

36. (1) Subject to the provisions of Part I, if a person-

(a) who is not an officer or a member of the Corps of Instructors or was not an officer or a member of the Corps of Instructors immediately before his transfer from the Regular Force to the service of a Scheduled Government;

and

(b) was appointed to the Regular Force on transfer from the service of a Scheduled Government or was transferred from the Regular Force to the service of a Scheduled Government; and

(c) whose total service amounts to two years or more;

dies, there shall be paid and distributed amongst his widow (if any), child or children (if any) and any other dependants (if any) in
accordance with the directions of the Commander, a gratuity calculated as follows:

\[
\frac{KA \times e}{120} C.
\]

(2) Subject to the provisions of Part I, if a person who is not an officer and who was not appointed to the Regular Force on transfer from the service of a Scheduled Government dies, there shall be paid and distributed amongst his widow (if any), child or children (if any) and other dependants (if any) in accordance with the directions of the Commander, a gratuity calculated as follows:

\[
\frac{KA \times d}{120}
\]

(3) Subject to the provisions of Part I, if any person who has retired from the Regular Force and who was not an officer or a member of the Corps of Instructors dies, and the amount paid to him in respect of commuted pension under the provisions of Part VII and by way of periodical payments of the pension awarded to him under the provisions of Part III, is less than the amount which would have been payable under subregulation (1) or (2) had he died on his last day of total service or pensionable service, as the case may be, then the balance shall be paid and distributed amongst his widow (if any), child or children (if any) and other dependants (if any) in accordance with the directions of the Commander.

37. (1) Subject to the provisions of Part I and of this regulation, if-

(a) a former Federal officer; or

(b) a former Federal Instructor; or

(c) any officer who was appointed to the Regular Force on transfer

Pensions for widows of officers and members of Corps of Instructors
from the service of a Scheduled Government and whose total service amounts to ten years or more; or

\( (d) \) any soldier, whose total service amounts to ten years or more; dies and leaves a spouse, there shall be paid to the spouse a pension equal to 40 per centum of the pension for which the officer would have been eligible under the provisions of paragraph \((b)\) of regulation 18 had he been required to retire on the date of his death because his medical grading, as determined by a medical board, made him unsuitable for further service in the Regular Force.

(2) Subject to the provisions of Part I and of this regulation, if an officer who was not appointed to the Regular Force on transfer from the service of a Scheduled Government and whose pensionable service amounts to ten years or more, dies and leaves a spouse, there shall be paid to the spouse a pension equal to 40 per centum of the pension for which the officer would have been eligible under the provisions of paragraph \((b)\) of regulation 18 had he been required to retire on the date of his death because his medical grading, as determined by a medical board, made him unsuitable for further service in the Regular Force.

(3) Subject to the provisions of Part I and of this regulation, if-

\( (a) \) a former Federal officer or a former Federal Instructor; or

\( (b) \) any officer whose total service amounts to ten years or more; who transferred from the Regular Force to the service of a Scheduled Government dies while in the service of a Scheduled Government without a break in his total service and leaves a spouse, there shall be paid to the spouse a pension calculated as follows:

\[
\left\{ \frac{KB \times e}{600} + \frac{KB \times f \times 7}{6000} \right\} \times C.
\]

Provided that this sub-regulation shall apply only to former Federal Instructors or to persons who were officers immediately before transfer to a Scheduled Government.
(4) Subject to the provisions of Part I and of this regulation, if a retired officer or a retired member of the Corps of Instructors dies and leaves a spouse, there shall be paid to his spouse a pension equal to the pension which would have been payable to the spouse under the provisions of this regulation had the deceased person died on his last day of pensionable service or total service, as the case may be.

(5) Subject to the provisions of Part I, a pension payable under this regulation shall be paid from the day following the date of death of the officer, retired officer, member of the Corps of Instructors or retired member of the Corps of Instructors, as the case may be.

(As amended by S.I. No. 102 of 1988 and 176 of 1993)

38. (1) Subject to the provisions of Part I and of this regulation, if-

(a) a former Federal officer, soldier or a former Federal Instructor; or

(b) any officer, soldier whose pensionable service or total service, as the case may be, amounts to ten years or more; or

(c) any soldier, whose pensionable service or total service as the case may be, amounts, to ten years or more;

dies and leaves a spouse and children, there shall be paid in respect of his children, with effect from the day following the date of his death, a pension equal to the following percentages of the spouse's pension calculated under the provisions of regulation 37:

(i) for one child-25 per centum;

(ii) for two children-40 per centum;

(iii) for three children-50 per centum;
(iv) for four children-60 per centum;

(v) for five or more children-66 2/3 per centum;

Provided that on the death or remarriage of the spouse pensions in respect of the children shall be at the rates specified in sub-regulation (2).

(2) Subject to the provisions of Part I and of this regulation, if-

(a) a retired officer or soldier; or

(b) a retired member of the Corps of Instructors; or

(c) a former Federal officer or soldier; or

(d) a former Federal Instructor; or

(e) any officer or soldier whose pensionable service or total service, as the case may be, amounts to ten years or more;

dies and leaves no spouse, but leaves children, there shall be paid in respect of the children, with effect from the day following the date of his death, a pension equal to the following percentages of the pension that would have been payable to the spouse under regulation 37, had he left one:

(i) for one child-50 per centum;

(ii) for two children-80 per centum;

(iii) for three children-100 per centum;

(iv) for four children-120 per centum;

(v) for five or more children-133 1/3 per centum.

(3) If a child dies or ceases to be a child within the meaning of these Regulations, the pension payable under this regulation shall cease or, if
there are other children, shall be adjusted accordingly.

(4) Any pension payable under this regulation shall be paid to such person or persons as shall from time to time be determined by the Pension Authority and shall, in accordance with its determination, be paid in respect of one child or apportioned between any two or more of the children.

(5) If the deceased person leaves a spouse who does not maintain or deserts or abandons a child and such person, the Pension Authority may direct that such portion of the spouse's pension as it thinks fit shall be paid to such person as it may direct and be applied by such person for the benefit of the child.

(6) Notwithstanding any other provisions contained in these Regulations, if a pension is being paid under this regulation in respect of a child-

(a) because of the death of the parent of the child, no further pension shall be payable under this regulation in respect of that child on the death of the step-parent of that child;

(b) because of the death of the step-father of that child, no further pension shall be payable under this regulation in respect of that child on the death of the father of that child.


38A. Subject to the provisions of Part VI an officer or a soldier whose pensionable service amounts to ten years or more dies and whose death in the opinion of the Commander, was not caused by any wrongful act or omission on the part of such officer or soldier in discharging his official duties, there shall of paid in addition to any other benefit under this part a gratuity equal to the officer's or soldier's annual pensionable emoluments at the date of his death and shall be paid as follows:

(a) where there remains a spouse but no children, to the spouse;

(b) where there remains any children of the deceased whether or not there also remains a spouse to such person and in such proportions as the Commander shall determine;

(c) where there is no spouse or child remaining, to the estate of the
deceased.

(As amended by S.I. No. 102 of 1988)

PART VII

MISCELLANEOUS

39. An officer or a soldier who is entitled to a pension may elect before the payment of pension commences, to receive in lieu of either one-third or two-thirds of that pension, a gratuity calculated by multiplying the amount of pension to be commuted by the factor obtained from the Third Schedule appropriate to the officer's age on his last day of pensionable service or total service as the case may be:

Provided that if the portion of the pension not so commuted is less than K50 the Pension Authority may commute the whole pension.

(As amended by S.I. No. 102 of 1988)

40. The following regulations are hereby revoked:

(a) regulations 9, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62 and 63 of the Defence (Regular Force) (African Members) Regulations, 1962;

(b) regulations 10, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 84A, 85, 86, 87, and 88 of the Defence (Regular Force) (Officers) Regulations, 1960;

(c) regulations 10, 11, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 91A, 92, 93 and 94 of the Defence (Regular Force) (European Members) Regulations, 1961.

41. There shall be a review of pensions at such intervals as the Pension Authority may decide.


FIRST SCHEDULE
(Regulation 29 (3))

### DEGREE OF DISABLEMENT OF AN INJURED PERSON

<table>
<thead>
<tr>
<th>Item</th>
<th>Nature of disablement</th>
<th>Degree of disablement per centum</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>GENERAL</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>Loss of hand and foot above site of Syme's amputation</td>
<td>100</td>
</tr>
<tr>
<td>2.</td>
<td>Injury resulting in the injured person being permanently bedridden</td>
<td>100</td>
</tr>
<tr>
<td><strong>INJURY TO UPPER LIMB</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Loss of both hands or loss of both arms at higher sites</td>
<td>100</td>
</tr>
<tr>
<td>4.</td>
<td>Loss of remaining arm by an injured person who has previously lost one arm</td>
<td>100</td>
</tr>
<tr>
<td>5.</td>
<td>Loss of arm at shoulder or below shoulder with stump of less than 8 inches from tip of acromion</td>
<td>70</td>
</tr>
<tr>
<td>6.</td>
<td>Loss of arm from 8 inches below tip of acromion to less than 4 1/2 inches below tip of olecranon</td>
<td>68</td>
</tr>
<tr>
<td>7.</td>
<td>Loss of arm 4 1/2 inches below the tip of olecranon</td>
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</tr>
<tr>
<td>8.</td>
<td>Loss of hand at wrist</td>
<td>60</td>
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<tr>
<td>9.</td>
<td>Loss of four fingers and thumb of one hand</td>
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<tr>
<td>10.</td>
<td>Loss of four fingers on one hand</td>
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<tr>
<td>11.</td>
<td>Loss of thumb:</td>
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<tr>
<td>(a)</td>
<td>both phalanges</td>
<td>25</td>
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<tr>
<td>(b)</td>
<td>one phalanx</td>
<td>10</td>
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<td>12.</td>
<td>Loss of index finger:</td>
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<td>(a)</td>
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<td>(b)</td>
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<td>8</td>
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<tr>
<td>(c)</td>
<td>one phalanx</td>
<td>4</td>
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<tr>
<td>(d)</td>
<td>tip and nail, no bone</td>
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<td>Loss of middle finger:</td>
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<td>4</td>
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<td>(c)</td>
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<td>2</td>
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<td>(d)</td>
<td>tip and nail, no bone</td>
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<td>14.</td>
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<td>2</td>
</tr>
<tr>
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<td>15.</td>
<td>Loss of little finger:</td>
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</tr>
<tr>
<td>(b)</td>
<td>two phalanges</td>
<td>3</td>
</tr>
<tr>
<td>(c)</td>
<td>one phalanx</td>
<td>2</td>
</tr>
<tr>
<td>(d)</td>
<td>tip and nail, no bone</td>
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<tr>
<td>16.</td>
<td>Loss of metacarpals:</td>
<td></td>
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</tbody>
</table>
17. Ankylosis in optimum position:
   (a) first or second (additional) . . . 3
   (b) third, fourth or fifth (additional) . . 2

18. Notwithstanding the foregoing provisions of this Schedule-
   (a) in the case of a right-handed injured person, an injury to the left arm or hand, and in the case of a left-handed
       injured person an injury to the right arm or hand, shall be rated at 90 per centum of the above percentages;
   (b) the loss of the thumb and four fingers of one hand shall be equivalent to the loss of a hand;
   (c) when there are two or more injuries to the hand, the following basis of computing the degree of disablement
       shall be adopted and for this purpose a thumb shall be regarded as a finger:

       (i) where two fingers have been injured, the sum total of the percentages for each finger shall be increased by 20
           per centum of such sum total;
       (ii) where three fingers have been injured, the sum total of the percentages for each finger shall be increased by
           30 per centum of such sum total;
       (iii) where four fingers have been injured, the sum total of the percentages for each finger shall be increased by
           40 per centum of such sum total.

INJURY TO LOWER LIMB

19. Loss of both feet above site of Syme's amputation or loss of both legs
    at higher sites . . . 100

20. Loss of remaining leg by an injured person who has previously lost
    one leg . . . 100

21. Loss of leg at hip or below hip with stump not exceeding 5 inches in
    length measured from tip of great trochanter . . . 70

22. Loss of leg below hip with stump exceeding 5 inches in length
    measured from tip of great trochanter but not beyond middle thigh . . 60

23. Loss of leg below middle thigh but not more than 4 inches below
    knee . . . 50

24. Loss of leg below knee with stump exceeding 4 inches . . . 30

25. Modified Syme's operation:
    (a) one foot . . . 25
    (b) two feet . . . 70

26. Loss of foot at tarso-metatarsal joint . . . 25

27. Loss of all toes of both feet proximal to the proximal interphalangeal
    joint . . . 25

28. Loss of all toes of both feet distal to the proximal inter-phalangeal
    joint . . . 15

29. Loss of all toes of one foot proximal to the proximal inter-phalangeal
    joint . . . 15

30. Loss of all toes of one foot distal to the distal inter-phalangeal joint . . 10

31. Loss of great toe:
    (a) both phalanges . . . 5
(b) one phalanx   . . . . . . . . . .  2

32. Loss of toe other than great toe if more than one toe lost, each. . . .  1

33. Ankylosis in optimum position:
   (a) hip   . . . . . . . . . . . .  50
   (b) knee  . . . . . . . . . .  25
   (c) ankle . . . . . . . . . .  15

**INJURY TO SIGHT**

34. Total loss of sight   . . . . . . . . . . . .  100

35. Loss of remaining eye by an injured person who previously had the sight of only one eye   . . . . . . . . . . . .  100

36. Loss of one eye, the other eye being normal   . . . . . . . . . .  30

37. Total loss of vision of one eye, the other eye being normal   . . . . . .  50

38. Other degrees of defective vision based on the visual defect as measured after correction with glasses:

   When best visual acuity is-

   in one eye-
   other eye-
   6/6 or 6/9   6/24   . . . .  15
   6/6 or 6/9   6/36   . . . .  20
   6/6 or 6/9   6/60   . . . .  20
   6/6 or 6/9   3/60   . . . .  20
   6/12   Nil   . . . .  30
   6/18   6/18   . . . .  15
   6/18   6/24   . . . .  30
   6/18   6/36   . . . .  40
   6/18   6/60   . . . .  40
   6/18   3/60   . . . .  40
   6/18   Nil   . . . .  50
   6/24   6/24   . . . .  30
   6/24   6/36   . . . .  40
   6/24   6/60   . . . .  50
   6/24   3/60   . . . .  50
   6/24   Nil   . . . .  70
   6/36   6/36   . . . .  50
   6/36   6/60   . . . .  60
   6/36   3/60   . . . .  60
   6/36   Nil   . . . .  70
   6/60   6/60   . . . .  80
   6/60   3/60   . . . .  80
   6/60   Nil   . . . .  90
   3/60   3/60   . . . .  80
   3/60   Nil   . . . .  90
   Nil   Nil   . . . .  100
INJURY TO HEARING

39. Total deafness in both ears . . . . . . 50
40. Shout not audible at a distance of more than 3 feet . . . . 40
41. Conversational voice not audible at a distance of more than 1 foot . . 30
42. Conversational voice not audible at a distance of more than 3 feet . . 20
43. Conversational voice not audible at a distance of more than 6 feet . . 10
44. Conversational voice not audible at a distance of more than 9 feet:
   (a) one ear totally deaf . . . . . . . . . . . . . . . . . . . . . . 7
   (b) otherwise, less than . . . . . . . . . . . . . . . . . . . . . . 7
45. The degree of disablement indicated opposite items 40 to 44, both inclusive, shall be in respect of both ears used together.
SECOND SCHEDULE

(Regulation 29 (10))

CALCULATION OF THE CAPITALISED VALUE OF A PENSION

The capitalised value of a pension shall be determined by multiplying the amount of the pension by the relevant factor shown in the following table according to the age of an injured person on his birthday following the date concerned:

<table>
<thead>
<tr>
<th>Age next birthday</th>
<th>Factor</th>
</tr>
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<tbody>
<tr>
<td>Under 20 years</td>
<td>16.00</td>
</tr>
<tr>
<td>20 years or more but less than 25 years</td>
<td>15.50</td>
</tr>
<tr>
<td>25 years or more but less than 30 years</td>
<td>15.00</td>
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<tr>
<td>30 years or more but less than 35 years</td>
<td>14.50</td>
</tr>
<tr>
<td>35 years or more but less than 40 years</td>
<td>14.00</td>
</tr>
<tr>
<td>40 years or more but less than 45 years</td>
<td>13.00</td>
</tr>
<tr>
<td>45 years or more but less than 50 years</td>
<td>12.00</td>
</tr>
<tr>
<td>50 years or more but less than 55 years</td>
<td>11.00</td>
</tr>
<tr>
<td>55 years or more but less than 60 years</td>
<td>10.00</td>
</tr>
<tr>
<td>60 years or more but less than 65 years</td>
<td>8.50</td>
</tr>
<tr>
<td>65 years or more but less than 70 years</td>
<td>7.00</td>
</tr>
</tbody>
</table>
## THIRD SCHEDULE

*(Regulation 39)*

### COMMUTATION OF PENSION FACTORS

**SINGLE CASH PAYMENT IN COMMUTATION OF PENSION OF K1 (ONE KWACHA) PER ANNUM**

<table>
<thead>
<tr>
<th>Nearest Half-Age</th>
<th>Cash Payment Male</th>
<th>Cash Payment Female</th>
<th>Nearest Half-Age</th>
<th>Cash Payment Male</th>
<th>Cash Payment Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 2020 ..</td>
<td>34.98</td>
<td>35.66</td>
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<td>26.64</td>
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<td>20.5</td>
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<td>14.02</td>
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<td>30.12</td>
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<td>74</td>
<td>12.24</td>
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(As amended by S.I. No. 102 of 1988)
PART I

PRELIMINARY

Rule
1. Title
2. Interpretation

PART II

ARREST AND AVOIDANCE OF DELAY

3. Avoidance of delay by commanding officers in investigating charges
4. Eight-day delay reports
5. Arrest not to exceed seventy-two days without permission from higher authority

PART III

INVESTIGATION OF CHARGES BY COMMANDING OFFICER

6. Methods of investigating charges
7. Hearing of evidence by commanding officer
8. Summary of evidence
9. Abstract of evidence
10. Investigation before summary dealing by commanding officer
11. Dismissal of charge by commanding officer
12. Reference of charges to higher authority

PART IV
PREPARATION OF CHARGE SHEETS AND FRAMING OF CHARGES

13. Charge sheets
14. Charges
15. Joint charges
16. Construction of charge sheets and charges
17. Action by higher authority on receipt of a charge

PART V
INVESTIGATION OF, AND SUMMARY DEALINGS WITH, CHARGES BY AN APPROPRIATE SUPERIOR AUTHORITY

Rule
18. Documents to be given to officers and warrant officers dealt with summarily
19. Investigation of, and summary dealing with, charges against officers and warrant officers
20. Alternative courses open to appropriate superior authority

PART VI
CONVENING OF COURTS-MARTIAL

21. Duties of convening officer when convening courts-martial
22. Appointment of president and members
23. Officers under instruction
24. Preparation of defence

PART VII
ASSEMBLY AND SWEARING OF COURT

25. Preliminary matters to be considered by court and beginning of trial
26. Objections to the court
27. Swearing of court
28. Swearing of judge advocate
29. Swearing of officers under instruction
30. Appointment and swearing of, and objections to, interpreters and shorthand writers
31. No right of objection to judge advocate, prosecutor and officer under instruction
32. Order of trials
33. Oaths and solemn affirmations

PART VIII
ARRAIGNEMENT OF ACCUSED

34. Arraignment of accused
35. Plea to the jurisdiction of the court
36. Objection to charge
37. Plea in bar of trial
38. Application by an accused at a joint trial to be tried separately
39. Application by an accused at a trial to have a charge tried separately
40. Pleas to the charge
41. Acceptance of pleas of guilty
42. Pleas on alternative charges

PART IX
PROCEDURE AFTER RECORINDING A FINDING OF GUILTY

43. Order of trial where pleas of guilty and not guilty
44. Procedure on finding of guilty after plea of guilty

PART X
CHANGES OF PLEA

45. Changes of plea

PART XI
PROCEDURE ON PLEAS OF NOT GUILTY

46. Application for adjournment of trial after plea of not guilty
47. Case for prosecution
48. Calling of witnesses whose evidence is not contained in the summary or abstract of evidence
49. Notice to an accused that a witness will not be called by prosecutor
PART XII
CALLING AND EXAMINATIONS OF WITNESSES

50. Swearing of witnesses
51. Exclusion of witnesses from court
52. Examination of witnesses
53. Examination of witnesses by court
54. Reading back of evidence to witnesses
55. Calling of witnesses by court and recalling of witnesses
56. Statutory declarations

PART XIII
SUBMISSION OF NO CASE TO ANSWER AND STOPPING OF CASES

Rule
57. Submission of no case to answer and power of court to stop a case

PART XIV
CASE FOR THE DEFENCE AND SUMMING UP BY JUDGE ADVOCATE

58. Explanation to accused of his rights when making his defence
59. Evidence for the defence
60. Evidence in rebuttal
61. Closing addresses
62. Handing in of a statutory declaration by the accused
63. Summing up by judge advocate

PART XV

DELIBERATION ON, AND ANNOUNCEMENT OF, FINDING ON THE CHARGE

64. Deliberation on finding on the charge
65. Expression of opinions on, and form of, finding
66. Announcement of finding

PART XVI

PROCEDURE AFTER ANNOUNCEMENT OF FINDING

67. Completion of procedure on plea of guilty, before deliberation on sentence
68. Trial of charges in other charge sheets before deliberation on sentence
69. Release of accused
70. Accused's record and plea in mitigation
71. Request by accused for other offences to be taken into consideration

PART XVII

DELIBERATION AND ANNOUNCEMENT OF SENTENCE
72. Persons entitled to be present during deliberation on sentence
73. Sentence and recommendation to mercy

Rule
74. Postponement of deliberation on sentence
75. Announcement of sentence and conclusion of trial

PART XVIII
GENERAL DUTIES OF THE PRESIDENT, PROSECUTOR AND DEFENDING OFFICER OF COUNSEL

76. General duties of president
77. General duties of prosecutor and defending officer or counsel
78. Counsel

PART XIX
POWERS AND DUTIES OF THE JUDGE ADVOCATE

79. General duties of judge advocate
80. Judge advocate sitting alone

PART XX
WITHDRAWAL AND AMENDMENT OF CHARGE SHEETS AND CHARGES

81. Withdrawal of charge sheet and charges
82. Amendment of charge sheets and charges by court
83. Amendment of charges by convening officer

PART XXI
SITTINGS AND ADJOURNMENT OF THE COURT

84. Sittings
85. Adjournment
86. View by court
87. Absence of president, members or judge advocate

PART XXII
INSANITY

88. Insanity

PART XXIII
INTERVIEWING AND ATTENDENCE OF WITNESSES

Rule
89. Interviewing witnesses
90. Procuring attendance of witnesses

PART XXIV
RECORD OF PROCEEDINGS

91. Record of proceedings
92. Exhibits
93. Custody and inspection of record of proceedings during trial
PART XXV

CONFIRMATION, REVISION AND PROMULGATION

94. Confirmation and promulgation
95. Revision

PART XXVI

LOSS OF PROCEEDINGS

96. Loss of original record of proceedings before confirmation
97. Loss of original record of proceedings after confirmation

PART XXVII

CUSTODY OF THE RECORD AFTER CONFIRMATION AND COST OF COPIES THEREOF

98. Custody and preservation of record of proceedings after confirmation
99. Cost of copies of record of proceedings

PART XXVIII

PETITIONS

100. Petitions

PART XXIX

MISCELLANEOUS PROVISIONS
101. Notice requiring oral evidence in lieu of statutory declaration
Rule
102. Exceptions from Rules on account of exigencies of service
103. Exceptions from Rules in interests of security
104. Deviations from forms in Schedules
105. Cases not covered by Rules

FIRST SCHEDULE-Forms for commanding officers

SECOND SCHEDULE-Charge sheets

THIRD SCHEDULE-Record of proceedings before an appropriate superior authority

FOURTH SCHEDULE-Court-martial forms

FIFTH SCHEDULE-Sentences

SIXTH SCHEDULE-Oaths and affirmations

SEVENTH SCHEDULE-Petitions

SECTION 131-THE DEFENCE FORCE (PROCEDURE) RULES

Rules by the President

PART I

PRELIMINARY

1. These Rules may be cited as the Defence Force (Procedure) Rules.
2. In these Rules, unless the context otherwise requires-

"convening a fresh court" includes dissolving the existing court;

"member", when used in relation to a court-martial, does not include the president;

"special finding" means, when used in relation to-

(a) section ninety-seven of the Act, any finding which a court-martial may make in accordance with that section;

(b) section one hundred and eleven of the Act, a finding in accordance with that section;

(c) rule 65 (3), a finding that the accused is guilty of the charge subject to the exception or variation specified in the finding.

PART II

ARREST AND AVOIDANCE OF DELAY

3. (1) When a person is detained by military authority in arrest, his commanding officer shall, unless it is impracticable, within forty-eight hours of becoming aware that he is so detained, have such person brought before him, inform him of the charge against him and begin to investigate it.

(2) Every case of such a person being detained in arrest beyond such period of forty-eight hours without such investigation having begun shall be reported by his commanding officer to higher authority.

4. The report required by subsection (2) of section seventy-eight of the Act with regard to the necessity for further delay in bringing an accused
to trial shall be in the form set out in the First Schedule and shall be signed by his commanding officer. The report shall be sent to the officer who would be responsible for convening a court-martial for the trial of the accused.

5. An accused shall not be held in arrest for more than seventy-two consecutive days without a court-martial being convened for his trial, unless the officer who would be responsible for convening the court-martial directs in writing that he shall not be released from arrest. When giving such a direction such officer shall state his reasons for giving it.

PART III

INVESTIGATION OF CHARGES
BY COMMANDING OFFICER

6. (1) Subject to sub-rules (3) and (4), when a commanding officer investigates a charge he shall first read and, if necessary, explain the charge to the accused and shall then-

(a) hear the evidence himself in accordance with rule 7; or

(b) cause the evidence to be reduced to writing in accordance with sub-rule (2):

Provided that-

(i) notwithstanding that he has heard all or part of the evidence himself, he may cause the evidence to be reduced to writing;

(ii) after the evidence has been reduced to writing and he has considered it, he may himself hear evidence in accordance with rule 7; and

(iii) before he submits to higher authority a charge against an officer or warrant officer or remands a non-commissioned officer, private
soldier or civilian for trial by court-martial, he shall cause the evidence to be reduced to writing.

(2) Evidence may be reduced to writing in the form of a summary of evidence taken in accordance with rule 8 or an abstract of evidence made in accordance with rule 9:

Provided that a summary of evidence must be taken if-

(i) the maximum punishment for the offence with which the accused is charged is death; or

(ii) the accused, at any time before the charge against him is referred to higher authority in accordance with rule 12, requires in writing that a summary of evidence be taken; or

(iii) the commanding officer is of opinion that the interests of justice require that a summary of evidence be taken.

(3) Where the evidence taken in accordance with sub-rule (1) discloses an offence other than the offence which is the subject of the investigation, a new charge alleging that offence may be preferred against the accused in addition to, or in substitution for, the original charge and the investigation of the original charge may be treated for the purposes of these Rules as the investigation of the added or substituted charge.

7. When a commanding officer investigates a charge by hearing the evidence himself-

(a) each prosecution witness shall give his evidence orally in the presence of the accused, or the commanding officer shall read to the accused a written statement made by the witness:

Provided that a written statement of a prosecution witness shall not be used if the accused requires that the witness shall give his evidence orally;

(b) the accused shall be allowed to cross-examine any prosecution witness;

(c) the accused may, on his own behalf, give evidence on oath or may make a statement without being sworn;
the accused may call witnesses in his defence, who shall give their evidence orally and in his presence;

the evidence shall not be given on oath unless the commanding officer so directs or the accused so demands;

if the evidence is given on oath, the commanding officer shall, subject to the accused's right to make a statement without being sworn, administer the oath to each witness and to any interpreter in accordance with rule 33.

8. A summary of evidence shall be taken in the following manner and shall be in accordance with the form set out in the First Schedule:

(a) it shall be taken in the presence of the accused by the commanding officer or by another officer on the direction of the commanding officer;

(b) the prosecution witnesses shall give their evidence orally and the accused shall be allowed to cross-examine any prosecution witness:

Provided that, if a person cannot be compelled as a prosecution witness or if, owing to the exigencies of the service or on other grounds (including the expense and loss of time involved), the attendance of any prosecution witness cannot, in the opinion of the officer taking the summary (to be certified by him in writing), be readily procured, a written statement of his evidence, purporting to be signed by him, may be read to the accused and included in the summary of evidence; but, if such witness can be compelled to attend, the accused may insist that he shall attend for cross-examination;

(c) after all the evidence against the accused has been given, the accused shall be asked: "Do you wish to say anything? You are not obliged to do so, but, if you wish, you may give evidence on oath, or you may make a statement without being sworn. Any evidence you give or statement you make will be taken down in writing and may be given in evidence". Any evidence given or statement made by the accused shall be recorded in writing and, immediately thereafter, the record of his evidence or statement shall be read over to him and corrected where necessary, and he shall sign it unless he declines to do so;

(d) the accused may call witnesses in his defence, who shall give their evidence orally;

(e) neither the accused nor the witnesses for the defence shall be subject to cross-examination;

(f) the evidence of each witness (other than the accused) who gives evidence orally shall be recorded in writing and, immediately thereafter, the record of his evidence shall be read over to him, corrected where
necessary and signed by him;

\((g)\) the record of the evidence may be in narrative form, save that any question put to a witness in cross-examination by the accused, and the answer thereto, shall be recorded verbatim if the accused so requires;

\((h)\) the oath shall be administered to each witness before he gives his evidence in accordance with rule 33 by the officer taking the summary of evidence, and to any interpreter:

Provided that-

\((i)\) where any child of tender years, called as a witness, does not, in the opinion of the officer taking the summary, understand the nature of an oath, his evidence may be received, though not given upon oath, if, in the opinion of the officer taking the summary, he is possessed of sufficient intelligence to justify the reception of the evidence and understands the duty of speaking the truth; and

\((ii)\) at the conclusion of the taking of the summary of evidence, the officer taking it shall certify thereon that he has complied with the provisions of this rule.

9. (1) An abstract of evidence shall be made in the following way and shall be in accordance with the forms set out in the First Schedule:

\((a)\) it shall be made by the commanding officer or by another officer on the direction of the commanding officer;

\((b)\) the accused should not be present whilst the abstract is being made;

\((c)\) it shall consist of signed statements by such witnesses as are necessary to prove the charge:

Provided that if, in the case of any witness, a signed statement is not readily procurable, a precis of the evidence to be given by that witness may be included instead of a signed statement; and

\((d)\) an oath shall not be administered to a witness making a statement for inclusion in an abstract of evidence but use may be made, where necessary, of sworn statements which are already in existence.
(2) When an abstract of evidence has been made in accordance with sub-rule (1), a copy of it shall be handed to the accused and he shall then be cautioned in the following terms:

"This is a copy of the abstract of evidence in your case; you are not obliged to say anything with regard to it unless you wish to do so, but you should read it, and, when you have read it, if you wish to say anything, what you say will be taken down in writing and may be given in evidence."

Any statement made by the accused after he has read the abstract of evidence shall be taken down in writing and he shall be asked to sign it. This statement, and a certificate signed by the person who recorded the statement stating that the accused was duly cautioned in accordance with this rule, shall be attached to the abstract of evidence and shall be in the form set out in the First Schedule.

10. Before a commanding officer deals summarily with a charge after the evidence has been reduced to writing—

(a) any prosecution witness who has not given his evidence orally shall do so if the accused requires it; and

(b) the commanding officer shall give the accused a further opportunity to give evidence on oath or to make a statement without being sworn and to call witnesses in his defence.

11. (1) A commanding officer may dismiss a charge at any time during his investigation if he is of the opinion that it ought not to be proceeded with.

(2) After a commanding officer has referred a charge to higher authority in accordance with rule 12, he shall not dismiss it unless it has been referred back to him.

12. When a commanding officer submits to higher authority a charge against an officer or warrant officer or has remanded a non-commissioned officer, a private soldier or a civilian for trial by court-martial, he shall send to higher authority—

(a) a copy of the charge on which the accused is held;

(b) a draft charge sheet containing the charges upon which the commanding officer considers that the accused should be dealt with
summarily or tried by court-martial;

(c) the summary or abstract of evidence;

(d) a statement of the character and service record of the accused; and

(e) a recommendation as to how the charge should be proceeded with.

PART IV

PREPARATION OF CHARGE SHEETS AND FRAMING OF CHARGES

13. (1) A charge sheet shall contain the whole of the issue or issues to be tried at one time and may contain more than one charge if the charges are founded on the same facts or form, or are part of, a series of offences of the same or similar character:

Provided that charges under paragraph (a) of subsection (1) of section forty-two, paragraph (a) of section forty-three, paragraphs (a) and (c) of section fifty-one (where the charge is connected with a charge under either of the before-mentioned paragraphs) or section sixty-one of the Act may be included in any charge sheet, notwithstanding that other charges in that charge sheet are not founded on the same facts and do not form or are not part of a series of offences of the same or similar character.

(2) Every charge sheet shall in its layout follow the appropriate illustration given in the Second Schedule.

(3) The commencement of each charge sheet shall be in the appropriate form set out in the Second Schedule and shall state the number rank, name and unit of the accused and show by the description of the accused or directly by an express averment that he is subject to military law under the Act or otherwise liable to trial by court-martial.
14. (1) Each charge shall state one offence only.

(2) Offences may be charged in the alternative in separate charges but in no case shall they be charged in the alternative in the same charge. When charges are laid in the alternative they should be set out in order of gravity, commencing with the most serious.

(3) Each charge shall consist of two parts, namely:

(a) the statement of the offence; and

(b) the particulars of the act, neglect or omission constituting the offence.

(4) The statement of an offence, if it is not a civil offence, shall be in the appropriate form set out in the Second Schedule; if it is a civil offence, in such words as sufficiently describe that offence.

(5) The particulars shall state-

(a) such circumstances respecting the alleged offences as will enable the accused to know every act, neglect or omission which it is intended to prove against him as constituting the offence;

(b) when the offence charged is one which can be committed either in circumstances involving a higher degree of punishment or in circumstances involving a less degree of punishment, facts which it is intended to prove as rendering the accused liable to the higher degree of punishment if convicted.

15. (1) Any number of accused may be charged jointly in one charge for an offence committed by them jointly.

(2) When so charged any one or more of such accused may at the same time be charged on the same charge sheet with any other offence alleged to have been committed by him or them individually or jointly:
Provided that such charges could, if the accused to whom they relate had been tried separately, have been included under rule 13 (1) in the same charge sheet as the other charges against him.

16. In the construction of a charge sheet or charge there shall be presumed in favour of supporting it every proposition which may reasonably be presumed to be impliedly included, though not expressed therein, and the statement of the offence and the particulars of the offence shall be read and construed together.

17. When a higher authority receives a charge against an accused, he shall, if he does not refer it back to the commanding officer or deal summarily with it himself or himself convene a court-martial to try the accused, refer the charge either to an appropriate superior authority in order that that authority may deal summarily with it or to the officer who would be responsible for convening the appropriate court-martial to try the accused, and shall, when he so refers the charge, send to the appropriate superior authority or other officer concerned the documents mentioned in rule 12 together with his own recommendation as to how the case should be proceeded with.

PART V

INVESTIGATION OF, AND SUMMARY DEALINGS WITH, CHARGES BY AN APPROPRIATE SUPERIOR AUTHORITY

18. An appropriate superior authority shall ensure before investigating and dealing summarily with a charge that the accused is given, not less than twenty-four hours before the charge is so investigated and dealt with, a copy of the charge sheet containing the charge on which he will be so dealt with and a copy of the summary or abstract of evidence.
19. When an appropriate superior authority investigates and deals summarily with a charge-

(a) he shall first read the charge to the accused;

(b) the witnesses against the accused need not give their evidence orally if the accused has so agreed in writing but if the accused has not so agreed they shall give their evidence orally in his presence and he shall be allowed to cross-examine them. If the witnesses against the accused do not give their evidence orally, the appropriate superior authority shall read the summary or abstract of evidence to the accused if he so requires;

(c) the accused in his defence may produce evidence as to the facts of the case and, in mitigation of punishment, as to his character;

(d) the accused himself may give evidence on oath, make a statement without being sworn or hand in a written statement;

(e) each witness who gives evidence shall give it on oath and the oath shall be administered by the appropriate superior authority to each witness and to any interpreter in accordance with rule 33;

(f) when an appropriate superior authority awards the punishment of forfeiture of seniority of rank the award shall be in the appropriate form set out in the Fifth Schedule;

(g) a record shall be made of the proceedings in accordance with the form set out in the Third Schedule.

20. An appropriate superior authority shall, if an accused elects to be tried by court-martial or the appropriate superior authority in the course of investigating a charge determines that it is desirable that the charge should be tried by court-martial, either himself convene the court-martial or refer the charge to higher authority in accordance with rule 17.

PART VI
CONVENING OF COURTS-MARTIAL

21. When an officer convenes a court-martial he shall-
(a) issue a convening order in the appropriate form set out in the Fourth Schedule;

(b) direct upon what charges the accused is to be tried and ensure that the accused has been remanded for trial by court-martial upon those charges either by his commanding officer or by the appropriate superior authority who has investigated them;

(c) if he is of opinion that charges should be put in separate charge sheets, so direct and direct the order in which they are to be tried;

(d) direct, if there is more than one accused, whether the accused are to be tried jointly or separately;

(e) appoint the president and members of the court and any waiting members in accordance with rule 22;

(f) if convening a court-martial for the trial of an officer or any court-martial at which he considers there should be a judge advocate, take the necessary steps to procure the appointment of a judge advocate by request to the Vice-President;

(g) appoint an officer subject to service law or counsel assisted by such an officer to prosecute or detail a commanding officer to appoint an officer subject to service law to prosecute:

Provided that the convening officer may appoint two such officers to prosecute if he thinks fit;

(h) appoint the date, time and place for the trial;

(i) send to the president the charge sheet, the convening order and a copy of the summary or abstract of evidence from which any evidence which, in his opinion, would be inadmissible under the Act at the court-martial has been expurgated;

(j) send to each member of the court and to each waiting member a copy of the charge sheet;

(k) send to the prosecutor copies of the charge sheet and convening order and the original summary or abstract of evidence together with any unexpurgated copy thereof showing the passages (if any) which have been expurgated in the copies sent to the president;

(l) send to the judge advocate (if any) copies of the charge sheet, and convening order and an unexpurgated copy of the summary or abstract of evidence showing the passages (if any) which have been expurgated in the copy sent to the president;

(m) ensure that the accused is given a proper opportunity to prepare his defence in accordance with rule 24; and

(n) take steps in accordance with rule 90 to procure the attendance at the court-martial of all witnesses to be called for the prosecution and all
witnesses whose attendance the accused has reasonably requested in accordance with rule 24:

Provided that the convening officer may require the accused to defray or to undertake to defray, as the convening officer thinks fit, the cost of the attendance of a witness whose attendance he has requested and if the accused refuses to defray or to undertake to defray, as the case may be, such costs, the convening officer shall not be obliged to take any further steps to procure the attendance of that witness.

22. The convening officer shall-

(a) appoint the president of a court-martial by name and appoint the members either by name or by detailing a commanding officer to appoint an officer of a specified rank; and

(b) appoint such waiting members as he thinks expedient either by name or by detailing a commanding officer to appoint an officer of a specified rank.

23. (1) Subject to rule 80, any officer subject to service law may, by direction of the convening officer or at the discretion of the president, remain with a court-martial throughout the proceedings as an officer under instruction.

(2) An officer under instruction, although allowed to be present in closed court, shall take no part in any of the deliberations or decisions of the court.

24. The following provisions shall apply to the defence of the accused:

(a) an accused who has been remanded for trial by court-martial shall be afforded a proper opportunity for preparing his defence and shall be allowed proper communication with his defending officer or counsel and with his witnesses;

(b) a defending officer or counsel shall be appointed to defend an accused who has been remanded for trial by court-martial unless the accused states in writing that he does not wish such an appointment to be made;

(c) if the prosecution is to be undertaken by a legally qualified officer or by counsel, the accused shall be notified of this fact in sufficient time to enable him, if he so desires and it is practicable, to make arrangements for a legally qualified officer or counsel to defend him;
(d) as soon as practicable after an accused has been remanded for trial by court-martial, and in any case not less than twenty-four hours before his trial, he shall be given-

(i) a copy of the charge sheet;

(ii) an unexpurgated copy of the summary or abstract of evidence showing the passages (if any) which have been expurgated in the copies sent to the president;

(iii) notice of any additional evidence which the prosecution intends to adduce;

(iv) if the accused so requires, a list of the ranks, names and units of the president and members who are to form the court and of any waiting members;

(e) when an accused is given a copy of the charge sheet and of the summary or abstract of evidence in accordance with this rule, he shall-

(i) if necessary, have the charge explained to him; and

(ii) be informed that, upon his making a written request to his commanding officer not less than twenty-four hours before his trial requiring the attendance at his trial of any witness (other than a witness for the prosecution) whom he desires to call in his defence (such witness to be named by him), reasonable steps will be taken in accordance with these Rules to procure the attendance of any such witness at his trial;

(f) when an accused is served with a copy of a statutory declaration which the prosecutor proposes to hand to the court in accordance with subsection (2) of section ninety-eight of the Act and rule 56, he shall be informed of his right under the said subsection to require that oral evidence shall be given in lieu of such statutory declaration;

(g) when it is intended to try two or more accused jointly notice of this fact shall be given to each such accused when he is given a copy of the charge sheet. Any such accused may, before trial, by written notice to the convening officer, claim to be tried separately on the grounds that he would be prejudiced in his defence if he were not tried separately. In such case the convening officer shall, if he is of opinion that the interests of justice so require, direct that the accused who has so claimed shall be tried separately;

(h) when a charge sheet contains more than one charge, the accused
may, before trial, by written notice to the convening officer, claim to be tried separately on any charge in that charge sheet on the grounds that he would be prejudiced in his defence if he were not tried separately on that charge, and in such case the convening officer shall, if he is of opinion that the interests of justice so require, direct that the accused shall be tried separately on that charge.

PART VII

ASSEMBLY AND SWEARING OF COURT

25. (1) Upon a court-martial assembling, the court shall, before beginning the trial, satisfy themselves in closed court-

(a) that the court has been convened in accordance with the Act and these Rules;

(b) that the court consists of not less than the legal minimum of officers;

(c) that the president and members are of the required rank;

(d) that the president and members have been duly appointed and are not disqualified under the Act;

(e) if there is a judge advocate, that he has been duly appointed;

(f) that the accused appears from the charge sheet to be subject to military law under the Act or otherwise liable to trial by court-martial and to be subject to the jurisdiction of the court; and

(g) that each charge is on its face correct in law and framed in accordance with these Rules.
Where a vacancy occurs through a member of the court being disqualified under the Act or being absent when the court assembles, the president may appoint a duly qualified waiting member to fill that vacancy.

The president may, if the interests of justice so require, substitute a duly qualified waiting member for a member appointed by the convening officer.

If the court is not satisfied on any of the matters mentioned in sub-rule (1) and is not competent to rectify such matter itself under the Act or these Rules, it shall, before commencing the trial, report to the convening officer thereupon.

When the court has complied with this rule and is ready to proceed with the trial the president shall open the court and the trial shall begin.

The order convening the court and the names of the officers appointed to try the accused shall be read in the hearing of the accused who shall be given an opportunity to object to any of those officers in accordance with section ninety-one of the Act.

When a court is convened to try more than one accused, whether separately or jointly, each accused shall be given an opportunity to object to any officer of the court in accordance with sub-rule (1) and shall be asked separately whether he has any such objection.

An accused shall state the names of all the officers to whom he objects before any objection is disposed of.

If more than one officer is objected to, the objection to each officer shall be disposed of separately and the objection to the lowest in rank shall be disposed of first, except where the president is objected to, in which case the objection to him shall be disposed of before the objection to any other officer.

An accused may make a statement and call any person to make a statement in support of his objection.
(6) An officer to whom the accused has objected may state in open court anything relevant to the accused's objection whether in support or in rebuttal thereof.

(7) An objection to an officer shall be considered in closed court by all the other officers of the court including any officer who has been appointed by the president in accordance with sub-rule (9) in place of any officer who has retired.

(8) When an objection to an officer is allowed, that officer shall forthwith retire and take no further part in the proceedings.

(9) When an officer objected to (other than the president) retires and there is a duly qualified waiting member in attendance the president should immediately appoint him to take the place of the officer who has retired.

(10) The court shall satisfy themselves that a waiting member who takes the place of a member of the court is of the required rank and not disqualified under the Act and shall give the accused an opportunity to object to him and shall deal with any such objection in accordance with this rule.

(11) If an objection to the president is allowed the court shall report to the convening officer without proceeding further with the trial.

(12) If, as the result of the allowance of an objection to a member, there are insufficient officers available to form a court in compliance with the Act, the court shall report to the convening officer without proceeding further with the trial and the convening officer may either appoint an officer as a member to fill the vacancy or convene a fresh court to try the accused.

27. (1) Immediately after rule 26 has been complied with, an oath shall be administered to the president and each member of the court in accordance with rule 33 and in the presence of the accused.
(2) If there is a judge advocate, the oath shall be administered by him to the president first and afterwards to each member of the court. If there is no judge advocate, the oath shall be first administered by the president to the members of the court and then to the president by any member of the court already sworn.

(3) A court may be sworn at one time to try any number of accused then present before it, whether they are to be tried jointly or separately.

(4) When a court is convened to try two or more accused separately and one accused objects to the president or to any member of the court, the court may, if they think fit, proceed to determine that objection in accordance with rule 26, or postpone the trial of that accused and swear the court for the trial of the other accused only.

28. After the court has been sworn, an oath shall be administered to the judge advocate (if any) in accordance with rule 33 and in the presence of the accused.

29. After the court and judge advocate (if any) have been sworn, an oath shall be administered to any officer under instruction in accordance with rule 33 and in the presence of the accused.

30. (1) A competent and impartial person may be appointed at any time to act as an interpreter or shorthand writer at a trial by court-martial and before he so acts an oath shall be administered to him in accordance with rule 33 and in the presence of the accused.

(2) Before a person is sworn as an interpreter or as a short-hand writer, the accused shall be given an opportunity to object to him in the same manner as an objection may be taken to a member of the court and, if the court thinks that the objection is reasonable, that person shall not act as interpreter or shorthand writer.

31. The accused shall have no right to object to a judge advocate, prosecutor or any officer under instruction.
32. (1) When a court has been convened to try two or more accused separately and have been sworn in accordance with rule 27 (3), the court shall try them in the order indicated by the convening officer or, where he has given no such indication, then in such order as they think fit.

(2) When a court has been convened to try and accused on charges which are included in more than one charge sheet, the court shall take the charge sheets in the order indicated by the convening officer or, where he has given no such indication, in such order as they think fit.

33. (1) An oath which is required to be administered under these Rules shall be administered in the appropriate form and in the manner set out in the Sixth Schedule:

Provided that-

(i) if any person desires to swear with uplifted hand in the form and manner in which an oath is usually administered in Scotland, he shall be permitted to do so:

(ii) the opening words of the oath may be varied to such words and the oath may be administered in such manner as the person taking the oath declares to be binding on his conscience in accordance with his religious beliefs.

(2) Subject to rule 27 (2), every oath shall be administered at a court-martial by the president, a member of the court or the judge advocate.

(3) Where a person is permitted to make a solemn affirmation instead of swearing an oath, the affirmation shall be in the appropriate form set out in the Sixth Schedule.

(4) The provisions of section one hundred and one of the Act shall apply to proceedings before a commanding officer, the taking of such summaries of evidence and proceedings before an appropriate superior authority as they apply to proceedings before a court-martial.
PART VIII
ARRAIGNMENT OF ACCUSED

34. (1) When the court and judge advocate (if any) have been sworn the accused shall be arraigned.

(2) If there is more than one charge against the accused before the court, he shall be required to plead separately to each charge.

(3) If there is more than one charge sheet against the accused before the court, the court shall arraign and try the accused upon the charge in the first of such charge sheets and shall announce their finding thereon and, if the accused has pleaded guilty, comply with sub-rules (1) and (2) of rule 44 before they arraign him upon the charge in any subsequent charge sheet.

35. (1) The accused, before pleading to the charge, may offer a plea to the jurisdiction of the court. If he does so-

(a) the accused may adduce evidence in support of the plea and the prosecutor may adduce evidence in answer thereto; and

(b) the prosecutor may address the court in answer to the plea and the accused may reply to the prosecutor's address.

(2) If the court allow the plea they shall adjourn and report to the convening officer.

(3) When a court report to the convening officer under this rule, the convening officer shall-

(a) if he approves the decision of the court to allow the plea, dissolve the court;
36. (1) An accused before pleading to a charge may object to it on the grounds that it is not correct in law or is not framed in accordance with these Rules, and if he does so, the prosecutor may address the court in answer to the objection and the accused may reply to the prosecutor's address.

(2) If the court uphold the objection they shall either amend the charge, if permissible under rule 82, or adjourn and report to the convening officer:

Provided that if there is another charge or another charge sheet before the court, the court may, before adjourning under this rule, proceed with the trial of such other charge or other charge sheet.

(3) When a court reports to the convening officer under this rule, the convening officer shall-

(a) if he approves the decision of the court to allow the objection-
(i) dissolve the court; or
(ii) where there is another charge or another charge sheet before the court to which the objection does not relate and which the court has not tried, direct the court to proceed with the trial of such other charge or charge sheet only; or
(iii) amend the charge to which the objection relates, if permissible under rule 83, and direct the court to try it as amended;

(b) if he disapproves the decision of the court to allow the objection-
(i) direct the court to try the charge; or
(ii) where there is another charge or charge sheet before the court to which the objection does not relate and which the court has not tried, direct the court to proceed with the trial of such other charge or charge sheet only; or
(iii) convene a fresh court to try the accused.

37. (1) An accused before pleading to a charge may offer a plea in bar of trial in reliance upon section one hundred and twenty-one or one hundred and twenty-three of the Act. If he does so-

(a) the accused may adduce evidence in support of the plea and the prosecutor may adduce evidence in answer thereto; and

(b) the prosecutor may address the court in answer to the plea and the accused may reply to the prosecutor's address.

(2) If the court allow the plea they shall adjourn and report to the convening officer:

Provided that if there is another charge or another charge sheet before the court, the court may, before adjourning under this rule, proceed with the trial of such other charge or other charge sheet.

(3) When a court reports to the convening officer under this rule, the convening officer shall-

(a) if he approves the decision of the court to allow the plea-
   (i) dissolve the court; or
   (ii) where there is another charge or charge sheet before the court to which the plea does not relate and which the court has not tried, direct the court to proceed with the trial of such other charges or charge sheet only;

(b) if he disapproves the decision of the court to allow the plea-
   (i) direct the court to try the charge; or
   (ii) where there is another charge or another charge sheet before the court to which the plea does not relate and which the court has not tried, direct the court to proceed with the trial of such other charge or charge sheet only; or
   (iii) convene a fresh court to try the accused.
38. Where two or more accused are charged jointly, any one of the accused may, before pleading to the charge, apply to the court to be tried separately on the ground that he would be prejudiced in his defence if he were not tried separately. If the accused makes such an application the prosecutor may address the court in answer thereto and the accused may reply to the prosecutor's address. If the court are of opinion that the interests of justice so require, they shall allow the application and try separately the accused who made it.

39. Where a charge sheet contains more than one charge the accused may, before pleading to the charges, apply to the court to be tried separately on any charge in that charge sheet on the ground that he would be prejudiced in his defence if he were not tried separately on that charge. If the accused makes such an application the prosecutor may address the court in answer thereto and the accused may reply to the prosecutor's address. If the court are of opinion that the interests of justice so require, they shall allow the application and try the accused separately on the charge to which it relates as if that charge had been inserted in a separate charge sheet.

40. (1) After any pleas under rules 35 and 37, any objection under rule 36, and any applications under rules 38 and 39, have been dealt with, the accused shall be required (subject to sub-rule (2)) to plead either guilty or not guilty to each charge on which he is arraigned.

(2) Where a court is empowered by section ninety-seven of the Act to find an accused guilty of an offence other than that charged or guilty of committing the offence in circumstances involving a less degree of punishment or where they could, after hearing the evidence, make a special finding of guilty subject to exceptions or variations in accordance with rule 65, the accused may plead guilty to such other offence or to the offence charged as having been committed in circumstances involving a less degree of punishment or to the offence charged subject to such exceptions or variations.

41. (1) If an accused pleads guilty to a charge under either sub-rule (1) or (2) of rule 40, the president or judge advocate shall, before the court decide to accept the plea, explain to the accused the nature of the charge and the general effect of his plea and in particular the difference in procedure when an accused pleads guilty and when an accused pleads not guilty.
(2) A court shall not accept a plea of guilty under either sub-rule (1) or (2) of rule 40 if-

(a) the court are not satisfied that the accused understands the nature of the charge or the effect of his plea;

(b) the president, having regard to all the circumstances, considers that the accused should plead not guilty; or

(c) the accused is liable if convicted to be sentenced to death.

(3) In the case of a plea of guilty under rule 40 (2), a court shall also not accept the plea unless the convening officer concurs and they are satisfied of the justice of such course. The concurrence of the convening officer may be signified by the prosecutor.

(4) When a plea of guilty under either sub-rule (1) or (2) of rule 40 is not accepted by the court or the accused either refuses to plead to the charge or does not plead to it intelligibly, the court shall enter a plea of not guilty.

(5) When a court are satisfied that they can properly accept a plea of guilty under either sub-rule (1) or (2) of rule 40, they shall record a finding of guilty in respect thereof.

42. (1) When an accused pleads guilty to the first of two or more alternative charges, the court, if they accept the accused's plea of guilty, shall record a finding of guilty in respect of the first charge and the prosecutor shall withdraw any alternative charge before the accused is arraigned on it.

(2) When an accused pleads guilty to one of two or more charges which are laid in the alternative other than the first of such charges, the court may-

(a) proceed as if the accused had pleaded not guilty to all the charges; or
(b) with the concurrence of the convening officer (which may be signified by the prosecutor), record a finding of guilty on the charge to which the accused has pleaded guilty and a finding of not guilty on any alternative charge which is placed before it in the charge sheet. Where the court record such findings, the prosecutor shall, before the accused is arraigned on it, withdraw any charge which is alternative to the charge of which the court have found the accused guilty and which is placed after it in the charge sheet.

PART IX
PROCEDURE AFTER RECORDING A FINDING OF GUILTY

43. After the court have recorded a finding of guilty, if there is no other charge in the same charge sheet to which the accused has pleaded not guilty and no other accused who has pleaded not guilty to a charge in that charge sheet, they shall proceed with the trial as directed by rule 44. If there is another charge in the charge sheet to which the accused has pleaded not guilty or there is another accused who has pleaded not guilty to a charge in that charge sheet, the court shall not comply with rule 44 until after they have dealt with such other charge or tried such other accused and have announced and recorded their finding in respect thereof.

44. (1) After the court have recorded a finding of guilty in respect of a charge to which an accused pleaded guilty, the prosecutor shall, subject to rule 43, read the summary or abstract of evidence to the court or inform the court of the facts contained therein:

Provided that if an expurgated copy of the summary or abstract was sent to the president, the prosecutor shall not read to the court those parts of the summary or abstract which have been expurgated or inform the court of the facts contained in those parts, and shall not hand the original summary or abstract to the court until the trial is concluded.
(2) If there is no summary or abstract of evidence or the summary or abstract is, in the opinion of the court, inadequate or incomplete, the court shall hear and record in accordance with these Rules sufficient evidence to enable them to determine the sentence.

(3) After sub-rules (1) and (2) have been complied with, the accused may-

(a) adduce evidence of character in mitigation of punishment; and

(b) address the court in mitigation of punishment.

(4) After sub-rule (3) has been complied with, the court shall proceed as directed in sub-rules (1), (2), (3) and (4) of rule 70.

PART X

CHANGES OF PLEA

45. (1) An accused who has pleaded not guilty may, at any time before the court close to deliberate on their finding, withdraw his plea of not guilty and substitute a plea of guilty (including a plea of guilty under rule 40 (2)) and in such case the court shall, if they are satisfied that they can accept the accused's changed plea under these Rules, record a finding in accordance with the accused's changed plea and so far as is necessary proceed as directed by rule 44.

(2) If at any time during the trial it appears to the court that an accused who has pleaded guilty does not understand the effect of his plea or the nature of the charge, the court shall enter a plea of not guilty and proceed with the trial accordingly.

(3) When a court enter a plea of not guilty in respect of any charge under sub-rule (2), they shall, if there was a charge laid in the alternative thereto which the prosecutor withdrew under rule 42, reinstate such alternative charge, arraign the accused thereon and proceed with the trial accordingly.
as if it had never been withdrawn.

PART XI

PROCEDURE ON PLEAS OF NOT GUILTY

46. After a plea of not guilty to any charge has been entered-

(a) the court shall ask the accused whether he wishes to apply for an adjournment on the ground that any of these Rules relating to procedure before trial have not been complied with and that he has been prejudiced thereby or on the ground that he has not had sufficient opportunity for preparing his defence;

(b) if the accused applies for an adjournment-

(i) the accused may adduce evidence in support of his application and the prosecutor may adduce evidence in answer thereto; and

(ii) the prosecutor may address the court in answer to the application and the accused may reply to the prosecutor's address;

(c) the court may grant an adjournment if they think the interests of justice so require.

47. (1) The prosecutor may, if he desires, and shall, if required by the court, make an opening address explaining the charge, where necessary, and the nature and general effect of the evidence which he proposes to adduce.

(2) The witnesses for the prosecution shall then be called and give their evidence.

48. If the prosecutor intends to adduce evidence which is not contained in any summary or abstract of evidence given to the accused, notice of such intention together with the particulars of the evidence shall, when practicable, be given to the accused a reasonable time before the evidence is adduced. If such evidence is adduced without such notice or
particulars having been given, the court may, if the accused so desires, either adjourn after receiving the evidence or allow any cross-examination arising out of that evidence to be postponed, and the court shall inform the accused of his right to apply for such an adjournment or postponement.

49. The prosecutor shall not be bound to call all the witnesses against the accused whose evidence is contained in the summary or abstract of evidence nor a witness whom he has notified the accused that he intends to call under rule 48, but if the prosecutor does not intend to call such a witness to give evidence he shall either tender him for cross-examination by the accused, or give the accused reasonable notice that he does not intend to call the witness and that the accused will be allowed to communicate with him and to call him as a witness for the defence, if he so desires, and if the witness is available.

PART XII

CALLING AND EXAMINATION OF WITNESSES

50. Save as is otherwise provided by the Act, an oath shall be administered to each witness in accordance with rule 33 before he gives evidence and in the presence of the accused.

51. During a trial a witness other than the prosecutor or accused shall not, except by leave of the court, be in court while not under examination, and if while he is under examination a discussion arises as to the allowance of a question or otherwise with regard to the evidence, the court may direct the witness to withdraw during such discussion.

52. (1) A witness may be examined by the person calling him and may be cross-examined by the opposite party to the proceedings and on the conclusion of any such cross-examination may be re-examined by the person who called him on matters arising out of the cross-examination.

(2) The person examining a witness shall put his question to the witness
orally and unless an objection is made by the witness, court, judge advocate, prosecutor or by the accused, the witness shall reply forthwith. If such an objection is made, the witness shall not reply until the objection has been disposed of.

(3) The court may allow the cross-examination or re-examination of a witness to be postponed.

53. (1) The president, the judge advocate and, with permission of the president, any member of the court may put questions to a witness. Examination of witnesses by court

(2) Upon any such question being answered, the prosecutor and the accused may put to the witness such questions arising from the answer which he has given as seem proper to the court.

54. (1) The record which has been made of the evidence given by a witness shall be read back to him before he leaves the court and when this is done he may ask for the record to be corrected or explain the evidence which he has given. If any such correction is made or explanation given, the prosecutor and the accused may put such questions to the witness respecting the correction or explanation as seem proper to the court. Reading back of evidence to witnesses

(2) When a shorthand writer is employed it shall not be necessary to comply with sub-rule (1), if, in the opinion of the court and the judge advocate (if any), it is unnecessary to do so:

Provided that if any witness so demands, sub-rule (1) shall be complied with.

55. (1) The court may, at any time before they close to deliberate on their finding or, if there is a judge advocate, before he begins to sum up, call a witness or recall a witness, if in the opinion of the court it is in the interests of justice to do so. If the court call a witness or recall a witness under this rule, the prosecutor and the accused may put such questions to the witness as seem proper to the court. Calling of witnesses by court and recalling of witnesses

(2) The prosecutor and the accused may, at any time before the court
close to deliberate on their finding or, if there is a judge advocate, before he begins to sum up, recall a witness by leave of the court and the prosecutor and the accused may put such questions to the witness as seem proper to the court.

56. A statutory declaration which is admissible in accordance with the provisions of section ninety-eight of the Act shall be handed to the court by the prosecutor or the accused, as the case may be, without being produced by a witness.

PART XIII

SUBMISSION OF NO CASE TO ANSWER AND STOPPING OF CASES

57. (1) At the close of the case for the prosecution the accused may submit to the court in respect of any charge that the prosecution has failed to establish a *prima facie* case for him to answer and that he should not be called upon to make his defence to that charge. If the accused makes such a submission, the prosecutor may address the court in answer thereto and the accused may reply to the prosecutor's address.

(2) The court shall not allow the submission unless they are satisfied that-

(a) the prosecution has not established a *prima facie* case on the charge as laid; and

(b) it is not open to them on the evidence adduced to make a special finding under either section ninety-seven of the Act or rule 65 (3).

(3) If the court allow the submission they shall find the accused not guilty of the charge to which it relates and announce this finding in open court forthwith; if the court disallow the submission they shall proceed with the trial of the offence as charged.
(4) Irrespective of whether there has been a submission under this rule or not, the court may at any time after the close of the hearing of the case for the prosecution, and after hearing the prosecutor, find the accused not guilty of a charge, and if they do so they shall also announce such finding in open court forthwith.

PART XIV

CASE FOR THE DEFENCE AND SUMMING UP BY JUDGE ADVOCATE

58. (1) After the close of the case for the prosecution, the president or judge advocate (if any) shall explain to the accused that—

(a) if he wishes, he may give evidence on oath as a witness or make a statement without being sworn, but that he is not obliged to do either; and

(b) if he gives evidence on oath, he will be liable to be cross-examined by the prosecutor and to be questioned by the court and the judge advocate (if any), but that, if he makes a statement without being sworn, no one will be entitled to ask him any questions; and

(c) whether he gives evidence or makes a statement or remains silent, he may call witnesses on his behalf both to the facts of the case and to his character.

(2) After the president or judge advocate has complied with sub-rule (1), he shall ask the accused if he intends to give evidence on oath or to make a statement without being sworn and if he intends to call any witness on his behalf and, if so, whether he is a witness to fact or to character only.
If the accused intends to call a witness to the facts of the case other than himself, he may make an opening address outlining the case for the defence before the evidence for the defence is given.

59. (1) After rule 58 has been complied with, the witnesses for the defence (if any) shall be called and give their evidence.

(2) Rules 50, 51, 52, 53, 54, 55 and 56 shall apply to the witnesses and the evidence for the defence as they apply to the witnesses and the evidence for the prosecution.

60. After the witnesses for the defence have given their evidence the prosecutor may, by leave of the court, call a witness or recall a witness to give evidence on any matter raised by the accused in his defence which the prosecution could not properly have mentioned to the court before the accused disclosed his defence or which the prosecution could not reasonably have foreseen.

61. (1) After all the evidence has been given, the prosecutor and the accused may each make a closing address to the court.

(2) The accused shall be entitled to make his closing address after the closing address by the prosecutor unless the accused has called a witness to fact other than himself, in which case the prosecutor shall be entitled, subject to sub-rules (3) and (4), to make his closing address after the closing address by the accused.

(3) Where two or more accused are tried jointly, any one of them who has called a witness to fact other than himself shall make his closing address before the closing address by the prosecutor, and any one of them who has called no such witness shall be entitled to make his closing address after the closing address by the prosecutor.

(4) Where two or more accused are represented by the same defending officer or counsel, he may make one closing address only. If any one of the accused for whom he appears has called no witness to fact other than himself, such defending officer or counsel shall be entitled to make his closing address after the closing address by the prosecutor.
62. For the purposes of rules 58 and 61, the handing in by the accused of a statutory declaration shall be treated as the calling of a witness by him.

63. After the closing addresses, if there is a judge advocate, he shall sum up the evidence and advise the court on the law relating to the case in open court.

PART XV

DELIBERATION ON, AND ANNOUNCEMENT OF, FINDING ON THE CHARGE

64. (1) After the closing addresses, or if there is a judge advocate, after his summing up, the court shall close to deliberate on their finding on the charge.

(2) While the court are deliberating on their finding on the charge, no person shall be present except the president and members of the court and any officer under instruction.

(3) If there is a judge advocate and the court, while deliberating on their finding on the charge, require further advice from him, the court shall suspend their deliberation and ask and be given such advice in open court.

65. (1) The opinion of the president and each member as to the finding shall be given in closed court, orally, and on each charge separately and their opinions shall be given in order of seniority commencing with the junior in rank.
(2) Save as is otherwise provided in sub-rule (4), the court shall record on every charge on which a plea of not guilty has been recorded-

(a) a finding of guilty or a special finding in accordance with section ninety-seven or subsection (2) of section one hundred and eleven of the Act or sub-rule (3); or

(b) a finding of not guilty or of not guilty and honourably acquitted of the charge.

(3) Where the court are of the opinion as regards any charge that the facts which they find to be proved in evidence differ from the facts alleged in the particulars of the charge, but are nevertheless sufficient to prove the offence stated in the charge and that the difference is not so material as to have prejudiced the accused in his defence, the court may, instead of recording a finding of not guilty, record a finding that the accused is guilty of the charge subject to any exception or variation which they shall specify in the finding.

(4) Where the court have recorded a finding of guilty on a charge which is laid in the alternative, they shall find the accused not guilty of any charge alternative thereto which is placed before it in the charge sheet and record no finding on any charge alternative thereto which is placed after it in the charge sheet.

66. (1) The finding on each charge shall be announced in open court forthwith. Announcement of finding

(2) Every finding which requires confirmation shall be announced as being subject to confirmation.

(3) The finding shall be in the appropriate form set out in the Forth Schedule.

PART XVI
PROCEDURE AFTER ANNOUNCEMENT OF FINDING

67. After the court have announced their finding on any charge on which the court have entered a plea of not guilty, if there is another charge in the same charge sheet on which the court have accepted a plea of guilty, the court shall comply with sub-rules (1) and (2) of rule 44 in respect of that charge before proceeding further with the trial.

Completion of procedure on plea of guilty before deliberation on sentence

68. Where there is another charge sheet against the accused before the court, the court shall not comply with rules 69, 70 and 71 until they have arraigned and tried the accused and have complied with rule 66 and, if necessary, with rule 67, in respect of each charge in such other charge sheet unless that charge sheet is withdrawn under rule 81.

Trial of charges in other charge sheets before deliberation on sentence

69. If the findings on all charges against the accused are not guilty, the court shall order the accused to be released and the president and judge advocate (if any) shall date and sign the record of the proceedings. The president or the judge advocate shall then forward it as directed in the convening order.

Release of accused

70. (1) If the finding on a charge against the accused is guilty, or the court makes a special finding in accordance with section ninety-seven of the Act or rule 65 (3), the court, before deliberating on their sentence, shall whenever possible take evidence of his age, rank and service record. Such service record shall include-

(a) any recognised acts of gallantry or distinguished conduct on the part of the accused and any decoration to which he is entitled; and

(b) particulars of any offence of which the accused has been found guilty during his service and which is recorded in the service books relating to the accused and of the length of time he has been under arrest awaiting trial or in confinement under a current sentence.

(2) Evidence of the matters referred to in sub-rule (1) may be given by a witness producing to the court a written statement containing a summary
of the entries in the service books relating to the accused, after the
witness has in court verified such statement and identified the accused
as the person to whom it relates. Such statement shall be in the form set
out in the Fourth Schedule.

(3) In addition to the evidence contained in the statement referred to in
sub-rule (2), it shall be the duty of the prosecutor whenever possible to
call as a witness an officer to give to the court any information in the
possession of the military authorities regarding-

(a) the accused's family background and responsibilities and any
other circumstances which may have made him more susceptible to the
commission of the offence charged;

(b) his general conduct in the service; and

(c) particulars of offences which do not appear in the statement
above referred to of which the accused has been found guilty by a civil
court and which are of the same general nature as that of which the
accused has been found guilty by the court-martial:

Provided that the court shall not be informed of any such civil
offence unless the finding is proved in accordance with section one
hundred and eighty-five of the Act, or the accused has admitted, after the
purpose for which such admission is required has been explained to him,
that he has been found guilty of the offence.

(4) The accused may cross-examine any witness who gives evidence in
accordance with sub-rules (2) and (3) and, if the accused so requires, the
service books, or a duly certified copy of the material entries therein,
shall be produced, and if the contents of the form are in any respect not
in accordance with the service books or such certified copy, the court
shall cause the form to be corrected accordingly.

(5) After sub-rules (1), (2), (3) and (4) have been complied with the
accused may-

(a) give evidence on oath and call witnesses in mitigation of
punishment and to his character; and

(b) address the court in mitigation of punishment.
71. (1) Before the court close to deliberate on their sentence, the accused may request the court to take into consideration any other offence against the Act committed by him of a similar nature to that of which he has been found guilty, and, upon such a request being made, the court may agree to take into consideration any of such other offences as to the court seems proper.

(2) A list of the offences which the court agree to take into consideration shall be read to the accused by the president or judge advocate, who shall ask the accused if he admits having committed them. The accused shall sign a list of the offences which he admits having committed and the court shall take the offences in this list into consideration. This list shall be signed by the president and be attached to the record of the proceedings as an exhibit.

PART XVII

DELIBERATION AND ANNOUNCEMENT ON SENTENCE

72. While the court are deliberating on their sentence no person shall be present except the president, members, judge advocate (if any) and any officer under instruction.

73. (1) The court shall award one sentence in respect of all the offences of which the accused is found guilty. The sentence shall be in the appropriate form set out in the Fifth Schedule.

(2) The opinion of the president and each member as to the sentence shall be given orally and in closed court and their opinions shall be given in order of seniority commencing with the junior in rank.
(3) When the court have agreed to take into consideration an offence which is not included in the charge sheet, the court shall award a sentence appropriate both to the offence of which the accused has been found guilty and to the other offence which they are taking into consideration, but not greater than the maximum sentence which may be awarded under the Act for the offence of which the accused has been found guilty, save that they may include in their sentence a direction that such deductions shall be made from the pay of the accused as they would have had the power to direct to be made if the accused had been found guilty of the offence taken into consideration as well as of the offence of which he has been found guilty.

(4) The court may make a recommendation to mercy and if they do so shall record in the proceedings their reasons for making it.

74. Where two or more accused are tried separately by the same court upon charges arising out of the same transaction, the court may, if they think that the interests of justice so require, postpone their deliberation upon the sentence to be awarded to any one or more of such accused until they have recorded and announced their findings in respect of all of such accused.

75. (1) The sentence, and any recommendation to mercy together with the reasons for making it, shall be announced in open court. The sentence shall also be announced as being subject to confirmation.

(2) When sub-rule (1) has been complied with the president shall announce in open court that the trial is concluded.

(3) Immediately after the conclusion of the trial the president and judge advocate (if any) shall date and sign the record of the proceedings. The president or the judge advocate shall then forward it as directed in the convening order.

PART XVIII
GENERAL DUTIES OF THE PRESIDENT, PROSECUTOR AND DEFENDING OFFICER OR COUNSEL

76. It shall be the duty of the president to ensure that the trial is conducted in accordance with the Act and these Rules and in a manner befitting a court of justice and in particular-

(a) to ensure that the prosecutor and the defending officer or counsel conduct themselves in accordance with these Rules;

(b) to ensure that the accused does not suffer any disadvantage in consequence of his position as such or of his ignorance or of his incapacity to examine or cross-examine witnesses or to make his own evidence clear and intelligible, or otherwise;

(c) to ensure that an officer under instruction does not express an opinion to the court on any matter relating to the trial before the court have come to their finding, nor on sentence before the court have decided upon the sentence;

(d) when there is no judge advocate present, to ensure that a proper record of the proceedings is made in accordance with rule 91 and that the record of the proceedings and exhibits are properly safeguarded in accordance with rule 93.

77. (1) It shall be the duty of the prosecutor and of the defending officer or counsel to assist the court in the administration of justice, to treat the court and judge advocate with due respect and to present their cases fairly and in particular-

(a) to conform with these Rules and the practice of the civil courts in Zambia relating to the examination, cross-examination and re-examination of witnesses;

(b) not to refer to any matter not relevant to the charge before the court; and

(c) not to state as a matter of fact any matter which is not proved or
which they do not intend to prove by evidence.

(2) Without prejudice to the generality of any of the provisions of sub-rule (1), it shall be the duty of the prosecutor to bring the whole of the transaction before the court and not to take any unfair advantage of, or to withhold any evidence in favour of, the accused.

78. (1) Subject to these Rules, the following persons shall be allowed to appear as counsel at a court-martial:

(a) any practitioner as defined in section two of the Legal Practitioners Act; and

(b) any person referred to in paragraph (a) of subsection (2) of section three of the Legal Practitioners Act.

(2) Any right granted by these Rules to the accused at a court-martial to call or examine witnesses or to address the court, any right of the accused to object to the admissibility of evidence at a court-martial and any right granted to the accused by rules 24 (e), (g) and (h), 26, 30, 35, 36, 37, 38, 39, 46, 57, 71, 79 (2) and 93 (2) may be exercised by his defending officer or his counsel on his behalf, and any reference in these Rules to any address, request, application, claim, submission, objection or plea to the jurisdiction or in bar of trial made, taken or offered at a court-martial by the accused shall be construed as including any address, request, application, claim, submission, objection or plea to the jurisdiction or in bar of trial made, taken or offered at a court-martial by his defending officer or counsel on his behalf.

(3) If the accused is to be defended at his court-martial by counsel not nominated by the convening officer the accused shall give the convening officer notice of this fact not less than twenty-four hours before his trial.

**PART XIX**

**POWERS AND DUTIES OF THE**
79. (1) The judge advocate shall be responsible for the proper discharge of his functions to the Chief Justice.

(2) The prosecutor and the accused respectively are at all times after the judge advocate is named to act at the trial entitled to his opinion on any question of law or procedure relative to the charge or trial whether he is in or out of court, subject when he is in court to the permission of the court.

(3) On the assembly of the court the judge advocate shall advise the court of any defect in the constitution of the court or in the charge sheet, and during the trial he shall advise the court upon all questions of law or procedure which may arise. The court shall accept his advice on all such matters unless they have weighty reasons for not doing so, and if the court do not accept it their reasons for not doing so shall be recorded in the proceedings.

(4) After the closing addresses the judge advocate shall sum up the evidence and advise the court upon the law relating to the case before the court close to deliberate on their finding. If in the course of deliberating on their finding the court require further advice from the judge advocate, they shall suspend their deliberation and ask and be given such advice in open court.

(5) If, when the court announce a finding of guilty or a special finding under either section ninety-seven of the Act or rule 65 (3), the judge advocate is of the opinion that such finding or special finding is contrary to the law relating to the case, he shall once more but not more than once more, advise the court what findings are, in his opinion, open to them. The court shall then reconsider their finding in closed court. The record of the proceedings relating to such reconsideration shall be in the form set out in the Fourth Schedule.

(6) The judge advocate shall be present whenever the court is sitting whether in open or closed court, except when the court is deliberating on the finding on the charge or on a revision thereof.
(7) The judge advocate has equally with the president the duty of ensuring that the accused does not suffer any disadvantage in consequence of his position as such or of his ignorance or of his incapacity to examine or cross-examine witnesses, or to make his own evidence clear and intelligible, or otherwise.

(8) The judge advocate shall be responsible for seeing that a proper record of the proceedings is made in accordance with rule 91 and responsible for the safe custody of the record of the proceedings under rule 93.

80. (1) Where there is a judge advocate and-

Judge advocate sitting alone

(a) during the course of a trial any question as to the admissibility of evidence arises; or

(b) during a joint trial an application is made by any of the accused for a separate trial; or

(c) an application is made by an accused that a charge should be tried separately;

the president may direct that the point at issue shall be determined by the judge advocate in the absence of the president and the members of the court and of any officer under instruction. Where the president so directs he, the members of the court and any officer under instruction shall withdraw from the court.

(2) The judge advocate shall, when the president and members of the court and any officer under instruction have withdrawn in accordance with sub-rule (1), hear the arguments and evidence relative to the point at issue and shall give his ruling upon this point and such reasons therefor as he may consider necessary. After the judge advocate has given his ruling, the president and members of the court and any officer under instruction shall return to the court room and the judge advocate shall announce his ruling to them and the court shall follow his ruling.

(3) When a judge advocate sits alone in accordance with this rule the proceedings before him shall form part of the proceedings of the court, and subsection (1) of section sixty-two, sections sixty-three and
ninety-two, subsections (1) and (2) of section ninety-three, and sections ninety-four, ninety-eight, ninety-nine, one hundred and one hundred and one of the Act and rules 33, 50, 51, 52, 53, 54, 55, 56, 77, 78, 84, 85, 86, 90, 91, 92, 93, 96, 97 and 105 shall apply to proceedings before the judge advocate sitting alone as they apply to proceedings before the president and members of the court, anything which is authorised by those sections and those rules to be done by the court or by the president may be done by the judge advocate when sitting alone.

(4) When a judge advocate is sitting alone in accordance with this rule and a person subject to military law commits an offence against subsection (1) of section sixty-two of the Act, the judge advocate shall report the occurrence to the president who shall take such action as he considers appropriate.

(5) The judge advocate shall be responsible for ensuring that the president and members do not see the record of the proceedings before the judge advocate when sitting alone until after the court has announced its finding.

PART XX
WITHDRAWAL AND AMENDMENT OF CHARGE SHEETS AND CHARGES

81. A court may, with the concurrence of the convening officer (which may be signified by the prosecutor), allow the prosecutor to withdraw a charge before the accused is arraigned on any charge thereon or a charge sheet before the accused is arraigned on any charge therein.

82. (1) At any time during a trial if it appears to the court that there is in the charge sheet-
(a) a mistake in the name or description of the accused;

(b) a mistake which is attributable to a clerical error or omission;
the court may amend the charge sheet so as to correct the mistake.

(2) If at any time during a trial at which there is a judge advocate it appears to the court, before they close to deliberate on their finding, that it is desirable in the interests of justice to make any addition to, omission from or alteration in, a charge which cannot be made under sub-rule (1) they may, if such addition, omission or alteration can be made without unfairness to the accused, so amend the charge if the judge advocate concurs.

(3) If at any time during a trial at which there is no judge advocate it appears to the court, before they close to deliberate on their finding, that in the interests of justice it is desirable to make any addition to, omission from or alteration in a charge which cannot be made under sub-rule (1), they may adjourn and report their opinion to the convening officer, who may-

(a) amend the charge if permissible under rule 83 and direct the court to try it as amended after due notice of the amendment has been given to the accused; or

(b) direct the court to proceed with the trial of the charge without amending it; or

(c) convene a fresh court to try the accused.

83. When a court report to the convening officer under either rule 36 (2) or 82 (3), he may amend the charge in respect of which they have reported to him by making any addition to, omission from or alteration in the charge which, in his opinion, is desirable in the interests of justice and which he is satisfied can be made without unfairness to the accused.
SITTINGS AND ADJOURNMENT OF THE COURT

84. Subject to the provisions of the Act and of these Rules relating to adjournment, a trial shall be continued from day to day and the court shall sit for such time each day as may be reasonable in the circumstances:

Provided that the court shall not sit on Sunday, Christmas Day, or Good Friday, unless in the opinion of the court or of the convening officer the exigencies of the service make it necessary to do so.

85. (1) During a trial the court may adjourn from time to time and from place to place as the interests of justice require.

(2) A court may adjourn at any time to consult the convening officer on a point of law.

(3) If during a trial any reason emerges which makes it advisable that the court should not continue to hear the case, the court shall adjourn and report thereon to the convening officer.

(4) If at any time during a trial the accused becomes ill and it appears to the court that the illness is such that it will be impracticable to continue the trial, the court shall ascertain the facts of the illness and shall then adjourn and report to the convening officer.

86. If at any time during a trial before the court close to deliberate on their finding it appears to the court that they should, in the interests of justice, view any place or thing, they may adjourn for this purpose. When the court view any place or thing the president, members of the court, judge advocate (if any), prosecutor, accused and defending officer or counsel (if any) shall be present.

87. (1) If after the commencement of a trial the president dies or is otherwise unable to attend, the court shall adjourn and the senior...
member shall report to the convening officer.

(2) If after the commencement of a trial any member of the court dies or is otherwise unable to attend, the court, if not thereby reduced below the legal minimum, shall continue with the trial, but if reduced below the legal minimum the court shall adjourn and the president shall report to the convening officer.

(3) If a judge advocate who has been appointed to act at a trial dies or is otherwise unable to attend, the court shall adjourn and report to the convening officer.

(4) If the president or a member of the court is absent during any part of a trial, he shall take no further part in it and the like steps shall be taken as if the president or member, as the case may be, had died.

(5) An officer cannot be added to the court after the accused has been arraigned.

PART XXII

INSANITY

88. (1) If at any time during a trial it appears to the court that the accused may be unfit to stand his trial by reason of insanity, they shall take evidence as to his mental condition. If the court after considering the evidence are of the opinion that the accused is fit to stand his trial, they shall proceed with the trial; but if they are of the opinion that the accused is unfit to stand his trial by reason of insanity, they shall so find and their finding shall be announced in open court forthwith and as being subject to confirmation.

(2) If a court, in the course of their deliberation on their finding on a charge find pursuant to subsection (2) of section one hundred and eleven of the Act that the accused was guilty of the offence but was insane at the time of the act or omission which constituted it, their finding shall be
announced in open court forthwith and as being subject to confirmation.

(3) Immediately after a finding has been announced under either sub-rule (1) or (2), the president shall announce in open court that the proceedings are terminated and thereupon the president and the judge advocate (if any) shall date and sign the record of the proceedings. The president or judge advocate shall then forward it as directed in the convening order.

PART XXIII

INTERVIEWING AND ATTENDANCE OF WITNESSES

89. (1) The prosecution shall not, without the consent of the convening officer, or, after the trial has begun, without the consent of the president, interview any witness who was called for the defence at the taking of the summary of evidence or whose attendance at the trial the accused has requested in accordance with rule 24 (e), or who has made a statutory declaration, a copy of which the accused has served on the prosecution in accordance with section ninety-eight of the Act.

(2) Except as provided in rule 49, neither the accused nor any person on his behalf shall, without the consent of the convening officer, or, after the trial has begun, without the consent of the president, interview any witness who was called for the prosecution at the taking of the summary of evidence or whose evidence is included in the abstract of evidence, or in respect of whom the prosecution have given the accused notice under rule 48 that they intend to call him as a witness at the trial, or who has made a statutory declaration a copy of which the prosecution have served on the accused in accordance with section ninety-eight of the Act.

90. (1) A witness who is subject to service law may be ordered by the proper military authority to attend at the taking of a summary of evidence or a trial by court-martial.

(2) A witness who is not subject to service law may be summoned to
attend-

(a) the taking of a summary of evidence by an order under the hand of the commanding officer of the accused; or

(b) a trial by court-martial by an order under the hand of an officer authorised to convene a court-martial or of a staff officer on his behalf, or, after the assembly of the court, of the president.

(3) The summons referred to in sub-rule (2) shall, when it relates to the taking of a summary of evidence, be in the appropriate form set out in the First Schedule and, when it relates to a trial by court-martial, be in the appropriate form set out in the Fourth Schedule, and shall be served on the witness either personally or by leaving it with some person at the witness's normal place of abode.

(4) At the time of service of the summons referred to in sub-rule (2) there shall be paid or tendered any expenses which, by regulations made under the Act, are payable to a witness in respect of his journey to, attendance at and return from the taking of the summary of evidence or the trial, as the case may be:

Provided that for the purpose of this sub-rule-

(i) the tender of a warrant or voucher entitling the witness to travel free of charge shall be deemed to constitute tender of his expenses in respect of any travelling authorised by the warrant or voucher; and

(ii) the tender of a written undertaking on behalf of the Government to defray at the taking of the summary of evidence or the trial, as the case may be, any other expenses payable under such regulations in respect of the witness's attendance shall be deemed to constitute tender of these expenses.

(5) The provisions of section one hundred of the Act shall apply in relation to proceedings at the taking of a summary of evidence as they apply in relation to proceedings at a court-martial and when so applied they shall be construed as though the words "officer taking the summary of evidence" were substituted for the words "president of the court-martial".
PART XXIV

RECORD OF PROCEEDINGS

91. The proceedings of courts-martial shall be recorded in accordance with the following provisions:

(a) the proceedings of a court-martial shall be recorded in writing in accordance with the appropriate form set out in the Fourth Schedule and in sufficient detail to enable the confirming officer to follow the course of the proceedings and to judge of the merits of the case;

(b) when there is no shorthand writer present, the evidence shall be taken down in narrative form as nearly as possible in the words used:

Provided that if the court, judge advocate, prosecutor or accused consider it necessary any particular question and answer shall be taken down verbatim;

(c) when an objection, submission or application is made during a trial at which there is no shorthand writer, a record shall be made of the proceedings relating to such objection, submission or application if and in such detail as the court or judge advocate thinks fit:

Provided that if the prosecutor or accused so requests, a note shall be made of the objection, submission or application, the grounds therefor, the advice of the judge advocate (if any) thereon and the decision of the court;

(d) when any address by the prosecutor or the accused or summing-up of the judge advocate is not in writing and there is no shorthand writer present, it shall only be necessary to record so much of such address or summing-up as the court or judge advocate thinks proper:

Provided that if the prosecutor or accused so requests a note shall be made of any particular point in such address or summing-up;

(e) there shall not be recorded in the record of the proceedings any matter not forming part of the trial; but if any comment or report seems to the court to be necessary, the president may forward it to the proper military authority in a separate document.
92. (1) Subject to sub-rule (2), any documents or thing admitted in evidence shall be made an exhibit.

(2) When an original document or book is produced to the court by a witness, the court may, at the request of the witness, compare a copy of it or an extract of the relevant parts therefrom with the original, and after they have satisfied themselves that such copy or extract is correct and the president or the judge advocate has certified thereon that the court has compared it with the original and found it correct, the court may return the document or book to the witness and attach the copy or extract to the record of the proceedings as an exhibit.

(3) Every exhibit shall-

(a) be marked with a number or letter and be signed by the president or have a label bearing a number or letter and the signature of the president affixed to it;

(b) be attached to or kept with the record of the proceedings, unless in the opinion of the court having regard to the nature of the exhibit or for other good reason it is not expedient to attach it to or keep it with the record.

(4) When an exhibit is not attached to or kept with the record of the proceedings under sub-rule (3) (b), the president shall ensure that proper steps are taken for its safe custody.

93. (1) During a trial at which there is no judge advocate, the record of the proceedings and the exhibits shall be deemed to be in the custody of the president. During a trial at which there is a judge advocate, the record and the exhibits shall be deemed to be in the custody of the judge advocate, save when he is not present in closed court when they shall be deemed to be in the custody of the president.

(2) With the permission of the court, the prosecutor or the accused may at any reasonable time before the trial is concluded have a particular part of the record of the proceedings read to him, and, if proper precautions are taken for its safety, inspect any exhibit.
PART XXV
CONFIRMATION, REVISION AND PROMULGATION

94. (1) When a confirming officer receives the record of the proceedings of a court-martial and the finding of the court requires confirmation, he shall record his decision thereon and on any sentence and any order which the court may have made under section one hundred and twenty-six of the Act, on the record of the proceedings in the appropriate form set out in the Fourth Schedule, and such record of his decision shall form part of the record of the proceedings.

(2) When a court have accepted a plea of guilty made under rule 40 (2), the confirming officer may confirm their finding notwithstanding that the court have accepted the plea without the concurrence of the convening officer if, in the opinion of the confirming officer, it is in the interests of justice to do so.

(3) When a court have rejected a plea to the jurisdiction of the court or a plea in bar of trial or have overruled an objection to a charge, it shall not be necessary for the confirming officer to approve specifically the decision of the court, but his approval shall be implied from his confirming the finding on the charge to which the plea or objection relates.

(4) A confirming officer may state his reasons for withholding confirmation in any case, but if he withholds confirmation where a court have rejected a plea to the jurisdiction or a plea in bar of trial or have overruled an objection to the charge, because he disapproves this decision of the court, he shall, when recording his decision under sub-rule (1), state that he has withheld confirmation for this reason.

(5) If the sentence of a court-martial is informally expressed, the confirming officer may, in confirming the sentence, vary the form thereof so that it shall be properly expressed.
(6) Whenever it appears that there is sufficient evidence or a plea of guilty under either sub-rule (1) or (2) of rule 40 to justify the finding of the court, such finding and any lawful sentence consequent thereon may be confirmed, and if confirmed, shall be valid, notwithstanding any deviation from these Rules, if the accused has not been prejudiced by such deviation.

(7) When a confirming officer has confirmed a finding and sentence of a court or has withheld confirmation thereof, he shall send the record of the proceedings to the commanding officer of the accused for promulgation to the accused of the finding and sentence, or of the fact that confirmation has been withheld, as the case may be. The fact of promulgation shall be recorded on the record of the proceedings in the form set out in the Fourth Schedule. If confirmation has been withheld because the confirming officer disapproves the court's decision to reject a plea to the jurisdiction or a plea in bar of trial or to overrule an objection to the charge, the accused shall be so informed.

95. (1) The proceedings and decision of a court on revision shall be recorded on the record of the proceedings in the appropriate form set out in the Fourth Schedule, and the president shall date and sign such record and decision and return it to the confirming officer after it has been signed by the judge advocate (if any).

(2) When an accused is acquitted on revision, the revised finding shall be communicated to the accused in such manner as may be specified by the confirming officer.

PART XXVI

LOSS OF PROCEEDINGS

96. (1) If before confirmation the whole or any part of the original record of the proceedings of a court-martial is lost and a copy exists, such copy may, if the president or the judge advocate certifies it to be correct, be accepted and used in lieu of the original.
(2) If before confirmation the whole or any part of the original record of the proceedings of a court-martial is lost and no copy thereof exists, but evidence of the proceedings of the court can be procured to enable the record or part thereof which has been lost to be reconstituted sufficiently to permit the confirming officer to follow the course of the proceedings and to judge of the merits of the case, the record as so reconstituted may, with the consent of the accused, be accepted and used in lieu of the original.

Provided that where part only of the original record of the proceedings of a court-martial has been lost, and the part which remains is sufficient to enable the confirming officer to follow the course of the proceedings and judge of the merits of the case, such remaining part may, with the consent of the accused, be accepted and used as if it were the complete record, and in such case it shall not be necessary to reconstitute the part of the record which has been lost.

(3) If before confirmation the whole or any part of the original record of the proceedings of a court-martial is lost and such loss cannot be made good under either sub-rule (1) or (2), the confirming officer shall withhold confirmation and shall record his decision in the appropriate form set out in the Fourth Schedule.

97. If after confirmation the whole or any part of the original record of the proceedings of a court-martial is lost and a copy thereof is certified by the president or the judge advocate to be correct, or a sufficient record of the charge, finding, sentence and proceedings before the court and of the confirmation of the finding and sentence remains or can be reconstituted to permit of the case being reviewed or the sentence reconsidered, such copy or reconstituted record or remaining part of the record may be accepted and used in lieu of the original.

PART XXVII

CUSTODY OF THE RECORD AFTER CONFIRMATION AND COST
OF COPIES THEREOF

98. For the purposes of subsection (1) of section one hundred and twenty-nine of the Act, the prescribed period during which the record of the proceedings of a court-martial shall be kept in custody of the Commander shall be six years from the conclusion of the trial.

99. The rate at which copies of the record of the proceedings of a court-martial shall be supplied in accordance with subsections (2) and (3) of section one hundred and twenty-nine of the Act shall be the estimated cost of the copy required not exceeding three ngwee for every folio of seventy-two words.

PART XXVIII

PETITIONS

100. (1) If an accused who has been sentenced by a court-martial wishes to petition before confirmation against the finding or sentence or both, he shall present a petition to the confirming officer in the appropriate form set out in the Seventh Schedule.

(2) If an accused who has been sentenced by court-martial wishes to petition after promulgation against the finding, he shall present a petition to a reviewing authority at any time within six months of promulgation in the appropriate form set out in the Seventh Schedule.

(3) If an accused who has been sentenced by a court-martial wishes to petition after promulgation against the sentence, he shall present a petition to a reviewing authority or an officer authorised to reconsider a sentence of a court-martial under section one hundred and nine of the Act at any time within six months of promulgation in the appropriate form set out in the Seventh Schedule.
PART XXIX

MISCELLANEOUS PROVISIONS

101. A notice under proviso (iii) to subsection (2) of section ninety-eight of the Act requiring that oral evidence shall be given in lieu of a statutory declaration shall be in the appropriate form set out in the Fourth Schedule.

102. (1) Where in the opinion of the officer who is or would be responsible for convening a court-martial to try the accused or, if he is not available, of the senior officer on the spot, the exigencies of the service render compliance with all or any of the provisions of the rules mentioned in sub-rule (4) impracticable, the officer who is or would be responsible for convening a court-martial to try the accused, or the senior officer on the spot, as the case may be, may make a declaration to that effect in the appropriate form set out in the Fourth Schedule.

(2) Any declaration made under sub-rule (1) by the senior officer on the spot shall be forwarded by him as soon as possible to the officer who is or would be responsible for convening a court-martial to try the accused.

(3) When a declaration has been made under sub-rule (1), it shall not be necessary to comply with any provision of these Rules which is mentioned in such declaration and these Rules shall be construed accordingly.

(4) The provisions of these Rules in respect of which a declaration may be made under sub-rule (1) are-

(a) provisos (i) and (ii) to rule 6 (2);

(b) rule 8 (b) in so far as it relates to the accused's right to insist that a witness shall be compelled to attend the taking of a summary of evidence for cross-examination;
(c) rule 18 in so far as it provides that the documents specified therein must be given to the accused not less than twenty-four hours before the appropriate superior authority investigates and deals summarily with the charge;

(d) rule 24 paragraphs (b) and (c), and paragraph (d) in so far as it provides that the documents specified therein shall be given to the accused not less than twenty-four hours before his trial.

(5) If an accused is brought to trial by court-martial or is dealt with summarily by an appropriate superior authority, any declaration which has been made in his case under sub-rule (1) shall be attached to the record of the proceedings of the court-martial or to the record made by the appropriate superior authority, as the case may be.

103. (1) When in the opinion of the officer who is or would be responsible for convening a court-martial to try the accused, or, if he is not available, of the senior officer on the spot, a charge sheet, summary or abstract of evidence or other document which, or a copy of which, is required under these Rules to be given to an accused contains information the disclosure of which would or might be directly or indirectly useful to an enemy, the officer who is or would be responsible for convening a court-martial to try the accused, or the senior officer on the spot, as the case may be, may make a declaration to that effect in the appropriate form set out in the Fourth Schedule specifying the document concerned.

(2) Any declaration made under sub-rule (1) by the senior officer on the spot shall be forwarded by him as soon as possible to the officer who is or would be responsible for convening a court-martial to try the accused.

(3) When a declaration has been made under sub-rule (1) it shall not be necessary to give to the accused any document mentioned in that declaration, or any copy of such a document, and it shall be a sufficient compliance with these Rules if the accused is given a proper opportunity to inspect such document while preparing and making his defence.

(4) If an accused is brought to trial by court-martial or is dealt with summarily by an appropriate superior authority, any declaration which
has been made in his case under sub-rule (1) shall be attached to the record of the proceedings of the court-martial or to the record made by the appropriate superior authority, as the case may be.

**104.** A deviation or omission from a form or form of words set out in a Schedule to these Rules shall not, by reason only of such deviation or omission, render any document, act or proceeding invalid.

**105.** In any case not provided for by these Rules such course shall be adopted as appears best calculated to do justice.
FIRST SCHEDULE
(Rules 4, 8, 9 and 90)

FORMS FOR COMMANDING OFFICERS

1. Delay Report
2. Summary of Evidence
3. Abstract of Evidence
4. Certificate to be Attached to Abstract of Evidence after it has been Handed to the Accused
5. Summons to a Witness to Attend the Taking of a Summary of Evidence

1. DELAY REPORT

Unit Address:
........................................................................................................
Tel. ..............................................................................................

To: ..............................................................
   (Convening Officer)

............... ¹EIGHT-DAY DELAY REPORT

Pursuant to section 78 (2) of the Defence Act

Number, rank, name of accused

Date placed in arrest ................................ 19 ......

Alleged Offence(s)  Date of Alleged Offence(s)
.................................................................................. ..............................

The accused is in close arrest.
   open

The reasons for his retention in arrest are

The abstract of evidence summary
   was taken on 19 ......
2.  SUMMARY OF EVIDENCE

Summary of evidence in the case of  (number, rank, name, unit or other description).

Taken by [the commanding officer of the accused] [ (rank, name, unit) on the direction of the commanding officer of the accused].

(number, rank, name, unit, or other description)

having been duly sworn states-

(Cross-examined by the accused)

Question 1

Answer 1

...... witness for the prosecution
(The accused declines to cross-examine this witness.)

(Signature and rank (if any) of witness)

or

(number, rank, name, unit, or other description).

A written statement of this witness's evidence purporting to be signed by him has been read to the accused and is included in this summary at page .......... Having regard to (insert grounds for non-attendance of witness-see rule 8 (b)) the attendance of this witness cannot in my opinion be readily procured.

[The accused does not demand the attendance of this witness for cross-examination.]  
[The accused demands the attendance of this witness for cross-examination but the witness is not compellable and has refused to attend.]

(Signature of officer taking the summary of evidence)

The accused having been duly cautioned in accordance with Rule of Procedure 8 (c) reserves his defence.

or

The accused having been duly cautioned in accordance with Rule of Procedure 8 (c) elects [to give evidence on oath] [to make a statement without being sworn] and to call a witness(es).

The accused     (number, rank, name, unit, or other description) having been duly sworn states:

(Signature and rank (if any) of accused if he signs)

(number, rank, name, unit, or other description) having been duly sworn states:

(Signature and rank (if any) of witness)

Certified that Rule of Procedure 8 has been complied with.

This summary of evidence was taken by me at in the presence and hearing of the accused on the day(s) of .........., 19 ......
3. ABSTRACT OF EVIDENCE

Abstract of evidence in the case of (number, rank, name, unit, or other description) consisting of the (insert the number of statements) attached statements and (insert the number of precis) precis of evidence of witnesses for the prosecution and compiled by me [the commanding officer of the accused] [on the direction of the commanding officer of the accused].

Date ......................................., 19 .........

(Signature and rank of officer taking the summary of evidence)

4. CERTIFICATE TO BE ATTACHED TO ABSTRACT OF EVIDENCE AFTER IT HAS BEEN HANDED TO THE ACCUSED

Certified that I today handed to the accused the abstract of evidence relating to him dated the day of ......................... , 19........ and duly cautioned him in accordance with Rule of Procedure 9 (2) and that he [elected to make and sign the statement dated the day of ................. , 19...... which is marked and attached to this certificate] [did not make a statement].

Date ......................................., 19 ...........

(Signature of certifying officer)

5. SUMMONS TO A WITNESS TO ATTEND THE TAKING OF A SUMMARY OF EVIDENCE

To .................................

WHEREAS a charge has been preferred against AND WHEREAS I have directed a summary of the evidence to be taken at on the ......................... day of ......................... , 19 .......

YOU ARE PURSUANT TO SECTION 131 OF THE DEFENCE ACT AND RULE 90
OF THE DEFENCE FORCE (PROCEDURE) RULES MADE THEREUNDER HEREBY
SUMMONED and required to attend as a witness the taking of the said summary of
evidence at on
the ...................... day of .................... , 19...... at ................. o'clock in the .................noon,
and to bring with you the documents hereinafter mentioned, viz:

Whereof you shall fail at your peril.

Given under my hand at on
the ..................day of..................... , 19......

(Signature, rank and unit)

Commanding officer of the accused

SECOND SCHEDULE
(Rules 13 and 14)

CHARGE SHEETS

1. Commencement of Charge Sheets
2. Statement of Offences
3. Illustrations of Charge Sheets

1. COMMENCEMENT OF CHARGE SHEETS

SECTION 206

(1) (a) The accused (number, rank, name and unit)

(1) (b) The accused (number (if any), rank, name service, former unit and unit to which attached) being subject to military
law under section 206 (1) (b) of the Defence Act is charged with:

(1) (c) The accused (number, rank, name and unit) an officer of the

(1) (d) The accused (number, rank, name and unit)
a private soldier

undergoing training
performing a duty
serving on the permanent
staff of the
Territorial Force of the
Army
Auxiliary Air Force

is charged with:

(1) (e) The accused (number, rank, name and unit)

an officer
a warrant officer
a non-commissioned officer
a private soldier

Army
Reserve
Air Force
Reserve

when employed in terms of section 193 of the

SECTION 207

The accused (name and brief description)
being liable to trial by court-martial under section 207 (1) of the Defence Act is charged with:

SECTION 120

(1) The accused .................................................... (name) formerly (former military description including manner in which the accused was formerly subject to military law set out in accordance with the appropriate form in this Schedule) and now

(2) martial under the provisions of section 120 of the Defence Act is charged with:

2. STATEMENT OF OFFENCES

Treachery, Cowardice and Offences arising out of Military Service

SECTION 29

(a)
(b)
(c)
(d)
(e)
(f)
(g)

Aiding the enemy with intent contrary to section 29 (1) of
Knowingly and without lawful excuse doing an act of

Negligently causing the

by the enemy of aircraft contrary to section 30 of the Defence Act.

Communicating with the enemy contrary to section 30 of the Defence Act.

including cowardice before the enemy contrary to section 31 (2) of the Defence Act.

SECTION 31

Cowardice before the enemy contrary to section 31 (1) of the Defence Act.

Including cowardice before the enemy contrary to section 31 (2) of the Defence Act.

SECTION 32

Spreading reports relating to operations calculated to create despondency or unnecessary alarm contrary to section 32 of the Defence Act.

When before the enemy using words calculated to create despondency or unnecessary alarm contrary to section 32 of the Defence Act.

SECTION 33

Being captured through disobedience or wilful neglect contrary to section 33 (1) of the Defence Act.

Failing to take reasonable steps after capture to rejoin the Defence Act.

SECTION 34

Sleeping when on guard duty contrary to section 34 (1) of the Defence Act.

Sleeping at his post when on guard duty contrary to section 34 (1) of the Defence Act.

Leaving his post when on guard duty contrary to section 34 (1) of the Defence Act.

Drunkenness when on guard duty contrary to section 34 (1) of the Defence Act.

Leaving his post when on duty controlling movement contrary to section 34 (1) of the Defence Act.

Drunkenness when on duty controlling movement contrary to section 34 (1) of the Defence Act.

Leaving his post when on duty controlling movement contrary to section 34 (1) of the Defence Act.
Absenting himself contrary to section 34 (1) 

(3) \{ 
  \{ Striking \} \{ a person on \} 
  \{ Using force against \} \{ guard duty \} 
  \{ Compelling a \} \{ duty controlling movement \} 
  \{ person on \} \{ guard duty \} 
  \{ \} \{ duty controlling movement \} 
  \{ \} \{ to let a person pass \} 
\}

SECTION 35

(a) \{ \}
(b) \{ Looting contrary to section 35 \}
(c) \{ \}
\}

 Mutiny and Insubordination

SECTION 36

section 36 (1) (a) of the Defence Act. \{ \}
contrary to \{ \}
with violence \{ \}
relating to the enemy \{ \}
\}

(1) \{ (a) Mutiny \}
(1) \{ (b) Incitement to mutiny \}
(2) \{ Mutiny \}
\}

contrary to section 36 (1) (b) of the Defence Act. \{ \}

SECTION 37

(a) Failing to suppress or prevent mutiny contrary to section 37 (a) of the Defence Act.
(b) Failing to report mutiny contrary to section 37 (b) of the Defence Act.

SECTION 38
SECTION 38

(1) Striking, Using or Offering violence to a superior officer contrary to section 38 (1) (a) of the Defence Act.

(1) Using threatening or insubordinate language to a superior officer contrary to section 38 (1) (b) of the Defence Act.

SECTION 39

(1) Disobeying a lawful command with wilful defiance of authority contrary to section 39 (1) of the Defence Act.

(2) Disobeying a lawful command contrary to section 39 (2) of the Defence Act.

SECTION 40

(a) Obstructing a provost officer or person exercising authority under or on behalf of a provost officer contrary to section 40 (a)

(b) Refusing to assist a provost officer or person exercising authority under or on behalf of a provost officer contrary to section 40 (b)

SECTION 41

(1) Disobedience to standing orders contrary to section 41 (1) of the Defence Act.

Desertion, Absence without Leave, etc.

SECTION 42

(1) (a) Desertion contrary to section 42 (1) (a) of the Defence Act.

(1) (b) Persuading or Procuring a person to desert contrary to section 42 (1) (b) of the Defence Act.

SECTION 43

(a) Absence without leave contrary to section 43 (a) of the Defence Act.

(b) Persuading or Procuring a person to absent himself without leave contrary to section 43 (b) of the Defence Act.

SECTION 44

(a) Assisting a person to desert or absent himself contrary to section 44 (a) of the Defence Act.
(b) Failing to \{ report without delay take steps to cause the apprehension of \} \{ a deserter or absentee a person attempting to desert or absent himself \} contrary to section 45 of the Defence Act.

SECTION 45

Making a false \{ obtain prolong \} leave contrary to section 45 of the Defence Act.

SECTION 46

Failing to attend for military duty \{ obtain prolong \} contrary to section 46 of the Defence Act.

Leaving a military duty without permission

*Malingering and Drunkenness*

SECTION 47

(1) \{ (a) (b) (c) (d) \} Malingering contrary to section 47 (1) of the Defence Act.

SECTION 48

(1) Drunkenness contrary to section 48 (1) of the Defence Act.

*Offences Relating to Property*

SECTION 49

(1) \{ (a) (b) (c) (d) \} Receiving \{ public service \} property contrary to section 49 (1) (b) of the Defence Act.

(1) \{ (a) (b) (c) \} Wilfully damaging \{ public service \} property contrary to section 49 (1) (c) of the Defence Act.
(1) (d) By wilful neglect damaging { public service } property by fire contrary to section 49 (1) (d) of the Defence Act.

(2) (a) { Wilfully damaging Being concerned in the wilful damage of } { aircraft aircraft material } contrary to section 49 (2) (a) of the Defence Act.

(2) (b) By wilful neglect causing { damage to the loss of } { aircraft aircraft material } contrary to section 49 (2) (b) of the Defence Act.

(2) (c) Without lawful authority disposing of { aircraft aircraft material } contrary to section 49 (c) of the Defence Act.

(3) Causing the { sequestration by destruction in } a neutral state of aircraft contrary to section 49 (3) of the Defence Act.

SECTION 50

(a) { Stealing Fraudulently misapplying Being concerned in Conniving at } the { stealing of fraudulent misapplication of } property contrary to section 50 (a) of the Defence Act.

(b) Receiving property contrary to section 50 (b) of the Defence Act.

(c) { Wilfully damaging Being concerned in the wilful damage of } property contrary to section 50 (c) of the Defence Act.

SECTION 51

(a) { Losing Negligently damaging } { public service } property contrary to section 51 (a) of the Defence Act.

(b) By negligence { losing damaging } { aircraft aircraft material } contrary to section 51 (b) of the Defence Act.

(c) Being guilty of { an act neglect likely to cause damage to or the loss of } { aircraft aircraft material } contrary to section 51 (c) of the Defence Act.
(d) Negligently damaging { public service } property by fire contrary to section 51 (d) of the Defence Act.

(e) { Losing Negligently damaging } his equipment contrary to section 51 (e) of the Act.

(f) Neglect of { an animal a bird } contrary to section 51 (f) of the Defence Act.

(g) Making away with { a decoration granted to him his equipment } contrary to section 51 (g) of the Defence Act.

Offences Relating to Billeting and Requisitioning of Vehicles

SECTION 52

(a) Obtaining Ordering Procuring a person to obtain billets contrary to section 52 (a) of the Defence Act.

(b) Corruption in relation to a billeting requisition contrary to section 52 (b) of the Defence Act.

(c) Committing an offence against Damaging Damaging property in { a person property } in his billets contrary 52 (c) of the Defence Act.

SECTION 53

(a) Unlawful requisition contrary to section 53 (1) of the Defence Act.

(b) Unlawful requisition contrary to section 53 (1) (b) of the Defence Act.

(1) (c) Corruption in relation to a requisitioning order contrary to section 53 (1) (c) of the Defence Act.

Flying Offences

SECTION 54
Doing an act in relation to aircraft likely to cause loss of life or bodily injury to a person causing

SECTION 55

Signing a certificate relating to aircraft without ensuring its accuracy contrary to section 55 of the Defence Act.

SECTION 56

Unlawful low flying contrary to section 56 of the Defence Act.

SECTION 57

Flying an aircraft in a manner causing or likely to cause unnecessary annoyance contrary to section 57 of the Defence Act.

Offences Relating to, and by, Persons in Custody

SECTION 58

(1) (a) Delaying an investigation or trial contrary to section 58 (1) (a) of the Defence Act.
(1) (b) Failing to release a person in arrest contrary to section 58 (1) (b) of the Defence Act.
(2) Failing to report the offence for which a person has been placed in custody contrary to section 58 (2) of the Defence Act.
(3) (a) Failing to give in writing information relating to a person committed to his charge as a guard commander contrary to section 58 (3) (a) of the Defence Act.
(3) (b) Failing to hand in a report relating to a person in custody received by him as guard commander contrary to section 58 (3) (b) of the Defence Act.

SECTION 59

(1) Wilfully allowing a person to escape contrary to section 59 (1) of the Defence Act.
(2) (a) Releasing a person without authority contrary to section 59 (2) (a) of the Defence Act.
(2) (b) Allowing a person to escape contrary to section 59 (2) (b) of the Defence Act.

SECTION 60
SECTION 61

Escaping from custody contrary to section 61 of the Defence Act.

Offences in Relation to Courts-martial

SECTION 62

(1) Contempt of a court-martial contrary to section 62 (1) of the Defence Act.

Miscellaneous Offences

SECTION 64

(1) Disclosing information contrary to section 64 (1) of the Defence Act.

SECTION 65

Making a false answer on enlistment contrary to section 65 of the Defence Act.

SECTION 66

(1) Making a false statement contrary to section 63 (1) of the Defence Act.

(a) Making a false entry in a statement document contrary to section 66 (a) of the Defence Act.

(b) Altering an entry in a service document contrary to section 66 (b) of the Defence Act.
(c) Failing to make an entry in a service document with intent to defraud contrary to section 66 (c) of the Defence Act.

(d) Being a party to

\[
\begin{align*}
\text{making} & \quad \text{a false} \\
\text{signing} & \\
\text{making a false entry in a} & \\
\text{altering a} & \\
\text{altering an entry in a} & \\
\text{making away with a} & \\
\text{suppressing a} & \\
\text{defacing a} & \\
\text{failing to make an entry in a service document with intent to defraud} & \\
\end{align*}
\]

SECTION 67

Scandalous conduct unbecoming the character of an officer contrary to section 67 of the Defence Act.

SECTION 68

(a) Striking

\[
\begin{align*}
\text{an officer of inferior rank} \\
\text{an officer of less seniority} \\
\text{a soldier} \\
\text{a warrant officer of inferior rank} \\
\text{a warrant officer of less seniority} \\
\end{align*}
\]

contrary to section 68 (a) of the Defence Act.

(b) Striking

\[
\begin{align*}
\text{a non-commissioned officer of inferior rank} \\
\text{a non-commissioned officer of less seniority} \\
\text{a private soldier} \\
\end{align*}
\]

contrary to section 68 (b) of the Defence Act.

SECTION 69

Disgraceful conduct of

\[
\begin{align*}
\text{a cruel} \\
\text{an indecent} \\
\text{an unnatural} \\
\end{align*}
\]

kind contrary to section 69 of the Defence Act.

SECTION 70

(a) Making a false accusation contrary to section 70 (a) of the Defence Act.

(b) Making a false statement

\[
\text{Wilfully suppressing a material fact}
\]

in a complaint contrary to section 70 (b) of the Defence Act.

SECTION 71

Attempting to commit a military offence contrary to section 71 of the Defence Act, that is say (set out the offence).
SECTION 72

An act
Conduct
Neglect

to the prejudice of good order and military discipline contrary to section 72 of the Defence Act.

Civil Offences

SECTION 73

Committing a civil offence contrary to section 73 of the Defence Act, that is to say
(here describe civil offence in such words as sufficiently describe the offence).

Territorial Force

SECTION 196

(1) { Desertion
Absence without leave } contrary to section 196 (1) of the Defence Act.

Reserve Force

SECTION 204

(1) { Desertion
Absence without leave } contrary to section 204 (1) of the Defence Act.
3. ILLUSTRATIONS OF CHARGE SHEETS

CHARGE SHEET
The accused No. 4567 Private John Tembo, 1st Battalion, The Zambia Regiment, a private soldier of the Regiment, are charged with:

1st Charge:

STEALING PUBLIC PROPERTY CONTRARY TO SECTION 49 (1) (A) OF THE DEFENCE ACT,

in that he

at Lusaka on 1st March, 1964, stole a pair of binoculars, public property.

2nd Charge (alternative to the 1st charge):

RECEIVING PUBLIC PROPERTY CONTRARY TO SECTION 49 (1) (B) OF THE DEFENCE ACT,

in that he

at Lusaka on 1st March, 1964, did receive a pair of binoculars, public property, knowing them to have been stolen.

LUSAKA, E. GREEN,
12th March, 1964. Lieutenant-Colonel,
Commanding 1st Battalion,
The Zambia Regiment,
Commanding Officer of the accused.

To be tried by Court-martial.

LUSAKA, A. D. WHITE,
16th March, 1964. Brigadier,
Commander, Zambia Army.

CHARGE SHEET
The accused No. 2572 Corporal John Bull, a non-commissioned officer of the Territorial Force of the Army, No. 6789 Aircraftman Thomas Atkins, an airman of the Air Force Reserve when employed as an Aircraftman under the Defence Act, both of Headquarters, Zambia Army, are charged with:

Both accused jointly.
1st Charge:

COMMITTING A CIVIL OFFENCE CONTRARY TO SECTION 73 OF DEFENCE ACT, THAT IS TO SAY

Contrary to Section 247 Of The Penal Code

in that they

at Mbala on 1st March, 1964, assaulted Jack Sprat.

Corporal Bull only

2nd Charge:

STRIKING A SUPERIOR OFFICER CONTRARY TO SECTION 38 (1) (A) OF THE DEFENCE ACT,

in that he

when on active service at Mbala on 1st March, 1964, struck No. 1234 Sergeant V. Green, 1st Battalion, The 2

Aircraftman Atkins only

USING INSUBORDINATE LANGUAGE TO A SUPERIOR OFFICER CONTRARY TO SECTION 38 (1) (C)

in that he

when on active service at Mbala on 1st March, 1964, when asked by Captain J. Bloggs, Royal Army Service C

LUSAKA, A. M. BROWN,
12th March, 1964. Major,
Officer Commanding, Headquarters details,
Zambia Army,
Commanding Officer of the accused.

To be tried by Court-martial.

LUSAKA, JOHN SMITH,
16th March, 1964. Major,
Captain authorised to sign for Commander, Zambia Army.
THIRD SCHEDULE

(Rule 19)

RECORD OF PROCEEDINGS BEFORE AN APPROPRIATE SUPERIOR AUTHORITY

Accused's Number, Rank And Name

UNIT

1. *Question to be put to the accused by the officer dealing with the case before the charge is read.*
   Q. Have you received a copy of the charge sheet and [summary] [abstract] of evidence not less than 24 hours ago?
   A.
   Q Have you had sufficient time to prepare your defence?
   A.

2. *The officer dealing with the case shall then read the charge(s) to the accused and ask him the following question:*
   Q. Have you agreed in writing that the witnesses against you need not give their evidence in person?
   A.

3. *If the accused has agreed in writing that the witnesses against him need not give their evidence in person, the officer dealing with the case shall read the summary or abstract of evidence to the accused if the accused so requires but, if the accused has not so agreed, the witnesses against him shall give their evidence in person and it shall be recorded on a separate sheet and be attached to this record.*

4. *After the summary or abstract of evidence has been read or the witnesses against the accused have given their evidence, as the case may be, the officer dealing with the case shall say to the accused-*
   Q. Do you wish to give evidence on oath or to make or hand in a statement without being sworn? Your evidence or statement may deal with the facts of the case, with your character and with matters in mitigation of punishment.
   A.
   Q Do you wish to adduce any other evidence in your defence?
   A.

5. *If the accused elects to give evidence or to make a statement or to call witnesses, the evidence for the defence including any statement made by the accused himself shall be recorded on a separate sheet and attached to this record. The officer dealing with the case shall then: (i) consider all the evidence and determine whether the accused is guilty of the offence or not; and (ii) he determines that the accused is guilty examine and consider the accused's record of service. If he intends to award the punishment of forfeiture of seniority of rank or of a fine or of stoppages or the finding will involve a forfeiture of pay, he shall not*
announce and record his finding unless the accused says in answer to the following question that he will accept his award.

Q. Will you accept my award or do you elect to be tried by court-martial?

A

6. FINDING

AWARD

Date .................................... 19 .......

(Signature, rank and appointment of appropriate superior authority)

___________
FOURTH SCHEDULE

(Rules 21, 66, 70, 79, 90, 91, 94, 95, 96, 101, 102 and 103)

COURT-MARTIAL FORMS

1. Convening Orders
2. Declarations under Rules 102 and 103
3. Summons to a Witness to Attend a Court-martial
4. Notices Requiring Oral Evidence to be Given in lieu of a Statutory Declaration
5. Record of Proceedings of a Court-martial
6. Findings
7. Record of Reconsideration of Finding under Rule 79 (5)
8. Service Record of Accused
9. Record of Proceedings on Revision under Section 104 of the Defence Act
10. Confirmation
11. Determination by a Confirming Officer or Reviewing Authority of a Suspended Sentence and Direction that Sentences are to Run Concurrently or Consecutively
12. Direction under Section 118 (3) of the Defence Act
13. Restitution Order
14. Promulgation
1. CONVENING ORDERS

CONVENING ORDERS FOR COURT-MARTIAL

ORDERS BY

Commanding

(Place and date)

The detail of officers as mentioned below will assemble at
at ................ hours on the ................ day of 19 .......
for the purpose of trying by court-martial the accused person(s) named in the margin.

PRESIDENT

MEMBERS

WAITING MEMBERS

*JUDGE ADVOCATE

The judge advocate has been appointed by or on behalf of the Vice-President..

is hereby appointed judge advocate.

* A field officer having suitable qualifications is not in the opinion of the convening officer available with due regard to the public service.

The record of the proceedings will be forwarded to
Signed this ................ day of .................., 19 .......

(Signature, rank and appointment of the convening officer)

or

(Signature, rank and appointment of the appropriate staff officer)

Authorised to sign for

(appointment held by the convening officer)
* Strike out if not applicable.
2. DECLARATIONS UNDER RULES 102 AND 103

Declaration under Rule of Procedure 102

In the case of

I [the officer who [is] [would be] responsible for convening a court-martial to try the accused] [the senior officer on the spot] hereby declare that in my opinion the following exigencies of the service, namely render compliance with the following provisions of the Rules of Procedure impracticable.

Signed at this ............................................. day of .................................., 19 ......

(Signature)

Declaration under Rule of Procedure 103

In the case of

I [the officer who [is] [would be] responsible for convening a court-martial to try the accused] [the senior officer on the spot] hereby declare that in my opinion the contain(s) information the disclosure of which would or might be directly or indirectly useful to an enemy.

Signed at this ............................................. day of .................................., 19 ......

(Signature)
3. SUMMONS TO A WITNESS TO ATTEND A COURT-MARTIAL

To.........................................................................

WHEREAS a court-martial [has been ordered to assemble at ]
[has assembled at .............................. ] on the   day
of ............................... , 19 ...... for the trial of

YOU ARE PURSUANT TO SECTION 131 OF THE DEFENCE ACT AND RULE 90
OF THE DEFENCE FORCE (PROCEDURE) RULES MADE THEREUNDER
SUMMONED and required to attend as a witness at the sitting of the said court at
on the ............................... day of , 19 .......
at ............... o'clock in the ............... noon and to bring with you the documents
hereinafter mentioned, viz

and so to attend from day to day until you shall be duly discharged; whereof you shall fail at
your peril.

Given under any hand at .......................... on the   day
of .............................. , 19 ......

An officer authorised to convene a court-martial.*
President of the court.*

Authorised to sign for

An officer authorised to convene a court-martial.*

*Strike out if not applicable.
4. NOTICE REQUIRING ORAL EVIDENCE TO BE GIVEN IN LIEU OF A STATUTORY DECLARATION

Notice by a commanding officer
To..................................................

I commanding ..........................
hereby give notice that I require that   shall
give oral evidence in lieu of [his] [her] statutory declaration dated
at your forthcoming trial by court-martial.

Date................................................., 19.....

(Signature and rank)

Commanding officer of the accused

Notice by an accused
To  commanding ..........................

I hereby give notice that I
require that   shall give oral evidence
in lieu of [his] [her] statutory declaration dated   at
my forthcoming trial by court-martial.

Date ......................................, 19 ..........                .....

(Signature)
5. RECORD OF PROCEEDINGS OF A COURT-MARTIAL

RECORD OF PROCEEDINGS OF A COURT-MARTIAL

Proceedings of a ................................ court-martial held at
on the   day of ........................ , 19 ....... by order
of   Commanding ........................................
dated the    day of ...................................... , 19.......

PRESIDENT

MEMBERS

JUDGE ADVOCATE

Trial of

The court comply with Rule of Procedure 25.

not being available

owing to

the president appoints a qualified
waiting member to take his place.

The accused is brought before the court.

Prosecutor

Defending [officer] [counsel]

At ......................... hours the trial begins.

The convening order is read in the hearing of the accused, marked
signed by the president and attached to the record.

The names of the president and members of the court are read in the hearing of the accused
and they severally answer to their names.

Q  Do you object to being tried by me as president, or by any of the officers whose names
you have heard read?

A  .

The proceedings relating to the objection(s) are recorded on

__________
SWEARING

The president, members of the court and judge advocate are duly sworn.

The [following] officers under instruction [listed on page .........] are duly sworn.
Q    Do you object to   as shorthand writer?
A.    
      is duly sworn as shorthand writer.
Q    Do you object to   as interpreter?
A .    
      is duly sworn as interpreter.

SPECIAL PLEAS AND OBJECTIONS

The accused offers a plea to the jurisdiction under Rule of Procedure 35. The proceedings relating to his plea are recorded on page ..... 

The accused objects to the   charge(s) under Rule of Procedure 36. The proceedings relating to his objection(s) are recorded on page ......

The accused offers (a) plea(s) in bar of trial under Rule of Procedure 37 in respect of the charge(s). The proceedings relating to his plea(s) are recorded on page ... ..... 

The accused applies under Rule of Procedure 38 to be tried separately. The proceedings relating to his plea(s) are recorded on page .......

The accused applies under Rule of Procedure 39 to have charges and   tried separately. The proceedings relating to his application are recorded on page .......

ARRANGEMENT

The charge sheet is read to the accused and he is arraigned on each charge.

The charge sheet is signed by the president and inserted in the record immediately before this page as page(s) ..... 
Q.   Are you guilty or not guilty of the first charge against you which you have heard read?
A   .
Q   Are you guilty or not guilty of the second charge against you which you have heard read?
A   .
Q   Are you guilty or not guilty of the third charge against you which you have heard read?
A   .
Q   Are you guilty or not guilty of the fourth charge against you which you have heard read?
A   .
Q   Are you guilty or not guilty of the fifth charge against you which you have heard read?
A   .
Q Are you guilty or not guilty of the sixth charge against you which you have heard read?
A

   The accused having pleaded guilty to the ... charge(s) Rule of Procedure 41 is duly complied with in respect of [this] [these] charge(s).

   The accused's pleas to the remaining charges are recorded overleaf.

C2 PAGE .......

Q Are you guilty or not guilty of the seventh charge against you which you have heard read?
A

Q Are you guilty or not guilty of the eighth charge against you which you have heard read?
A

Q Are you guilty or not guilty of the ninth charge against you which you have heard read?
A

Q Are you guilty or not guilty of the tenth charge against you which you have heard read?
A

Q Are you guilty or not guilty of the eleventh charge against you which you have heard read?
A

Q Are you guilty or not guilty of the twelfth charge against you which you have heard read?
A

D1 PAGE .......

PROCEEDINGS ON PLEA(S) OF NOT GUILTY

Q Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with, and that you have been prejudiced thereby, or on the ground that you have not had sufficient opportunity for preparing your defence?
A

   The prosecutor [makes an opening address shortly outlining the facts] [makes an opening address which is summarised below] [hands in a written address which is read, signed by the president, marked and attached to the record].

D2 PAGE .......

   The witnesses for the prosecution are called.

being duly sworn says:
Continued on page .........

           
PROCEEDINGS ON PLEA(S) OF NOT GUILTY *(continued)*

The prosecution is closed.

The accused submits under Rule of Procedure 57 that there is no case for him to answer in respect of the charge(s). The proceedings relating to this submission are recorded on pages .............

DEFENCE

Rule of Procedure 58 is complied with.

Q. Do you apply to give evidence yourself on oath or do you wish to make a statement without being sworn?
A.

Q. Do you intend to call any other person as a witness in your defence?
A.

Q. Is he a witness as to fact or to character only?
A.

Q. Do you wish to make an opening address?
A. *

* The accused [makes an opening address which is summarised below] [hands in a written address which is read, signed by the president, marked and attached to the record].

* Strike out if accused does not intend to call witnesses as to fact, other than himself.

(Where the accused makes a statement without being sworn)

The accused [makes a statement, which is recorded on page .............] [hands in a written statement which is read, marked and signed by the president, and attached to the record].

(Where evidence on oath is given for the defence)

The witness for the defence (including the accused if sworn) are called, ..................... being duly sworn says:
Continued on page .............

D5 PAGE ......
PROCEEDINGS ON PLEA(S) OF NOT GUILTY (continued)

The [makes a closing address which is summarised on page .............] [hands in a closing address which is read, marked signed by the president and attached to the record].

Final question addressed to the accused personally.

* { Q Is there anything further that you wish to say to the court?
  A. The accused makes a statement which is recorded on page ......

The court close to deliberate on sentence.

* Strike out if F1 is completed before F2.

F2

PROCEEDINGS ON CONVICTION

(NOTE.-F2 should be completed before F1 if the accused has pleaded not guilty to all charges.)

The prosecutor calls evidence as to the accused's character and record. is duly sworn.

Q. Do you produce the service record of the accused?
A. I produce.
Q. Have you compared it with the service books?
A.
Q. Do the entries on it correspond with the entries in the service books?
A.

The ........................................... is read, marked , signed by the president and attached to the record.

The accused [declines] [elects] to cross-examine this witness [and the cross-examination is recorded on pages ........].

The prosecutor adduces evidence under Rule of Procedure 70 (3) which is recorded on pages ..........}

Final question addressed to the accused personally.

* { Q Is there anything further that you wish to say to the court?
  A. The accused makes a statement which is recorded on page ......
The court close to deliberate on sentence.

* Strike out if F2 is completed before F1.

SENTECE

The court sentences the accused.

to

ANNOUNCEMENT OF SENTENCE

The court reopened, the accused is again brought before it.

The sentence (and recommendation to mercy) [is] [are] announced in open court: the sentence is announced subject to confirmation.

The president announces that the trial is concluded.

Signed at this ................. day of ................., 19 ..........

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

Judge Advocate                                                                                         President

CONFIRMATION

1. For minutes of confirmation see the Fourth Schedule to the Rules of Procedure. Promulgation should be recorded immediately below the minute of confirmation in accordance with Rule of Procedure 94 (7).

   \[
   \begin{align*}
   \{ & \text{Final question addressed to the accused personally.} \\
   & \begin{align*}
   \text{Q} & \quad \text{Is there anything further that you wish to say to the court?} \\
   \text{A} & \quad \text{The accused makes a statement which is recorded on page} \\
   \end{align*}
   \end{align*}
   \]

   * Strike out if F1 is completed before F2.
F2

PROCEEDINGS ON CONVICTION

(Note.-F2 should be completed before F1 if the accused has pleaded not guilty to all charges.)

The prosecutor calls evidence as to the accused's character and record, is duly sworn.
Q. Do you produce the service record of the accused?
A. I produce.
Q. Have you compared it with the service books?
A.
Q. Do the entries on it correspond with the entries in the service books?
A.

The ...................................... is read, marked , signed by the president and attached to the record.

The accused [declines] [elects] to cross-examine this witness [and the cross-examination is recorded on pages ........].

The prosecutor adduces evidence under Rule of Procedure 70 (3) which is recorded on pages .........

* Final question addressed to the accused personally.

* Strike out if F2 is completed before F1.

G       PAGE ..... 

SENTENCE

The court sentences the accused to

ANNOUNCEMENT OF SENTENCE

The court reopened, the accused is again brought before it.
The sentence (and recommendation to mercy) [is] [are] announced in open court; the sentence is announced subject to confirmation.

The president announces that the trial is concluded.

Signed at this .................................... day of ................. , 19 .......

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

Judge Advocate                                                                                         President

CONFIRMATION

1. For minutes of confirmation see the Fourth Schedule to the Rules of Procedure. Promulgation should be recorded immediately below the minute of confirmation in accordance with Rule of Procedure 94 (7).
6. FINDINGS

Acquittal on all charges
not guilty of [the charge] [all the charges].

not guilty of [the charge] [all the charges], and honourably acquit him thereof.

Acquittal on some but not all charges
not guilty of the ....................... charge(s) but is guilty of the charge(s).

not guilty of the charge(s) and honourably acquit him thereof but is guilty of the .................. charge(s).

Conviction on all charges
guilty of [the charge] [all the charges].

Special findings
guilty of the charge [with the exception of the words........
  ] [with the exception that ......................].

not guilty of the offence charged but is guilty of

No finding on alternative charge.
guilty of the charge; the court record no finding on the
..................... (alternative) charge.

Where the accused is unfit to stand his trial by reason of insanity
by reason of insanity unfit to stand his trial.

Accused guilty but insane at the time when the offence was committed
guilty but insane.
7. RECORD OF RECONSIDERATION OF FINDING UNDER RULE 79 (5)

The judge advocate advises the court that the finding(s) on the charge(s) [is] [are] contrary to the law relating to the case, and that in his opinion the following finding(s) [is] [are] open to them:

The court is closed for reconsideration of finding.
The court on reconsideration find that the accused is

The finding(s) on reconsideration [is] [are] read in open court and (with the exception of the finding(s) of "not guilty") [is] [are] announced as being subject to confirmation.
8. SERVICE RECORD OF ACCUSED

<table>
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<tr>
<th>Number</th>
<th>Rank</th>
<th>Name</th>
<th>Regiment</th>
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1. He was enlisted on , 19 ....... and commissioned on 
   ......................................................

2. He is serving on a ..................................

3. His age is ....................... years.

4. He is single/married/divorced/widowed and has children under the age of 16 years.

5. His gross rate of pay is ............... per day, but he is

6. His reckonable service towards discharge or transfer to the reserve is  years.

7. His reckonable service towards pension, gratuity, etc., is  years.

8. (a) He is entitled to the following decorations and awards:

(b) The following acts of gallantry or distinguished conduct are recorded in his conduct sheet:

9. He holds the substantive rank of   with seniority from , 19 ........and has held the acting rank of 
   ...........................................continuously since , 19 ...........

10. He has been awaiting trial for   days since he was first, in connection with the matters for which he is before the court, charged or placed in arrest, of which day spent in civil custody,  days were spent in close arrest and  days were spent in open arrest.

11. [He is not now under sentence] [He is now under sentence of beginning on , 19 .......but suspended on ...............,
   19 ....... and (not yet put into operation again) (put into operation on 
   .............................., 19 .......).

12. According to his conduct sheets, he has been found guilty by his commanding officer or by the command military establishment of the following offences:

<table>
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<tr>
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<th>In the last 12 months</th>
<th>During his service</th>
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<td>times times</td>
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<td>times times</td>
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13. The detail, according to his conduct sheets, of offences of which he has been convicted by court-martial, which he has been found guilty during his service by a civil court, offences taken into consideration by such court(s) and all other offences of which he has been found guilty by an appropriate superior authority, are set out in the Schedule.
9. RECORD OF PROCEEDINGS ON REVISION UNDER SECTION 104 OF THE DEFENCE ACT

At ......................... on the  day of .......... at ................ hours the court reassembled by order of the confirming officer for the purpose of reconsidering their finding(s) on the ................. charge(s).

Present

The order directing the reassembly of the court and giving the reasons therefor is read, marked, signed by the president and attached to the record.

The court having considered the observations of the confirming officer and the whole of the record of the proceeding do now revoke their finding(s) on the charge(s) and find that the accused is ............ and [adhere to their sentence] [sentence the accused to ............ in substitution for the original sentence].

or

The court having considered the observation of the confirming officer respectfully adhere to their finding(s) on the charge(s) [and to their sentence] [but sentence the accused in substitution for the original sentence].

or

The court having considered the observations of the confirming officer and the whole of the record of the proceeding do now revoke their finding(s) on the charge(s) and find the accused 

not guilty of [that] [those] charge(s).

Signed at this ................................... day of .......... , 19 ..........

........................................................................................              ........................................................................
Judge Advocate                                                                                         President
10. CONFIRMATION

NOTE.-These forms are for guidance only and do not constitute an exhaustive list of all the possible variations and should be adapted to the circumstances of each case.

Confirmed.

I confirm the court's finding(s), sentence and order under section 126 of the Defence Act but [remit ..................] [commute. ..................].

I confirm the court's finding(s), sentence and order under section 126 of the Defence Act but mitigate the sentence so that it shall be as follows:

I vary the sentence so that it shall be as follows and confirm the finding and sentence as so varied.

I confirm the finding(s) and sentence but [postpone the carrying out of the sentence of until .........................] [suspend the sentence of. ..........................].

I confirm the finding(s) but substitute the sentence of for the sentence of the court.

I substitute a finding of for the finding of the court and confirm the sentence but [remit ] [commute ...............]

I substitute a finding of for the finding of the court on the charge and confirm the finding(s) of the court on the charge(s) and the sentence.

Not confirmed [on the grounds that ].

I confirm the finding(s) of the court on the charge(s) but do not confirm their finding(s) on the charge(s) (on the grounds that ). I confirm the sentence but [remit .........................] [commute .........................].
I refer the finding(s) and sentence to [person] for confirmation.

I confirm the finding(s) of the court on the [charge(s)] and refer the finding(s) on the charge(s) and the sentence to [person] for confirmation.

I confirm the finding(s) of the court but refer the sentence to [person] for confirmation.

[The record] [Part of the record] of the proceedings of the court-martial which tried [person] at [location] on the [date] day of [year], 19[...]. Having been lost I do not confirm the finding(s) of the court.

Signed at [location] on the [date] day of [year].

(Signature, rank and appointment of confirming officer)
11. DETERMINATION BY A CONFIRMING OFFICER OR REVIEWING AUTHORITY OF A SUSPENDED SENTENCE AND DIRECTION THAT SENTENCES ARE TO RUN CONCURRENTLY OR CONSECUTIVELY

I [the confirming officer] [the reviewing authority] hereby order the accused to be committed to [imprisonment] [detention] under the sentence passed on him by the court-martial held at on the day of ................., 19 ....... and direct that that sentence and the sentence passed on the accused by [this court-martial] [the court-martial held at on ................... day of ........... , 19 .........] shall run [concurrently] [consecutively].

Date ............................................. , 19 ......

(Signature)
12. DIRECTION UNDER SECTION 118 (3) OF THE DEFENCE ACT

I [confirming officer]
[reviewing authority] hereby direct that the accused
(number, rank, name or other description) shall not be required to be returned to Zambia
until he has served
[ months] [.............. years] of the sentence of [imprisonment] [detention] passed on him.

Date ............................................. , 19 .......

(Signature)
13. RESTITUTION ORDER

In accordance with subsection of section 126 of the Defence Act, I hereby order that be [delivered] [paid] to ................................

Date ............................................. , 19 .......

(Signature) ........................................

[Confirming officer]
[Reviewing authority]

_________
14. PROMULGATION

Promulgated and extracts taken at *(place)*
this ................ day of ................, 19 .......

*(Signature, rank and appointment of officer*
*making the promulgation)*
THE SCHEDULE HEREBEFORE REFERRED TO

<table>
<thead>
<tr>
<th>No.</th>
<th>Rank</th>
<th>Name</th>
<th>Description of court or appropriate superior authority</th>
<th>Date and place of trial or summary dealing</th>
<th>Charges on which convicted or found guilty and offences taken into consideration</th>
<th>Sentence or order of court as confirmed of appropriate su authority</th>
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I HEREBY CERTIFY that this form and schedule contain a summary of entries in the service books relating to...

Signed this day of (Name)
FIFTH SCHEDULE

(Rules 19 and 73)

SENTENCES

1. Sentences
2. Forfeiture of Seniority of Rank
3. Determination of a Suspended Sentence and Direction that Sentences
   are to Run Concurrently or Consecutively
4. Recommendation under Section 118 (3) of the Defence Act
5. Restitution Order
1. SENTENCES

NOTE.-The words in the margin should be entered in the right-hand margin of the record of the proceedings of a court-martial opposite the record of the sentence.

OFFICERS

To suffer death. Death

To be imprisoned for ...................... and to be cashiered. Imprisonment and cashiering

To be cashiered. Cashiering

To be dismissed from the Defence Force. Dismissal

(For form of sentence see 2 below.) Forfeiture of seniority or rank

To be fined .............. Fine

To be [severely reprimanded] [reprimanded]. [Severe reprimand] [Reprimand]

To be put under stoppages of pay until he has made good the sum of in respect of ......................... Stoppages

WARRANT OFFICERS AND NON-COMMISSIONED OFFICERS

To suffer death. Death

To be imprisoned for ...................... and to be reduced to the ranks. Imprisonment and reduction to the ranks
To be discharged with ignominy from the Defence Force.

__________

Discharge with ignominy

To be dismissed from the Defence Force (warrant officers only).

__________

Dismissal

To undergo detention for ................. and to be reduced to the ranks.

__________

Detention and reduction to the ranks

To undergo field punishment for days and to be reduced to the ranks.

__________

Field punishment and reduction to the ranks

To be reduced [to the ranks] [to the rank of .....................].

__________

Reduction to the ranks [Reduction to ........]

(For forms of sentence see 2 below.)

__________

Forfeiture of seniority of rank

[To forfeit ................ service.

__________

Forfeiture of service

To be fined ....................

__________

Fine

To be [severely reprimanded] [reprimanded].

__________

[Severe reprimand] [Reprimand]

To be put under stoppages of pay until he has made good the sum of in respect of ................

__________

Stopping
To suffer death.  
__________  

Death

To be imprisoned for ..........................
__________  

Imprisonment

To be discharged with ignominy from the Defence Force.
__________  

Discharge with ignominy

To undergo detention for ....................
__________  

Detention

To undergo field punishment for .................. days.
__________  

Field punishment

To forfeit ................ service.
__________  

Forfeiture of service

To be fined ................
__________  

Fine

To be put under stoppages of pay until he has made good the sum of in respect of .................
__________  

Stoppages
2. FORFEITURE OF SENIORITY OF RANK ARMY OFFICERS

To take seniority in the rank of in the army and in his corps as if his appointment to that rank bore date the day of 19 ......

or where the officer's rank or seniority in the army and his rank or seniority in his corps differ

To take seniority in the rank of in the army as if his appointment to that rank bore date the day of 19 .......

AIR FORCE OFFICERS

To take seniority in the rank of as if his appointment to that rank bore date the day of 19 ......

or

To take precedence in the rank held by him in the Air Force as if his name appeared places lower in the Air Force List for ..........................

WARRANT OFFICERS AND NON-COMMISSIONED OFFICERS IN THE ARMY

To take seniority in the rank of as if his appointment to that rank bore date the day of 19 ......

or

To take seniority in the rank of as if his name appeared next below in the promotion roll serial No. 19 ......

WARRANT OFFICERS AND NON-COMMISSIONED OFFICERS IN THE AIR FORCE
To take seniority in the rank of [redacted] as if his appointment to that rank bore date the [redacted] day of [redacted], 19[redacted].
3. DETERMINATION OF A SUSPENDED SENTENCE AND DIRECTION THAT SENTENCES ARE TO RUN CONCURRENTLY OR CONSECUTIVELY

The court hereby order the accused to be committed to [imprisonment] [detention] under the sentence passed on him by the court-martial held at on the .................................. day of , 19 .......
and direct that that sentence and the sentence on the accused by this court-martial shall run [concurrently] [consecutively].
4. RECOMMENDATION UNDER SECTION 118 (3) OF THE DEFENCE ACT

The court recommends that the accused (number, rank, name or other description) shall not be required to be returned to Zambia until he has served [ ............... months] [ ............... years] of his sentence.
5. RESTITUTION ORDER

In accordance with subsection of section 126 of the Defence Act, the court hereby order that be [delivered] [paid] to
SIXTH SCHEDULE

(Rule 33)

OATHS AND AFFIRMATIONS

1. Oaths at Investigations by Commanding Officers and Appropriate Superior Authorities
2. Oaths at Court-martial
3. Scottish Oaths
4. Manner of Administering Oaths
5. Solemn Affirmations

1. OATHS AT INVESTIGATIONS BY COMMANDING OFFICERS AND APPROPRIATE SUPERIOR AUTHORITIES

Interpreter

I swear by Almighty God that I will to the best of my ability truly interpret and translate as I shall be required to do touching the matter being investigated.

Witness

I swear by Almighty God that the evidence which I shall give at this investigation shall be the truth, the whole truth and nothing but the truth.

____________________

2. OATHS AT COURT-MARTIAL

President and members

I swear by Almighty God that I will well and truly try the [accused] [accused persons] before the court according to the evidence, and that I will duly administer justice according to the Defence Act without partiality, favour or affection, and I do further swear that I will not on any account at any time whatsoever disclose or discover the vote or opinion of the president or any member of this court-martial, unless thereunto required in due course of law.

Judge advocate
I swear by Almighty God that I will to the best of my ability carry out the duties of judge advocate in accordance with the Defence Act and the rules made thereunder and without partiality, favour or affection, and I do further swear that I will not on any account at any time whatsoever disclose or discover the vote or opinion on any matter of the president or any member of this court-martial, unless thereunto required in due course of law.

Officer under instruction

I swear by Almighty God that I will not on any account at any time whatsoever disclose or discover the vote or opinion of the president or any member of this court-martial unless thereunto required in due course of law.

Shorthand writer

I swear by Almighty God that I will truly take down to the best of my power the evidence to be given before this court-martial and such other matters as may be required, and will, when required, deliver to the court a true transcript of the same.

Interpreter

I swear by Almighty God that I will to the best of my ability truly interpret and translate, as I shall be required to do, touching the matter before this court-martial.

Witness

I swear by Almighty God that the evidence which I shall give before this court-martial shall be the truth, the whole truth, and nothing but the truth.

3. SCOTTISH OATHS

The form of Scottish oath shall in each case be the same as the form of oath set out above except that for the words "I swear by Almighty God" shall be substituted the words "I swear by Almighty God and as I shall answer to God at the Great Day of Judgment".

4. MANNER OF ADMINISTERING OATHS
Christians taking the oath shall, unless female, remove their head-dress and, holding the Bible or New Testament in their right hand, say to or repeat after the person administering the oath the words of the oath. Jews shall take the oath in the same manner except that they shall wear their head-dress and hold the Old Testament in their right hand.

5. SOLEMN AFFIRMATIONS

The person making a solemn affirmation shall say to or repeat after the person administering the solemn affirmation the words of the appropriate form of oath except that for the words "I swear by Almighty God" he shall substitute the words "I (name in full) do solemnly, sincerely and truly declare and affirm" and for the word "swear" wherever it occurs the words "solemnly, sincerely and truly declare and affirm".

SEVENTH SCHEDULE
(Rule 100)
PETITIONS

PETITION TO CONFIRMING OFFICER (BEFORE CONFIRMATION)

To the confirming officer.

I, having been convicted by court-martial on ............................................. at
and having been sentenced to ...........................................................................
hereby petition against the finding(s) on the charge(s) and the sentence on the following grounds:

PETITION TO REVIEWING AUTHORITY (AFTER PROMULGATION)

To ..................................................

I, having been convicted by court-martial on ............................................. at
and having been sentenced to ...........................................................................
and having had the finding(s) and sentence promulgated to me on
hereby petition against the finding(s) on the charge(s) and sentence on the following grounds:

Signed
Dated
THE DEFENCE FORCE (BOARDS OF INQUIRY)
RULES [ARRANGEMENT OF RULES]

Rule
1. Title
2. Interpretation
3. Duties of boards
4. Matters for reference to boards
5. Deferring and staying of proceedings
6. Convening
7. Constitution
8. Assembly and procedure
9. Adjournment and reassembly
10. Witnesses
11. Persons who may be affected by the findings
12. Evidence
13. Oaths and affirmations
14. Exhibits
15. Record of proceedings
16. Entries of reports in service books
17. Free copy of proceedings
18. Revocation of Part V of Defence Forces (Discipline) Regulations, 1956

SCHEDULE-Declaration required by rule 4 of the Defence Force (Boards of Inquiry) Rules

SECTION 133-THE DEFENCE FORCE (BOARDS OF INQUIRY) RULES
Rules by the President

1. These Rules may be cited as the Defence Force (Boards of Inquiry) Rules

2. In these Rules, unless the context otherwise requires-
"the authority", in relation to a board, means any Army or Air Force officer empowered by or under these Rules to convene a board;

"board" means board of inquiry;

"civilian witness" means a person who gives evidence before a board and includes a person to whom subsection (1) of section two hundred and seven of the Act applies, and a civilian who is subject to service law under the Acts;

"president" means president of a board;

"record of the proceedings", in relation to a board, includes the report of the board and any declaration or recommendation made, or opinion expressed, by the board in accordance with any directions given by the authority;

"represented" means represented by an officer or by counsel (which means any practitioner as defined in section two of the Legal Practitioners Act) and includes, in the case of a civilian employee in the service of the Government, representation by such person's trade union or staff association representative; and 'representative" shall be construed accordingly.

3. It shall be the duty of a board to investigate and report on the facts relating to any matter referred to the board under these Rules and, if directed so to do, to make such declaration or recommendation and to express their opinion on any question arising out of any such matter.

4. (1) Subject to the provisions of these Rules, a board shall be convened with reference to-

(a) the absence of any person subject to military law under the Act who has been continually absent without leave for a period of not less than twenty-one days and the deficiency (if any) in the clothing, arms, ammunition or other equipment or any other public or service property issued to him for his use, and, if satisfied that such member has absented himself without leave or other sufficient cause, the board shall make a declaration in the form prescribed in the Schedule;
(b) the capture of any person subject to military law under the Act by the enemy and his conduct in captivity if, on his return from captivity, the authority considers that there are reasonable grounds for suspecting-

(i) that he was made a prisoner of war through disobedience to orders or wilful neglect of his duty; or

(ii) that having been made a prisoner of war he failed to take any reasonable steps available to him to rejoin the Defence Force; or

(iii) that having been made a prisoner of war he served with or aided the enemy in the prosecution of hostilities or measures calculated to influence morale or in any other manner whatsoever not authorised by international usage; and

(c) the death of any person where an inquiry into the death is not required to be held by any civil authority.

(2) Subject to the provisions of these Rules, a board may be convened with reference to any matter which the authority decides to refer to a board.

5. (1) Subject to sub-rule (2), where any matter is the subject of investigation under service law or by a civil authority, or of an inquiry under service law, or of proceedings under service law, or of proceedings in a civil court whether within or without Zambia, and-

(a) a board has not been convened with reference thereto, the authority may defer the convening of a board until the completion of such investigation or proceedings as aforesaid and upon completion thereof shall not be required to convene a board, if satisfied that a board is not necessary; or

(b) a board has already been convened with reference thereto, the authority may stay the proceedings of the board until such investigation or proceedings as aforesaid have been completed and shall then dissolve the board, if satisfied that a board is not necessary.

(2) The provisions of sub-rule (1) shall not apply to the convening of a board with reference to such absence and such deficiency (if any) as are mentioned in rule 4 (1) (a), but, where the authority is satisfied that the absence has terminated, or where the absentee is attached to the United
Kingdom Military or Air Forces and the authority is satisfied that an inquiry into the absence is being or will be held under service law, and-

(a) a board has not yet been convened with reference to the absence and deficiency (if any), the authority shall not be required to convene a board; or

(b) a board has already been convened with reference thereto, the authority may forthwith dissolve the board.

6. (1) A board of inquiry may be convened by order of-

(a) any officer not below the rank of colonel; or

(b) any officer who is acting for the time being in place of such an officer; or

(c) any officer commanding a unit or detachment of the Defence Force-

(i) with reference to such absence and such deficiency (if any) as are mentioned in rule 4 (1) (a);

(ii) if authorised by any such officer as is mentioned in paragraph (a), (b), or (c), with reference to any particular matter or to matters of any specified class or description.

(2) The following provisions shall apply in relation to the order convening a board:

(a) the order shall specify the composition of the board and the place and time at which the board shall assemble;

(b) the order shall specify the terms of reference of the board, and where the matter referred to the board is that mentioned in rule 4 (1) (a), it shall be published in military orders;

(c) the order may direct the board to make a declaration or recommendation and express their opinion on any question arising out of any matter referred to the board; and

(d) the authority may at any time revoke, vary or suspend the order.
7. (1) Subject to sub-rule (2), a board shall consist of a president who shall be an officer subject to service law not below the rank of lieutenant. In addition, such officers or warrant officers subject to service law may be appointed as members of the board as the authority convening the board may determine.

(2) Where a board is convened with reference to such absence and deficiency (if any) as are mentioned in rule 4 (1) (a), the board shall consist of a president who shall be an officer not below the rank of captain subject to service law, and two members subject to service law one of whom may be a warrant officer.

(3) The authority shall appoint the president by name and each member of the board (if any), either by name or by detailing a commanding officer to appoint from persons under his command an officer of a specified rank or warrant officer.

8. (1) A board shall assemble at the time and place specified in the order convening the board.

(2) The president shall lay the terms of reference before the board and the board shall proceed to hear and record evidence in accordance with the provisions of these Rules.

9. (1) The president may from time to time adjourn the board which shall sit on such occasions and in such places as he may from time to time direct.

(2) Without prejudice to sub-rule (1), the authority may at any time, if it appears necessary or desirable, direct that the board shall reassemble for such purpose or purposes as may be specified by the authority.

10. (1) A board shall hear the evidence of the witnesses who have been made available by the authority and may hear the evidence of such other persons as they think fit.

(2) While a civilian witness is giving evidence before a board he may be
represented, but, subject to the provisions of rule 11, his representative shall not be entitled to be present at any other time.

(3) A civilian witness shall be entitled to receive the same allowance as a witness who appears before the High Court as a witness in criminal proceedings.

11. (1) Where it appears to the authority or, if a board has been convened, either to the authority or to the president that any witness or other person, being a witness or other person subject to service law, may be affected by the findings of the board, the authority or, as the case may be, the president shall take such steps as are in his view reasonable and necessary to secure that such witness or other person has notice of the proceedings and, if he so desires, has an opportunity of being present and represented, at the sittings of the board, or at such part thereof as the authority or, as the case may be, the president may specify.

(2) Any such witness or other person as is referred to in sub-rule (1) may give evidence, question witnesses or produce any witness to give evidence on the matters which may affect him and, if he is represented, his representative may question witnesses, but a representative shall not address the board except with the permission of the president.

(3) This rule shall also apply to a witness or other person who, though not subject to service law, is in the service of the Government and may be affected in his character or professional reputation by the findings of the board.

(4) If any such witness or other person as is referred to in sub-rules (1) and (3) does not avail himself of his right to be present or to be represented at the sittings of the board, the president of the board may, and shall if requested by such person as aforesaid, ensure that, upon the conclusion of the proceedings of the board, such person as aforesaid is supplied with a copy of the record of the proceedings before such record is forwarded to the authority who convened the board, and in such event the president shall request such person as aforesaid to furnish his comments in writing thereon within a reasonable time fixed by the president. Such comments shall be attached to the record of proceedings.
12. A board may receive any evidence which they consider relevant to the matter referred to the board, whether oral or written, and whether or not it would be admissible in a civil court.

13. (1) Subject to sub-rule (3), every witness before a board shall be examined on oath:

Provided that where any child of tender years called as a witness does not in the opinion of the board understand the nature of an oath, his evidence may be received, though not given on oath, if in the opinion of the board he is possessed of sufficient intelligence to justify the reception of the evidence and understands the duty of speaking the truth.

(2) Subject to sub-rule (3), an oath shall be administered to any person in attendance on a board as interpreter.

(3) If-

(a) a person objects to taking an oath, and states as the ground of his objection either that he has no religious belief or that the taking of an oath is contrary to his religious belief; or

(b) it is not reasonably practicable without inconvenience or without delaying the proceedings to administer an oath to a person in the manner appropriate to his religious belief;

he shall be permitted to make a solemn affirmation instead of taking an oath.

(4) An oath shall be administered, or an affirmation made, before a board in the form and manner prescribed by the Defence Force (Procedure) Rules.

14. (1) Subject to sub-rule (2), any document or thing produced to a board by a witness when giving his evidence shall be made an exhibit.

(2) When an original document or book is produced to a board by a witness, the board may at the request of the witness compare a copy of it
or an extract therefrom of the relevant parts with the original and, after they have satisfied themselves that such copy or extract is correct and the president has certified thereon that the board has compared it with the original and found it correct, the board may return the document or book to the witness and attach the copy or extract to the record of the proceedings as an exhibit.

(3) Every exhibit shall-

(a) be marked with a number or letter and be signed by the president or have a label affixed to it bearing a number or letter and the signature of the president;

(b) be attached to or kept with the record of the proceedings unless, in the opinion of the board, it is not expedient to attach it to or keep it with the record.

(4) When an exhibit is not attached to or kept with the record of the proceedings under paragraph (b) of sub-rule (3), the president shall ensure that proper steps are taken for its safe custody.

15. (1) The president shall record, or cause to be recorded, the proceedings of the board in writing and in sufficient detail to enable the authority to follow the course of the proceedings.

(2) Where there is no shorthand writer present, the evidence shall be taken down in narrative form recording as nearly as possible the words used:

Provided that, if the board consider it necessary, any particular question and answer shall be taken down verbatim.

(3) The evidence of each witness, as soon as it has been taken down in accordance with sub-rule (2), shall be read over to him and shall be signed by him.

(4) A record of the proceedings shall be signed by the president and other members of the board and forwarded to the authority.
16. Where a board reports that a person subject to military law has been absent without leave or other sufficient cause for a period specified in the report, not being less than twenty-one days, and that there is deficiency in any clothing, arms, ammunition or other equipment or any other public or service property issued to him for his use, a record of the report of such deficiency shall, in addition to a record of the report of such absence required under subsection (1) of section one hundred and twenty-five of the Act, be entered in the service books.

17. A person remanded for trial by court-martial in respect of any matter which has been investigated by a board shall be entitled to a free copy of the record of the proceedings of the board, but not including any report, declaration, opinion or recommendation made therein.

18. Part V of the Defence Forces (Discipline) Regulations, 1956, is hereby revoked.

SCHEDULE
The Board declare that

(number, rank, name and unit) illegally absented himself without leave (or other sufficient cause) at
(station or place) on the day of
, 19 ......., that he is still so absent, and
that on the
(date on which the inventory of kit was taken) he was deficient, and that he is still deficient
of the following articles (itemise specific articles of clothing, equipment, etc., and the value thereof):
Regulation

1. Title
2. Interpretation
3. Recruiting officers
4. Notice paper and attestation paper
5. Method of attestation
6. Corps of Instructors
7. Terms of enlistment
8. Re-engagement
9. Discharge
10. Transfer between units of the Regular Force
11. Warrants

FIRST SCHEDULE-Recruiting officers

SECOND SCHEDULE-Prescribed forms

THIRD SCHEDULE-Grounds for discharge

FOURTH SCHEDULE-Warrant

SECTION 210-THE DEFENCE FORCE (REGULAR FORCE) (ENLISTMENT AND SERVICE) REGULATIONS

Regulations by the President
1. These Regulations may be cited as the Defence Force (Regular Force) (Enlistment and Service) Regulations.

2. (1) In these Regulations, unless the context otherwise requires-

"Commander" means and includes the Army Commander and the Air Force Commander;

"enlisted" means enlisted to serve in a unit of the Regular Force of the Defence Force and "enlist" shall be construed accordingly;

"officer in charge of records" means the officer or other person whose duty it is to maintain the records of the Army or the officer or other person whose duty it is to maintain the records of the Air Force, as the case may be.

(2) References in these Regulations to military or Army rank include references to the corresponding Air Force rank.

3. The persons specified in the First Schedule are hereby authorised to act as recruiting officers for the purposes of the Act.

4. (1) The form of notice paper to be given to a person offering to enlist pursuant to section fourteen of the act, other than persons offering to enlist in the Corps of Instructors, shall be in Form 1 in the Second Schedule.

(2) The attestation paper which all persons offering to enlist, other than persons enlisting in the Corps of Instructors, shall be required to sign in the presence of a recruiting officer shall be in Form 2 in the Second Schedule.

5. (1) The recruiting officer shall warn the person to be enlisted that if he knowingly makes any false answers to the questions contained in the attestation paper and put to him he shall be guilty of an offence and liable to be punished as prescribed in the Act.

(2) The recruiting officer shall then read or cause to be read to that person the questions set out in the attestation paper having previously satisfied himself that that person has received the notice paper and
understands the questions put to him; the recruiting officer shall ensure that the answers are duly recorded in the attestation paper.

(3) The recruiting officer shall then ask the person to make and sign the declaration set out in the attestation paper as to the truth of his answers and shall administer to him the oath of allegiance set out in the attestation paper:

Provided that if the person objects to being sworn and states as a ground of his objection either that he has no religious belief or that the taking of an oath is contrary to his religious belief, or if it is not reasonably practicable to administer an oath to him in the manner appropriate to his religious belief, the person shall be required to make a solemn affirmation in the form set out in the attestation paper.

(4) Upon signing the declaration and taking the oath, or, as the case may be, making the solemn affirmation, the said person shall become a member of the Regular Force of the Defence Force and subject to the Act.

(5) The recruiting officer shall, by signature, confirm on the attestation paper that the requirements of the Act and of these Regulations have been duly complied with and, in particular, that any consents required by subsection (2) of section fourteen of the Act have been obtained, and shall deliver the attestation paper duly dated to the officer in charge of records, which officer shall, by signing the attestation paper in the appropriate place, signify that the recruit is finally approved for service.

6. Nothing in these Regulations shall affect persons enlisting in the Corps of Instructors who shall be enlisted and discharged upon such terms and conditions as may be prescribed from time to time.

7. (1) The terms of service for which in accordance with subsection (2) of section fifteen of the Act a person who has apparently attained the age of eighteen years may be enlisted shall be a term beginning with the date of his attestation and ending with the expiration of a period of twelve years therefrom, being as to a term of seven years' service in the Regular Force, and as to the remainder a term of service in the Reserve Force:
Provided that such person who enlists in and is accepted for service as a member of aircrew in the Air Force shall be enlisted for a term of eight years in the Regular Force and four years in the Reserve Force.

(2) The term of service for which in accordance with subsection (3) of section fifteen of the Act a person who has not apparently attained the age of eighteen years may be enlisted shall be a term ending with the expiration of a period of twelve years, beginning with the date on which he attains the apparent age of eighteen years, being as to a term of seven years' service in the Regular Force, and as to the remainder a term of service in the Reserve Force:

Provided that such person who enlists in and is accepted for service as a member of aircrew in the Air Force shall be enlisted for a term of eight years in the Regular Force and four years in the Reserve Force.

8. (1) A soldier may, on completion of seven years' service in the Regular Force, as provided in regulation 7, or within one year before completing such service, apply to be re-engaged for a further period of continuous service in the Regular Force in accordance with the provisions of section sixteen of the Act.

(2) A soldier who has been re-engaged for continuous service in the Regular Force may, at any time after the commencement of such re-engagement, terminate his service in the Regular Force by giving to the Commander three months' notice in writing of his intention so to terminate:

Provided that if such notice is given during a state of war, insurrection, hostilities or public emergency, he may be retained in the Regular Force in accordance with the provisions of section seventeen of the Act.

(3) A soldier who has been re-engaged for continuous service in the Regular Force and who terminates such service as provided in sub-regulation (2), shall be liable to serve in the Reserve Force until he reaches the age of forty-five years.

(4) Subject to the provisions of sub-regulations (5) and (6), a non-commissioned officer or private soldier who has been re-engaged
for service in the Regular Force under the provisions of this regulation shall retire from the Regular Force on reaching the age of forty-five years.

(5) Notwithstanding the provisions of sub-regulation (4), the President may, in his discretion, permit a non-commissioned officer or private soldier who has been re-engaged for service in the Regular Force to continue to serve in the Regular Force after reaching the age of forty-five years for further periods, not exceeding two years at a time, until he has reached the age of fifty-five years.

(6) Notwithstanding the provisions of sub-regulation (4), the Commander may, in his discretion, permit a non-commissioned officer or private soldier who has been re-engaged for service in the Regular Force-

(a) to retire from the Regular Force upon completing twenty years' service in the Regular Force and provided he has reached the age of forty years; or

(b) to continue to serve in the Regular Force after reaching the age of forty-five years for further periods, not exceeding one year at a time, until he has reached the age of fifty years and provided he is serving and will continue to serve throughout such further periods of continuous service in a non-combatant post.

(7) Subject to the provisions of sub-regulation (8), a warrant officer who has been re-engaged for service in the Regular Force under the provisions of this regulation shall retire from the Regular Force on reaching the age of fifty years.

(8) Notwithstanding the provisions of sub-regulation (7), the President may, in his discretion, permit a warrant officer who has been re-engaged for service in the Regular Force-

(a) to retire from the Regular Force upon completing twenty-five years' service in the Regular Force and provided he has reached the age of forty-five years; or

(b) to continue to serve in the Regular Force after reaching the age of fifty years for further periods, not exceeding one year at a time, until
he has reached the age of fifty-five years.

9. (1) Subject to the provisions of subsection (2) of section twenty-two of the Act and notwithstanding the provisions of regulation 7, a soldier shall be entitled to claim his discharge from the Regular Force—

(a) at any time within three months after the date of his first attestation upon payment of a sum which shall be fixed by the Commander, but which shall not exceed forty kwacha; or

(b) at any time after he has completed three months' service in the Regular Force from the date of his first attestation, with the consent of the Commander, upon payment of one-half of one month's pay for each whole year of service with the Regular Force then remaining uncompleted.

(2) A soldier who is discharged from the Regular Force under the provisions of paragraph (b) of sub-regulation (1) and who has completed one year's service in the Regular Force shall be liable to serve in the Reserve Force for a period of five years to which shall be added the total of his service in the Regular Force remaining uncompleted at the time of his discharge.

(3) A soldier may be discharged from the Regular Force at any time during his service in such Force upon any of the grounds set out in column 1 of the Third Schedule, subject to the Special Instruction appearing opposite thereto in column 2 of the said Schedule, and, for the purposes of section twenty-one of the Act, the person specified opposite thereto in column 3 of the said Schedule shall be the competent military authority for the purpose specified in column 1 thereof.

(4) A soldier who is discharged under the provisions of this regulation shall be issued with a certificate of discharge signed by his commanding officer.

(5) The certificate of discharge to be issued to a soldier who is discharged shall be in Form 3 in the Second Schedule.

10. A soldier who is enlisted under the Act and appointed by the officer in charge of records to a unit may be transferred to another unit by order
of the said officer.

11. Every soldier who is promoted to the rank of warrant officer shall be issued with a warrant in the form set out in the Fourth Schedule, duly signed by the Army Commander or the Air Force Commander, as the case may be.


FIRST SCHEDULE

(Regulation 3)

RECRUITING OFFICERS

All officers of the Regular Force;
The High Commissioner for Zambia in London.

SECOND SCHEDULE

PRESCRIBED FORMS
FORM 1  
(Regulation 4 (1))  

ZAMBIA DEFENCE FORCE  
NOTICE PAPER  

1. This notice is to be given to a person when he offers to enlist in the Regular Force otherwise than as a member of the Corps of Instructors.  
2. This notice sets out the information which you will be required to give to the recruiting officer who will attest you for service in the Regular Force; it also sets out the general conditions of engagement;  
3. Under the provisions of the Defence Act, if a person knowingly makes a false answer to any question contained in an attestation paper he shall be guilty of an offence against the Act and liable to the penalty prescribed therein.  

QUESTIONS TO BE PUT TO AND INFORMATION TO BE GIVEN BY THE RECRUIT BEFORE ATTESTATION  

<table>
<thead>
<tr>
<th>A*</th>
<th>B*</th>
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<tbody>
<tr>
<td>1. What is your name? .....................</td>
<td>1. (a) Surname</td>
</tr>
<tr>
<td>......................................................</td>
<td>(b) Christian names</td>
</tr>
<tr>
<td>Son of ...........................................</td>
<td></td>
</tr>
<tr>
<td>2. What is your age? ............... years</td>
<td>(c) Address</td>
</tr>
<tr>
<td>3. What is the name of your- ...............</td>
<td>2. Date and place of birth</td>
</tr>
<tr>
<td>(a) Tribe? .................................</td>
<td>(Copy of birth certificate to be produced)</td>
</tr>
<tr>
<td>(b) Chief? .................................</td>
<td></td>
</tr>
<tr>
<td>(c) District? .................................</td>
<td></td>
</tr>
<tr>
<td>(d) Village? .................................</td>
<td></td>
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<tr>
<td>4. (a) What is the name of your next of kin and his/her relationship to you?....</td>
<td>3. Name and address of next of kin</td>
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<tr>
<td>......................................................</td>
<td>Relationship</td>
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<tr>
<td>......................................................</td>
<td>4. Father:</td>
</tr>
<tr>
<td>(b) What is his/her-</td>
<td>Names</td>
</tr>
<tr>
<td>(i) Chief? .........................</td>
<td>Address</td>
</tr>
<tr>
<td>(ii) District? .........................</td>
<td>Place of birth</td>
</tr>
<tr>
<td>(iii) Village? .........................</td>
<td>Mother:</td>
</tr>
<tr>
<td></td>
<td>Names</td>
</tr>
<tr>
<td></td>
<td>Address</td>
</tr>
<tr>
<td></td>
<td>Place of birth</td>
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</tbody>
</table>
*Answer A or B as appropriate.

5. What is your religion?

6. Education:
   (a) At what schools were you educated?

<table>
<thead>
<tr>
<th>Dates</th>
<th>Schools</th>
<th>Standards passed</th>
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   (b) Post-school education:

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<thead>
<tr>
<th>Dates</th>
<th>Institution</th>
<th>Qualifications</th>
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7. Trade or professional qualifications, if any:

8. Occupation since leaving school:

<table>
<thead>
<tr>
<th>Dates</th>
<th>Occupation</th>
<th>Employer</th>
<th>Reason for leaving</th>
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</table>

9. Present occupation

10. Name and address of employer

11. (a) Are you married or single?

   (b) Children:

<table>
<thead>
<tr>
<th>Date of birth</th>
<th>Sex</th>
<th>Names</th>
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   (c) Date of marriage

12. Have you served in the armed forces of this or any other territory or in any police force?  

   If so, state:

<table>
<thead>
<tr>
<th>Force or unit</th>
<th>Date</th>
<th>Nature of duty</th>
<th>Rank attained</th>
<th>Number</th>
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</table>

13. Are you free from debt? If not, list your creditors hereunder:

<table>
<thead>
<tr>
<th>Name and address of creditor</th>
<th>Amount of debt</th>
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<tbody>
<tr>
<td>-------------------------------</td>
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</table>


14. Have you been convicted of any criminal offence in any court of criminal jurisdiction? If so, give the following information:

<table>
<thead>
<tr>
<th>Offence</th>
<th>Sentence</th>
<th>Date of conviction</th>
<th>Court</th>
</tr>
</thead>
</table>
| .......... | .......... | .................. | ..........
| .......... | .......... | .................. | ..........
| .......... | .......... | .................. | ..........

15. Do you wish to enlist in the Army/Air Force? (Delete whichever is not applicable.)

16. Do you understand that though you will be appointed to a particular unit, you will be liable at any time to be transferred to any other unit if it becomes necessary?

17. (a) Have you received a Notice Paper stating the liabilities you are incurring by enlisting?

   (b) Do you understand and are you willing to accept these liabilities?

18. *Are you willing to serve in the Regular Force, provided your services shall continue to be required, for-

   (a) a term of seven years with the Regular Force; and
   (b) a term of five years with the Reserve Force? or

   *in the case only of persons enlisting in the Air Force as members of aircrew, for-

   (a) a term of eight years with the Regular Force; and
   (b) a term of four years with the Reserve Force? or

   *if you have not apparently attained the age of eighteen years are you willing to serve in the Regular Force for the period from your date of attestation up to the date on which you apparently attain that age and thereafter for-

   (a) a term of seven years with the Regular Force; and
   (b) a term of five years with the Reserve Force? or

   *in the case only of persons enlisting in the Air Force as members of aircrew, for-

   (a) a term of eight years with the Regular Force; and
   (b) a term of four years with the Reserve Force? or

   * Delete whichever is inapplicable.

NOTE.-A recruit who is unable positively to state his age must complete form "Certificate of Assumed Date of Birth" which he shall receive from the recruiting officer.

GENERAL CONDITIONS OF ENGAGEMENT

1. You will be required to serve as a soldier in the Regular Force for such time as is agreed on attestation, provided your services shall continue to be required.

2. You will be required to carry out the duties ordered by those in authority over you and no claim can be considered at any time that you were enlisted for the performance of any special duties or with the right to be trained in any particular trade. The possibility of
employment in a trade depends on the passing of the specified trade test and the existence of a vacancy in that trade.

3. During the period of your engagement you may be discharged from the Regular Force for any of the reasons prescribed in the Third Schedule to the Defence Force (Regular Force) (Enlistment and Service) Regulations.

4. During the last year of your service in the Regular Force you may be allowed, with the approval of the competent military authority, to apply for re-engagement for such further period of service in the Regular Force as may be provided.

5. You may be ordered to serve with any unit of the Regular Force both within and without Zambia and may be attached to other military forces but if you have enlisted in the Air Force you will not normally be ordered to serve with the Army and if you have enlisted in the Army you will not normally be ordered to serve with the Air Force.

6. When you have been enlisted, you will be subject to all the provisions of the Defence Act and to any rules, regulations, orders or instructions made thereunder for the time being in force.

7. If, at the time you become eligible to be transferred to the Reserve Force or discharged from service in the Regular Force, a state of war, insurrection, hostilities or public emergency exists, your service will be prolonged for such additional periods as may be ordered.

8. If you are to be enlisted as a catechist, you will not be required to perform any combatant duties or to carry arms.

9. A person enlisting as a catechist will, on attestation, be promoted to the rank of..................................... and a person enlisting as an education instructor will, on attestation, be promoted to the rank of .................

(As amended by No. 276 of 1966)
FORM 2

(Regulation 4 (2))
ZAMBIA DEFENCE FORCE
ATTESTATION PAPER

Army/Air Force No. ......................  Term of engagement:
....................................................  (a)  years with
Age.............................................  the Regular Force from
............................................. , 19 ...... and
years with the Reserve Force; or
*(b) From , 19......

on

until attaining the apparent age of eighteen years

and then .................................
years with the Regular Force and  years
with the Reserve Force.

* Applicable only to persons who have not attained the apparent age of eighteen years.

QUESTIONS TO BE PUT TO AND INFORMATION TO BE GIVEN BY THE
RECRUIT BEFORE ATTESTATION

Under the provisions of the Defence Act, if a person knowingly makes a false answer to
any of the questions contained in the Attestation Paper he renders himself liable to
punishment.

A*  B*
1. What is your name? ..................... 1. (a) Surname.
...................................................... (b) Christian names
Son of ........................................... ....................
2. What is your age? .............. years (c) Address
......................................................
3. What is the name of your- ............ 2. Date and place of birth
......................................................
(a) Tribe? ...........................
(b) Chief? ...........................
(c) District? ...........................
(d) Village? ...........................
3. Name and address of next of kin
...........................  ......................... Relationship
4. (a) What is the name of your next of kin
and his/her relationship to you? Names
......................................................
Address
(b) What is his/her- ........................ Place of birth
(i) Chief? ...........................
4. Father:

Mother:
(ii) District? ...................... Names
(iii) Village? ...................... Address
...................................................... Place of birth

* Answer A or B as appropriate.

5. What is your religion?

6. Education:
(a) At what schools were you educated?

<table>
<thead>
<tr>
<th>Dates</th>
<th>Schools</th>
<th>Standards passed</th>
</tr>
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<tbody>
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</tbody>
</table>

(b) Post-school education:

<table>
<thead>
<tr>
<th>Dates</th>
<th>Institutions</th>
<th>Qualifications</th>
</tr>
</thead>
<tbody>
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</tr>
</tbody>
</table>

7. Trade or professional qualifications, if any:

8. Occupation since leaving school:

<table>
<thead>
<tr>
<th>Dates</th>
<th>Occupation</th>
<th>Employer</th>
<th>Reason for leaving</th>
</tr>
</thead>
<tbody>
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</tbody>
</table>

9. Present occupation

10. Name and address of employer

11. (a) Are you married or single?
(b) Children:

<table>
<thead>
<tr>
<th>Daed of birth</th>
<th>Sex</th>
<th>Names</th>
</tr>
</thead>
<tbody>
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</tbody>
</table>

(c) Date of marriage

12. Have you served in the armed forces of this or any other territory or in any police force?

If so, state-

<table>
<thead>
<tr>
<th>Force or unit</th>
<th>Date</th>
<th>Nature of duty</th>
<th>Rank attained</th>
<th>Number</th>
</tr>
</thead>
</table>
13. Are you free from debt? If not, list your creditors hereunder:

<table>
<thead>
<tr>
<th>Name and address of creditor</th>
<th>Amount of debt</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
</tbody>
</table>

14. Have you been convicted of any criminal offence in any court of criminal jurisdiction? If so, give the following information:

<table>
<thead>
<tr>
<th>Offence</th>
<th>Sentence</th>
<th>Date of sentence</th>
<th>Court</th>
<th>Name convicted under</th>
</tr>
</thead>
<tbody>
<tr>
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</tr>
</tbody>
</table>

15. Do you wish to enlist in the Army/Air Force? (Delete whichever is not applicable.)

16. Do you understand that though you will be appointed to a particular unit, you will be liable at any time to be transferred to any other unit if it becomes necessary?

17. (a) Have you received a Notice Paper stating the liabilities you are incurring by enlisting?

(b) Do you understand and are you willing to accept these liabilities?

18. * Are you willing to serve in the Regular Force, provided your service shall continue to be required, for-

(a) a term of seven years with the Regular Force; and

(b) a term of five years with the Reserve Force? or

* in the case only of persons enlisting in the Air Force as members of aircrew, for-

(a) a term of eight years with the Regular Force; and

(b) a term of four years with the Reserve Force? or

* if you have not apparently attained the age of eighteen years are you willing to serve in the Regular Force for the period from your date of attestation up to the date on which you apparently attain that age and thereafter for-

(a) a term of seven years with the Regular Force; and

(b) a term of five years with the Reserve Force? or

* in the case only of persons enlisting in the Air Force as members of aircrew, for-

(a) a term of eight years with the Regular Force; and

(b) a term of four years with the Reserve Force?

* Delete whichever is inapplicable.

NOTE.-A recruit who is unable positively to state his age must complete form "Certificate of Assumed Date of Birth" which he shall receive from the recruiting officer.

DECLARATION
*I, ................................................................., son of
*I, ................................................................. (surname)
 .................................................. (Christian names), do hereby solemnly declare that the answers
made by me to the foregoing questions are true and that I am willing to fulfil the
engagement made.
Date ..............................................................................................................

Signature or thumbprint of recruit

Signature of witness ..................................

Oath/Solemn Affirmation to be taken by Recruit on Attestation
*
I, ................................................................. , son of
*I, ................................................................. (surname)
 .................................................. (Christian names) *swear by Almighty God/ *do solemnly
and sincerely declare that I will be faithful and bear true allegiance to the President of the
Republic of Zambia, and that I will, as in duty bound, honestly and faithfully preserve,
protect and defend the President and the Republic against all enemies, and will observe and
obey all orders of the President, and of the officer set over me.

(NOTE.-The oath will be sworn/affirmation will be made in a language understood by the
recruit on the Bible or in such other manner as he may declare most binding on his
conscience.)

CERTIFICATE OF RECRUITING OFFICER

*(a)  The provisions of section 14 (2) of the Defence Act have been observed;
*(b)  the recruit named above was warned by me that if he knowingly made any false
answer to any of the foregoing questions he would be guilty of an offence and liable to be
punished as prescribed in the Defence Act;
*(c)  the foregoing questions were then read to the recruit in my presence in a language
which he understands;
*(d)  I have taken care that he understands each question, and that his answer to each
question has been duly recorded;
*(e)  the said recruit has made and signed the declaration and taken the oath/made a
solemn affirmation before me at
on this ......................... day of .......................... , 19 .......

Signature of Recruiting Officer

Rank
CERTIFICATE OF MEDICAL EXAMINATION

I have today examined
in accordance with current instructions and certify that-
*(a) he is fit in all respects for military service;
*(b) he is unfit for military service; and
*(c) he is of the apparent age of ....................... years ................... months.

Signature of Medical Officer

Date ......................................

* Delete if not applicable.

FINAL APPROVAL

I finally approve the enlistment of the above-named soldier and appoint him to

Officer in charge of *Army/Air Force Records

Date
Place

* Delete as applicable.

(As amended by No. 276 of 1966)
FORM 3
(Regulation 9)

ZAMBIA DEFENCE FORCE
CERTIFICATE OF DISCHARGE

1. Army/Air Force No ........................................
2. Surname ..................................................
3. Christian or fore-names ................................
4. Place and date of enlistment or commencement of service

5. Unit into which enlisted or to which first appointed

6. Assessment of conduct and character on leaving service in the Regular Force

7. Date of transfer to the Reserve Force
8. Rank or appointment on transfer to the Reserve Force

9. Cause of transfer to Reserve Force
10. Unit from which transferred to Reserve Force.

11. Rank or appointment on discharge

12. Cause of discharge
13. Unit from which discharged
14. Service in the Regular Force and with the Reserve Force (if any) on date of discharge

15. Total service on discharge
16. Trade or other qualifications

Signature and rank of issuing officer

Date .............................................................
## THIRD SCHEDULE

*(Regulation 9 (3))*

### GROUNDS FOR DISCHARGE

<table>
<thead>
<tr>
<th>Cause of Discharge</th>
<th>Special Instructions</th>
<th>Competent military authority to authorise discharge</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Having been attested, but not finally approved.</td>
<td>Applies only to a recruit who has been attested pending reference to his employer, or to a recruit rejected after attestation by the medical officer and to a recruit who has mis-stated his age on enlistment.</td>
<td>(i) Recruiting officer.</td>
</tr>
<tr>
<td>(ii) Having been improperly attested.</td>
<td>Applies only to a case in which the provisions of these Regulations have been improperly or incorrectly complied with.</td>
<td>(ii) Commanding Officer, if of field rank, whom failing, the Commander.</td>
</tr>
<tr>
<td>(iii) Having made a false answer on attestation.</td>
<td>Any soldier who can be shown to have made a false answer on attestation may be discharged under this serial, whether or not he has been convicted by a court-martial or dealt with summarily under section 65 of the Act, or convicted by a civil court under section 28 of the Act. The Commander will, in the case of such a soldier, decide whether he is to be retained in the Defence Force or not.</td>
<td>(iii) Commander.</td>
</tr>
<tr>
<td>(iv) Having made a false answer as to his age in his attestation paper.</td>
<td>When a soldier is claimed by his parents or guardians-</td>
<td>(iv) Commanding Officer, if of field rank, whom failing, the Commander.</td>
</tr>
<tr>
<td></td>
<td>(a) a soldier who is between the ages of 17 years and</td>
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</table>
17 years 6 months when claimed, will be discharged if claimed within two months of enlistment, or if the application discloses the existence of compassionate grounds and the soldier consents;

\[(b)\text{ before authorising the discharge on compassionate grounds, the competent military authority will satisfy himself regarding the good faith of the applicant, the destitute condition of the parents or near relatives to be supported and the soldier's prospects of obtaining suitable employment. He will also have regard to the conduct of the soldier while in the Force and to his inability to purchase his discharge.}\]

\[(v)\text{ Having claimed discharge under section 24 of the Act.}\]

\[(v)\text{ (a) Applies only to a soldier who has been reduced to the ranks from the rank of warrant officer and who claims his discharge under section 24 of the Act.}\]

\[(b)\text{ Discharge under this serial is, subject to the provisions of section 24 of the Act, a right and not a privilege.}\]

\[(c)\text{ A copy of the application for discharge should be kept on the soldier's documents.}\]

\[(vi)\text{ Having claimed discharge on payment under section 22 of the Act.}\]

\[(vi)\text{ (a) Subject to the provisions of section 22 of the Act, a right and not a}\]

\[(vi)\text{ Commanding Officer.}\]
privilege. It may be exercised by a soldier in the first three months after enlistment. The maximum sum payable is K40.

(b) The money required in payment must be paid to the Commanding Officer of the unit or Chief Paymaster within three months from the date of attestation.

(vii) At his own request on payment under section 22 of the Act. Subject to the exigencies of the Force, applies only to soldiers who have served for more than three months after enlistment.

(viii) Free, on compassionate grounds. Discharge under this serial may be considered only in cases where domestic hardship or distress or other compelling reasons of a personal nature cannot be alleviated within the permitted periods of leave and where the continued absence of the soldier from duty is considered essential. The soldier must be unable to meet any portion of the cost of discharge under serial (vii).

(ix) Having been convicted by the civil power during his service of an offence committed before enlistment.

(a) Full details of the case will be recorded and the discharge, if authorised, will be carried out as soon as possible after the case has been dealt with by the civil court.

(b) The certificate of discharge will be passed to the superintendent of the prison, if the soldier is confined, and the discharge confirmed from the date of despatch.
(x) For misconduct. (x) (a) A soldier who has been sentenced-
   (i) by a civil court or by a court-martial to imprisonment; or
   (ii) by a civil court to detention or corrective training; or
   (iii) by a court-martial to a period of detention which on confirmation is for twelve months or more;

   will be discharged unless, in the opinion of the Commander, his retention is desirable in the interests of the Force.

(b) A soldier who has been convicted by a civil court or by court-martial of-
   (i) an offence involving a serious dishonesty or violence; or
   (ii) disgraceful conduct of a kind specified in section 69 of the Act:

   may be discharged under this serial.

(xi) For misconduct having been sentenced to dismissal from the Regular Force.

(xii) Having been sentenced to be discharged with ignominy.

(xiii) Medically unfit.
amplified to show whether the soldier is unfit under existing standards, serial (xiv), or for any form of service in the Regular Force.

(xiv) Medically unfit under (xiv) (a) A soldier may be Commanding Officer.

existing standards discharged under this serial if his medical category falls below the retention standard appropriate to his trade and length of service, but is nevertheless not so low as to render him unfit for any form of service in the Regular Force.

(b) A soldier eligible under sub-paragraph (a) will not be discharged if further employment for which he is medically acceptable can be found for him in his unit or if, being willing, he can be transferred to another unit in which he is medically acceptable.

(c) Cases of soldiers as in sub-paragraph (b) desirous of and recommended for transfer to another unit will be referred by the Commanding Officer of the unit in which the man is serving to the officer in charge of records.

(d) If absorption or other employment is not possible or if transfer to another unit is not authorised or if the soldier is unwilling to be transferred, the soldier will be discharged under this
serial.

(xv) Temporarily medically unfit for any form of service in the Regular Force.

(xv) A soldier will be discharged under this serial if he is medically unfit for any form of service in the Regular Force and is ineligible for retention but may at a later date improve and become fit for some form of service in time of national emergency.

(xvi) Permanently medically unfit for military service.

(xvi) A soldier will be discharged under this serial if he is medically unfit for any form of service in the Regular Force and is likely to remain so permanently.

(xvii) The entry in the Gazette will be quoted to support the authority for discharge.

(xviii) This serial will be used only for the discharge of soldiers who cannot be discharged under the authority of any other serial.

(a) The cause of discharge under this serial will be amplified in cases where it will benefit the individual concerned.

(xix) On completion of colour service.

(xx) Having claimed his discharge after three months' notice.

(xx) Commanding Officer.

(xxi) Applies to any soldier whose age of discharge is compulsory.

(xxii) This serial will only be used

Commanding Officer.
efficient soldier or likely to bring discredit upon the Regular Force. within one year of the soldier's enlistment and does not apply to members of the Corps of Instructors. The Commanding Officer or Commander, as the case may be, must record in writing the reasons why he is of opinion that the soldier should be discharged under this serial.

(xxiii) Failing to complete successfully an officer cadet course of instruction and training held outside Zambia. (xxiii) Discharge under this serial shall be at the discretion of the Commander who shall take into consideration the general conduct of the soldier while in attendance at the officer cadet course and the desirability or otherwise of retaining the soldier as a member of the Regular Force.

(xxiv) Failing to complete successfully a course of training for aircrew duties. (xxiv) Before discharging under this serial the Commander will first ascertain whether the unsuccessful trainee wishes to remain in the Air Force and be considered for training in another branch or trade, and whether a vacancy for such other training exists at that time. If such a vacancy does exist and the trainee elects to remain in the Air Force, his term of service in the Regular Force will be altered from eight years to seven years and his liability for service in the Reserve Force amended accordingly.
FOURTH SCHEDULE

(Regulation 11)

WARRANT

To:

By virtue of the Authority in me vested by the provisions of the Defence Act and regulations made thereunder.

I Do Hereby Appoint you the said
to be a Warrant Officer, Class ....................... in the
of the Defence Force from the day of
............................ , 19 .......

You are, therefore, carefully and diligently to discharge your duty as such by doing and performing all manner of things thereunto belonging, as required by the said Defence Act and regulations made thereunder, and you are to observe and follow such Orders and Directions as you shall receive from your Commanding or any other your superior Officer.

Given under my hand at this
................................. day of
19 ..........
Commander.
Warrant Officer Class

THE DEFENCE FORCE (SUMMARY JURISDICTION) REGULATIONS [ARRANGEMENT OF REGULATIONS]

Regulation
1. Title
2. Interpretation
3. Commanding officer when more than one unit is placed under command of one officer
4. Delegation of his powers by commanding officer
5. Status of officer to whom commanding officer has delegated his powers
6. Charges with which commanding officer may deal summarily
7. Restriction on powers of punishment of commanding officers
8. Limitation of punishment of acting ranks, etc.
9. Limitation of powers of commanding officers below field rank
10. Limitation of powers of detachment commanders below field rank
11. Powers of subordinate commanders
12. Charges with which appropriate superior authority may deal summarily
13. Limitation of power of punishment of appropriate superior authority
14. Reduction in rank of non-commissioned officers by order following conviction in summary proceedings
15. Revocation of Parts III and IV of Defence Forces (Discipline) Regulations, 1956

SCHEDULE-Table of civil offences which may be dealt with summarily by commanding officers and appropriate superior authorities

**SECTION 210-THE DEFENCE FORCE (SUMMARY JURISDICTION) REGULATIONS**

Regulations by the President

1. These Regulations may be cited as the Defence Force (Summary Jurisdiction) Regulations.

2. In these Regulations, unless the context otherwise requires-

"subordinate commander" means the officer commanding a squadron, company or equivalent sub-unit.

3. When a unit or a detachment is placed for disciplinary purposes under the command of the commanding officer of another unit or detachment, that officer is the commanding officer of a member of the unit or detachment so placed under his command who is charged with an
offence, and the officer commanding the latter unit or detachment is a subordinate commander for the purposes of these Regulations.

4. (1) Subject to regulation 11, a commanding officer may delegate to a subordinate commander, whatever his rank may be, who is under his command and directly responsible to him in disciplinary matters, the power to investigate and deal summarily with charges with which he himself may so deal:

Provided that such delegation shall not include-

(i) the power to remand the accused for trial by court-martial; and

(ii) the power to order the taking of a summary of evidence or the making of an abstract of evidence.

(2) When a commanding officer delegates the power to investigate and deal summarily with charges in accordance with sub-regulation (1), he may, in addition to the restrictions imposed by the said regulation 11, impose such further restrictions as seem to him to be proper upon the exercise of that power by the officer to whom it is delegated.

5. An officer who has had delegated to him by his commanding officer under regulation 4 (1) power to investigate and deal summarily with charges is, while exercising such power in respect of any person, the commanding officer of that person for the purposes of the Act.

6. A commanding officer may deal summarily with a charge under any of the following sections of the Act.

34; 35 (c); 38; 39 (2); 40; 41; 43; 44; 45; 46; 47 (1) (a); 48; 49 (1) (a) (where the subject-matter does not exceed in value three hundred fee units); 49 (1) (c); 49 (1) (d); 49 (2); 50 (a) (where the subject-matter does not exceed in value twenty kwacha); 50 (c); 51; 55; 58; 59 (2); 60; 61; 64; 65; 66 (a); 66(b); 68(b); 71 (where the principal offence can be dealt with summarily by virtue of this regulation); 72 and 73 (where the
A commanding officer shall not award—

(a) punishment of detention where the charge is laid under section seventy-three of the Act, and the civil offence is one of those referred to in item (2), (3) or (4) of the Schedule;

(b) the punishment of stoppages exceeding six hundred penalty units without permission from higher authority.

(As amended by Act No. 13 of 1994)

8. (1) After a lance-corporal has been reduced to the ranks in accordance with subsection (4) of section eighty-one of the Act, his commanding officer shall not, without permission of higher authority, award him any punishment in respect of an offence which he had committed before he was so reduced.

(2) After an acting warrant officer or acting non-commissioned officer has been reverted to his permanent rank or ordered to assume an acting rank lower than that held by him but higher than his permanent rank in accordance with subsection (5) of section eighty-one of the Act, his commanding officer shall not, without permission of higher authority, award him any punishment in respect of an offence which he has committed before he was so reverted, or, as the case may be, ordered to assume a lower acting rank.

9. A commanding officer who is below field rank shall not, without permission of higher authority, award detention or field punishment for a period exceeding seven days or a fine exceeding the equivalent of seven day's pay.

10. (1) When the officer commanding a detachment is below field rank, he may be restricted from exercising all or any of his powers as a commanding officer either by the officer commanding the unit to which
the detachment belongs, if such unit is in the same command, or by higher authority, if it appears necessary to do so, having regard to the rank and experience of the officer commanding the detachment.

(2) Where an officer commanding a detachment has had his powers restricted in accordance with sub-regulation (1), he may, notwithstanding his restriction, exercise his full powers as a commanding officer if it becomes necessary for him to do so for the maintenance of discipline, but if he does so use his full powers he shall immediately report his action to the officer or higher authority who restricted him from exercising his full powers under the said sub-regulation (1).

11. (1) A subordinate commander to whom power to investigate and deal summarily with charges has been delegated under regulation 4 (1) shall not award a punishment against a non-commissioned officer above the rank of corporal.

(2) Subject to any restriction which may be imposed by the commanding officer under regulation 4 (2), a subordinate commander may award the following punishments:

(a) if the accused is a non-commissioned officer below the rank of sergeant-
(i) a fine of a sum not exceeding the equivalent of seven days' pay;
(ii) reprimand or admonition;
(iii) where the offence has occasioned any expense, loss or damage, stoppages not exceeding three hundred penalty units;

(b) if the accused is a private soldier-
(i) a fine of a sum not exceeding the equivalent of seven days' pay;
(ii) where the offence has occasioned any expense, loss or damage, stoppages not exceeding twenty kwacha;
(iii) confinement to barracks for a period not exceeding seven days;
(iv) extra guards or pickets;
(v) admonition.

(As amended by Act No. 13 of 1994)
12. An appropriate superior authority may deal summarily with a charge against an officer or warrant officer under any of the following sections of the Act:

34; 35 (c); 38; 39(2); 40; 41; 43; 44; 45; 46; 47 (1) (a); 48; 49 (1) (a) (where the subject-matter does not exceed in value twenty kwacha); 50 (c); 51; 55; 58; 59 (2); 60; 61; 64; 65; 66 (a); 666 (b); 71 (where the principal offence can be dealt with summarily by virtue of this regulation); 72 and 73 (where the civil offence is one which is specified in the Schedule).

13. An appropriate superior authority shall not award the punishment of stoppages exceeding three thousand penalty units.

(As amended by Act No. 13 of 1994)

14. Notwithstanding any other provision of these Regulations, where a charge against a non-commissioned officer of the Regular Force has been dealt with summarily by his commanding officer under the provisions of section eighty-one of the Act and such commanding officer has recorded a finding of guilty in respect of such charge, an officer not below the rank of colonel may, whether in addition to or in lieu of any punishment which may have been awarded by such commanding officer, order that such non-commissioned officer shall be reduced to the ranks or to any less reduction in rank.

15. Parts III and IV of the Defence Forces (Discipline) Regulations, 1956, are hereby revoked.

SCHEDULE

(Regulations 6 and 12)

TABLE OF CIVIL OFFENCES WHICH MAY BE DEALT WITH SUMMARILY BY COMMANDING
OFFICERS AND APPROPRIATE SUPERIOR AUTHORITIES

1. Theft, where the subject-matter does not exceed in value K20.
2. Common assault contrary to section 247 of the Penal Code.
4. Reckless and dangerous driving of a bicycle or tricycle, not being a motor vehicle, contrary to section 196 as read with section 225 of the Roads and Road Traffic Act.
5. Careless driving of a bicycle or tricycle, not being a motor vehicle, contrary to section 195 as read with section 225 of the Roads and Road Traffic Act.
6. Taking and driving away a motor vehicle without the owners' consent or other lawful authority contrary to section 229 (3) of the Roads and Road Traffic Act.

DEFENCE (REGULAR FORCES) (OFFICERS) REGULATIONS [ARRANGEMENT OF SECTIONS]

Section
1. Title.
2. Interpretation of terms.
3. Application of these regulations.

PART I

APPPOINTMENT TO EMPLOYMENT, PERIOD OF SERVICE AND TERMINATION THEREOF

5. Period of engagement.
6. Alteration of class of engagement.
7. Restriction of right to resign or retire from employment in the Regular Force.
8. Resignation.
10. Transfer to and from other employment in the service of the Crown or a Commonwealth country.

PART II

PAY AND GENERAL ALLOWANCES

11. Pay.
12. Pay on first appointment of a member of the Regular Force to commissioned rank.
13. Pay on promotion.
15. Flying pay allowance.
17. Children's allowance.
18. Quarters allowance.
19. Supplementary quarters allowance.
20. Entertainment allowance.
21. Fuel, water and sanitary services.
22. Rations.
23. Servant allowance.
25. Professional and technical allowances.
26. Refund of additional insurance premiums.
27. Chief of General Staff's and Chief of Air Staff's allowance.
28. No pay or allowances in certain circumstances.
29. Deductions from pay and allowances.
PART III
LEAVE AND LEAVE BENEFITS

30. Classification of leave.
31. Persons empowered to grant leave.
32. Pay and allowances during leave.
33. Occasional leave.
34. Accrual of vacational leave.
35. Grant of vacational leave.
36. Sick leave.
37. Urgent private affairs leave.
38. Study leave.
39. Payment of tuition and examination fees.
40. Grant of free rail fares on taking leave.
41. Grant of free rail fares on retirement.
42. Payment in respect of accrued vacation leave.

PART IV
MEDICAL BENEFITS

43. Medical examination.
44. Medical and hospital treatment.
45. Additional medical services.
47. Treatment by oculists, etc.

PART V
TRANSFERS AND TRAVELLING ON DUTY
Section

48. Allowance for subsistence and travelling expenses.
49. Allowance for relieving or special duty.
50. Expenses on transfer other than at the request of an officer.
51. Expenses on transfer other than at the request of an officer.
52. Advances of allowances and other benefits payable under this Part.
53. Field allowance.

PART VI
DRESS AND EQUIPMENT

54. Clothing and equipment.
55. Flying and camping equipment.
56. Wearing of uniform.

PART VII
DISABLEMENT BENEFITS

Regulations 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87 and 88 have been revoked by Defence (Regular Force) (Pensions) regulations, reg 40(b)

PART IX
MISCELLANEOUS PROVISIONS

89. Marriage.
90. Occupation of official quarters.
91. Engagement for profit in trade or business.
92. Participation in political activities.
93. Sale of effects of deserter.
94. Funeral expenses.
FIRST SCHEDULE: PART I: Rates of Pay for Officers other than Medical Officers, Dental Officers, Legal Officers and Chaplains.

PART II: Rates of Pay for Medical Officers, Dental Officers, Legal Officers and Chaplains.

SECOND SCHEDULE: Rates of Acting Allowance.

THIRD SCHEDULE: Rates of Flying Pay Allowance.

FOURTH SCHEDULE: Rates of Children's Allowance.

FIFTH SCHEDULE: Rates of Field Allowance.

SIXTH SCHEDULE: Rates of Pension Payable in respect of Children.

DEFENCE (REGULAR FORCES) (OFFICERS) REGULATIONS, 1960

It is hereby notified that the Minister of Defence has, in terms of section 155 of the Defence Act, 1955, made the following regulations:-

1. These regulations may be cited as the Defence (Regular Forces) (Officers) Regulations, 1960.

2. In these regulations, unless inconsistent with the context "African Members Regulations" means the Defence (Regular Force) (African Members) regulations, 1956, published in Federal Government Notice No. 79 of 1956;

"Chaplain" means an officer holding the rank or appointment of chaplain;

"Child" means an unmarried legitimate or legitimatized son or daughter (including a posthumous child, a step-child or a child legally adopted)
under the age of eighteen years of an officer;

"Contribute" means to pay contributions to the Federal Government in terms of Part VIII;

"Contributions" means

(a) The amounts contributed by an officer to the Federal Government in terms of Part VIII, excluding any interest paid in terms of paragraph (e) of subsection (3) of section 72; and

(b) The amounts, if any, contributed by an officer to the Federal Government in terms of Part VIII of the European Members Regulations, excluding any interest paid in terms of paragraph (g) of subsection (2) of section 85 of those regulations; and

(c) The amounts, if any, paid by an officer before the fixed date to-

   (i) The Consolidated Revenue Fund under the Uniformed Forces Pensions Act, 1948, of Southern Rhodesia, as amended by the Defence (Interim) Act, 1954, excluding any amounts paid in terms of section 5 or any interest paid in terms of paragraph (b) of subsection (1) of section 22 or subsection (4) of section 26 of the said Uniformed Forces Pensions Act, 1948, as amended as aforesaid;

   (ii) The consolidated Revenue Fund of Southern Rhodesia under the Uniformed Forces Pensions Act, 1948, of Southern Rhodesia, excluding any amounts paid in terms of section 5 or any interest paid in terms of paragraph (b) of subsection (1) of section 22 or subsection (4) of section 26 of the said Act;

   (iii) The Police and Permanent Force Pension Fund establishment under the Police Amendment Act, 1938 of Southern Rhodesia;

"Contributor Pensionable Service" means
Pensionable service in respect of which contributions have been or are being paid;

"Dental Officer"

(a) For the purposes of section 11, 13 or 25, means an officer appointed as a Dental officer in the Regular Force;

(b) For the purposes of any other provisions of these regulations, means

(i) An officer appointment as a dental officer in the Regular Force;

(ii) A dental surgeon of the Ministry of Health

(iii) Any other person authorized by the Minister to carry out the functions of a dental officer under these regulations;

"Dependant", in relation to a living or deceased officer or other person, means the wife, widow, child, or such other relative dependent on him for maintenance as the Minister of Finance may recognize for the purpose of these regulations;

"Director of Medical Services" means the person appointed by regulation as Director of Medical Services for the Defence Forces;

"Disabled officer" means an officer who is placed on the retired list following a finding by a medical board that he is mentally or physically unfit for further service;


"Former rate of pay", in relation to an officer on first appointment to commissioned rank or on promotion to higher rank, means the annual
rate of pay receivable by that officer immediately before such appointment or promotion;

"Gratuity" means a lump sum payment;

"Interest" means compound interest calculated in such manner as the Minister of Finance may determine;

"Leave", in relation to an officer, means leave of absence from the duties of that officer;

"Legal Officer" means an officer appointed as a legal officer in the Regular Force;

"Medical board" means a medical board constituted under section 3 of the Defence (Medical and Pensions Boards) Regulations, 1960;

"Medical officer"

(a) For the purposes of section 11, 13 or 25, means an officer appointed as a medical officer in the Regular Force;

(b) For the purposes of any other provisions of these regulations, means

(i) An officer appointed as a medical officer in the Regular Force;

(ii) A medical officer of the Ministry of Health;

(iii) Any other person authorized by the Minister to carry out the functions of a medical officer under these regulations;

"Medical practitioner" means a person registered as a medical practitioner under the provisions of any law, including a Territorial law;

"Medium service officer" means an officer who is appointed or deemed to have been appointed to employment in the Regular Force on a medium service engagement;
"Non-commissioned Pensionable emoluments", in relation to an officer who, immediately prior to his appointment to commissioned rank in the Regular Force, was a member of the Regular Force subject to the provisions of the African Members Regulations, means the annual rate of pensionable emoluments receivable by him under those regulations on the day before his appointment to commissioned rank;

"Non-contributory pensionable service" means pensionable service in respect of which contributions have not been paid;

"Officer" means a male officer attested in the Regular Force, but does not include any person who is-

(a) appointed to honourary commissioned rank; or

(b) the holder of an honourary appointment;

"Official quarters" means quarters provided by the Federal Government;

"Other employment in the service of the Crown or a Commonwealth country" Means pensionable employment, otherwise than as a member of the Defence Forces of the Federation, under the government of any part of Her Majesty's dominions (including the Federation or a Territory) or under a Commonwealth country not forming part of Her Majesty's dominions;

"Pension" means an annual pension payable during the lifetime of the recipient unless, in terms of these regulations, it is payable for a shorter period;

"Pensionable emoluments", in relation to an officer, means

(a) The pay due to that officer in terms of these regulations; and

(b) Any quarters allowance payable to that officer in terms of section 18;

"Pensionable service" means pensionable service in accordance with the provisions of section 72;

"Pensions Appeal Board" means the Military Pensions Appeal Board
established by section 5 of the Defence (Medical and Pensions Boards) Regulations, 1960;

"Pensions Board" means the Military Pensions Board established by section 4 of the Defence (Medical and Pensions Boards) Regulations, 1960;

"Permanent service officer" means an officer who is appointed or deemed to have been appointed to employment in the Regular Force on a permanent engagement;

"Private medical practitioner" means any medical practitioner other than a medical officer;

"Resignation", in relation to an officer, means resignation from his employment in the Regular Force in terms of section 8, and "resign" shall be constructed accordingly;

"Retirement", in relation to an officer, means retirement from his employment in the Regular Force in terms of section 9, and "retire" shall be constructed accordingly;

"Retire Pensionable emoluments", in relation to an officer who retires, is placed on the retired list following a finding by a medical board that he is mentally or physically unfit for further service, or dies, means

(a) If his pensionable service amounts to 35 years or less, the annual rate of pensionable emoluments receivable by him at the date on which his retirement or placing on the retired list takes effect, or on which he dies as the case may be;

(b) If his pensionable service amounts to more that 35 years, the annual rate of pensionable emoluments receivable by him at the date on which he completed 35 year of pensionable service;

"Service" means service in the Regular force and "serve" shall be constructed accordingly;

"Service Property" means any property of any mess or other institution, organization or association whatsoever of members of the Defence Force.
"Special medial board" means a special medical board constituted under section 6 of the Defence (Medical and Pension Boards) Regulations, 1960;

"Unit", in relation to an officer, means the unit in which that officer is serving.

3. The Provisions of these regulations shall not apply to an officer who is attached or seconded to any other Her Majesty's Forces in terms of subsection (2) of section 22 of the Act, unless the terms and conditions fixed by the Minister provide that they shall apply.

PART I

APPOINTMENT TO
EMPLOYMENT, PERIOD OF
SERVICE AND TERMINATION THEREOF

4. (a) For the purposes of these of regulations, there shall be two classes of engagement of officers in the Regular Force, to be styled medium service engagements and permanent engagement.

(b) The Ministry may appoint to employment in the Regular Force, on either a medium service engagement or a permanent engagement, any person holding commissioned rank in the Defence Forces

Provided that nothing in this subsection contained shall be construed as authorizing the transfer to the Regular Force, except in time of war, of a member of the Territorial Force or a reserve.

(c) Every officer who, immediately prior to the date of commencement of these regulations or the date of his appointment to commissioned rank, whichever is the later, was serving on an unexpired medium service
or permanent engagement in accordance with the provisions of the European Members Regulations, shall, for the purposes of these regulations, be deemed to have been appointed to employment in the Regular Force on a medium service engagement or a permanent engagement, as the case may be, in terms of subsection (2).

5. (1) Subject to the provisions of these regulations-

(a) The period of engagement of a medium service Officer shall be ten years;

(b) The period of engagement of a medium service officer who, immediately prior to the date of commencement of these regulations or the date of his appointment to commissioned rank, whichever is the later, was service on an expired medium service engagement in accordance with the provisions of the European Members Regulations, shall be the unexpired portion of the period for which he was engaged under those regulations.

6. (1) The Ministry may at any time, with the consent of a medium service officer, alter that officer's class of engagement to a permanent engagement.

(2) Where an officer's class of engagement has been altered to a permanent in terms of subsection (1), that officer shall be deemed to have been a permanent service officer as from the date of his appointment to employment in the Regular Force on a medium service engagement.

7. No officer shall be at liberty to resign or retire from his employment in the Regular Force during his period of engagement except as provided by section 8 or 9.

8. (1) In this section-"travelling expenses", in relation to officer, means the amount of the expenses, if any, incurred by the Federal Government before the date of appointment of that officer to commissioned rank in granting free travelling facilities to such officer and in respect of his dependants, if any, from his place of residence to the place where he was
required to report for the purpose of taking the oath prescribed under section 19 of the Act or by under any Federal or Territorial Law repealed by the Act.

(2) An officer who is not entitled or required to retire from his employment in the Regular Force in terms of section may resign from his employment in the Regular Force during his period of engagement on giving three months' notice in writing to the Commander of his intention to do so and on paying to the Federal Government any amount which he is liable to pay to the Federal Government in terms of this section:

Provided that if such notice is given while he is on active service or employed in terms of section 38 of the Act, or while he is under the orders of a superior officer to hold himself in readiness for such service or employment, his resignation shall not take effect until a period of one month has elapsed from the date on which such active service or employment is completed or on which such orders are rescinded, as the case may be.

(3) An officer who resigns from his employment in the Regular Force during the first three years of his period of engagement shall be liable to pay to the Federal Government a sum calculated in accordance with the following provisions-

(a) If his resignation takes effect before the expiry of one year from the date of his engagement under the provisions of the European Members Regulations, or, if he was not engaged under the provisions of those regulations, then from the date of his appointment to commissioned rank, his travelling expenses and, in addition, £75;

(b) If his resignation takes effect after the expiry of one year but before the expiry of two years from the appropriate date specified in paragraph (a), two thirds of his travelling expenses and, in addition, sixty thousand kwacha;

(c) If his resignation takes effect after the expiry of two years but before the expiry of three years from the appropriate date specified in paragraph (a), one third of his travelling expenses and, in addition, thirty thousand kwacha.
(4) Without derogation from the foregoing provisions of this section, a member of the Regular Force who is appointed to commissioned rank after being attached, with his consent, to any other Her Majesty's Forces in terms of subsection (2) of section 22 of the Act for training as an officer and resigns from his employment in the Regular Force before he has served for six years as an officer, shall be liable to pay to the Federal Government-

(a) If his resignation takes effect before the expiry of one year from the date of his appointment to commissioned rank, four million, five hundred thousand kwacha or a sum equal to the full amount of the expense incurred by the Federal Government in respect of his attachment to such Forces, whichever is the less;

(b) If his resignation takes effect after the expiry of one year but before the expiry of three years from such date, three million, seven hundred and fifty thousand kwacha or a sum equal to five-sixths of such expenses, whichever is the less;

(c) If his resignation takes effect after the expiry of two years but before the expiry of three years from such date, three million kwacha or a sum equal to two-thirds of such expenses, whichever is the less;

(d) If his resignation takes effect after the expiry of three years but before the expiry of four years from such date, two million, two hundred and fifty thousand kwacha or a sum equal to one-half of such expenses, whichever is the less;

(e) If his resignation takes effect after the expiry of four years but before the expiry of five years from such date, one million, five hundred thousand kwacha or a sum equal to one-third of such expenses, whichever is the less;

(f) If his resignation takes effect after the expiry of five years but before the expiry of six years from such date, seven hundred and fifty thousand kwacha or a sum equal to one-third of such expenses, whichever is the less.

9. (1) A permanent service officer whose pensionable service amounts to ten or more years may retire from his employment in the Regular Force on giving six months' notice in writing to the Commander of his intention to do so:
Provided that if such notice is given while the officer is on active service or employed in terms of section thirty-eight of the Act, or while he is under the orders of a superior officer to hold himself in readiness for such service or employment, his retirement shall not take effect until a period of one month has elapsed from the date on which such active service or employment is completed or on which such orders are rescinded, as the case may be.

(2) The Ministry may on six months notice, require a permanent service officer whose pensionable service amounts to ten years or more to retire from his employment in the Regular Force:

Provided that the President may retire without notice a permanent service officer upon payment of six month's salary in lieu of notice.

(3) A permanent service officer shall, whatever the length of his pensionable service, retire from his employment in the Regular Force on attaining the age of 50 years:

Provided that, if the Minister considers that it is desirable in the public interest, he may allow that officer to continue to serve in the Regular Force until he attains the age of 55 years, unless that officer is, on notice of 12 in the Regular Force before attaining that age.

(4) A permanent service officer who has continued to serve in the Regular Force in terms of subsection (3) shall retire from his employment in the Regular Force on attaining the age of 55 years:

Provided that, if the Governor-General considers that it is desirable in the public interest, he may allow that officer to continue to serve in the Regular Force for further periods, not exceeding 12 months at a time, until he attains the age of 60 years.

(5) A permanent service officer who has continued to serve in the Regular Force in terms of subsection (4) shall retire from his employment in the Regular Force on attaining the age of 60 years.
(6) A medium service officer shall be deemed to have retired from his employment in the Regular Force on the expiry of the period of his engagement.

(As amended by S.I. No. 81 of 1992)

Regulation 10, revoked by Defence Regular Force Pensions Regulations, Regulation 40(b).

10A. (1) The President may, upon the recommendation of the Commander, cancel and order his removal from office if he is satisfied that such officer is inefficient or unsuitable to remain in the Regular Force or that the conduct of such officer is likely to bring discredit upon the Defence Force.

(2) Any person whose commission has been cancelled by the President under the provisions of subsection (1) shall forthwith be dismissed from the Defence Force.

(3) Any decision of the President to cancel the Commission of an officer under subsection (1) shall be final and shall not be questioned in any proceedings whatsoever.

(4) An officer who is dismissed shall be liable to pay to the Government such sum, if any, as he would have been liable to pay to the Government in terms of subsections (3) and (4) of section 8 had he resigned instead of being which his dismissal takes effect:

Provided that the provisions of this section shall not have effect in relation to an officer who is dismissed because he is considered to be inefficient or unsuitable to remain in the Regular Force.

(As amended by S.I. No. 217 of 1965)

PART II

PAY AND ALLOWANCES
11. (1) Subject to the provisions of these regulations Pay-

(a) An officer, other than a medical officer, dental officer, legal officer or chaplain, shall be paid at the annual rate of pay prescribed in Part 1 of the First Schedule for an officer holding the rank and having the years of service in that rank which are applicable to him.

(b) A medical officer, dental officer, legal officer or chaplain shall be paid at the annual rate of pay prescribed in Part 11 of the First Schedule for an officer holding the rank and appointment and having the years of service in that rank and appointment which are applicable to him.

(2) Where the rate of pay applicable to an officer was, immediately before the date of commencement of these regulations, determined in pursuance of the provisions of section 20 of the Defence (Regular Force) (European Members) (Amendment) Regulations, 1957 (No 2), published in Federal Government Notice No. 136 of 1957, the rate of pay applicable to that officer shall continue to be determined in pursuance of those provisions.

(3) An officer whose initial annual rate of pay is determined-

(a) On first appointment to commissioned rank, under the provisions of subsection (1), (2), or (3) of section 12. or

(b) On promotion to higher rank, under the provisions of subsection (1), (2) or (3) of section 13.

shall be deemed, for the purposes of determining the annual rate of pay which is thereafter applicable to him, to have served in the rank to which he is appointed or promoted, as the case may be, for the period in relation to which such initial annual rate of pay is prescribed.

12. (1) Where, immediately prior to his appointment to commissioned rank (not being the rank of second lieutenant or pilote officer), an officer was a member of the Regular Force in receipt of a trade pay allowance, the initial annual rate of pay applicable to him on such appointment shall be the annual rate of pay prescribed for the rank to which he is appointment next above an amount equal to the sum of his annual trade pay allowance and his former rate of pay.
(2) Where, immediately prior to his appointment to the rank of second lieutenant or pilot officer, an officer was a member of the Regular Force in receipt of an annual rate of pay higher than that prescribed for a second lieutenant or pilot officer, the initial annual rate of pay applicable to him on such appointment shall, until such time as he becomes qualified in terms of these regulations to be paid at a higher rate, be his former rate of pay together with the rate pay allowance, if any, of which he was in receipt immediately before such appointment.

(3) Where, immediately prior to his appointment to commissioned rank, an officer (not being an officer to whom the provisions of subsection (1) or (2) apply) was a member of the Regular Force, the initial annual rate of pay applicable to him on such appointment shall be determined as follows-

(a) If his former rate of pay is the same as, or higher than the lowest annual rate prescribed for the rank to which he is appointed, the initial annual rate of pay applicable to him shall be the annual rate of pay prescribed for the rank to which he is appointed next above his former rate of pay;

(b) If his former rate of pay is lower than the lowest annual rate of pay prescribed for the rank to which he is appointed, the initial annual rate of pay applicable to him shall be such lowest rate.

13. (1) Where, immediately prior to his promotion to higher-rank, an officer-

(a) Held the rank of major or squadron leader; and

(b) was in receipt of a professional or technical allowance; the initial annual rate of pay applicable to him on such promotion shall the annual rate of pay prescribed for the rank to which he is promoted next above an amount equal to the sum of his annual professional or technical allowance and his former rate of pay.

(2) On the promotion to higher rank of an officer to whom the
provisions of subsection (1) do not apply and who is not a medical
officer, dental officer or legal officer, the initial annual rate of pay
applicable to his in such higher rank shall be determined as follows-

(a) If his former rate of pay is the same as, or higher than, the lowest
annual rate prescribed for the rank to which he is promoted, the initial
annual rate of pay applicable to him shall be the annual rate of next
above his former rate of pay;

(b) If his former rate of pay is lower than the lowest annual rate of
pay prescribed for the rank to which he is promoted, the initial annual
rate of pay applicable to him shall be such lowest rate.

(3) On the promotion to higher rank of a medical officer, dental officer
or legal officer, the annual rate of pay applicable to him shall be such
annual rate of pay prescribed for a medical officer, dental officer or legal
officer as the Minister determines.

(4) When an officer is temporarily appointed to higher rank the annual
rate of pay applicable shall, during the subsistence of his temporary
appointment, be-

(a) The lowest prescribed annual rate applicable to an officer
holding that higher rank; or

(b) The lowest prescribed annual rate applicable to an officer
holding that higher rank which is next above the annual rate of pay
applicable to the temporarily appointed officer in his substantive rank;
whichever is the higher.

(5) The appointment of an officer to act in a higher rank shall not affect
annual rate of pay which is applicable to that officer under the
provisions of these regulations.

14. (1) Subject to the provisions of this section, an officer who is
appointed to act for the Commander during the subsistence of his acting
appointment, be paid an acting allowance at the rate prescribed in Part I
of the Second Schedule.

(2) Subject to the provisions of this section, an officer who is appointed
to act-

(a) For an officer holding a rank; or

(b) In a vacancy in a unit carrying a rank; which is higher than his temporary or substantive rank and is listed in the first column of Part II or the Second Schedule shall, during the subsistence of his acting appointment, be paid an acting allowance at the rate specified opposite thereto in the second column of Part II of the said Schedule.

(3) No acting allowance shall be paid to an officer if the officer for whom he is appointed to act has himself been appointed to act in a higher rank or appointment:

Provided that the provisions of this subsection shall not apply to an officer appointed to act for an officer holding the rank of-

(a) Lieutenant-colonel or wing Commander or any higher rank; or

(b) Major Squadron Leader who commands a unit which is on detachment.

(4) If the rate of acting allowance together with the rate of pay due to an officer in his temporary or substantive rank exceeds-

(a) If he is appointed to act for an officer, the rate of pay applicable to that officer; or

(b) If he is appointed to act in a vacancy in a unit, the lowest rate of pay prescribed for the rank carried by that vacancy;

The acting allowance payable in terms of this section shall be reduced by the amount of the excess.

(5) Save as provided in subsection (6), no acting allowance shall be paid in terms of this section to an officer whose acting appointment subsists for a period of less than 30 consecutive days.
(6) An officer acting for the Commander shall be paid an acting allowance in terms of this section notwithstanding that his acting appointment subsists for a period of less than 30 consecutive days.

15. An officer who is serving in a unit included in the Air Force and who is classified by the Commander as being eligible for appointment to flying duties shall be paid a flying allowance at the rate prescribed in the Third Schedule for an officer holding the rank which is applicable to him.

16. (1) Subject to the provisions of this section, a marriage allowance at the rate of seven hundred and fifty thousand kwacha per annum shall be paid to any officer whose rate of pay does not exceed one million, three hundred and fifty six thousand kwacha per annum and who-

   (a) is maintaining or contributing towards the maintenance of his wife; or

   (b) Being a widower or divorcee, is maintaining or contributing towards the maintenance of a child.

(2) Where two or more members of the Regular Force are contributing towards the maintenance of a child, only one marriage allowance shall be payable under this section and section 22 of the European Members Regulations and it shall be paid:-

   (a) To such member; or

   (b) To such members in such proportions; as the Minister may from time to time determine.

17. (1) Subject to the provisions of this section, an officer who is maintaining or contributing towards the maintenance of a child or children shall be paid a children's allowance in respect of each child at the rate prescribed in the Fourth Schedule for an officer entitled to the rate of pay which is applicable to him.

(2) Where two or more members of the Regular Force are contributing
towards the maintenance of a child, only one children's allowance shall be payable under this section and section 23 of the European Members Regulations and it shall be paid-

(a) To such member or

(b) To such members in such proportions; as the Minister may from time to time determine.

18. (1) Subject to the provisions of this section, a quarters allowance at the rate specified in subsection (2) shall be paid to an officer who-

(a) Does not reside in official quarters; or

(b) Being married, maintains a home for his wife or children and is required for the performance of his duties to reside in official quarters away from his wife or children.

(2) The rate of the quarters allowance payable to an officer in terms of subsection (1) shall be:-

(a) One-sixth of his rate of pay; or

(b) three hundred and seventy eight thousand kwacha per annum; whichever is the less.

(3) No quarters allowance shall be paid to an officer mentioned in paragraph (b) of subsection (1) who resides in official quarters away from his wife or children at his own request or for his own convenience.

(4) No quarters allowance shall be payable in terms of this section in respect of a period of less than seven days.

19. (1) The Commander may, under such conditions as he may determine, grant an officer who is entitled to be paid a quarters allowance under section 18 a supplementary quarters allowance at a rate not exceeding the difference between the rate of quarters allowance payable to him inerms of section 18 and three hundred and seventy eight thousand kwacha per annum.
20. (1) An officer who performs the functions and duties of:-

(a) An area or Group Commander; or

(b) The Commanding Officer, Depot the Royal Rhodesia Regiment; or

(c) The Commanding officer of Thornhill Air Station or New sarum Air Station;

shall in respect of the period during which he performs such functions and duties, be paid an entertainment allowance at rate of one hundred and fifty thousand kwacha per annum.

(2) An officer who performs the functions and duties of the senior military representative in Nyasaland shall, in respect of the period during which he performs such functions and duties, be paid an entertainment allowance at the rate of seventy five thousand kwacha.

(3) An officer who perform the functions and duties of a commanding officer of a Battalion shall, in respect of the period during which he performs such functions and duties, be paid an entertainment allowance at the rate of seventy five thousand kwacha per annum.

(4) For the avoidance of doubt, it is hereby declared that an officer who performs functions and duties which qualify him for the payment of more than one entertainment allowance under this section shall be paid every entertainment allowance for which he so qualifies, so, however, that the aggregate of such allowances paid to any one officer shall in no case exceed the rate of one hundred and fifty thousand kwacha per annum.

21. (1) An officer who is married and who resides in official quarters shall be paid a fuel allowance at the rate of eighteen thousand kwacha.
22. An officer may be issued with free rations for such periods and in such circumstances as the Minister may determine.

23. An officer who is not provided with a batman shall be paid a servant allowance at the rate of thirty six thousand kwacha per annum.

24. (1) Subject to the provisions of this section, if an officer is successful in passing:

(a) A written and oral native language examination of a standard approval by the Minister, he shall be paid a gratuity of thirty thousand kwacha.

(b) An oral native language examination of a standard approved by the Minister, he shall be paid a gratuity of twelve thousand kwacha.

(2) An officer shall not, in respect of the same oral examination, be paid both the gratuities mentioned in this section.

25. (1) A medical officer, dental officer or legal officer shall be paid a professional allowance at the rates prescribed in this section.

(2) The rate of professional allowance payable to a medical officer or dental officer whose period of service amounts to five or more years and who has the rank of major or any higher rank shall be four hundred and fifty thousand kwacha.

(3) The rate of professional allowance payable to a medical officer or dental officer who is not entitled to be paid at the rate prescribed in subsection (2) shall be three hundred thousand kwacha per annum.
(4) The rate of professional allowance payable to a legal officer shall be three hundred and seventy five kwacha per day.

(5) The Minister may grant an officer who is technically qualified and who holds a rank not higher than that of manor or squadron leader a technical allowance at the rate of three hundred and seventy five kwacha per day.

26. (1) Subject to the provisions of subsection (2), an officer serving in a unit included in the Air Force whose life is insured against death or accident shall be refunded half the amount of any additional premiums which he is required to pay by reason of the nature of his duties in the Air Force.

(2) Where the sum in respect of which the life of an officer referred to in subsection (1) is so insured exceeds four million, five hundred thousand kwacha on the amount by which that sum exceeds four million, five hundred thousand kwacha.

27. An officer who holds the appointment of Chief of General Staff or Chief of Air Staff shall be paid an allowance at the rate of three hundred thousand kwacha per annum.

28. Notwithstanding the provisions of these regulations, an officer shall not be paid any pay or allowances in respect of any period during which-

(a) He is undergoing a sentence of imprisonment imposed under the Act by a court martial or civil court or;

(b) he is being treated as an in-patient at a hospital for an illness or injury if-

(i) he has been convicted by a court martial, prescribed officer or civil court of an offence under the Act; and

(ii) A medical officer certifies that his illness or injury has been occasioned by such offence; or
(c) He is absent in circumstances constituting the offence of deserting or absenting himself without leave.

29. (1) The Commander may authorize the deduction from the pay and allowances due to an officer in terms of these regulations of-

(a) Any liquidated amount which that officer is liable to pay to the Federal Government or to any mess, institution, organization or association whatsoever of members of the Defence Force.

(b) Any amount which that officer has previously been paid in pay and allowances in excess of the amount which is due to him in terms of these or any other regulations.

(2) If, after perusing the proceedings of any board of inquiry, the Commander is satisfied-

(a) That loss or destruction of or damage to Federal Government property or service property has been occasioned by the deliberate or negligent act of an officer; and

(b) That such officer will not be charged before a court martial, prescribed officer or civil court with an offence under the Act arising out of such loss destruction or damage;

he may authorize the deduction from the pay and allowance due to such officer in terms of these or any other regulations of such amount not exceeding-

(i) The value of the loss, destruction or damage; or

(ii) seventy five thousand kwacha

whichever is the less, as in the circumstances he may deem equitable compensation for the loss, destruction or damage.

(3) Any officer from whose pay and allowances a deduction has been made in terms of subsection (2) may, within the period of 14 days immediately following the date when the deduction was made, appeal in writing to the Minister against much deduction and the Minister may confirm, modify or set aside the deduction.
PART III

LEAVE AND LEAVE BENEFITS

30. For the purposes of this Part, leave shall be divided into the following classes:—
(a) Occasional leave;
(b) Vacational leave;
(c) Sick leave;
(d) Urgent private affairs leave;
(e) Study leave.

31. (1) The Minister may in accordance with the provisions of this Part:—

(a) Grant leave of any class to the Commander;
(b) Grant study leave to an officer.

(2) The Commander may, in accordance with the provisions of this Part, grant an officer under his command leave of any class other than study leave.

(3) An officer may, in accordance with the provisions of section 33, grant occasional leave to another officer under his command.

32. (1) The Commander may authorize the payment in advance of the pay and allowances due to an officer in respect of a period of leave granted to him in accordance with the following provisions:—

(a) If the officer has been granted a period of vacation leave which immediately precedes the date on which his retirement, resignation or
placing on the retired list takes effect, the pay and allowances due in respect of the whole of that period;

(b) If the officer has been granted a period of sick leave or a period of vacation leave which does not immediately proceed the date on which his retirement, resignation or placing on the retired list takes effect and-

(i) the leave is to be spent within the Federation or in the Union of South African, the pay and allowances due in respect of a period of two months or the period of the leave, whichever is the less;

(ii) The leave is not to be spent within the Federation or in the Union of South Africa, the pay and allowances due in respect of a period of three months or the period of the leave, whichever is the less.

(2) Where a period of leave with pay is granted to an officer under this Part, the officer shall, in respect of such period, be paid the amount of his pensionable emoluments and of any other allowances for which he is eligible under these regulations;

Provided that, if the period of such leave exceeds 30 days, no fuel allowance or servant allowance shall be paid to the officer in respect of the period of leave.

(3) Where a period of leave with half-pay is granted to an officer under this Part, the officer shall in respect of such period, be paid half the amount of his pay and the full amount of any allowances for which he is eligible under these regulations:

Provided that, if the period of such leave exceeds 30 days, no fuel allowance or servant allowance shall be paid to the officer in respect of the period of leave.

(4) Where a period of leave with reduced pay is granted to an officer under this Part, the officer shall, in respect of such period, be paid such amount of his pay and of any allowances for which he is eligible under these regulations as the Minister may in each case determine.

(5) Where a period of leave without pay is granted to an officer under
33. (1) In this section, "year" means a period of twelve months ending on the 31st December.

(2) Subject to the provisions of this section, an officer may during any year be granted occasional leave with pay for one or more periods not exceeding 14 days in all.

(3) If an officer was appointed to commissioned rank after the 1st January in any year, then-

(a) In the case of an officer who was not a European member of the regular Force immediately prior to his appointment to commissioned rank, the occasional leave which may be granted to him shall be reduced in proportion to the period in that year during which he was not an officer;

(b) In the case of an officer who was a European member of the Regular Force immediately prior to his appointment to commissioned rank, the occasional leave which may be granted to him shall be reduced by the number of days occasional leave, if any, which had been granted to and taken by him during that year under the provision of the European members regulations.

(4) Any period of occasional leave taken by an officer during the period extending from the 1st January, 1960, until the date of commencement of these regulations shall be deemed to have been taken under the provisions of this section.

(5) Any period of occasional leave which is not taken during the year in which it may be granted shall not be taken in any other year.

(6) Any Sunday or Public holiday which falls within a period of occasional leave shall not be reckoned as part of that period.

(7) For the avoidance of doubt, it is hereby declared that occasional leave may be granted so as to immediately proceed and, additionally or
alternatively, follow any period of vacation leave.

34. (1) In this section "qualifying service", in relation to an officer, means the period that has elapsed since the date of commencement of these regulations or the date of his appointment to commissioned rank, whichever is the later.

(a) The period of any vacation leave, sick leave occasioned by his own misconduct or urgent private affairs leave taken during such period; and-

(b) Any period after that date in respect of which, by virtue of the provisions of section 28, no pay or allowances were paid to him.

(2) Subject to the provisions of this section, vacational leave shall accrue to an officer at the following rates:-

(a) For every period of qualifyi ng service amounting to less than 365 days, 53 days;

(b) For every period of qualifyi ng service amounting to less than 365 days such number of days as bears the same proportion to that period as 53 bears to 365.

(3) Any vacation leave which, immediately before the date of commencement of these regulations, had accrued or was deemed to have accrued to an officer under the provisions of the European Members regulations and had not been taken by him, shall be deemed to have accrued in terms of this section.

(4) Where a member of the Regular Force is appointed to commissioned rank on or after the date of commencement of these regulations, any vacation leave which, immediately before the date of his appointment to commissioned rank, had accrued or was deemed to have accrued to him under the provisions of the law then applicable to him and had not been taken by him shall be deemed to have accrued in terms of this section.

(5) subject to the provisions of subsection (6), vacation leave shall not accrue to an officer in terms of this section in excess of 230 days, save
that an officer on service outside the Federation which is declared to be "active service" by the Minister for the purpose of this subsection, shall be permitted to accrue vacation leave in excess of 230 days up to a maximum of 350 days during such service and during a period of six months immediately following his return to the Federation from such service, so, however, that any leave in excess of 230 days shall be forfeited at the end of a period of eighteen months after the date on which he returned to the Federation after such service.

(6) Notwithstanding anything in this section contained, any officer who, immediately before the date of commencement of these regulations, has vacation leave accrued to him in respect of which the provisions of paragraph (b) of subsection (3) of section 80B of the Southern Rhodesia Staff Corps Regulations, 1947, published in Southern Rhodesia Government Notice No. 836 of 1947 as amended, applied, shall continue to enjoy the benefits conferred by such provisions.

35. (1) An officer may be granted vacation leave with pay for any period or part thereof which has accrued to him in terms of section 34 but not exceeding 184 days in respect of any one continuous period.

(2) If an officer is granted only a portion of the total vacation leave which has accrued to him, he may be granted the remaining portion at a later date, together with any further vacation leave which has accrued to him at that date.

36. (1) An officer may at any time be granted sick leave for a period not exceeding 365 days on the following leave conditions:

(a) When the period exceeds 90 days, the officer shall furnish a medical certificate as to the state of his health to the Commander at the end of every month;

(b) The first 180 days of any period shall be with pay and any subsequent period shall be with half pay.

(2) If an officer is absent from duty or detained in hospital on the orders of a medical officer and in the opinion of the Commander, such absence or detention is rendered necessary by the misconduct of the officer, the
commander may direct that the period of such absence or detention be taken as vacation leave or, if the officer is not eligible for the grant of any vactional leave which may subsequently accrue to the officer.

37. (1) An officer wishing to absent himself from duty on urgent private affairs who-

(a) is not eligible for the grant of a period of vacation leave or occasional leave; or

(b) is eligible for the grant of a period of vacation leave or occasional leave which is insufficient for the purpose;

may be granted urgent private affairs leave for such period as the commander may determine.

(2) An officer shall only be granted urgent private affairs leave if all periods of vacation leave and occasional leave which he is eligible to be granted are taken in conjunction therewith.

(3) The first 90 days of any period of urgent private affairs leave granted in terms of this section shall be with pay and any subsequent period of such leave shall be without pay.

(4) Any period of urgent private affairs leave with pay granted to an officer in terms of this section shall be deducted from any period of vacation leave which may subsequently accrue to the officer after he returns to duty and, if before a period of vacation leave equivalent to the period of urgent private affairs leave with pay granted to him has accrued the officer retires, resigns, if placed on the retired list or is dismissed, the pay and allowances paid to him in respect of that period of urgent private affairs leave shall be a debt due by him to the Federal Government.

38. (1) In this section, "period of the course study leave relation to an officer, means the period commencing on the first day on which the officer is required to report at the place where a course of study is to be held and ending on the last day on which he is required to be in attendance.
(2) Subject to the provisions of this section, an officer may be granted study leave with pay, for a period not exceeding 184 days, for the purpose of-

(a) Undertaking a post-graduate or refresher course at a university or at a professional institute in a subject directly connected with or related to his official duties; or

(b) Obtaining a special diploma or qualification which it is desirable that he should possess in order to carry out duties which he may be called upon to perform; or

(c) Obtaining training or experience in specialized subjects;

if, in the opinion of the Minister, any such purpose is directly in the interests of the Federal Government.

(3) Study leave with pay may only be granted if:-

(a) The period of such study leave does not exceed one half of the period of the course of duty; and

(b) Accrued vacation leave of an amount at least equal to the period of such study leave, is taken in conjunction therewith; and

(c) The total period of all leave taken is equal to or greater than-

(i) The period, if any, necessary to make the journey to and from the place at which the course of study is to be held; plus

(ii) The period of the course of study; plus

(iii) An additional period of fourteen days to be known as a rest period;

Provided that, if any part of the journey to or from the place at which the course of study is to be held, is made by sea, the amount of such rest period shall be reduced by any period actually spent at sea.

(4) Notwithstanding the provisions of section 35, an officer to whom study leave with pay is granted may, if the circumstances so require, be granted accrued vacation leave for a period equal to-
(a) The period, if any necessary to make the journey to and from the place at which the course of study is to be held; plus

(b) Half the period of the course of study; plus

(c) The rest period of 14 days;

Provided that the amount of accrued vacation leave which may be so granted to him shall not exceed 230 days.

(5) If an officer is granted accrued vacation leave in excess of 184 days under subsection (4), the period of study leave granted to him may exceed 184 days, but any period of study leave so granted in excess of 184 days shall be study leave without pay.

(6) Study leave without pay or with reduced pay may be granted, for such period as the Minister may determine, to an officer awarded a scholarship or grant for purposes which, in the opinion of the Minister, do not warrant the grant of study leave with pay.

(7) An officer to whom study leave with pay has been granted, shall not again be granted study leave with pay until a period of not less than ten years has elapsed since the first day of his last absence from duty on vacation leave taken in conjunction with study leave with pay.

(8) If, before the expiry of three years from the date of his return to duty, an officer to whom study leave with pay or with reduced pay has been granted retires, resigns, if placed on the retired list following a finding by a medical board that he is mentally or physically unfit for further service, or is dismissed, he shall pay to the Federal Government:-

(a) If the retirement, resignation, placing on the retired list or dismissal takes effect before the expiry of one year from the date of his return to duty, a sum equal to the pay or reduced pay received by him during the period of study leave together with the amount of any fees refunded to him under section 39;

(b) If the retirement, resignation, placing on the retired list of
dismissal takes effect after the expiry of one year, but before the expiry of two years from the date of his return to duty, two thirds of the sum payable under paragraph (a);

(c) If the retirement, resignation, placing on the retired list or dismissal takes effect after the expiry of two years but before the expiry of three years from the date of his return to duty, one-third of the sum payable under paragraph (a);

and any amount payable by an officer under this subsection, shall be a debt due by him to the Federal Government.

39. (1) Subject to the provisions of this section, an officer to whom study leave with pay or with reduced pay has been granted shall be refunded the amount of-

(a) The tuition fees for his course on the production by him of a receipt showing payment of the fees; and

(b) The fees for any examination which is an integral part of his course on the production by him of-

(i) A receipt showing that pay of such fees has been made; and

(ii) Evidence that he has successfully passed the examination.

(2) No refund of tuition fees to an officer under this section shall exceed one hundred and fifty thousand kwacha unless, before the grant of study leave to that officer, the Minister of Finance approved a refund in his case exceeding one hundred and fifty thousand kwacha.

40. (1) Subject to the provisions of this section, an officer who has completed three years' service and who proceeds on vacation leave for a period of not less than 30 days shall be paid:

(a) If he is not proceeding overseas or by sea from one coastal port to another between Beira and Cape Town, an amount equal to the const of a first-class return rail fare from the appropriate point of departure by rail nearest to his station to the railway station nearest to his destination;

(b) If his journey to a destination in the Union of South African or Portuguese East Africa includes a journey by sea from one coastal port
to another between Beira and Cape Town, an amount equal to the cost of a first-class return rail fare from the appropriate point of departure by rail nearest to his station to the railway station of the port of embarkation or disembarkation, whichever is the further from the point of departure by rail nearest to his station.

(c) If he proceeds overseas by sea or air, an amount equal to the cost of a first-class return rail fare to Cape Town from the appropriate point of departure by rail nearest to his station;

(d) If he proceeds to a place within the Federation, an amount equal to the cost of the first-class rail fares referred to in paragraph (a) in respect of his dependants;

(e) If-

(i) He proceeds to a place outside the Federation; and

(ii) His dependants are to return to the Federation; an amount equal to the cost of the first-class rail fares referred to in paragraph (a), (b) or (c), as the case may be, in respect of his dependants;

Provided that no amount which may be payable under this subsection shall, in respect of each person, exceed the cost of a first-class return rail fare at civil servants' concession rates from the appropriate point of departure to Cape Town by the most direct route.

(2) The benefits referred to in subsection (1) shall not be granted unless the officer undertakes, in writing, that he will proceed on vacation leave to his destination by a named route and, if the circumstances so require, that his dependants have preceded him or will proceed him or will accompany him or will join him during his vacation leave and are to return to the Federation.

(3) An officer who fails to comply with the undertaking given by him in terms of subsection (2) shall, save as may otherwise be authorised by the Commander, refund the cost or part thereof of any first-class return rail fare paid to him in terms of this section.

(4) An officer may subsequently be granted the benefits referred to in subsection (1) after a period of three years have elapsed between the first day of his last vacation leave in respect of which a benefit was granted
and the first day of the vacation leave in respect of which application for the grant of a benefit is made.

Provided that, if an officer proceeds on vacation leave for a period of not less than 30 days before such period of three years has elapsed, he may be granted a proportion of the benefits referred to in subsection (1) which bear the same relation to the full benefits as the number of completed months which have elapsed bears to such period of three years.

(5) For the purpose of this section, "dependant" means-

(a) The wife of an officer

(b) Any child of an officer wholly dependent on him; who precedes him or accompanies him or joins him on vacation leave.

41. (1) Subject to the provisions of this section, a person who- Grant of free rail fares on retirement

(a) Is an officer and who proceeds on vacation leave pending retirement on pension;

(b) Was an officer and who leaves the Federation after his retirement on pension shall be granted in respect of himself and each of his dependants the benefits specified in subsection (2) for a journey beyond the borders of the Federation.

(2) The benefits referred to in subsection (1) shall be-

(a) If the person is proceeding overseas or by sea from one coastal port to another between Beira and Cape Town an amount equal to the cost of single or return first-class rail fares by the most direct route from the railway station nearest to his last place of duty to the railway station nearest to his destination;

(b) If the person's journey to a destination in the Union of South Africa or Portuguese East Africa includes a journey by sea from one coastal port to another between Beira and Cape town, an amount equal
to the cost of single or return first-class rail fares by the most direct route from the station nearest to his last place of duty to coastal port of embarkation or disembarkation whichever is the further from the railway station nearest to his last place of duty;

(c) If the person proceeds overseas by sea or air, an amount equal to the cost of single or return first-class rail fares from the railway station nearest to his last place of duty to Cape Town; Provided that-

(i) In the case of single journey, a person shall be entitled only to an amount equal to the cost of single first class rail fare and, in any case, shall not be entitled for a benefit in respect of himself or a dependant exceeding the cost of a first-class rail fare from the railway station nearest to his last place of duty to Cape Town.

(ii) In the case of a return journey, the benefit in respect of the person or a dependant shall not exceed the cost of a first-class rail fare at civil servants’ concession rates from the railway station nearest to the person's last place of duty to Cape Town.

(3) The widow of a person who was an officer and his children dependent upon her may be granted the benefits conferred by section if such person-

(a) Dies before retirement on pension; or

(b) having retired on pension, dies within twelve months of the benefits to which he was entitled under this section.

(4) A person who receives the benefits conferred by section 40 when proceeding on vacation leave pending retirement shall not be entitled to the benefits conferred by this section.

(5) Nothing in this section contained shall entitled a person or his dependants to be granted the benefits conferred by this section on more than one occasion.

(6) No claim for the benefits conferred by this section shall be granted unless it is supported by a certificate that they will be used for the journey in respect of which the claim was made and, in the case of a claim made in respect of a person's dependants, particulars are given.
(7) For the purpose of this section, "dependant", in relation to a person referred to in subsection (1), means-

(a) The wife of that person;

(b) Any child of that person who was, at the date on which that person ceased to be an officer, under the age of eighteen years and wholly dependent on him;

who precedes him, accompanies him or follow him on any journey with respect to which a benefit may be granted under this section.

42. (1) On the death of an officer, there shall be paid either to his widow or to his dependants, as the Minister may determine, the cash equivalent of any vacation leave accrued to him, calculated at the rate of pay and allowances which he would have received had he proceeded on vacation leave on the day immediately preceding the date of his death.

(2) An officer who retires or who is placed on the retired list following a finding by a medical board that he is mentally or physically unfit for further service, shall be paid the cash equivalent of any vacation leave accrued to him, calculated at the rate of pay and allowances which he would have received had he proceeded on vacation leave on the day immediately preceding the date on which his retirement takes effect.

(3) An officer who resigns and whose pensionable service amounts to five or more years shall be paid half the cash equivalent of any vacation leave, not exceeding 184 days, accrued to him, calculated at the rate of pay and allowances which he would have received had he proceeded on vacation leave on the day immediately preceding the date on which his resignation takes effect.

(4) Save as provided by this section, no payment shall be made of the cash equivalent of any vacation leave accrued to an officer.

PART IV

MEDICAL BENEFITS
43. The Commander may at any time order an officer to present himself for and to submit to a medical examination at the expense of the Federation Government by-

(a) A medical officer;
(b) A private medical practitioner;
(c) A medical board.

44. (1) An officer shall while stationed or on leave within the Federation, and while outside the Federation on active service or other duty, be entitled to receive the following benefits free of charge in respect of himself and his dependent.

(a) Attendance and treatment by a medical officer;
(b) such medical treatment by persons other than of medical officers as is, before the commencement of such treatment, authorized by a medical officer.

(2) If, while an officer is stationed or on leave within the Federation or is outside the Federation on active service or other duty, a medical officer authorizes the admission to a Federal Government hospital of such officer or of any of his dependants, such officer shall not be required to pay any of the hospital fees which would normally be incurred during the period the officer or any such dependant is kept at the hospital and shall be entitled, in addition, to have the patient transported to the hospital free of charge.

(3) If the Director of Medical Services is satisfied that no medical officer was available to authorise-

(a) The medical treatment of an officer or his dependant referred to in paragraph (b) of subsection (1); or

(b) The admission to a Federal Government hospital of an officer or his dependant referred to in subsection (2);

and that such treatment or admission was necessary in the circumstances, he may authorize such treatment or admission and thereupon the officer shall be entitled to the benefits conferred by
subsection (1) or (2) as if the treatment or admission had been authorized by a medical officer.

(4) If an officer on leave outside the Federation requires medical or hospital treatment for himself in respect of an illness, injury or disability which is attributable to his service within the Federation, the Director of Medical Services shall authorize him to be provided, free of charge, with such medical or hospital treatment (including transport to a hospital) as the Director of Medical Services considers necessary in the circumstances.

(5) If while an officer is stationed or on leave within the Federation or is outside the Federation on active service or other duty, it is necessary for him or any of his dependants to be admitted to a hospital and no Federal Government hospital is available for the purpose, the Government hospital is available for the purpose, the Director of Medical Services shall authorize the admission of such officer or dependant to such other hospital or institution as may be named by him, and thereupon the officer shall be entitled to have the patient to the hospital or other institution paid by the Federal Government.

45. Without derogation from the provisions of section 44-

(a) The Director of Medical Services may authorize the payment to an officer of any medical or surgical expenses incurred by the officer within the Federation in respect of himself or any of his dependants, other than medical or surgical expenses incurred in connection with the confinement of the wife of the officer;

(b) If the Director of Medical Services certifies that specialist medical or surgical advice or treatment is required by an officer and that such advice or treatment is not available within the Federation, the Minister may authorize the payment of any or all of the expenses incurred by him in obtaining such advice or treatment.

46. An officer shall, while stationed or on leave within the Federation and while outside the Federation on active service or there duty, be entitled to free dental treatment by a dental officer in respect of himself.

47. (1) If the examination and treatment of an officer's eyes by an oculist is authorized by a medical officer, any costs thereby incurred shall be paid by the Federation Government.

Additional medical services

Dental treatment

Treatment by oculists
The cost of a standard type of frame and lenses prescribed for an officer by an oculist or optician shall be paid by the Federal Government.

PART II

TRANSFERS AND TRAVELLING ON DUTY

48. The Minister may, with the concurrence of the Minister of Finance, authorize the payment to an officer in respect of any period during which he is required to travel on duty of-

(a) an allowance sufficient to cover the reasonable expenses incurred by the officer on travelling and subsistence;

(b) An allowance sufficient to cover other reasonable out-of-pocket expenses incurred by the officer.

49. The Minister may, with the concurrence of the Minister of Finance, authorize the payment to an officer who is required to undertake relieving or special duty of an allowance sufficient to cover the reasonable expenses thereby incurred by the officer.

50. An officer who is posted on transfer at his own request shall not be entitled to a refund of any of the expenses incurred thereby.

51. (1) Subject to the provisions of this section, an officer who is posted on transfer other than at his own request shall be entitled to the following benefits-

(a) Allowances at the rates authorize under section 48 in respect of himself and each of his dependant over the age of 12 years;
(b) allowances at half the rates authorized under section 48 in respect of each of his dependants under the age of 12 years:

(c) Either-

(i) Reimbursement of the expenses necessarily incurred in transporting-

A. Himself, his dependants, and not more than two domestic servants;

B. The household and personal effects (including domestic animals) not exceeding 15,000 lb. in weight belonging to himself, his dependants, and not more than two domestic servants;

C. A reasonable amount of excess luggage belonging to himself, his dependants, and not more than two domestic servants by passenger train; or

(ii) If he is authorized by the Commander to travel by a private motor vehicle in respect of which a comprehensive policy of insurance or a policy of insurance in respect of full third party risks, together with, in either case an employers' indemnity extension is in force-

A. A mileage allowance at a rate fixed by the Minister with the concurrence of the Minister of Finance; and

B. Reimbursement of the expenses necessarily incurred in transporting the persons (other than himself), effects and luggage referred to in subparagraph (i) which could not reasonably have been transported in such private motor vehicle; his household effects, a gratuity of-

(i) In the case of an officer without any dependant, eleven thousand two hundred and fifty kwacha;

(ii) in the case of an officer with one or more dependants, thirty thousand kwacha;

(e) Reimbursement of any reasonable expenses incurred in employing professional packers.

(2) The allowances payable under paragraphs (a) and (b) of subsection (1) may be paid in respect of any of the following periods, that is to say-

(a) Any period immediately preceding the date of transfer of the officer or immediately following the date of arrival of the officer at the station to which he is posted on transfer, not exceeding 22 days in all,
during which the officer and his dependants necessarily incurred the expenses of accommodation at a hotel, club, boarding-house or rest-house;

(b) Where the cost of sleeping accommodation and meals is not included in the fares paid for transport the officer and his dependants to the station to which he is posted on transfer, the period during which the officer and his dependants were in transit thereto.

(3) No allowance shall be paid under paragraph (e) of subsection (1) unless the authority of the Commander to employ professional packers has first been obtained.

(4) If an officer travels by a mode of transport which, after making due allowance for any consequent saving in travelling and subsistence and other allowances and benefits, is more expensive than another mode of transport which is available and reasonably suitable, the officer shall be reimbursed as if he had travelled by the less expensive mode of transport, unless the Minister is satisfied that, owing to urgency or other reasons, the additional expense was justified.

52. An officer may be paid in advance the full amount of any allowances and, additionally or alternatively, other benefits which it is estimated will be payable to him under this Part in respect of any posting on transfer or travelling on duty, but any payment so made shall, immediately following the termination of the period in respect of which the payment has been made, be adjusted to the actual amount of the allowances and, additionally or alternatively, to there benefits which are payable to him.

53. An officer shall, in respect of any period during which he attends a camp or training and during such other periods as the Minister may determine, be paid a field allowance prescribed in the Fifth Schedule for an officer holding the rank which is not applicable to him.

PART VI

DRESS AND EQUIPMENT
54. (1) An officer shall provide himself with such clothing and personal equipment as will enable him to appear in all orders of dress, and shall maintain it in a serviceable condition.

(2) On first appointment to commissioned rank an officer shall be paid a gratuity of one hundred and twelve thousand five hundred kwacha for the purpose of providing himself with such clothing and personal equipment as will enable him to appear in all orders of dress.

(3) If a new or altered order of dress is adopted after the first appointment of an officer to commissioned rank, he shall be entitled to be granted a free issue of any additional clothing and personal equipment required to enable him to appear in the new or altered order of dress, or, in lieu thereof, to be paid the amount of any expenses necessarily incurred by him in providing himself with such clothing and equipment.

(4) An officer shall, on every anniversary of the date of his appointment to commissioned rank, be paid a gratuity of thirty thousand kwacha for the purpose of maintaining his clothing and personal equipment in a serviceable condition.

55. (1) An officer serving in a unit included in the Air Force shall be issued with any flying and camping equipment necessary to enable him to perform his duties.

(2) Any flying and camping equipment issued to an officer shall remain the property of the Federal Government, and an officer may at any time be ordered by the Commander to return all or any items thereof.

(3) An officer who fails when ordered to so do return any item of flying or camping equipment issued to him shall be liable to pay an amount equal to the cost thereof to the Federal Government, unless he can show that such items was stolen, lost, or destroyed and that he took all reasonable precautions to prevent its theft, loss or destruction.

(4) Any flying and camping equipment issued to an officer in terms of subsection (1) shall be maintained in a serveable condition at the
expense of the Federation Government.

56. An officer shall not wear any article forming part of the uniform of the Defence Force which he is not authorized to wear.

Wearing of uniform

Regulations 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88 have been revoked by Defence (Regular Force) Pensions) Regulations, reg 40(b).

PART IX

MISCELLANEOUS PROVISIONS

89. No officer shall marry without obtaining the consent of the Commander.

Marriage

90. An officer shall, if required by the Commander to do so, reside in official quarters.

Occupation of official quarters

91. Except with the written consent of the Minister and in accordance with such directions, if any, as the Minister may from time to time give him, an officer shall not-

(a) Engage for profit in any business or occupation other than his official duties;

(b) be or become a director or engage directly or indirectly in the management or direction of any public company or syndicate.

Engagement in profit trade or business

92. No officer shall-

(a) Belong to any political organization or take any active part in political matters;

(b) Belong to any organization which is banned or prescribed by or under any law, including a Territorial law;

(c) Attend any political meeting or assembly when in a uniform of the Defence Forces; or

Participation in political activities
(d) Be a member of a Municipal Council.

93. (1) If an officer deserts and there is no likelihood of his immediate arrest, the Commander may, on the expiration of one month after the date of desertion, authorize the sale by auction of any private effects or personal property left by the officer.

(2) The proceeds of any sale of private effects or personal property of an officer who has deserted, together with the amount of pay and allowances due to him at the date of desertion, shall be applied firstly to the liquidation of any sums due by the that officer to the Federal Government and thereafter to the liquidation of any sums due by that officer to a mess or other institution, organization or association of members of the Defence Forces.

94. The amount of pay reasonable expenses incurred in burying an officer shall be paid by the Federal Government.

95. Where any mess or other institution, organization or association of officers has been constituted at a station, the Commander may order all the officers at that station or any class of those officers to be members of that mess, institution, organization or association and to pay such subscriptions as re due by the members thereof.

FIRST SCHEDULE

(Section II)

PART I

RATES OF PAY FOR OFFICERS OTHER THAN MEDICAL OFFICERS, DENTAL OFFICERS, LEGAL OFFICERS AND CHAPLAINS

<table>
<thead>
<tr>
<th>Rank</th>
<th>Year of service in rank</th>
<th>Rate Per annum K</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major-General</td>
<td></td>
<td>4,492,500</td>
</tr>
<tr>
<td>Air Vice-Marshals</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### RATES OF PAY FOR MEDICAL OFFICERS, DENTAL OFFICERS, LEGAL OFFICERS AND CHAPLAINS

#### Rate of Pay

<table>
<thead>
<tr>
<th>Rank or appointment</th>
<th>Rate per annum</th>
<th>Year of service in rank or appointment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Medical Officer holding the rank of lieutenant</td>
<td>2,100,000</td>
<td></td>
</tr>
<tr>
<td>2. Medical officer, dental, or legal officer</td>
<td>2,159,550, 2,220,750</td>
<td>First Year, Second Year</td>
</tr>
</tbody>
</table>

### PART II

#### RATES OF PAY FOR MILITARY PERSONNEL

<table>
<thead>
<tr>
<th>Rank or appointment</th>
<th>Rate per annum</th>
<th>Year of service in rank or appointment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Brigadier</td>
<td>3,780,000</td>
<td></td>
</tr>
<tr>
<td>3. Colonel</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Group Captain</td>
<td></td>
<td></td>
</tr>
<tr>
<td>First Year</td>
<td>3,151,575</td>
<td></td>
</tr>
<tr>
<td>Second Year</td>
<td>3,231,900</td>
<td></td>
</tr>
<tr>
<td>Third Year</td>
<td>3,307,500</td>
<td></td>
</tr>
<tr>
<td>Fourth Year and subsequent Years</td>
<td>3,387,825</td>
<td></td>
</tr>
<tr>
<td>4. Lieutenant-Col Wing Commander</td>
<td></td>
<td></td>
</tr>
<tr>
<td>First Year</td>
<td>2,835,000</td>
<td></td>
</tr>
<tr>
<td>Second Year</td>
<td>2,915,325</td>
<td></td>
</tr>
<tr>
<td>Third Year and subsequent Years</td>
<td>2,990,925</td>
<td></td>
</tr>
<tr>
<td>5. Major</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Squadron Leader</td>
<td></td>
<td></td>
</tr>
<tr>
<td>First Year</td>
<td>2,348,325</td>
<td></td>
</tr>
<tr>
<td>Second Year</td>
<td>2,409,750</td>
<td></td>
</tr>
<tr>
<td>Third Year</td>
<td>2,475,900</td>
<td></td>
</tr>
<tr>
<td>Fourth Year</td>
<td>2,553,075</td>
<td></td>
</tr>
<tr>
<td>Fifth Year</td>
<td>2,633,400</td>
<td></td>
</tr>
<tr>
<td>Sixth Year and subsequent Years</td>
<td>2,712,150</td>
<td></td>
</tr>
<tr>
<td>6. Captain</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Flight-Lieutenant</td>
<td></td>
<td></td>
</tr>
<tr>
<td>First Year</td>
<td>2,159,550</td>
<td></td>
</tr>
<tr>
<td>Second Year</td>
<td>2,220,750</td>
<td></td>
</tr>
<tr>
<td>Third Year</td>
<td>2,286,900</td>
<td></td>
</tr>
<tr>
<td>Fourth Year</td>
<td>2,348,325</td>
<td></td>
</tr>
<tr>
<td>Fifth Year</td>
<td>2,409,750</td>
<td></td>
</tr>
<tr>
<td>Sixth Year</td>
<td>2,475,900</td>
<td></td>
</tr>
<tr>
<td>Seventh Year and subsequent Years</td>
<td>2,553,075</td>
<td></td>
</tr>
<tr>
<td>7. Lieutenant</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Flying officer</td>
<td></td>
<td></td>
</tr>
<tr>
<td>First Year</td>
<td>1,578,150</td>
<td></td>
</tr>
<tr>
<td>Second Year</td>
<td>1,639,800</td>
<td></td>
</tr>
<tr>
<td>Third Year</td>
<td>1,701,000</td>
<td></td>
</tr>
<tr>
<td>Fourth Year</td>
<td>1,767,150</td>
<td></td>
</tr>
<tr>
<td>Fifth Year</td>
<td>1,828,800</td>
<td></td>
</tr>
<tr>
<td>Sixth Year</td>
<td>1,890,000</td>
<td></td>
</tr>
<tr>
<td>Seventh Year</td>
<td>1,956,150</td>
<td></td>
</tr>
<tr>
<td>Eighth Year</td>
<td>2,017,800</td>
<td></td>
</tr>
<tr>
<td>Ninth Year and subsequent Years</td>
<td>2,079,000</td>
<td></td>
</tr>
<tr>
<td>8. Second Lieutenant Pilot officer</td>
<td></td>
<td></td>
</tr>
<tr>
<td>First Year</td>
<td>1,181,250</td>
<td></td>
</tr>
<tr>
<td>Second Year and subsequent Years</td>
<td>1,261,800</td>
<td></td>
</tr>
</tbody>
</table>
than that of Lieutenant ................................................... Fourth Year
Fifth Year .............................................................. 2,409,750
Sixth Year .............................................................. 2,475,900
Seventh Year .......................................................... 2,553,015
Eighth Year ............................................................ 2,633,400
Ninth Year ............................................................. 2,712,150
Tenth Year ............................................................ 2,835,000
Eleventh Year .......................................................... 2,915,325
Twelfth Year and subsequent Years .................. 2,990,925

3. Chaplain First Year ........................................................... 2,041,200
   (Fourth Class) Second Year ....................................................... 2,907,900
   Third Year .......................................................... 2,159,550
   Fourth Year and subsequent Years .................... 2,216,250

4. Chaplain First Year ........................................................... 2,254,050
   (Third Class) Second Year ....................................................... 2,310,750
   Third Year .......................................................... 2,271,950
   Fourth Year ........................................................ 2,442,825
   Fifth Year and subsequent Years ....................... 2,523150

5. Chaplain First Year ........................................................... 2,768,850
   (Second Year) Second Year ....................................................... 2,820,825
   Third Year ........................................................ 2,868,015

6. Chaplain First Year ........................................................... 2,995,650
   (First Year) Second Year ....................................................... 3,052,350
   Third Year ........................................................ 3,099,600
   Fourth Year .......................................................... 3,156,300

SECOND SCHEDULE

(Section 14)

RATES OF ACTING ALLOWANCE

PART I

<table>
<thead>
<tr>
<th>Acting appointment</th>
<th>Rate per month</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acting Commander</td>
<td>15,000</td>
</tr>
</tbody>
</table>

PART II
THIRD SCHEDULE

(Section 15)

RATES OF FLYING PAY ALLOWANCE

<table>
<thead>
<tr>
<th>Rank</th>
<th>Rate per day K</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Air Commodore</td>
<td>244</td>
</tr>
<tr>
<td>2. Group Captain</td>
<td>488</td>
</tr>
<tr>
<td>3. Wing Commander</td>
<td>825</td>
</tr>
<tr>
<td>4. Squadron Leader</td>
<td>825</td>
</tr>
<tr>
<td>5. Flight-Lieutenant</td>
<td>825</td>
</tr>
<tr>
<td>6. Flying Officer</td>
<td>675</td>
</tr>
<tr>
<td>7. Pilot Officer</td>
<td>600</td>
</tr>
</tbody>
</table>

FOURTH SCHEDULE

(Section 17)

RATES OF CHILDREN'S ALLOWANCE

<table>
<thead>
<tr>
<th>Rate of pay of officers per annum</th>
<th>Rate of allowance per annum for first child</th>
<th>Rate of allowance per annum for each additional child</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Not exceeding k1,839,000</td>
<td>k90,000</td>
<td>k36,000</td>
</tr>
<tr>
<td>2. k1,788,000 to k1,839,000</td>
<td>k82,500</td>
<td>k36,000</td>
</tr>
<tr>
<td>3. k1,840,500 to k1,890,000</td>
<td>k75,000</td>
<td>k36,000</td>
</tr>
<tr>
<td>4. k1,891,500 to k1,998,000</td>
<td>k67,500</td>
<td>k36,000</td>
</tr>
<tr>
<td>5. k1,999,500 to k2,052,000</td>
<td>k60,000</td>
<td>k36,000</td>
</tr>
<tr>
<td>6. k2053500 to k2,103,000</td>
<td>k52,500</td>
<td>k36,000</td>
</tr>
<tr>
<td>7. k2,104,500 to k2,628,000</td>
<td>k45,000</td>
<td>k36,000</td>
</tr>
</tbody>
</table>
8. k2629500 to k2,731,500  k34,500  k27,000
9. k2,733,000 to k2,835,00  k24,000  k18,000
10. k2,836,500 to k2,940,000  k12,000  k9,000
11. Exceeding k2,940,000  NIL  NIL

FIFTH SCHEDULE

(Section 53)

RATES OF FIELD ALLOWANCE

<table>
<thead>
<tr>
<th>Rank</th>
<th>Rate per day</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Major or squadron leader or any higher rank</td>
<td>k300</td>
</tr>
<tr>
<td>2. Captain or flight-lieutenant</td>
<td>k338</td>
</tr>
<tr>
<td>3. Lieutenant or flying officer</td>
<td>k225</td>
</tr>
<tr>
<td>4. Second lieutenant or pilot officer</td>
<td>k225</td>
</tr>
</tbody>
</table>

SIXTH SCHEDULE

(Section 65)

RATES OF PENSION PAYABLE IN RESPECT OF CHILDREN

1. If the member or person receiving a pension leaves a widow, the pension in respect of his children shall be at the following rates-
   - For one child: A pension equal to twenty-five per centum of his widow's pension.
   - For two children: A pension equal to forth per centum of his widow's pension.
   - For three children: A pension equal to fifty per centum of his widow's pension.
   - For four children: A pension equal to sixth per centum of his widow's pension.
   - For five or more children: A pension equal to sixty-six and two-thirds per centum of his widow's pension.
Provided that if owing to the death or remarriage of the widow her pension ceases, the pension in respect of the children shall be at the rates prescribed in paragraph.

2. If the member or person receiving a pension leaves no widow, the pension in respect of his children shall be at the following rates-

   For two children had he left one.
   A pension equal to fifty per centum of the pension that would have been payable to his widow

   For three children had he left one.
   A pension equal to eight per centum of the pension that would have been payable to his widow

   For four children per centum of his widow had
   A pension equal to one hundred and twenty the pension that would have been payable to he left one.

   For five or more children.
   A pension equal to one hundred and thirty-three and thirty-three and one-third per centum of the pension that would have been payable to his widow had he left one.


CHAPTER 107

THE ZAMBIA POLICE ACT

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title
2. Interpretation

PART II

COMPOSITION AND ADMINISTRATION
3. Inspector-General to have entire command
4. Composition of the Force
5. Functions of the Force
6. Administration of the Force

PART III
ATTESTATION, SERVICE AND DISCHARGE

7. Attestation
8. Declaration on joining the Force
9. Prolongation of service in case of war
10. Termination of appointment of certain police officers
11. Release on completion of service
12. Arms and accoutrements to be delivered up on ceasing to belong to the Force

PART IV
POWERS, DUTIES AND PRIVILEGES OF POLICE OFFICERS

13. Police officers not to engage in other employment
14. General powers and duties of police officers
15. Search by police officers
16. Right of entry in case of fire
17. Power to take photographs, measurements, fingerprints, etc.
18. Power to lay information
18A Designation of Custody Officer
18B Duties of Custody Officer
19. No fee to be chargeable on bail bonds
20. Power to inspect licenses
21. Duty of the Force to keep order on public roads
22. Traffic barriers and cordons
23. Non-liability for act done under authority of a warrant
24. Power to use firearms
25. Power to seize weapons

**PART V**
**OFFENCES BY POLICE OFFICERS TRIABLE BY CRIMINAL COURTS**

26. Offences by police officers triable by criminal courts
27. Apprehension of deserters
28. Membership of trade union forbidden

**PART VI**
**DISCIPLINE**

29. Methods of dealing with disciplinary matters
30. Offences against discipline by officers below the rank of Assistant Superintendent
31. Tribunals for the trial of disciplinary offences and their powers of punishment
32. Police Advisory Board
33. Powers of officer holding inquiry
34. Suspended punishment
35. Fines to be recovered by stoppage of pay
36. Loss or damage to arms and accoutrements to be made good by stoppage of pay
37. Pay not to accrue during absence without leave, imprisonment or detention
38. Interdiction of police officers below rank of Assistant Superintendent
39. Power of arrest and remand for offences
40. Confinement of police officer arrested or sentenced
41. Dismissal and reduction in rank of police officer sentenced to imprisonment

**PART VII**
**DISPOSAL OF UNCLAIMED PROPERTY**

42. Inventory or description of unclaimed property to be sent to
subordinate court

43. Disposal of property which is neither money nor property subject to decay

44. Disposal of property subject to decay

45. Unclaimed money

45A Establishment of vehicle parking lot

PART VIII
EMPLOYMENT OF POLICE OFFICERS ON SPECIAL DUTY AND THE MAINTENANCE OF ORDER IN DISTURBED AREAS

46. Employment of police officers on special duty at expense of private persons

47. Arrangements with other countries

PART IX
COMMUNITY CRIME PREVENTION

48. Establishment of community crime prevention methods

49. Assignment of police officer to an association

50. Provisions of equipment by police to association

51. Power of arrest by association member

52. Compensation

53. Establishment of Victim Support Unit

54. 

55. 

56. 

PART X
PENSIONS AND GRATUITIES

57. Pensions and gratuities

PART XA
POLICE PUBLIC COMPLAINTS AUTHORITY

57A. Interpretation
57B. Complaints Authority
57C. Composition
57D. Appointment of secretary
57E. Immunity of members
57F. Remuneration of members
57G. Functions of Authority
57H. Powers of Authority
57I. Lodging of Complaint
57J. Receipt of complaint by principal officer
57K. Complaints received by Inspector-General or Office-In-Charge
57L. Proceedings of Authority
57M. Committees
57N. Disclosure of interest by member
57O. Prohibition of disclosure of information
57P. Register of complaints
57Q. Authority to submit report to Minister
57R. Publication of quarterly report
57S. Offences
57T. Regulations

PART XI
GENERAL OFFENCES

58. Power to prosecute under other law not affected
59. Unlawful possession of articles supplied to police officers
59A. Sending of offensive message on police radio and telecommunications
59B. Transfer or loss of radio or telecommunications device
60. Disorderly conduct in police station, etc.
61. Persons causing disaffection, etc.

PART XII
MISCELLANEOUS

62. Regulations
63. Power to exempt police canteens, etc.
64. Repeal and savings

FIRST SCHEDULE-Composition of the Force

SECOND SCHEDULE-Prescribed forms

CHAPTER 107

ZAMBIA POLICE

An Act to provide for the organisation, functions and discipline of the Zambia Police Force and of special constables and for matters incidental thereto.

[4th March, 1966]

PART I
PRELIMINARY

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.

2. In this Act, unless the context otherwise requires-

"Assistant Commissioner" includes a Senior Assistant Commissioner;
"discharge" means the removal, after due notice, from office of a police officer;
"dismiss" means the removal, without due notice, from office of a police officer;
"divisional commander of police" means a superior police officer appointed by the Inspector-General to be in charge of a police division, or, if no such officer has been appointed in relation to any police division, the Inspector-General;

"due notice" means the notice of retirement, resignation, discharge or dismissal, as the case may be, that a police officer is required to give or to be given in accordance with the conditions of service applicable to him;

"the Force" means the Zambia Police Force established by law;

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

"Inspector" includes a Chief Inspector, a Senior Inspector and an Sub-Inspector;

"Inspector-General" means the Inspector-General of Police.

"officer in charge of police" means the police officer appointed by the Inspector-General to be in charge of the police stationed in any place;

"pay" means the salary of a police officer in his substantive rank, but does not include any allowances which have not been specifically stated to be pensionable;

"police officer" means any member of the Force;

"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 station" means any place appointed by the Inspector-General to be a police station and includes any local area policed from such station;

"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 principal utilises electrical, magnetic, electromagnetic or electrolchemical 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;

"public place" includes-

(a) any highway, market place, square, road, street, bridge or other way which is lawfully used by the public;

(b) any place, other than a building, to which the public are for the time being entitled or permitted to have access either without any condition or upon condition of making any payment;

"superior police officer" means any police officer of or above the rank of Assistant Superintendent;

"telecommunication" has the meaning assigned to it under the Telecommunications Act;

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

"Tribunal" means a police officer empowered under this Act to try offenders under section thirty.

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

(As amended by Act No. 40 of 1974 and Act No.14 of 1999)

PART II

COMPOSITION AND ADMINISTRATION

3. (1) The Inspector-General shall, subject to the orders and directions of the President, have the command, superintendence, direction and control of the Force.

(2) The Inspector-General may, subject to the general instructions of the Minister and to the provisions of this Act and any regulations made thereunder, from time to time make standing orders for the general government of police officers in relation to their training, arms and accoutrement, clothing and equipment, places of residence, classification and duties, as well as to their distribution and inspection, and such other orders and instructions as he may deem expedient for preventing neglect and for promoting efficiency and discipline of police officers in the discharge of their duties.

(3) Save where a contrary intention appears, the Inspector-General may delegate any of the powers vested in him by this Act or any regulations, rules, orders or notices made thereunder or, by any other written law, to
a police officer not below the rank of Assistant-Commissioner

(As amended by Act No. 40 of 1974)

4. (1) The Force shall consist of such numbers of the ranks set out in the First Schedule as the President may direct.

(2) Police officers shall rank for seniority in the order shown in the said Schedule.

(3) Where a police officer, other than a superior police officer, has been appointed to the Criminal Investigation Department or Special Branch, the word "Detective" shall precede the title of the rank held but the rank and seniority of such officer shall be the same as if he had not been so appointed.

(4) The President may, by statutory instrument, amend the First Schedule.

5. The Force shall be employed in and throughout Zambia for preserving the peace, for the prevention and detection of crime, and for the apprehension of offenders against the peace and, for the performance of such duties, may carry arms.

6. (1) The administration of the Force throughout Zambia shall be vested in the Inspector-General

(2) The control of the police in any place shall be vested in such police officer as may be appointed by the Inspector-General under this section to be in charge thereof.

(3) An officer in charge of police shall carry out the orders of the Inspector-General in all matters connected with the discipline, internal administration and training of the police officers in his charge.

(4) A police officer of or below the rank of Sub-Inspector shall not be appointed an officer in charge of police.

(As amended by Act No. 40 of 1974)

PART III

ATTESTATION, SERVICE AND DISCHARGE

7. A police officer shall on his joining the Force be attested to serve in the Force for such period and on such conditions as may be prescribed.
8. (1) A person shall on joining the Force make and sign a declaration before a magistrate or superior police officer in such manner as he may declare to be most binding on his conscience in Form 1 of the Second Schedule.

(2) A person on joining the Force shall, before making the declaration required by subsection (1), answer truly any question which may be put to him as to his previous service in any military, naval or air force or any other police force, and as to whether he has at any time been convicted in Zambia or elsewhere of a felony or misdemeanour.

(3) Any person who wilfully makes a false statement in reply to a question put to him under subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred penalty units or to imprisonment for a period not exceeding one month. *(As amended by Act No. 13 of 1994)*

9. Any police officer whose period of service expires during, or who would but for the provisions of this section resign during, any state of war, insurrection or hostilities may be retained and his service prolonged for such further period as the Minister may direct. *(Prolongation of service in case of war)*

10. The appointment of any police officer appointed by the Inspector-General may, within six months of his making and signing the declaration required by section eight be terminated by fourteen days' notice on either side or payment of fourteen days' salary in lieu of notice. *(As amended by Act No. 40 of 1974)*

11. (1) Subject to the provisions of this Act, every police officer who has completed his period of service shall be released from service by the officer in charge of police at the place where he is stationed, unless at the date of completion of his service he stands charged with the commission of any offence against discipline under section thirty, in which case his service shall be prolonged and his release from service deferred until he has undergone his trial and any punishment which may be imposed in respect of the offence charged.

(2) Every such police officer shall, until he has received a certificate of service, remain subject to the provisions of this Act. *(Release on completion of service)*

12. (1) When a person ceases to be a member of the Force, he shall forthwith deliver up to the person appointed by the Inspector-General for that purpose, or to the officer in charge of police at the place at which he was last stationed, all arms, ammunition, accoutrements, uniform and other appointments which have been supplied to him and which are the property of the Government. *(Arms and accoutrements to be delivered up on ceasing to belong to the Force)*
(2) Any person who, having ceased to be a member of the Force, fails to deliver up any arms, ammunition, accoutrements, uniform or other appointments in his possession as required by this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding four hundred penalty units or to imprisonment for three months, or to both, and the court which convicted him may issue a warrant to search for and seize all such arms, ammunition, accoutrements, uniform and other appointments not so delivered up.

(As amended by Act No. 40 of 1974 and No. 13 of 1994)

PART IV

POWERS, DUTIES AND PRIVILEGES OF POLICE OFFICERS

13. No police officer shall, without the consent of the Minister, engage in any employment or office whatsoever, other than in accordance with his duties under this Act.

14. (1) Every police officer shall exercise such powers and perform such duties as are by law conferred or imposed upon a police officer, and shall obey all lawful directions in respect of the execution of his office, which he may from time to time receive from police officers superior in rank to him.

(2) Every police officer shall be deemed to be on duty at all times and may at any time be detailed for duty in any part of Zambia.

(3) It shall be the duty of every police officer promptly to obey and execute all orders and warrants lawfully issued to him by any competent authority, to collect and communicate intelligence affecting the public peace, to prevent the commission of offences and public nuisances, to detect and bring offenders to justice, and to apprehend all persons whom he is legally authorised to apprehend and for whose apprehension sufficient grounds exist.

(4) It shall be lawful for any police officer, in the interests of public order or public morality, without a warrant to enter at any hour of the day or night any place in which he has reasonable grounds to suspect that illegal drinking or gambling is taking place or dissolute or disorderly characters are resorting.
(5) The provisions of this Act shall be in addition to and not in substitution for or in derogation of any of the powers, authorities, privileges and advantages nor in substitution for or in derogation of the duties and responsibilities of a constable at common law.

15. (1) Whenever a police officer, of or above the rank of Inspector, has reasonable grounds for believing that anything necessary for the purpose of an investigation into any offence which he is authorised to investigate may be found in any place within the limits of the police station of which he is in charge, or to which he is attached, and that such thing cannot in his opinion be otherwise obtained without undue delay, that police officer may, after recording in writing the grounds of his belief and specifying therein so far as possible, the thing for which search is to be made, search or cause search to be made for such thing in any place within the limits of such station.

(2) A police officer proceeding under subsection (1) shall, if practicable, conduct the search in person.

(3) If a police officer proceeding under subsection (1) is unable to conduct the search in person and there is no other person competent to make the search present at that time, he may, after recording in writing his reasons for so doing, require any police officer subordinate to him to make the search, and he shall deliver to that police officer an order in writing specifying the place to be searched and so far as possible the thing for which search is to be made, and that police officer may thereupon search for the thing in the place so specified in the order.

(4) The provisions of the Criminal Procedure Code relating to search warrants shall, so far as may be, apply to a search made under this section.

(5) Copies of any record made under subsection (1) or (3) shall forthwith be sent to the nearest magistrate empowered to take cognizance of the offence and the owner or occupier of the place searched shall on application be furnished with a copy of the same by the magistrate.

(6) The occupant of the place searched, or some other person on his behalf, shall in every instance be permitted to attend during the search.

(7) Any police officer conducting a search of any private premises under the provisions of this section shall produce his police identity card to any person in or about the premises who may wish to confirm the authority of the police officer, and any officer required to make a search of private premises under the provisions of subsection (3) shall in
addition carry with him upon such search the order in writing mentioned in the said subsection.

(8) A police officer who finds the thing for which search is made shall seize it and take it before the nearest magistrate empowered to take cognizance of the offence.

(As amended by Act No.14 of 1999)

16. Any police officer may break into and enter upon any premises being or appearing to be on fire, or any premises or land adjoining or adjacent thereto, without the consent of any person, and may do all acts or things as may be deemed necessary for extinguishing the fire on any premises or land, or for protecting the same or other property, or rescuing any person or property thereon from fire.

17. (1) Any police officer of or above the rank of Sergeant may on the prescribed form take or cause to be taken in his presence, for the purpose of record and identification, the measurements, photographs, fingerprints, handprints and footprints of any person in lawful custody.

(2) A police officer acting in accordance with subsection (1) shall certify on the form prescribed that the fingerprints have been taken by him, or that he has caused them to be taken in his presence, in accordance with the directions contained on the form, and that the particulars entered on the form are, to the best of his knowledge and belief, accurate and true.

(3) All records of the measurements, photographs, fingerprints, handprints, and footprints and any negatives and copies of such photographs, or of photographs of such fingerprints, handprints and footprints, taken of a person under this section shall be forthwith destroyed or handed over to that person, if he is not charged with an offence or is discharged or acquitted by a court, and has not previously been convicted by a court.

(4) For the purposes of this section, "person in lawful custody" means any person in lawful custody otherwise than on account of non-payment of a civil debt or under an order, writ or judgment of a court made or given in civil proceedings or under an order for detention made under any law authorising the detention in custody of witnesses.

18. It shall be lawful for any police officer to lay any information before a magistrate and to apply for a summons, warrant, search warrant, or such other legal process as may by law issue against any person.
**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.

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

(a) a person in police custody is treated in 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 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.

*(As amended by Act No.14 of 1999)*

**19.** Notwithstanding any other law for the time being in force, no fee or duty shall be chargeable upon bail bonds for criminal cases, recognizances to prosecute or give evidence or recognizances for personal appearance or otherwise issued or taken by a police officer.

**20.** (1) It shall be lawful for any police officer to stop and question any person whom he sees doing any act for which a license is required under the provisions of any law for the time being in force, and to require that person to produce his license.
(2) Subject to the provisions of any written law, any person who fails to produce a licence when so required under subsection (1) by a police officer may be arrested without a warrant unless he gives his name and address or otherwise satisfies the police officer that he will duly answer any summons or other proceedings which may be taken against him.

(3) Any person who refuses to comply with any lawful requirement of a police officer in the performance of his duty under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding four hundred penalty units or to imprisonment for a period not exceeding three months.

(As amended by Act No. 13 of 1994)

21. (1) It shall be the duty of the Force to regulate and control traffic; to divert all or any particular kind of traffic when, in the opinion of a divisional commander of police or officer in charge of police, it is in the public interest to do so; to close any street in the vicinity of the National Assembly or the High Court for the purposes of preventing the interruption of the proceedings of the National Assembly or High Court by the noise of street traffic; to keep order on public roads, streets, thoroughfares and landing places, and at other places of public resort or places to which the public have access; and to prevent obstructions on the occasions of assemblies and processions on the public roads and streets, or in the neighbourhood of places of public worship during the time of worship and in any case when any road, street, thoroughfare or landing place may be thronged or may be liable to be obstructed.

(2) Any person who opposes or disobeys any lawful order given by any police officer in the performance of his duty under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding four hundred penalty units or to imprisonment for three months.

(3) Any person who opposes or disobeys any lawful order given by a police officer in the performance of his duty under this section may be arrested without a warrant unless he gives his name and address or otherwise satisfies the police officer that he will duly answer any summons or other proceedings which may be taken against him.

(As amended by Act No. 13 of 1994)

22. (1) Notwithstanding the provisions of any other law, if any police officer of or above the rank of Sub-Inspector considers it necessary so to do for the maintenance and preservation of law and order or for the prevention and detection of crime, he may-
(a) erect or place or cause to be erected or placed barriers or cause a cordon to be formed, in or across any road or street or any other public place in such manner as he may think fit;

(b) cause a cordon to be placed in or across or around any public place or private property in such manner as he may think fit, and for that purpose it shall be lawful for the police officers forming the cordon, without the consent of any person, to enter any property and do any act or thing necessary for the effective formation of the cordon.

(2) Where a barrier has been erected or placed or a cordon formed under the provisions of subsection (1), any police officer may take all reasonable steps to prevent any person passing or any vehicle being driven past the barrier or cordon.

(3) The driver of any vehicle who fails to comply with any reasonable signal of a police officer requiring such driver to stop his vehicle before reaching any barrier erected or placed or cordon formed under the provisions of subsection (1), shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand penalty units or to imprisonment for a period not exceeding twelve months, or to both.

(4) Any person who breaks through or attempts to break through any barrier erected or placed or cordon formed, under the provisions of subsection (1), shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand penalty units or to imprisonment for a period not exceeding twelve months, or to both.

(As amended by Act No. 13 of 1994)

23. (1) When the defence to any suit instituted against a police officer is that the act complained of was done in obedience to a warrant purporting to be issued by a Judge, magistrate, or other competent authority, the court shall, upon production of the warrant containing the signature of the Judge or magistrate and upon proof that the act complained of was done in obedience to such warrant, enter judgment in favour of the police officer.

(2) No proof of the signature of such Judge or magistrate as aforesaid shall be required unless the court has reason to doubt the genuineness thereof, and where it is proved that the signature is not genuine, any act done by the police officer under or in pursuance of the warrant shall nevertheless be lawful and judgment shall be given in favour of the police officer if it is proved that, at the time when the act complained of was committed, he believed on reasonable grounds that the signature was genuine.
24. (1) Any police officer may, subject to subsections (2) and (3), use any firearms which have been issued to him against-

(a) any person in lawful custody charged with or convicted of a felony when such person is escaping or attempting to escape;

(b) any person who by force rescues or attempts to rescue any other person from lawful custody;

(c) any person who by force prevents or attempts to prevent the lawful arrest of himself or of any other person:

Provided that a police officer shall not use any firearms-

(i) as authorised under paragraph (a) unless the police officer has reasonable ground to believe that he cannot otherwise prevent the escape and unless he shall give a warning to such person that he is about to use firearms against him and the warning is unheeded;

(ii) as authorised under paragraph (b) or (c) unless the police officer has reasonable ground to believe that he or any other person is in danger of grievous bodily harm and that he cannot otherwise effect such arrest or prevent such rescue.

(2) A police officer shall not, in the presence of his superior officer, use a firearm against any person except under the orders of that superior officer.

(3) The use of firearms under this section shall as far as possible be to disable and not to kill.

(4) The authority vested in a police officer by subsection (1) shall be in addition to and not in substitution for any authority to use firearms vested in a police officer by any other law.

25. (1) Whenever any person goes armed with any weapon in public, without lawful excuse, in such manner as to cause or be likely to cause terror to any other person, any police officer may seize that weapon.

(2) For the purposes of this section, "weapon" means any weapon which is calculated to or likely to cause harm to any person.

PART V

OFFENCES BY POLICE OFFICERS TRIABLE BY CRIMINAL COURTS
26. (1) Any police officer who-

(a) being cognizant of any mutiny or sedition amongst the Force does not use his utmost endeavours to suppress the mutiny or sedition; or

(b) being cognizant of any intended mutiny or sedition amongst the Force does not without delay give information thereof to his superior officer; or

(c) being present at any assemblage tending to riot does not use his utmost endeavours to disperse that assemblage; or

(d) deserts; or

(e) persuades, procures, assists or attempts to persuade, procure or assist any police officer to desert; or

(f) knowing that any police officer has deserted or intends to desert does not without delay give information to his superior officer; or

(g) strikes or offers violence to his superior officer, such officer being in the execution of his duty;

shall be guilty of an offence and shall be liable on conviction before a court of criminal jurisdiction to imprisonment for one year.

(2) A police officer shall not be found guilty of the offence of desertion unless the court is satisfied that there was an intention on the part of the police officer not to return to the Force.

(3) Proof that a police officer has been absent from duty without leave for a period of twenty-eight days or more shall be prima facie evidence of an intention on the part of that police officer not to return to the Force.

27. Upon reasonable suspicion that any person is a deserter from the Force any police officer may, notwithstanding the provisions of section thirty-nine, apprehend that person without warrant and forthwith bring him before a court having jurisdiction in the place wherein he was found, which may deal with the suspected deserter or remit him to a court having jurisdiction in the place in which he has deserted.

28. (1) It shall not be lawful for any police officer to be, or to become, a member of-

(a) any trade union, or of any body or association affiliated to a trade union; or
(b) any body or association the objects of which or one of the objects of which is to control or influence conditions of employment in any trade or profession; or

(c) any body or association the object of which is to control or influence the pay, pensions or conditions of service of the Force:

Provided that a police officer may be or become a member of any body or association which may be established or constituted for any objects mentioned in paragraph (b) or (c) pursuant to regulations made under this Act.

(2) Any police officer who contravenes the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred penalty units or to imprisonment for a period not exceeding three months, or to both.

(3) A police officer convicted of an offence under this section shall be liable to be dismissed from the Force.

(4) If any question arises as to whether any body is a trade union or association affiliated to a trade union or a body within the meaning of this section, the question shall be decided by the Minister whose decision thereof shall be final and conclusive and shall not be questioned in any proceedings.

(5) For the purpose of this section, "trade union" has the same meaning as it has in the Industrial and Labour Relations Act.

(As amended by Act No. 13 of 1994)

PART VI

DISCIPLINE

29. (1) Disciplinary control over police officers of or above the rank of Assistant Superintendent shall be exercised as is provided in the Constitution.

(2) Disciplinary control over police officers below the rank of Assistant Superintendent shall be exercised as is provided in this Part.

30. (1) A police officer below the rank of Assistant Superintendent...
commits an offence against discipline if he is guilty of:

(a) disobedience to orders, that is to say, if he disobeys, or without
good and sufficient cause omits or neglects to carry out any lawful
order, written or otherwise;

(b) insubordinate or oppressive conduct, that is to say, if he-
(i) is disrespectful in word, act or demeanour to a police officer
superior to him in rank;
(ii) is oppressive or tyrannical in conduct towards a police officer
inferior to him in rank;
(iii) uses obscene, abusive or insulting language to any other police
officer;
(iv) assaults any other police officer;
(v) wilfully or negligently makes any false complaint against any
other police officer;
(vi) fails to report any complaint or report made against any police
officer;
(vii) talks or is inattentive or otherwise misbehaves himself on
parade;
(viii) being under arrest or in confinement, leaves or escapes from his
arrest or confinement before he is set at liberty by proper authority;
(ix) resists an escort whose duty it is to apprehend him or to have him
in charge;

(c) neglect of duty, that is to say, if he-
(i) neglects, or without good and sufficient cause omits, promptly
and diligently to attend to or carry out anything which it is his duty as a
police officer to attend to or carry out;
(ii) idles or gossips or sits or lies down without reasonable cause
when on duty;
(iii) sleeps when on duty;
(iv) fails to work his beat in accordance with orders, or leaves his
beat, point, or other place of duty to which he has been ordered, without
due permission or sufficient cause;
(v) by carelessness or neglect permits a prisoner to escape;
(vi) when knowing where an offender is to be found fails to report
the same or to exert himself to make the offender amendable to the law;
(vii) fails to report any matter which it is his duty to report;
(viii) fails to report anything which he knows concern-ing a criminal
charge, or fails to disclose any evidence which he, or any person within his knowledge, can give for or against any prisoner or defendant to a criminal charge;

(ix) neglects or refuses to assist in the apprehension of any police officer charged with any offence;

(x) without reasonable cause omits to make any necessary entry in any official document, book or paper;

(xi) refuses, or without good and sufficient cause omits to make or send a report or return which it is his duty to make or send;

(xii) neglects to assist any person injured or taken ill on the streets;

(d) discreditable conduct, that is to say, if he-

(i) acts in a disorderly manner, or in any manner prejudicial to discipline or likely to bring discredit on the reputation of the Force;

(ii) lends money to any police officer superior in rank to him or borrows money from or accepts any present from any police officer inferior in rank to him;

(iii) without reasonable cause fails to identify himself as a police officer when requested to do so by a member of the public;

(iv) incurs debt in or out of the Force without any reasonable prospect, or intention, of paying the same, or, having incurred any debt, makes no reasonable effort to pay the same;

(v) if called upon by the Inspector-General to furnish a full and true statement of his financial position, fails to do so;

(e) absence without leave or being late for duty, that is to say, if he

(i) without reasonable cause or excuse is absent without leave from or is late for parade, court, or any other duty;

(ii) leaves without right or permission or lawful reason any police camp or quarters;

(f) falsehood or prevarication, that is to say, if he-

(i) knowingly makes or signs any false statement in any official book or document;

(ii) wilfully or negligently makes any false, misleading or inaccurate statement;

(iii) without good and sufficient cause destroys or mutilates any official document or record, or alters or erases any entry therein;

(iv) prevaricates before any court or inquiry;

(g) breach of confidence, that is to say, if he-

(i) divulges any matter which it is his duty to keep secret;
(ii) gives notice, directly or indirectly, to any person against whom any warrant or summons has been or is about to be issued, except in the lawful execution of such warrant or summons;

(iii) without proper authority communicates to the public press or to any unauthorised person any matter concerning the Force;

(iv) without proper authority shows to any person outside the Force any book or written or printed document the property of the Force;

(v) makes, or joins in making, any anonymous communication to a police officer superior in rank to him;

(vi) makes any frivolous or vexations complaint or makes a complaint in an irregular manner;

(vii) signs or circulates any petition or statement with regard to any matter concerning the Force, except through the proper channels of correspondence to the Inspector-General

(viii) calls or attends any unauthorised meeting to discuss any matter concerning the Force;

(h) unlawful or unnecessary exercise of authority, that is to say, if he-

(i) without good and sufficient cause makes any unlawful or unnecessary arrest;

(ii) uses any unnecessary violence to any prisoner or other person with whom he may be brought into contact in the execution of his duty;

(iii) is uncivil to any member of the public;

(i) malingering, that is to say, if he-

(i) feigns or exaggerates any sickness or injury with a view to evading duty;

(ii) while absent from duty on account of sickness, neglects or without good and sufficient cause omits, to carry out any instruction of a medical officer or of a member of the hospital staff, or acts or conducts himself in a manner calculated to retard his return to duty;

(j) uncleanliness, that is to say, if he while on duty, or while off duty in uniform in a public place, is without reasonable cause improperly dressed or dirty or untidy in his clothing or accoutrements;

(k) damage to property, that is to say, if he-

(i) wilfully or by carelessness causes any waste, loss or damage to any article of clothing or accoutrements, or to any book, document or other property of the Force, served out to him or used by him or entrusted to his care;
(ii) fails to report any such loss or damage as aforesaid however caused;

(l) drunkenness, that is to say, if he, while on or off duty, is unfit for duty through the consumption of intoxicating liquor or drugs;

(m) entering licensed premises, that is to say, if he enters any public bar licensed for the sale of intoxicating liquor when on duty except when his presence is required there in the execution of his duty;

(n) engaging without authority in any employment or office other than his police duties;

(o) discharging without orders or just cause any firearm which has been issued to him;

(p) neglecting or failing to report the fact that he is suffering from venereal or other contagious disease;

(q) any other act, conduct, disorder, or neglect to the prejudice of good order and discipline not hereinbefore specified;

(r) conniving at or knowingly being an accessory to any offence against discipline under this Act.

(2) An offence against discipline under this section may be inquired of, tried and determined and the offender shall be liable to suffer punishment, according to the degree and nature of the offence, in accordance with the provisions of this Act:

Provided that notwithstanding the provisions of subsection (2) of section fourteen, a police officer shall not be found guilty of an offence under paragraphs (c) (ii), (c) (iii) or (m) unless it shall be proved that, at the time when the offence was committed, he was on a specific duty for which he was specially detailed.

(As amended by Act No. 40 of 1974)

31. (1) The Tribunals for the trial of offences against discipline under section thirty shall be-

(a) a Tribunal, held by the Inspector-General or by a police officer, not below the rank of Assistant Commissioner, generally or specially authorised in that behalf by the Inspector-General (in this Act referred to as a Class I Tribunal); and

(b) a Tribunal, held by a superior police officer generally or specially authorised in that behalf by the Inspector-General or a Chief Inspector in charge of a police station (in this Act referred to as a Class II...
Tribunal).

(2) All Tribunals shall, subject to the provisions of subsection (7), have power to impose any of the following punishments:

(a) where the offender is an Inspector-
   (i) reprimand;
   (ii) severe reprimand;
   (iii) a fine not exceeding one-half of one month's pay;
(b) where the offender is a police officer below the rank of Sub-Inspector-
   (i) reprimand;
   (ii) severe reprimand;
   (iii) a fine not exceeding one-half of one month's pay;
   (iv) reduction in rank;

Provided that any punishment imposed by a Class II Tribunal under paragraph (a), or the imposition of a fine exceeding forty penalty units under paragraph (b), shall be subject to confirmation by a Class I Tribunal.

(3) In addition to the powers conferred by subsection (2), a Class I Tribunal shall, subject to the provisions of subsection (7), have power-

(a) to impose a fine not exceeding one month's pay;
(b) in addition to, or in lieu of, any other punishment, to dismiss or discharge the offender, or where the offender is an Inspector to reduce in rank.

(4) Notwithstanding the preceding subsections, a superior police officer or officer in charge of a police station or such other police officers not below the rank of Inspector as the Inspector-General may generally or specially authorise in that behalf may proceed summarily with any offence against discipline by a police officer below the rank of Sub-Inspector and may thereupon impose any of the following punishments:

(a) admonishment;
(b) confinement to quarters for any period not exceeding fourteen days with or without extra drill, guards, or other duties;

but such proceedings and the results thereof shall not be entered in the offender's personal record.
(5) A Class I Tribunal may review any trial held by a Class II Tribunal for the purpose of satisfying itself as to the correctness, legality or propriety of any finding of or punishment imposed by that Class II Tribunal.

(6) A Class I Tribunal on the review of a trial or on the consideration of whether or not to confirm a punishment imposed by a Class II Tribunal-
   (a) shall have power to quash any conviction or to vary any punishment imposed by a Class II Tribunal by imposing, subject to the provisions of subsection (7), any other punishment which it is empowered to impose under the provisions of subsection (2) or (3);
   (b) may, if it is of opinion that the justice of the case so requires, order the re-trial of any police officer convicted by a Class II Tribunal.

(7) Any punishment of reduction in rank, discharge or dismissal of an offender imposed by a Class I Tribunal or Class II Tribunal under any provisions of this section shall be subject to confirmation by the Inspector-General and any such punishment shall remain in abeyance until the Inspector-General has signified his decision thereon.

(8) The Inspector-General-
   (a) shall have power to quash any conviction or order of any Class I Tribunal or vary any punishment imposed by any Class I Tribunal by imposing any other punishment permitted under this section;
   (b) may, if he is of opinion that the justice of the case so requires, order the re-trial of any police officer convicted by a Class I Tribunal.

(9) Any police officer upon whom a punishment of a fine exceeding five days' pay, or a reduction in rank or of discharge or dismissal from the Force has been imposed under this section shall be entitled to appeal to the President in the manner provided by section thirty-two, against either the conviction or the punishment or both.

(10) No punishment shall be increased under the provisions of subsection (6) or (8) unless the offender has been given an opportunity of being heard.

(11) No punishment imposed by a Class II Tribunal shall be put into execution until it has been reported to the Inspector-General.

(As amended by No. 40 of 1974 and Act No. 13 of 1994)

32. (1) There is hereby established a Police Advisory Board (hereinafter referred to as the Board) consisting of a chairman and such Board
other persons not exceeding four in number as may be appointed by the President:

Provided that-

(i) if the Inspector-General is a member of the Board, he shall not sit as a member of the Board when the Board is considering any appeal submitted to it under subsection (3) or section forty-one;

(ii) if the Permanent Secretary (Establishments) is a member of the Board, he shall not sit as a member of the Board when the Board is considering any appeal on a matter affecting the welfare and efficiency of the Force on which he has advised the Government.

(2) It shall be the duty of the Board to consider and advise the President on all appeals submitted to it under this Act, and to consider and advise on such other matters affecting the welfare and efficiency of the Force as may be prescribed.

(3) Every appeal under subsection (9) of section thirty-one or section forty-one shall be submitted by the appellant to the Board within twenty-one days of the notification to the appellant of the decision of the Tribunal or of the Inspector-General as the case may be.

(4) The Board shall consider all appeals summarily unless it sees fit to direct that the appellant be heard either personally, or, with the permission of the Board, either by a friend, who shall be an officer in the public service, or by a barrister or solicitor.

(5) Upon the consideration of an appeal, the Board may, in its discretion, hear any evidence not given before the Tribunal.

(6) Upon the consideration of an appeal, the Board shall advise the President either-

(a) to dismiss the appeal if the Board considers that there is not sufficient ground for interfering with the decision from which the appeal is brought; or

(b) on an appeal against conviction-

(i) to reverse the finding and sentence and acquit or discharge the appellant or order him to be re-tried by a Tribunal of competent jurisdiction; or

(ii) to alter the finding, maintaining the sentence, or, with or without altering the finding, to reduce or increase the sentence; or

(iii) with or without such reduction or increase, and with or without altering the finding, to alter the nature of the sentence; or
(c) on an appeal against sentence, to quash the sentence imposed by the Tribunal and pass such other sentence (whether more or less severe) which the Tribunal might lawfully have passed.

(7) The President, having considered the advice given by the Board, may exercise any of the powers set out in subsection (6).

(8) The powers conferred by subsection (6) shall be exercised by the Board to the prejudice of the appellant only if he has had an opportunity of being heard either personally or by a friend or by a barrister or solicitor in accordance with the provisions of subsection (4).

(As amended by Act No. 40 of 1974)

33. (1) Every police officer empowered to try offences under this Part and the Board shall have power to summon and examine witnesses on oath or affirmation and to require the production of all documents relevant to such inquiry, and to adjourn any hearing from time to time.

(2) In every case where confirmation of punishment is required under the provisions of section thirty-one the proceedings shall be recorded in writing.

(3) Any person summoned as a witness under subsection (1) who fails to attend at the time and place stated in the summons, or on any adjournment, or refuses to answer any question that is lawfully put to him, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred penalty units or to imprisonment for a period not exceeding one month.

(4) A witness giving evidence before a Tribunal or the Board shall not be asked or obliged to answer any question which may tend to incriminate him or render him liable to any forfeiture or penalty.

(As amended by Act No. 13 of 1994)

34. (1) Where a Tribunal imposes any punishment on a police officer in respect of an offence against discipline, it may order that such punishment be suspended for a period not exceeding six months and, if during such period of suspension the offender commits no further offence against discipline, such punishment shall not be carried into execution.

(2) Where any punishment has been suspended under the provisions of subsection (1) and the offender is found guilty of any further offence against discipline committed during the period of suspension, the suspended punishment shall forthwith be carried into effect.
35. (1) All fines imposed on a police officer in respect of offences under this Act, or any regulations made thereunder, shall be recovered by stoppage of the offender's pay due at the time of committing such offence, and thereafter accruing due.

(2) The amount of pay which may be stopped in any one month in respect of any fine or for any other cause authorised by this Act, or by regulations made thereunder, shall be in the discretion of the officer by whom the fine was imposed or, in any other case, of the officer in charge of police in the place where the person concerned is stationed, but shall not exceed one-half of the monthly pay of the offender and wherever more than one order of stoppage is in force against a police officer, so much only of his monthly pay shall be stopped as shall leave him a residue of at least one-half of his pay.

(3) Where more than one order of stoppage is made against a police officer, the enforcement of the orders later in date shall be postponed, if necessary, until the earlier orders are discharged.

36. If any police officer below the rank of Assistant Superintendent pawns, sells, loses by neglect, makes away with or wilfully damages any arms, ammunition, accoutrements, uniform or other appointment supplied to him or any Government property committed to his charge, he may, in addition to or in lieu of any punishment, be ordered by a police officer not below the rank of Assistant Commissioner to make good the amount of such loss or damage, and such amount may be recovered by stoppage from his pay.

37. No pay shall accrue to any police officer below the rank of Assistant Superintendent in respect of any period during which he is absent from duty without leave, or is undergoing any sentence of imprisonment:

Provided that-

(i) in any case, the Inspector-General or any other police officer not below the rank of Assistant Commissioner may in his discretion authorise the payment of such allowances, equal to not more than one-half of the officer's pay, as he may think fit;

(ii) where a police officer below the rank of Assistant Superintendent receives a free pardon or his conviction is quashed on appeal, pay shall accrue for any period when he was undergoing any sentence of imprisonment.

(As amended by Act No. 40 of 1974)
38. (1) When any police officer below the rank of Assistant Superintendent is accused of any offence against any law or against this Act, the Inspector-General may interdict that officer from the exercise of the powers, functions and duties vested in him as a police officer pending the result of the proceedings taken against that officer.

(2) A police officer who has been interdicted shall be allowed to receive such allowance, equal to not less than one-half of the officer's pay, as the Inspector-General shall think fit.

(As amended by Act No. 40 of 1974)

39. (1) A police officer may, subject to subsection (2), arrest or order any police officer subordinate to him to arrest without warrant any other police officer who is accused of an offence under the provisions of section twenty-six or of an offence against discipline under paragraph (a), (b) (iii), (b) (iv), (d) (i) or (k) of subsection (1) of section thirty or of conniving at or knowingly being an accessory to any such offence against discipline.

(2) An arrest under the provisions of subsection (1) shall be effected by an officer of equal or superior rank to that of the officer ordered to be arrested.

(3) A police officer effecting an arrest under the provisions of this section shall-

(a) if the person arrested is below the rank of Assistant Superintendent, forthwith bring the accused before an officer in charge of police or other proper officer who shall cause the case to be heard by a Tribunal or court of criminal jurisdiction and may order the detention or remand of the accused in custody for so long as may reasonably be necessary;

(b) if the person arrested is of or above the rank of Assistant Superintendent, forthwith report the case to the Inspector-General who shall report the case to the Public Service Commission.

(As amended by Act No. 40 of 1974)

40. Any police officer arrested under this Act may be confined in any police quarters allocated for prison or guard room purposes or in any prison quarters set apart for the detention of prisoners awaiting trial, or when sentenced be removed by warrant to the nearest convenient prison, there to serve his sentence, and when so removed shall be deemed to be in like position to any other prisoner sentenced by a court of competent jurisdiction to undergo punishment.
41. (1) The Inspector-General may reduce in rank or may dismiss any police officer below the rank of Assistant Superintendent who has been sentenced to imprisonment, whether with or without the option of a fine, and whether or not the sentence has been suspended by any court in respect of any offence whether under this Act or otherwise, unless such sentence is quashed on appeal and no other sentence of imprisonment is substituted therefor.

(2) A police officer who is reduced in rank or dismissed under this section may appeal against the reduction in rank or dismissal in the manner provided in section thirty-two to the President and that section shall, subject to the provisions of this section, apply accordingly.

(3) Upon the consideration of an appeal under this section, the Board shall advise the President either to allow the appeal or to dismiss the appeal if the Board considers that there is not sufficient ground for interfering with the decision of the Inspector-General.

(As amended by Act No. 40 of 1974)

PART VII
DISPOSAL OF UNCLAIMED PROPERTY

42. Where any movable property has come into the possession of an officer in charge of a police station, not being property which the officer is entitled to detain without the consent of the rightful owner-

(a) if any person satisfies the officer that he is entitled to the possession of the property, the officer shall return it to that person;

(b) if no person satisfies the officer that he is entitled to the possession of the property within one month of its coming into the possession of the officer, he shall furnish an inventory or description thereof to a subordinate court.

43. (1) Where an inventory or description of property is furnished to a subordinate court under the provisions of the immediately preceding section, the court shall detain or give orders for the detention of the property, not being money or property subject to speedy or natural decay nor property the immediate sale of which would, in its opinion, be for the benefit of the owner, and shall cause a notice in the prescribed form to be posted in a conspicuous place at the court and at the police station.
specifying the property, and calling on any person who may have any
claim thereto to appear before the court and establish his claim within
fourteen days of the date of the notice.

(2) If no person shall within fourteen days of the date of the notice
mentioned in subsection (1) claim the property specified in the notice,
the court shall order that-

(a) the property be given to the person who found the property,
unless he is a police officer; and

(b) if within fourteen days of making the order under paragraph (a)
the property has not been given to the person named in the order by
reason of his being a police officer or the address of that person being
unknown, the property may be sold or destroyed and that notice of any
sale shall be displayed prominently at the police station and at the court
for a period of not less than fourteen days before the date fixed for the
sale.

(3) The proceeds of the sale of property sold under the provisions of
paragraph (b) of subsection (2) shall be paid into the general revenues of
the Republic.

44. (1) If the subordinate court is of the opinion that any property
mentioned in section forty-two is subject to speedy or natural decay or if
the court is of opinion that its immediate sale would be for the benefit of
the owner, the court may, at any time, direct that such property be sold
and on the completion of the sale the right of any person to take legal
proceedings for the recovery of the property sold shall cease.

(2) The subordinate court shall detain or give orders for the detention of
the proceeds of any sale under subsection (1) and shall, immediately
after the sale, cause a notice in the prescribed form to be posted in a
conspicuous place at the court and at the police station calling upon any
person who may have any claim to the proceeds of sale to appear before
the court and establish his claim, within one month from the date of the
notice.

(3) If no person shall within one month from the date of the notice
mentioned in subsection (2) establish his claim to the proceeds of sale,
the subordinate court shall order them to be paid to the person who
found the property unless he is a police officer.

(4) If within one month of the making of an order under subsection (3),
such proceeds of sale as aforesaid have not been paid to the person
named in the said order by reason of his being a police officer or the
address of that person being unknown, the proceeds of sale shall be paid
into the general revenues of the Republic.
45. When the property mentioned in section forty-two consists of money, it shall be dealt with in all respects as if it were the proceeds of a sale ordered by virtue of the provisions of subsection (1) of section forty-four.

45A. (1) The Inspector-General may establish at a police station or post a public storage space to be known as 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 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 subsections (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 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
PART VIII
EMPLOYMENT OF POLICE OFFICERS ON SPECIAL DUTY AND THE MAINTENANCE OF ORDER IN DISTURBED AREAS

46. (1) The Inspector-General may, subject to the direction of the Minister, on the application of any person and on being satisfied as to the necessity therefor, detail any number of police officers for special duty at any place in Zambia and for such period as he may consider necessary at the expense of the person making the application.

(2) The expenses to be paid by the person making the application for police officers for special duty under this section shall be such as may be prescribed and shall be recovered in the prescribed manner.

(As amended by Act No. 40 of 1974)

47. (1) Whenever any police officers from a police force of a neighbouring country are present in Zambia in response to an application made by the President for the purpose of the preservation of order and the protection of life and property in Zambia, the following provisions shall have effect with regard to those officers:

(a) they shall be under the orders of their own officers present with them, if any, subject, however, to the control of the senior officer present whether he be a member of the Force or of the police force of the neighbouring country;

(b) they shall have and may exercise the powers, and shall be liable to perform the duties, of police officers of equivalent rank in the Force, and shall for those purposes be deemed to be members of the Force;

(c) the provisions of any Act or other law affecting the discipline, punishment, terms and conditions of service of those officers while serving in the neighbouring country shall, so far as circumstances admit, be applied in Zambia as if such Act or other law were part of the law of Zambia:

Provided that-

(i) no such law as aforesaid shall be interpreted in its application within Zambia as conferring any power on any officer of the Force to
punish any officer of the police force of the neighbouring country for any offence against discipline;

(ii) where any such law confers on a court or magistrate of the neighbouring country, jurisdiction to try and award punishment for any such offence as aforesaid, such jurisdiction may be exercised by a court or magistrate of competent jurisdiction within Zambia;

(d) any contract of service between any such officer and the Government of the neighbouring country may be enforced in Zambia in such manner and with the like effect as if it had been made between such officer and the Government of the Republic of Zambia.

(2) Notwithstanding the provisions of section five, whenever application is made by the proper authority of a neighbouring country for assistance in any temporary emergency by the despatch of a body of police from the Force for temporary service in that country, the President may despatch or cause to be despatched so many police officers as may, in his opinion, be necessary or expedient, having regard to all the circumstances of the case, not exceeding the number, if any, specified in the said application and all police officers who may be ordered pursuant to the provisions of this subsection to proceed for service to that country shall comply with the order.

(3) For the purposes of this section, "neighbouring country" means any country which the President may, by statutory notice, declare to be a neighbouring country for the purposes of this section:

Provided that no such notice shall be published in respect of any country unless and until the President is satisfied that satisfactory arrangements have been or will be made for the inclusion in the law of that country of provisions reciprocal to the foregoing provisions of this section.

(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 specified period any number of police officers as the President considers necessary for service in respect of that request.

(As amended by Act No.14 of 1999)
PART IX
COMMUNITY CRIME PREVENTION

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.

(As repealed and replaced by Act No.14 of 1999)

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

(As repealed and replaced by Act No.14 of 1999)

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.

(As repealed and replaced by Act No.14 of 1999)

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

(a) commits a cognisable offence in the presence of the 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.

(As repealed and replaced by Act No.14 of 1999)

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.

(As repealed and replaced by Act No.14 of 1999)

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.

(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.

(As repealed and replaced by Act No.14 of 1999)

54. As repealed by Act No.14 of 1999

55. As repealed by Act No.14 of 1999

56. As repealed by Act No.14 of 1999

PART X
57. (1) The President may, by statutory instrument, make regulations prescribing the payment of pensions and gratuities in respect of service by police below the rank of Sub-Inspector to whom the Public Service Pensions Act does not apply.

(2) Without prejudice to the generality of the foregoing subsection, such regulations may prescribe-

(a) the conditions under which pensions and gratuities may be paid, the periods of service qualifying for, and the methods of payment of, pensions and gratuities;

(b) the payment of pensions or gratuities to police officers who become incapacitated for service by sickness, accident or disability incurred in the discharge of their duties, and the payment of gratuities to police officers who otherwise become incapacitated for service;

(c) the conditions under which a pension or gratuity may be paid to or for the benefit of any relative or dependant of a police officer who dies from sickness, accident or disability contracted in the discharge of his duty or who dies while serving in the Force;

(d) that pensions and gratuities shall be liable to forfeiture or non-payment for misconduct.

(3) Whenever the President is satisfied that it is equitable that any regulation made under this section should have a retrospective effect in order to confer a benefit upon or to remove a disability attached to any person, that regulation may be given retrospective effect for that purpose.

PART XA
POLICE PUBLIC COMPLAINTS AUTHORITY

57A. In this part, unless the context otherwise requires-
"Authority" means the police Public Complaints Authority under section 57B;

"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.

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

(As repealed and replaced by Act No.14 of 1999)

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

(a) the Chairperson;

(b) the Vice-Chairperson;

(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 reappointed 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 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.

(As repealed and replaced by Act No.14 of 1999)

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

(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.

(As amended by Act No.14 of 1999)

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.

(As repealed and replaced by Act No.14 of 1999)

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

(As repealed and replaced by Act No.14 of 1999)

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

(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.

(As repealed and replaced by Act No.14 of 1999)

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

(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.

(As repealed and replaced by Act No.14 of 1999)

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.

(As repealed and replaced by Act No. 14 of 1999)

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 person who has made the complaint.

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

(As repealed and replaced by Act No. 14 of 1999)

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

(As repealed and replaced by Act No.14 of 1999)

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

(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 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.

(As repealed and replaced by Act No.14 of 1999)

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.

(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.

(As repealed and replaced by Act No.14 of 1999)

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

(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.

(As repealed and replaced by Act No.14 of 1999)

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.

(As repealed and replaced by Act No.14 of 1999)

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.

(As repealed and replaced by Act No.14 of 1999)

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.

(As repealed and replaced by Act No. 14 of 1999)

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

(As repealed and replaced by Act No. 14 of 1999)

57S. A person who-

(a) gives false information to the Authority;

(b) insults, interrupts, or obstructs any member of the Authority or the Secretary in the performance of their 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.

(As repealed and replaced by Act No. 14 of 1999)

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

(As repealed and replaced by Act No. 14 of 1999)
PART XI
GENERAL OFFENCES

58. Nothing in this Act shall exempt any person from being proceeded against under any other Act or law in respect of any offence made punishable by this Act, or from being liable under any other Act or law to any other or higher penalty or punishment than is provided for such offence by this Act:

Provided that no person shall be punished twice for the same offence.

59. Any person, not being a police officer, who is found in possession of any article whatsoever which has been supplied to any police officer for the execution of his duty, or any medal or decoration granted to any police officer for service or good conduct, and who fails to account satisfactorily for the possession thereof, or who without due authority purchases or receives such article, medal or decoration from any police officer or who aids or abets any police officer to sell or dispose of any such article, medal or decoration shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred penalty units or to imprisonment for three months.

59A. (1) A person who sends to any other person by police radio or telecommunication device any message-

(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 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.

(As amended by Act No. 13 of 1994 and Act No.14 of 1999)

60. (1) Any person who, in any court, police station, police office or any lock-up is guilty of any riotous, indecent, disorderly or insulting behaviour shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred penalty units or to imprisonment for a period not exceeding three months, or to both.
(2) Any police officer may arrest without warrant any person who, in his presence or within his view, commits any offence under the provisions of subsection (1).

(As amended by Act No. 13 of 1994)

61. (1) If any person causes, or attempts to cause, or does any act calculated to cause disaffection amongst police officers or induces, or attempts to induce, or does any act calculated to induce, any police officer to withhold his services or to commit breaches of discipline, he shall be guilty of a misdemeanour.

(2) If such person as aforesaid is a police officer he shall be liable to be dismissed from the Force.

PART XII

MISCELLANEOUS

62. (1) The President may, by statutory instrument, make regulations for the better carrying out of the provisions of this Act and the general governance of the Force.

(2) Without prejudice to the generality of subsection (1), such regulations may-

(a) prescribe anything which by this Act may or is to be prescribed;

(b) make provisions regarding any of the matters which the Inspector-General is authorised to regulate by standing orders under section three;

(c) regulate the pay, leave, conditions of service and transfer (including expenses in connection therewith) of police officers below the rank of Sub-Inspector;

(d) regulate the procedure of the Tribunals enumerated in section thirty-one and the Police Advisory Board established under section thirty-two;

(e) provide for the establishment, constitution, functions and procedure of Police Associations and for matters incidental thereto.

(As amended by Act No. 40 of 1974)

63. The Minister may from time to time, by statutory notice, exempt police canteens,
any police canteen, police mess, or other similar police institution from any or all of the provisions of the Liquor Licensing Act and the Trades Licensing Act, either absolutely or subject to such conditions as he may think fit to impose.

64. (1) The Zambia Police Act, Chapter 44 of the 1965 Edition of the Laws, is repealed. 

(2) Notwithstanding the repeal of the said Zambia Police Act-

(a) any regulations, standing orders, directions or notices made under that Act shall remain in force until repealed or replaced by regulations, standing orders, directions or notices made under this Act and shall be deemed to have been made under this Act;

(b) all police stations appointed under that Act shall be deemed to have been appointed under this Act;

(c) all persons who were immediately before the commencement of this Act members of the Zambia Police Force as constituted under the said Act shall continue to be members of the Force and to hold the same rank under this Act as they held under the said Act, and shall be deemed to have made the declaration and to have been attested as required by this Act on joining the Force, and all such persons shall be subject to the provisions of this Act in so far as those provisions apply to them, and service under that Act shall for all purposes be deemed to be service under this Act.

**FIRST SCHEDULE**

*(Section 4)*

**COMPOSITION OF THE FORCE**

Inspector-General

Commissioner

Deputy Commissioner

Senior Assistant Commissioner

Assistant Commissioner

Chief Superintendent
Senior Superintendent

Superintendent

Assistant Superintendent

Chief Inspector

Inspector

Sub-Inspector

Sergeant-Major

Sergeant

Corporal

Constable

(As amended by Act No. 40 of 1974)

SECOND SCHEDULE

PRESCRIBED FORMS
FORM 1

(Section 8)

FORM OF ATTESTATION

I, A.B., do *swear/solemnly and sincerely declare and affirm that I will be faithful and bear true allegiance to the President of the Republic of Zambia, that during my service with the Zambia Police Force I will preserve, protect and defend the Constitution of Zambia, as by law established, and will obey all lawful orders of the President and of all officers placed over me and will subject myself to all Acts, Orders or Regulations relating to the said Force.

Signature or thumbprint of police officer:........

* Sworn
Declared
and
Affirmed

at ....................................................this day of , 19.........

Before me
(Signature of Magistrate or Superior Police Officer)

* Delete whichever is inapplicable.

Dated this ........................................................ day of ................................................., 19.......

* Delete whichever is inapplicable.
REPUBLIC OF ZAMBIA

ZAMBIA POLICE

In Confidence

APPOINTMENT OF VIGILANTE

To: (Name in Full) of

Section ...................................................... Branch
Ward ......................................................... Police Station

I, the undersigned, Officer-in-Charge of Police of ................................................. Police Station, in exercise of the powers delegated to me pursuant to section 48 of the Zambia Police Act hereby appoint you to be a Vigilante for .............................................................. Section under ............................................................... Ward, falling within the jurisdiction of ..................................................................... Police Station, until further notice.

Dated this ................................................. day of ................................................., 19.....

Signed

Officer-in-Charge,
for Inspector-General

......................................................... Police Station

OFFICIAL DATE STAMP ...............................................

(As amended by Act No. 23 of 1985)
Form VG 3

REPUBLIC OF ZAMBIA

ZAMBIA POLICE
In Confidence

DECLARATION BY VIGILANTE

I, ................................................................................................... do swear/solemnly and sincerely declare and affirm that I will be faithful and bear true allegiance to the President of the Republic of Zambia, that during my voluntary service as a vigilante, I will preserve, protect and defend the Constitution of Zambia, as by law established and will obey all lawful orders of the President and all officers and officials placed over me.

*Sworn/declared and affirmed at ..............................................................
this .................... day of .......................................................................................... 19......

Before me
(Officer-in-Charge of Police Station)

*Delete whichever is inapplicable

Witness: (Name in Full)

1. .......................................................... Section Chairman
   (Name in Full)
2. ...........................................................Ward/Branch Chairman

(As amended by Act No. 23 of 1985)
Form VG 4

REPUBLIC OF ZAMBIA

ZAMBIA POLICE
In Confidence

NOTICE TO SUSPEND OR TERMINATE APPOINTMENT OF VIGILANTE

To: (Name in Full)
of .............................................................. Section
Branch ............................................................ Ward
under ........................................................................
Police Station.

I, the undersigned, Officer-in-Charge of .................................................................
Police Station, in exercise of the powers delegated to me pursuant to section 53 of the
Zambia Police Act, hereby give you notice that your appointment as a vigilante
for .................................................................
Section .................................................................
Branch ............................................................ Ward
under ........................................................................
Police Station, made on ................................................................. day
of ................................................................. 19........
is suspended/terminated with effect from the date hereof.
Dated this ................................................................. day
of ................................................................., 19....
Signed:

for Inspector-General

Name ................................................................. Officer-in-Charge
of ................................................................. Police Station.

c.c. Section Chairman
Branch Chairman
Ward Chairman
District Executive Secretary
Inspector-General of Police

N.B.-All items issued under Part IX of Chapter 107 should be surrendered to the
Officer-in-Charge upon receipt of this notice.

(As amended by Act No. 23 of 1985)
THE ZAMBIA POLICE ASSOCIATION REGULATIONS
[ARRANGEMENT OF REGULATIONS]

Regulation
1. Title
2. Interpretation
3. Establishment of Association
4. Membership
5. Branches
6. Branch Boards
7. Constitution of Boards
8. Conferences
9. Central Committees
10. Matters to be considered by Central Committee
11. Representations by a Conference
12. Procedure by a Conference
13. Resolutions
14. Facilities for meetings

SECTION 62—THE ZAMBIA POLICE ASSOCIATION REGULATIONS

Regulations by the President

1. These Regulations may be cited as the Zambia Police Association Regulations. Title

2. In these Regulations, unless the context otherwise requires— Interpretation

"Association" means the Zambia Police Association established under regulation 3;
"Board" means a Branch Board established under regulation 6;

"Conference" means a Conference constituted and held under the provisions of regulation 8;

"delegate" means a delegate elected by a Board to attend a Central Conference;

"other rank" means any police officer of or below the rank of Sub-Inspector;

"subordinate police officer" means any police officer above the rank of Sub-Inspector and below the rank of Assistant Superintendent.

3. (1) There is hereby established a body, to be known as the Zambia Police Association, the object of which shall be to enable subordinate police officers and other ranks to consider and to bring to the attention of the Inspector-General and the Minister matters affecting the welfare and efficiency of the Force, other than questions of promotion affecting individuals and the question of discipline.

(2) The Association shall be entirely independent of and unassociated with any body outside the Force:

Provided that this shall not be a bar to the Association consulting with associations of civil servants on matters of a general nature affecting the public service as a whole.

4. All subordinate police officers and all other ranks shall be members of the Association.

5. The Association shall consist of a Subordinate Police Officers' Branch and Other Ranks' Branch.

6. One Subordinate Police Officers' Branch Board and one Other Ranks' Branch Board shall be established in each police division except Copperbelt division, where such Boards shall be established in each
7. (1) The members of each Branch of the Association at each police station within a police division or, in the case of Copperbelt division, within a police district shall elect one of their number as a representative to the Subordinate Police Officers' or Other Ranks' Board, as the case may be, for that division or district, and such election shall be by secret ballot held annually in the month of January under the directions of the divisional or district commander of police:

Provided that-

(i) Copperbelt division headquarters, for these purposes, shall be regarded as a police station within the Ndola police district;

(ii) where the number of voting members of a Branch on a station does not exceed four, such members may elect a member by agreement among themselves.

(2) Where a Board member cannot attend a meeting of the Board, the members whom such member represents may-

(a) nominate any other Board member to act as proxy at such meeting; or

(b) nominate any other member from their station to attend the Board at such meeting.

(3) Every year each Board shall hold four quarterly meetings to be held during the months of February, May, August and November on a date to be fixed by the divisional or district commander of police.

(4) The February meeting of each Board shall be regarded as its annual meeting and at each such meeting the members shall elect from among themselves-

(a) a chairman;

(b) a secretary; and
(c) the appropriate number of delegates as set out in subregulation (3) of regulation 8.

(5) The office-bearers and delegates elected under sub-regulation (4) shall hold office until the next annual meeting of the Board and, if any vacancy occurs in their number between annual meetings, the divisional or district commander of police concerned shall arrange for such vacancy to be filled by postal ballot or by such other method as he may deem expedient.

(6) In addition to the four quarterly meetings, other meetings of a Board or Boards may be held for special purposes with the consent of the Inspector-General.

(7) At its quarterly meetings held in February and August, each Board shall consider matters it desires to recommend for inclusion on the agenda of the next Central Conference and the secretary of each Board shall forward a copy of the minutes of such meeting to the secretary of the respective Central Committee not later than fourteen days after that Board meeting.

(8) At its quarterly meetings held in May and November, each Board shall consider the minutes of the Central Committee held during the previous month and shall receive the report of its delegation to that Conference. Thereafter, each Board, through its secretary, may submit further proposals to the relevant Conference on matters arising from the Board's discussion of those minutes.

(9) For the purposes of this regulation-

(a) Force Headquarters and Police Stores shall be deemed to constitute one police station within Lusaka division; and

(b) each divisional or district headquarters having four or more members shall be deemed to constitute one police station:

Provided that where any such divisional or district headquarters has less than four members, it shall be deemed to be part of the nearest police
station.

(10) The members of each Branch of the Association at the Mobile Unit and at Training School shall elect a representative who shall be a delegate to Central Conferences for his respective Branch.

8. (1) Two Conferences shall be held each year in Lusaka by each Branch of the Association, one in April and one in October. Conferences

(2) Additional Conferences for special purposes may be held with the prior consent of the Inspector-General.

(3) Each Conference shall be attended by the following delegates:

<table>
<thead>
<tr>
<th>Division</th>
<th>Number of Delegates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Each district within Copperbelt division</td>
<td>1 delegate</td>
</tr>
<tr>
<td>Central division</td>
<td>1 delegate</td>
</tr>
<tr>
<td>Lusaka division</td>
<td>2 delegates</td>
</tr>
<tr>
<td>Southern division</td>
<td>2 delegates</td>
</tr>
<tr>
<td>Northern division</td>
<td>1 delegate</td>
</tr>
<tr>
<td>Eastern division</td>
<td>1 delegate</td>
</tr>
<tr>
<td>Luapula division</td>
<td>1 delegate</td>
</tr>
<tr>
<td>North-Western division</td>
<td>1 delegate</td>
</tr>
<tr>
<td>Western division</td>
<td>1 delegate</td>
</tr>
<tr>
<td>Training School</td>
<td>1 delegate</td>
</tr>
<tr>
<td>Mobile Unit</td>
<td>1 delegate</td>
</tr>
</tbody>
</table>

Any other new division or district shall be represented on formation by such number of delegates as the Commissioner deems suitable and publishes by statutory notice.

(4) No Conference shall last more than two days without the consent of the Inspector-General.

(5) The secretary of each Conference shall keep minutes of the meetings of that Conference and shall forward two copies thereof to the Inspector-General and one copy thereof to each police station within thirty days after the end of the meeting of the Conference to which such minutes relate.
(6) Each Conference shall discuss the items on the agenda prepared by the Central Committee, established under subregulation (2) of regulation 9, and shall vote thereon and at the discretion of its chairman may also discuss other matters not included on the agenda.

9. (1) Each Conference held in the month of April shall elect from among its members a chairman, a vice-chairman, a secretary and a vice-secretary:

Provided that-

(i) the election of the secretary shall be subject to the consent of the Inspector-General, who may, if he is of the opinion that the work devolving on the officer concerned is likely to interfere seriously with the police duties of such officer, withhold his consent; and

(ii) an officer who is not a delegate may be elected secretary by the Conference if such officer is willing to accept that election.

(2) The office-bearers of a Conference elected in accordance with sub-regulation (1), together with two members and two alternate members elected at the same meeting of that Conference, shall form a Central Committee for each Branch.

(3) In each year there shall be four quarterly meetings of the Central Committee for each Branch of the Association to be held during the months of March, June, September and December to examine matters submitted in accordance with subregulation (7) of regulation 7 or regulation 10 or both:

Provided that no such Central Committee meeting shall last more than one day.

(4) Additional meetings of the Central Committees for special purposes may be held with the prior consent of the Commissioner.

10. (1) If any member of the Association wishes a matter to be discussed by a Conference, he shall request the elected representative of
his Branch at his station to forward such matter in writing to the secretary of the appropriate Central Committee, such matter to reach that secretary not later than the 14th February or the 14th August, as the case may be, but in the event of any such matter being rejected the proposer shall be informed in writing by the secretary of the Committee of the reasons for such rejection.

(2) At its March and September meetings, each Central Committee will examine all matters submitted to it under the provisions of these Regulations and shall prepare an agenda for the Conference next to follow thereon, which agenda shall contain a short description of each item.

(3) A copy of the agenda for the next Conference will be forwarded by the secretary to each station representative not later than the 31st March and the 30th September in each year so that such agenda may be discussed by Boards.

(4) A copy of each agenda prepared for a Conference shall be submitted to the Inspector-General for information at least fourteen days before the date fixed for that Conference.

11. Each Conference may submit representations to the Inspector-General and shall consider and report upon any matters referred to it by the Inspector-General.

12. (1) The Chairman at a meeting of a Board, Conference or Central Committee shall have a casting as well as a deliberative vote, and the quorum of any such meeting shall be one-half of the members or delegates, as the case may be entitled to attend.

(2) In any one police division or, in the case of Copperbelt division, in any one police district the Subordinate Police Officers' Board and the Other Ranks' Board may, by agreement, sit together either for any special matter or regularly for all matters of common interest.

(3) Subject to the provisions of these Regulations, each Board, Conference and Central Committee may regulate its own procedure, including the appointment of committees and sub-committees.
(4) Any committee or sub-committee appointed by any Board or Conference of the Subordinate Police Officers' Branch or the Other Ranks' Branch may, by agreement, sit together either for any special matter or for all matters of common interest, and may also be summoned by the Inspector-General to sit as a joint committee for the consideration of any matter referred to them by the Inspector-General.

13. (1) All resolutions passed by a Conference shall be signed by the chairman and by the secretary and forwarded by the secretary to the Inspector-General for consideration.

(2) In the event of a Conference being dissatisfied with the result of action taken regarding resolutions passed at the previous Conference, the Inspector-General shall, at the request of the chairman, refer the particular matter in dispute to the Police Advisory Board for consideration.

(3) The outgoing chairman and secretary of a Central Committee shall attend the Conference held in April, but, if not elected as delegates for the forthcoming year, shall have no voting power, but at each such Conference the outgoing chairman shall present the report for the past year of the Central Committee.

14. Except where, in special circumstances, a subordinate police officer or other rank is required for duty for which no substitute is available, leave shall be given for attendance at all meetings held in accordance with the provisions of these Regulations and such attendance shall, as regards allowances and expenses, be deemed to be an occasion of police duty, and a decision as to whether an officer is required for duty for which no substitute is available shall only be taken by a divisional or district commander of police, subject to an appeal to the Inspector-General, whose decision shall be final.

**SECTION 64—THE POLICE ADVISORY BOARD REGULATIONS**

Regulations by the President
1. These Regulations may be cited as the Police Advisory Board Regulations.

2. In addition to the functions of the Police Advisory Board prescribed by section thirty-two of the Act, the Board shall perform the additional functions of inquiring into and making recommendations to the President in respect of-
   
   (a) any matters relating to the welfare and efficiency of the Force referred to the Board by the President or by the Inspector-General; and
   
   (b) any representations made to the Board in accordance with regulation 3.

   (As amended by No. 86 of 1955)

3. Any police officer aggrieved by any action, decision or order in relation to his promotion, service or treatment as a member of the Force (other than a punishment imposed under section thirty-one of the Act) may make representations to the Inspector-General with a view to such action, decision or order being varied. If such officer is not satisfied with the Inspector-General's decision in the matter, he may, in writing, refer the matter to the Board through the Inspector-General.

   (As amended by No. 86 of 1955)

4. When the Board is considering any matter relating to the welfare and efficiency of the Force, it shall, if requested so to do through the Inspector-General, permit any central committee or deputation from a central committee of any association constituted under section twenty-eight of the Act to appear before the Board and make recommendations.

   (As amended by No. 86 of 1955)

SECTION 62-THE ZAMBIA POLICE (FORMS) REGULATIONS

Regulations by the President

1. These Regulations may be cited as the Zambia Police (Forms) Regulations.
2. The forms set out in the Schedule are prescribed for the purposes of the Act.

**SCHEDULE**

*(Regulation 2)*

**PREScribed FORMS**
ZAMBIA POLICE
Z.P. FORM 83
Stocked by Q.M. Stores
Size 8" x 12⅞"

For use in Criminal Cases only

Name in which charged
(BLOCK CAPITALS)
Alias

Race ............................................... Male/Female. Adult/Juvenile
(Strike out classification not applicable)

Charged with
C.R. No(s) ......................... Station

For use in C. 3

F.P.R. No.
CB/CP No.

Class

<table>
<thead>
<tr>
<th>RIGHT HAND</th>
<th>LEFT HAND</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. R. Thumb</td>
<td>6. L. Thumb</td>
</tr>
<tr>
<td>2. R. Forefinger</td>
<td>7. L. Forefinger</td>
</tr>
<tr>
<td>3. R. Middle Finger</td>
<td>8. L. Middle Finger</td>
</tr>
<tr>
<td>4. R. Ring Finger</td>
<td>9. L. Ring Finger</td>
</tr>
<tr>
<td>5. R. Little Finger</td>
<td>10. L. Little Finger</td>
</tr>
</tbody>
</table>

(Fold) | (Fold)
**THUMBS**

<table>
<thead>
<tr>
<th>Impressions of LEFT fingers taken simultaneously</th>
<th>Impressions of THUMBS taken simultaneously</th>
<th>Impressions of RIGHT fingers taken simultaneously</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Left Hand</td>
<td>Right Hand</td>
</tr>
</tbody>
</table>

(Fold)

(Fold)

*Fingerprints taken by in presence of*

No. ....................................  Rank  Date ........................................

Tested by

Identified

Identified with criminal record

No criminal record

* The "rolled" and "plain" impressions are to be obtained first, then, with prisoner present, the remaining particulars are to be inserted. The prisoner should then sign the form in the appropriate space and the right forefinger print must be taken after signature. The form should next be signed by the person(s) taking the impressions and making the entries.

This form must be completed in every detail before the officer concerned begins to take fingerprints of any other person.

*On no account must two incomplete forms be dealt with at the same time.*
DESCRIPTION

Date and Place of Birth    Age .......    Hair
Country of Birth (if alien)    Eyes
District    Height
Village    Occupation
Tribe    Date first entr Zambia (If applicable)
Chief    National Registration Card No.
Address    Serial No. of Passport
Marks, scars, peculiarities    Date of issue .......   Place of Issue

<table>
<thead>
<tr>
<th>Sentence</th>
<th>Offence</th>
<th>Section of Law</th>
<th>C.C.R.B. N</th>
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<tbody>
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</table>

Prisoner's signature to be recorded after description has been completed.
Total fines and/or period of imprisonment as follows:
Note.-Entries must be legible and written in ink. Details of bindings over, recommendations for deportations, or orders for Police Supervision must be included. Sections of law will be quoted. Counts taken into consideration must be shown. Where a conviction on more than for a variety of different offences, has been obtained the different counts, or offences, and sentences will be clearly indicated and it will be stated whether sentences are or concurrent.

<table>
<thead>
<tr>
<th>Remarks (enter brief particulars of offence(s) committed)</th>
</tr>
</thead>
</table>

CERTIFICATE
I HEREBY CERTIFY that the particulars entered are accurate and true:

Signature

<table>
<thead>
<tr>
<th>Rank</th>
<th>No.</th>
</tr>
</thead>
<tbody>
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</tbody>
</table>
REPUBLIC OF ZAMBIA

IN THE SUBORDINATE COURT of the Class for the District.

In the Matter of Sections 42 to 45 of the Zambia Police Act.

NOTICE-FOUND PROPERTY

WHEREAS certain movable property has come into the possession of the Officer in Charge of ................................................................. Police Station and such property has not been claimed by any person;

AND WHEREAS the said Officer, pursuant to section 42 of the Zambia Police Act, has furnished to the Court an inventory and description thereof which is set forth in the Schedule;

AND WHEREAS the Court, pursuant to section 43 (1) of the Zambia Police Act, has ordered the detention of the said property:

NOW, THEREFORE, pursuant to section 43 (1) of the Zambia Police Act, the Court calls upon any person who may have any claim thereto to appear before the Court and establish his claim within fourteen days of the date of this notice.

Dated at the day of 19

Clerk of the Court

SCHEDULE

<table>
<thead>
<tr>
<th>Item No.</th>
<th>F.P.B.No.</th>
<th>Description of Property</th>
</tr>
</thead>
</table>
REPUBLIC OF ZAMBIA

IN THE SUBORDINATE COURT of the Class for the District.

In the Matter of Sections 42 to 45 of the Zambia Police Act.

NOTICE-FOUND PROPERTY-IMMEDIATE SALE

WHEREAS certain movable property set forth in the Schedule came into the possession of the Officer in Charge of .............................................................. Police Station and the property being subject to speedy or natural decay, or the Court being of opinion that its immediate sale would be for the benefit of the owner, it was ordered by this Court that the property be sold and the proceeds of the sale detained by the aforesaid Officer in Charge:

NOW, THEREFORE, pursuant to section 44 (2) of the Zambia Police Act, the Court calls upon any person who may have any claim thereto to appear before this Court and establish his claim within one month of the date of this notice.

Dated at the day of 19

Clerk of the Court

SCHEDULE

<table>
<thead>
<tr>
<th>Item No.</th>
<th>F.P.B.No.</th>
<th>Description of Property</th>
</tr>
</thead>
</table>
F.P. FORM 3
Stocked by the Government Printer

REPUBLIC OF ZAMBIA
IN THE SUBORDINATE COURT of the Class for the
District.
In the Matter of Sections 42 to 45 of the Zambia Police Act.

NOTICE-FOUND PROPERTY-MONEY

WHEREAS certain money has come into the possession of the Officer in Charge
of ................................................................. Police Station and such property has not
been claimed by any person;

AND WHEREAS the said Officer, pursuant to section 42 of the Zambia Police Act, has
furnished to the Court an inventory and description thereof which is set forth in the
Schedule;

AND WHEREAS the Court, pursuant to section 44 (2) of the Zambia Police Act, has given
orders for the detention of the said property:

NOW, THEREFORE, pursuant to section 44 (2) of the Zambia Police Act, the Court
calls upon any person who may have any claim thereto to appear before the Court and
establish his claim within one month of the date of this notice.

Dated at                                           the                                                day of 19

Clerk of the Court

SCHEDULE

<table>
<thead>
<tr>
<th>Item No.</th>
<th>F.P.B.No.</th>
<th>Description of Property</th>
</tr>
</thead>
</table>

(Any serial Nos. not to be quoted)
1. These Regulations may be cited as the Zambia Police (Special Duty) Regulations.

2. Where the Inspector-General, under section forty-six of the Act, details any police officer for special duty, the person making the application for the police officer for the special duty shall pay all charges incurred by the Force whilst the police officer is so employed including:

   (a) the salary of such officer, calculated on a daily basis; and

   (b) any travelling, subsistence or other allowance to which such officer would have been entitled had he been so employed on Government service; and

   (c) all transport charges, whether by land, air or water and including the cost of petrol, oil and lubricants, incurred by the Force in connection with the transportation of such officer from his police station of origin to the place of special duty and from such place of special duty to his police station of origin; and

   (d) any charges necessarily incurred by the Force in connection with the accommodation of such officer whilst at, and travelling to and from, the place of special duty; and

   (e) the cost of replacing any arms, ammunition, accoutrements, uniform or other appointments of any such officer so detailed necessarily expended or otherwise requiring replacement in consequence of being so detailed for special duty.

3. (1) The charges arising from the detailing of any police officer on special duty, calculated in the manner prescribed by these Regulations, shall be paid in full by the person who made the application therefor to the Inspector-General within one month of the issuing to him by the Inspector-General of a statement of account specifying the charges so incurred by the Force and shall be recoverable as a civil debt due to the Government.
All moneys recovered under this regulation shall be paid into the general revenues of the Republic.

SECTION 62-THE ZAMBIA POLICE (SUPERIOR POLICE OFFICERS) ASSOCIATION REGULATIONS

Regulations by the President

1. These Regulations may be cited as the Zambia Police (Superior Police Officers) Association Regulations.

2. In these Regulations, unless the context otherwise requires-

"Association" means the Zambia Police (Superior Police Officers) Association established by regulation 3;

"delegate" means a delegate elected to attend the Central Conference under regulation 5;

"superior police officer" means any police officer above the rank of Chief Inspector and below the rank of Deputy Commissioner.

3. (1) There is hereby established an association, to be known as the Zambia Police (Superior Police Officers) Association, the object of which shall be to enable superior police officers to consider and to bring to the notice of the Inspector-General and the Minister matters affecting the welfare and efficiency of the Force, other than questions of promotion affecting individuals and questions of discipline.

(2) The Association shall be independent of and unassociated with any body outside the Force:

Provided that this sub-regulation shall not prevent the Association consulting with associations of civil servants on matters of a general nature affecting the public service as a whole.
4. All superior police officers shall be members of the Association.  

5. (1) A Central Conference of the Association shall be held in Lusaka in or about March in every year. Additional Conferences for special purposes may be held with the consent of the Inspector-General.  

(2) The Central Conference shall be attended by the following number of delegates:  

- Commissioner: 1  
- Senior Superintendents: 2  
- Superintendents: 4  
- Assistant Superintendents: 7  

(3) The Central Conference shall not last more than two days without the consent of the Inspector-General.  

(4) The secretary of the Central Conference shall keep minutes of the meetings of the Conference and shall forward a copy thereof, in duplicate, to the Inspector-General within thirty days after the end of the meeting of the Conference to which such minutes relate.  

6. (1) The election of delegates to attend the Central Conference shall be by postal ballot. Each member of the Association may nominate the appropriate number of delegates of his own rank as set forth in regulation 5. These nominations shall be sent to the secretary of the Central Committee to reach him not later than the 1st February of the year in which such Central Conference is held.  

(2) At its meeting held in or about February, the Central Committee shall scrutinise the nominations and determine the results of the ballot.  

7. (1) The Central Conference shall, at the annual meeting, elect a
chairman, vice-chairman and a secretary from its members.

(2) The officers of the Conference elected in accordance with sub-regulation (1), together with two members and two alternate members elected at the same meeting of the Conference, shall constitute a Central Committee. The Central Committee shall hold office until the following annual Central Conference.

(3) The Central Committee shall hold two meetings, one in or about February, and one in or about September in every year, to examine matters submitted to the secretary in writing by members of the Association for inclusion on the agenda of the Conference. Each such meeting shall not last more than two days. Additional meetings for special purposes may be held with the consent of the Inspector-General.

8. The Central Committee may submit representations in writing to the Inspector-General and shall consider and report upon any matters referred to it by the Inspector-General.

9. (1) The chairman at a meeting of the Central Conference or the Central Committee shall have a casting as well as a deliberative vote. The quorum at the meeting of the Central Conference shall be ten members, and at a meeting of the Central Committee four members.

(2) Subject to the provisions of these Regulations, the Central Conference and Central Committee may regulate its own procedure, including the appointment of committees and sub-committees.

10. (1) Subject to the provisions of these Regulations, a Central Conference held in any year shall consider matters forwarded in writing by members of the Association which reach the secretary on or before the 1st January of the year in which such Conference is held.

(2) At its meeting held in or about February, the Central Committee shall examine all matters submitted to the secretary in writing by members of the Association for inclusion on the agenda of the Conference.

(3) The Central Committee shall have power to accept, amend or reject
any matter submitted by a member, but in the event of any such matter being rejected the proposer shall be informed in writing by the secretary of the reason for such rejection.

(4) The Central Committee shall be responsible for framing the agenda for the meeting of the Central Conference, and a copy of such agenda shall be submitted to the Inspector-General for information at least thirty days before the date fixed for the Conference and at the same time it shall be circulated to delegates.

(5) All resolutions passed by the Conference shall be signed by the chairman and secretary, and forwarded by the secretary to the Inspector-General for consideration.

(6) The outgoing chairman and secretary shall attend the Central Conference, but, if not elected as delegates for the forthcoming year, shall have no voting power. At each Central Conference, the outgoing chairman shall present the Central Committee report for the past year.

(7) In the event of the Central Committee being dissatisfied with the result of action taken regarding resolutions passed at the Central Conference or of representations submitted under regulation 8, the Inspector-General shall, at the request of the chairman, refer the particular matter in dispute to the Police Advisory Board for consideration.

11. Except where, in special circumstances, a superior police officer is required for duty for which no substitute is available, leave shall be given for the attendance at all meetings duly held in accordance with the provisions of these Regulations, and every attendance shall, as regards allowances and expenses, be deemed to be an occasion of police duty, and a decision as to whether an officer is required for duty for which no substitute is available shall be taken by the Inspector-General whose decision shall be final.

THE ZAMBIA POLICE TRIBUNALS (PROCEDURE) REGULATIONS[ARRANGEMENT OF REGULATIONS]
1. Title
2. Interpretation
3. Right of accused to prepare defence
4. Joint trial of several accused
5. Representation of accused
6. Appointment of prosecutor
7. Arraignment of accused
8. Objection by accused to charge
9. Amendment of charge
10. General plea of "guilty" or "not guilty"
11. Procedure after plea of "guilty"
12. Withdrawal of plea of "not guilty"
13. Plea of "not guilty"
14. Procedure where no witnesses to fact (except accused) called for defence
15. Procedure where witnesses called for defence
16. Procedure on trial of several accused together
17. Procedure on acquittal
18. Procedure on conviction
19. Announcement of sentence and transmission of proceedings
20. Evidence: general

SECTION 62-THE ZAMBIA POLICE TRIBUNALS (PROCEDURE) REGULATIONS

Regulations by the President

1. These Regulations may be cited as the Zambia Police Tribunals (Procedure) Regulations. Title

2. In these Regulations, unless the context otherwise requires-

"accused" means a police officer of or below the rank of Chief Inspector charged before a Tribunal with an offence against discipline; Interpretation
"Board" means the Police Advisory Board;

"confirming authority" means the Inspector-General or a Class I Tribunal in relation to the punishments which, under the provisions of section thirty-one of the Act, require confirmation by the Inspector-General or a Class I Tribunal;

"prosecutor" means a police officer appointed under the provisions of regulation 6 to present the case against an accused.

3.  (1) Where an accused has been informed that he is to be tried by a Tribunal he shall be afforded proper opportunity of preparing his defence, and shall be allowed free communication with his witnesses and with any friend or legal adviser with whom he may wish to consult.

(2) As soon as practicable after an accused has been informed that he is to be tried by a Tribunal, and in any case not less than twenty-four hours before his trial, a police officer, not being subordinate to the accused, shall give to the accused-

(a) a copy of the charge-sheet which he shall, if necessary, explain to the accused;

(b) an abstract or summary of the evidence on which it is proposed to base the charge; and

(c) a copy of any documentary evidence which it is proposed to adduce at the trial:

Provided that if it is impossible to make a copy of such documentary evidence it shall be sufficient if the accused is afforded reasonable access thereto; and such officer shall explain to the accused his right under these Regulations as to preparing his defence and being assisted or represented at the trial, and shall ask him to state in writing whether or not he wishes to have an officer assigned by the Tribunal to represent him at the trial, if a suitable officer is available.
(3) Not less than twenty-four hours before the trial the accused shall be informed by a police officer, not being subordinate in rank to the accused, that on the accused giving the names of any witnesses whom he desires to call in his defence reasonable steps will be taken for procuring their attendance at the trial, and those steps shall be taken accordingly.

4. (1) Any number of accused persons may be charged jointly and tried together before a Tribunal for an offence alleged to have been committed by them collectively, and when so charged, any one or more of such persons may at the same time be charged and tried for any other offence alleged to have been committed by him or them individually or collectively if all the said offences are founded on the same facts, or form or are part of a series of offences of the same or a similar character.

(2) Where it is proposed to try several accused together under sub-regulation (1), notice of such intention shall be given to each of the accused at the time of his being given a copy of the charge-sheet, and any such accused may claim, by notice to the Tribunal, to be tried separately on the ground that the evidence of one or more of the other accused will be material to his defence, and the Tribunal, if satisfied that the evidence will be material, and if the nature of the charge admits of it, shall allow the claim and the person making the claim shall be tried separately.

5. (1) The Tribunal may, in its discretion, allow an accused to be assisted by a friend, being a police officer or any other officer in the public service, or, in exceptional circumstances, by a barrister or solicitor, and when such permission is given the case for the defence may be conducted by such friend or by such barrister or solicitor:

Provided that where a prosecutor is appointed the accused shall have the right to be assisted by a friend as aforesaid.

(2) Where permission is granted to an accused to be represented by a barrister or solicitor, but not otherwise, a barrister or solicitor may be employed to present the case for the prosecution.

6. The Tribunal may, in its discretion, appoint a police officer, not being subordinate in rank to the accused, to present the case against the
accused.

7. (1) Upon the accused being taken before the Tribunal, the Tribunal shall inquire whether the requirements of regulation 3 (hereinafter referred to as the preliminaries) have been complied with.

(2) If the Tribunal finds that the preliminaries have not been complied with, it shall record the fact on the charge-sheet and shall adjourn to allow the preliminaries to be complied with.

(3) If the Tribunal finds that the preliminaries have been complied with, it shall record the fact on the charge-sheet, and the charges upon which the accused is arraigned shall be read to him and he shall be required to plead separately to each such charge as soon as it has been read to him.

8. The accused, when required to plead to any charge, may object to the charge on the ground that it does not disclose an offence under the provisions of section thirty of the Act, and the Tribunal, after hearing any submission which may be made by the prosecutor or by or on behalf of the accused, shall consider the objection and either disallow it and proceed with the trial or allow it and release the accused, but such release shall not prevent another charge being brought against the accused upon the same facts.

9. (1) At any time during the trial, if it appears to the Tribunal that there is any mistake in the name or description of the accused in the charge-sheet, the Tribunal may amend the charge-sheet so as to correct that mistake.

(2) If on the trial of any charge it appears to the Tribunal, at any time before the examination of witnesses has commenced, that in the interests of justice any addition to, omission from, or alteration in the charge is required, the Tribunal may adjourn to amend the charge and the trial shall proceed on the amended charge after due notice to the accused.

(3) Where any amendment or addition to, omission from or alteration in the charge is made under the provisions of this regulation the accused may, if he so wishes, amend any plea which he may have made to the
10. (1) The accused's plea of "guilty" or "not guilty" (or if he refuses to plead, or does not plead intelligibly one or the other, a plea of "not guilty") shall be recorded on each charge on which he is arraigned.

(2) If an accused pleads "guilty", that plea shall be recorded as the finding of the Tribunal, but before it is recorded the Tribunal shall ascertain that the accused understands the nature of the charge to which he has pleaded guilty and shall inform him of the general effect of that plea and in particular of the meaning of the charge to which he has pleaded guilty, and shall advise the accused to withdraw that plea if it appears from the summary or abstract of evidence that the accused ought to plead not guilty.

11. (1) Upon the recording of the plea of "guilty", if there is any other charge in the same charge-sheet to which the plea is "not guilty", the trial will first proceed with respect to every such other charge, and, after the finding on those charges, will proceed with the charges on which a plea of "guilty" has been entered, but if they are alternative charges the Tribunal may either proceed with respect to all the charges as if the accused had not pleaded "guilty" to any charge, or may, instead of trying him, record a finding of "guilty" upon any one of the alternative charges to which he has pleaded "guilty" and a finding of "not guilty" upon all the other alternative charges.

(2) After the recording of the plea of "guilty" on a charge (if the Tribunal does not proceed with any other charges), the Tribunal shall receive any statement which the accused desires to make in reference to the charge, and shall read the summary or abstract of evidence and annex it to the proceedings and, if such summary or abstract is not sufficient, shall take and record sufficient evidence to enable it to determine the sentence.

(3) After sub-regulation (2) has been complied with, the accused may make a statement in mitigation of punishment and may call witnesses as to his character.

(4) If from the statement of the accused or otherwise it appears to the Tribunal that the accused did not understand the effect of his plea of
"guilty", the Tribunal shall alter the record and enter a plea of "not guilty" and proceed with the trial accordingly.

(5) If a plea of "guilty" is recorded and the trial proceeds with respect to other charges in the same charge-sheet, the proceedings under sub-regulations (2) and (3) shall take place when the findings on the other charges in the charge-sheet have been recorded.

(6) When the accused states anything in mitigation of punishment, which in the opinion of the Tribunal requires to be proved, and would, if proved, affect the amount of punishment, the Tribunal may permit the accused to call witnesses to prove the same.

12. The accused may, if he thinks fit, at any time during the trial, withdraw his plea of "not guilty" and plead "guilty" and in such case the Tribunal shall at once, subject to a compliance with the provisions of regulation 11, record a plea and finding of "guilty" and shall, so far as is necessary, proceed in the manner directed by regulation 11.

13. (1) After a plea of "not guilty" to any charge is recorded, the trial shall proceed as follows:

(a) the prosecutor may, if he desires, and shall if required by the Tribunal, make an opening address, and should state therein the substance of the charge against the accused and the nature and general effect of the evidence which he proposes to adduce in support of it without entering into any unnecessary detail;

(b) the evidence of the prosecution shall then be taken.

(2) Any witness for the prosecution may, after he has given his evidence, be cross-examined by or on behalf of the accused, and may thereafter be re-examined by the prosecutor.

14. (1) At the close of the evidence for the prosecution, the accused shall be told by the Tribunal that he may, if he wishes, give evidence as a witness but that if he gives evidence he will be liable to cross-examination.
(2) The accused shall then be asked whether he wishes to give evidence as a witness himself and whether he intends to call any witnesses to the facts of the case other than himself.

(3) If the accused states that he wishes to give evidence as a witness himself but does not intend to call any other witness to the facts of the case the procedure, whether or not he is represented by a friend or by a barrister or solicitor, shall be as follows:

(a) the accused shall give evidence immediately after the close of the evidence for the prosecution, and may be cross-examined on such evidence by the prosecutor and thereafter may be re-examined or, if not represented, may give such statement as he might have given on re-examination;

(b) the accused may, if he wishes, call witnesses as to his character;

(c) the prosecutor may then make a final address for the purpose of summing up the evidence for the prosecution and commenting upon the evidence of the accused;

(d) the accused or his representative may then make a closing address in his defence.

(4) If the accused states that he does not wish to give evidence as a witness himself and does not intend to call any witnesses to the facts of the case, the procedure shall be as follows:

(a) if he is not represented by a friend or by a barrister or solicitor-

(i) the accused may, if he wishes, call witnesses as to his character;

(ii) the prosecutor may make a final address for the purpose of summing up the evidence for the prosecution;

(iii) the accused may then make an address in his defence giving his account of the subject of the charge against him and such address may be given orally or in writing;

(b) if he is represented by a friend or by a barrister or solicitor-

(i) the accused may make a statement giving his account of the
subject of the charge against him and such statement may be made orally or in writing but the accused shall not be sworn and no question may be put to him by the Tribunal or by any other person;

(ii) the accused may, if he wishes, call witnesses as to his character;

(iii) the representative of the accused may then make a closing address;

(iv) if the accused has made the statement referred to in sub-paragraph (i) the prosecutor may reply, but if he has made no such statement, the address of the prosecutor shall precede the closing address referred to in sub-paragraph (iii).

15. (1) If the accused states that he wishes to give evidence himself and to call witnesses to the facts of the case, the procedure after the close of the evidence for the prosecution, whether or not the accused is represented by a friend or by a barrister or solicitor, shall be as follows:

Procedure where witnesses called for defence

(a) the accused or his representative may make an opening address for the defence;

(b) the accused shall give evidence as a witness and then call his other witnesses, including, if he so desires, witnesses as to character;

(c) after the evidence of all the defence witnesses has been taken, the accused or his representative may make a closing address;

(d) the prosecutor may reply.

(2) If the accused states that he does not intend to give evidence himself but intends to call witnesses to the facts of the case, the procedure after the close of the evidence for the prosecution shall be as follows:

(a) if the accused is not represented by a friend or by a barrister or solicitor-

(i) the accused may make an opening address giving his account of the charge against him and such address may be given orally or in writing;

(ii) the accused shall then call his witnesses including, if he so desires, any witnesses as to character;

(iii) after the evidence of all the defence witnesses has been taken, the accused may make a closing address;
(iv) the prosecutor may reply;

(b) if the accused is represented by a friend or by a barrister or solicitor-

(i) the accused may make a statement giving his account of the subject of the charge against him and such statement may be made orally or in writing but the accused shall not be sworn and no questions may be put to him by the Tribunal or by any other person;

(ii) if the accused makes no such statement his representative may make an opening address;

(iii) the accused shall then call his witnesses including, if he so desires, any witnesses as to character;

(iv) after the evidence of all the defence witnesses has been taken, the representative of the accused may make a closing address;

(v) the prosecutor may reply.

16. Where two or more accused are tried together and any evidence as to the facts of the case, other than his own, is tendered by any one of them, the evidence and addresses on the part of or on behalf of all the accused shall be taken before the prosecutor replies, and the prosecutor may make one address only in reply as regards all the accused.

17. If the finding on each of the charges in a charge-sheet is "not guilty", the Tribunal shall record the same on the charge-sheet and, if there are no other charges upon which the trial proceeds, the accused shall be released.

18. (1) If the finding on any charge is "guilty", then, for the guidance of the Tribunal in determining the sentence and of the confirming authority (where necessary) and of the Board (in the event of an appeal), the Tribunal, before imposing any sentence, shall, whenever possible, take evidence and record the character, age, service, rank and any recognised acts of devotion to duty or distinguished conduct of the accused, and any other relevant matter.

(2) Evidence of the matter referred to in sub-regulation (1) may be given by a witness verifying a statement which contains a summary of the entries in Force records respecting the accused and identifying the accused as the person referred to in such summary.
(3) The accused may cross-examine the witness referred to in sub-regulation (2) and may call witnesses to rebut the evidence of such witness and, if the accused so requests, the relevant Force records or a duly certified copy of the material entries therein shall be produced.

(4) If the accused alleges that the summary referred to in sub-regulation (2) is in any respect not in accordance with Force records or with the certified copy referred to in sub-regulation (3), as the case may be, the Tribunal shall compare the summary with such records or summary and if it finds that it is not in accordance therewith shall cause the summary to be corrected accordingly.

(5) When all the evidence on the matters referred to in the foregoing provisions of this regulation has been given, the accused may address the Tribunal thereon and in mitigation of punishment.

19. (1) The sentence shall be announced in open court by the Tribunal but in any case where confirmation of such sentence is required under the provisions of section thirty-one of the Act, the sentence shall be announced as subject to confirmation and, in the case of a punishment imposed by a Class II Tribunal, it shall be assumed that the punishment shall be reported to the Inspector-General.

(2) Any accused upon whom a Tribunal has imposed a punishment of a fine exceeding five days' pay, or any reduction in rank or of discharge or dismissal from the Force, shall be informed in open court by the Tribunal of his right of appeal in the manner provided by section thirty-two of the Act.

(3) Upon a Tribunal awarding sentence it shall be signed and dated by the Tribunal and such signature shall authenticate the whole of the proceedings, and the proceedings shall, where necessary, be transmitted to the confirming authority for confirmation.

20. Except as provided by these Regulations, the rules of evidence applicable to subordinate courts exercising criminal jurisdiction shall be applicable to trials before Tribunals.
Notice by the Minister

The Zambia Police Canteens in the Schedule are hereby exempted from all the provisions of the Trades Licensing Act.

SCHEDULE

The Zambia Police Mobile Unit Canteen
The Zambia Police Para Military Canteen
The Zambia Police Training School Canteen

THE SUBORDINATE POLICE (CONDITIONS OF SERVICE) REGULATIONS [ARRANGEMENT OF REGULATIONS]

Regulation
1. Title
2. Interpretation
3. Application
4. Period of attestation
5. Resignation
6. Power to promote, etc.
7. Retirement
8. Privileges on retirement
9. Dismissal
10. Discharge certificate
11. Vacation and occasional leave
12. Application for leave
13. Sick leave
14. Leave on urgent private affairs
15. Transport privileges

**SECTION 64-THE SUBORDINATE POLICE (CONDITIONS OF SERVICE) REGULATIONS**

Regulations by the President

1. These Regulations may be cited as the Subordinate Police (Conditions of Service) Regulations.

2. In these Regulations, unless the context otherwise requires-

"discharge" means termination, after due notice, of the appointment of a policeman on the ground of in-efficiency due to idleness or negligence or on the ground of repeated or serious misconduct or disobedience;

"dismiss" means termination, without due notice, of the appointment of a policeman on the ground of inefficiency due to idleness or negligence or on the ground of repeated or serious misconduct or disobedience;

"due notice" means three months' notice; and shall not include any period of leave;

"minimum tour" means a tour of service of three complete years;

"normal tour" means a tour of service of four complete years;

"policeman" means any subordinate member of the Force of or below the rank of Sub-Inspector, Grade II;

"service" includes, for the computation of leave, any period of occasional leave, but does not include vacation leave, sick leave, leave
on urgent private affairs, or accumulated occasional leave added to vacation leave.

*(As amended by No. 39 of 1959 and No. 28 of 1961)*

3. The provisions of these Regulations shall apply— Application

(a) to every policeman who attests on or after the 14th November, 1952;

(b) to every policeman serving in the Force on the 14th November, 1952, who notifies the Inspector-General writing that he elects to serve under these Regulations. Such notification shall not be made more than three months after the said date unless the Inspector-General, in any particular case, otherwise directs;

(c) to every policeman on promotion to a higher rank after the 14th November, 1952.

4. (1) Every policeman shall be attested to serve in the Force for an initial period of four years: Period of attestation

Provided that the Inspector-General may, with the concurrence of the policeman, extend such initial period by not more than one year.

(2) Every policeman who has completed his initial period of attestation may, with the approval of the Inspector-General, elect to be confirmed in his appointment, and such policeman shall thereupon re-attest for continuous service.

5. No policeman may resign from the Force, except on giving due notice and with the express permission of the Inspector-General or of some other officer authorised by the Inspector-General to grant such permission. Resignation

6. The Inspector-General, or any police officer not below the rank of Senior Assistant Commissioner generally or specially authorised in that behalf by the Inspector-General, may promote or suspend any policeman and may dismiss or discharge any policeman who has not been confirmed in his appointment. Power to promote, etc.
7. (1) A policeman may retire on giving due notice at any time after reaching the age of forty-five years, or after completing twenty-five years' service, whichever is the earlier.

(2) It shall be lawful for the Inspector-General, subject to the approval of the President, to require a policeman to retire-

(a) if the Inspector-General shall consider that he has ceased to be an efficient member of the Force;

(b) at any time after such policeman has reached the age of forty-five years or has completed twenty-five years' service, whichever is the earlier;

(c) on grounds of infirmity of mind or body, not occasioned by his own default, which is likely to be permanent, certified by a Government Medical Officer; or

(d) because of reduction of establishment, or because the reorganisation of the Force makes such retirement desirable in the interests of efficiency or economy.

8. A policeman who-

(a) is required to retire under sub-regulation (2) of regulation 7; or

(b) resigns or retires after giving due notice, and who has completed a minimum tour;

shall be eligible for vacation leave, accumulated occasional leave, journey leave and the transport privileges prescribed in regulation 15. The Inspector-General may waive the giving of due notice or the serving of a minimum tour:

Provided that any policeman who is retired, or retires, or resigns shall be entitled to free transport for himself to the place at which he was engaged, or other approved destination, and if not granted leave, he shall
be entitled to a cash allowance in lieu of rations sufficient for the journey.

9. A policeman who is dismissed shall—

(a) forfeit any vacation or occasional leave for which he may have qualified and the transport privileges prescribed by regulation 15;

(b) not, if the Public Service Commission so directs, be granted any pension or gratuity; and

(c) be entitled to free transport for himself to the place at which he was engaged, or other approved destination, together with a cash allowance in lieu of rations sufficient for the journey.

(As amended by No. 343 of 1964 and S.I. No. 71 of 1964)

10. A policeman on termination of his appointment otherwise than by dismissal shall be entitled to a certificate of discharge.

11. (1) A policeman may, subject to the exigencies of the service, be granted vacation leave calculated at the rate of one and a half days in respect of each completed month of a tour of service on full salary.

(2) Vacation leave may be accumulated and, subject to sub-regulation (4) of regulation 13, a minimum of fifty-four days shall be necessary to qualify for journey leave and the transport privileges prescribed by regulation 15:

Provided that, except with the consent of the Inspector-General no more than ninety days' vacation leave (other than occasional leave accumulated and added to vacation leave in accordance with paragraph (c) of sub-regulation (4)) may be accumulated.

(3) A policeman may be granted special leave or an extension of vacation leave for the purpose of attending any course of instruction which the Permanent Secretary, Ministry of Home Affairs, may think desirable, for such period and on such terms as to the payment of salary (i.e. on full salary, on reduced salary, or without salary) as may be approved by the said Permanent Secretary.
(4) (a) Sundays and public holidays shall be excluded from occasional leave, except when such leave is accumulated and added to vacation leave, in accordance with paragraph (c).

(b) A policeman may, subject to the exigencies of the service, be granted by the Inspector-General occasional leave, calculated at the rate of one day for every completed month of service after the 1st July, 1948. Not more than twenty-four days' occasional leave may be taken at any one time during a tour of service.

(c) Not more than half the occasional leave earned in accordance with paragraph (b) may be accumulated and added to vacation leave:

Provided that no occasional leave earned prior to the 1st July, 1948, may be added to vacation leave.

(5) A policeman who has accumulated fifty-four days' or more vacation leave, other than occasional leave accumulated and added to vacation leave in accordance with paragraph (c) of sub-regulation (4), may in addition to such leave be allowed as journey leave a reasonable time to travel between his place of employment and his home or other approved destination.

(As amended by No. 343 of 1964)

12. (1) Application for vacation leave shall be submitted to the Inspector-General in such form as he may from time to time specify and the policeman, when proceeding on leave, shall be provided with a Leave and Last Pay Certificate in such form as the Inspector-General may from time to time prescribe, signed by the Inspector-General or his duly authorised representative.

(2) Occasional leave may be granted by the Inspector-General's duly authorised representative and shall be noted in such policeman's Record of Service.

13. (1) Sick leave on full salary up to a maximum of eighteen days in any one period of twelve months may be granted at any time by the Inspector-General or other officer duly authorised thereto, on the
recommendation of a Government Medical Officer or, if it is impracticable to obtain such recommendation, on being satisfied that the policeman is unfit for duty through sickness not caused by his own default.

(2) If the sickness is caused by the policeman's own default, sick leave may be granted without salary or on such reduced salary as may be decided by the Inspector-General in the light of the medical report.

(3) If at the end of eighteen days' sick leave, a policeman is certified by a Government Medical Officer to be still unfit to resume duty, an extension of sick leave on half salary up to a maximum of a further thirty-six days may be granted. Any extension of sick leave beyond the total of fifty-four days shall be without salary:

Provided that in the discretion of the Inspector-General a policeman who has attested for continuous service may, instead of sick leave without salary, take whatever vacation leave and accumulated occasional leave is due to him, in such case commencing a fresh tour of service on his return to duty.

(4) If a Government Medical Officer recommends that sick leave should be spent away from the place of employment, the policeman may be granted journey leave and the transport privileges prescribed in regulation 15. This sub-regulation shall also apply to vacation leave of less than fifty-four days taken in accordance with sub-regulation (3).

(5) If a policeman exceeds in any one tour of service an aggregate of fifty-four days' absence from duty on account of sickness, a report shall be obtained from a medical officer by the Inspector-General as to such policeman's physical fitness for further service.

(As amended by No. 137 of 1964)

14. A policeman may in special circumstances be granted leave on urgent private affairs; such leave shall be without salary:

Provided that in the discretion of the Inspector-General the policeman may, instead of such leave without salary, take whatever vacation leave and accumulated occasional leave is due to him, in such case forfeiting
all journey leave and transport privileges and commencing a fresh tour of service on his return to duty.

15. (1) A policeman shall be eligible for free transport for his wife, and children under the apparent age of sixteen years, as follows:

(a) Travelling on first appointment, termination of appointment and transfer:

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<tr>
<th>Transport</th>
<th>Class</th>
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<tbody>
<tr>
<td>Rail</td>
<td>Third class</td>
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<td>Motor or river</td>
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**FARES**

**Transport**
- Rail
- Motor or river

**Class**
- Third class

**BAGGAGE**

<table>
<thead>
<tr>
<th>Constable Sergeant and receiving above 600 lb. or 12 carriers</th>
<th>Constable receiving less than K10.50 a month</th>
</tr>
</thead>
<tbody>
<tr>
<td>K10.50 a month or more 450 lb. or 9 carriers</td>
<td>K10.50 a month 300 lb. or 6 carriers</td>
</tr>
</tbody>
</table>

(b) Travelling on vacation leave:

**Fares:** As in paragraph (a)

**Baggage:** All policemen - 200 lb. or 4 carriers.

(Note.-The weight of baggage shown above shall be additional to such weight of baggage as may be allowed free to passengers by the transport contractors.)

(2) A policeman who, after vacation leave, is posted to another station shall be allowed free transport for his effects left at his previous station up to the difference between the weight allowed on transfer and the weight which was transported free when he proceeded on or returned from leave, whichever is the greater.

(3) A policeman eligible for free transport shall be bound to travel by
the most economical route available having regard to the cost of free transport and baggage allowance and the cost of his salary while travelling:

Provided that the Inspector-General may, in the public interest, authorise free transport by another route.

THE SUBORDINATE POLICE (PENSIONS) REGULATIONS [ARRANGEMENT OF REGULATIONS]

Regulation
1. Title and application
2. Interpretation
3. Service to be unbroken
4. Pensions: application
5. Qualification for pension
6. Gratuity and reduced pension
7. Basic pension
8. Maximum pension grantable
9. Special pensions
10. Special pensions or gratuities
11. Policemen retiring on account of injuries
12. Gratuities to dependants where a policeman dies while in the Force
13. Gratuities to dependants when a policeman is killed on duty
14. Apportionment of gratuities to be decided by the Commission
15. Marriage gratuities
16. Resignation to enter rural council service
17. Policemen with other public service
18. Pension to cease on conviction
19. Forfeiture of pension or gratuity
20. Further employment of pensioners
Regulations by the President

1. These Regulations may be cited as the Subordinate Police (Pensions) Regulations, and shall apply to every member of the Force holding a post set out in the First Schedule.

2. In these Regulations, unless the context otherwise requires-

"the Commission" means the Police and Prisons Service Commission;

"gratuity service" means service which may be taken into account in computing a gratuity under these Regulations;

"pensionable service" means service which may be taken into account in computing a pension under these Regulations;

"policeman" means any member of the Force holding a post set out in the First Schedule;

"prescribed date" means the *commencement of the Zambia Civil Service (Local Conditions) Contributory Pensions Act, Chapter 48 of the 1965 Edition of the Laws;

"qualifying service" means service which may be taken into account in determining whether a policeman is eligible by length of service for a pension, gratuity or other allowance under these Regulations;

"salary" shall not include any other allowance or similar emolument whatever unless specifically approved by the Permanent Secretary (Establishments) as being an allowance or emolument which may be deemed to be salary for the purposes of computing a pension or gratuity under these Regulations;

"Teaching Service" means the Teaching Service established under the provisions of section four of the African Education Act;

"Zambia Civil Service (Local Conditions)" means public service in Zambia under the terms and conditions of service introduced on the prescribed date or under such terms and conditions of service as varied from time to time.

(As amended by No. 267 of 1961, No. 197 of 1963 and No. 343 of 1964)

3. (1) Except as otherwise provided in these Regulations, only continuous service shall be taken into account as qualifying service, pensionable service or gratuity service:


Provided that-

(i) in the case of a policeman to whom these Regulations apply and who without break in service has been transferred from the African Civil Service, such service as would otherwise have been taken into account as qualifying, pensionable or gratuity service under the African Civil Servants' Pensions Regulations, Chapter 57 of the 1964 Edition of the Laws, shall be taken into account as qualifying, pensionable or gratuity service, as the case may be;

(ii) where a policeman who was serving before the 14th November, 1952, has re-engaged after discharge in accordance with the repealed provisions of section sixteen of the Northern Rhodesia Police Act, Chapter 44 of the 1953 Edition of the Laws, his service shall be deemed to be continuous;

(iii) any interruption in service caused by temporary suspension of
employment not arising from misconduct or voluntary resignation shall not be deemed to cause a break in continuous service.

(2) No period during which a policeman shall have been absent from duty on leave without salary shall be taken into account as pensionable or gratuity service unless such leave shall have been granted on grounds of public policy with the approval of the Permanent Secretary (Establishments).

(3) Service while under the age of twenty years shall not be taken into account as qualifying, pensionable or gratuity service:

Provided that this sub-regulation shall not apply to any policeman whose service commenced prior to the 1st January, 1946.

(As amended by No. 343 of 1964)

4. (1) Subject to the provisions of these Regulations, every policeman shall be eligible to receive a pension calculated under these Regulations. Pensions: application

(2) Where it is established to the satisfaction of the Commission that a policeman has been guilty of negligence, irregularity or misconduct in the course of his service, or if he shall make use of his former employment in the Force after retirement in such a manner which the Commission considers to be improper, any pension, gratuity or other allowance otherwise payable under these Regulations may be reduced or totally withheld.

(As amended by No. 343 of 1964 and S.I. No. 71 of 1964)

5. (1) A policeman who has been confirmed in his appointment and is eligible to receive a pension in accordance with regulation 4 shall qualify for such pension after ten years' qualifying service: Qualification for pension

Provided that no policeman shall be granted a pension or gratuity until he has reached the age of forty-five years or completed twenty-five years' service unless otherwise provided in these Regulations.

(2) Notwithstanding anything to the contrary contained in sub-regulation (1), a policeman who has been confirmed in his
appointment shall, unless the Commission directs otherwise, be granted
a pension or gratuity, as hereinafter provided, if he is retired, otherwise
than on the grounds of ill health occasioned by his own default-

(a) at any time after such policeman has reached the age of
forty-five years or has completed twenty-five years' service; or

(b) on the grounds of infirmity of mind or body which is likely to be
permanent, certified by a registered medical practitioner; or

(c) because of reduction of establishment, or because the
reorganisation of the Force makes such retirement desirable in the
interest of efficiency or of economy.

(As amended by No. 343 of 1964 and S.I. No. 71 of 1964)

6. (1) Any policeman to whom a pension is granted under these
Regulations may, at his option exercisable as hereinafter provided, be
paid in lieu of such pension a pension at the rate of three-quarters, or any
greater fraction of such pension, together with a gratuity equal to twelve
and one-half times the amount by which such pension is reduced:

Provided that in the application of this regulation to cases where the
limitation prescribed by regulation 8 operates, the words "such pension"
shall mean the amount of pension which the policeman might have been
awarded if he had not exercised his option under this regulation.

(2) An option exercisable in accordance with this regulation-

(a) shall be exercised or revoked by notice in writing addressed to
the Inspector-General;

(b) shall be deemed to have been exercised or revoked on the date on
which such notice is received; and

(c) subject to sub-regulation (3), shall be exercisable, and being
exercised, may be revoked, on or before the date of the policeman's
retirement or, with the permission of the President, at any time between
that date and the date of the final award of the pension granted to him
under these Regulations.
(3) If, after the date of the final award, the amount of his pension is or has been increased by revised terms and conditions of service applied to him with retrospective effect, any policeman to whom a pension has been awarded under these Regulations, within such period as the President may direct, and subject to such conditions (if any) as the President may approve, may-

(a) exercise an option if he has not done so;

(b) revoke an option that he has exercised and exercise a fresh option.

(4) If a policeman who has not exercised an option in accordance with this regulation dies after he has finally retired but before a pension has been granted to him under these Regulations, the President shall, with the concurrence of the Commission, grant to his legal representative a maximum gratuity and, in respect of the period between the date of such retirement and the date of death, a correspondingly reduced pension as if the policeman before his death had exercised an option accordingly.

(As amended by No. 343 of 1964 and S.I. No. 71 of 1964)

7. (1) Annual pension shall be calculated at the rate of one six-hundredth of the annual salary at the date of retirement in respect of each completed month of pensionable service:

Provided that where pensionable service commenced prior to the 1st January, 1946, the annual pension which may be awarded in respect of such service prior to the 1st January, 1946, shall be calculated at the rate of one twelve-hundredth of the annual salary at the date of retirement in respect of each completed month of service, and the pension shall be computed in two parts accordingly.

(2) Where, for the purposes of sub-regulation (1), a pension is computed in two parts and in each part there occurs a period of service not amounting to a complete month, if the two such periods amount in the aggregate to not less than thirty days, one month's service shall be added to the part in which the greater period of service occurs, and where the periods of service are equal, to the part to which the one six-hundredth pension rate applies.
8. A pension granted to a policeman under these Regulations shall not exceed two-thirds of his annual salary at the date of retirement.

9. (1) A policeman who, being qualified for pension, is not eligible to be granted a pension in terms of the proviso to regulation 5 (1), but to whom the provisions of regulation 5 (2) apply, shall, unless the Commission directs otherwise, be granted a pension calculated in accordance with regulation 7 or 17, as the case may be:

Provided that-

(i) if such a policeman is retired in consequence of the reduction of establishment or the reorganisation of the Force in terms of regulation 5 (2) (c), he shall, if he retires from the Force and unless the Commission directs otherwise, be granted an additional pension at the annual rate of one-sixth of his retiring salary for each complete period of three years' pensionable service;

(ii) such additional pension shall not exceed ten-sixtieths of the retiring salary of the policeman concerned;

(iii) the additional pension together with the remainder of the policeman's pension shall not exceed the pension for which he would have been eligible if he had continued until the age of fifty-five years to hold the office held by him at the date of his retirement, having received all increments for which he would have been eligible by that date.

(2) A policeman who has completed less than ten years' qualifying service, and to whom the provisions of regulation 5 (2) apply, shall, unless the Commission directs otherwise, be granted a gratuity calculated at the rate of one-twelfth of the retiring monthly salary in respect of each completed month of pensionable service:

Provided that-

(i) if such a policeman is retired in consequence of the reduction of establishment or the reorganisation of the Force under the provisions of regulation 5 (2) (c), he shall, unless the Commission directs otherwise-

(a) be granted in lieu of such gratuity a pension calculated in accordance with regulation 7 or 17, as the case may be;

(b) if at the date of such retirement he was in the Force, be granted
an additional pension at the annual rate of one-sixtieth of his retiring salary for each complete period of three years' pensionable service;

(ii) such additional pension shall not exceed ten-sixtieths of the policeman's retiring salary;

(iii) the additional pension together with the remainder of the policeman's pension shall not exceed the pension for which he would have been eligible if he had continued until the age of fifty-five years to hold the office held by him at the date of his retirement, having received all increments for which he would have been eligible by that date.

(As amended by No. 343 of 1964 and S.I. No. 71 of 1964)

10. When a policeman is removed from his office on the ground of his inability to discharge efficiently the duties thereof or on grounds of ill health occasioned by his own default and a pension or gratuity cannot otherwise be granted to him under these Regulations, the Commission may, if, having regard to all the circumstances of the case, it considers it justifiable, grant such pension or gratuity as it may consider just and proper but in no case exceeding the pension or gratuity for which the policeman might have been eligible under the provisions of paragraph (a) or (b) of regulation 5 (2).

(As amended by No. 343 of 1964 and S.I. No. 71 of 1964)

11. Where any policeman has been permanently injured in the actual discharge of his duty, without his own default and by some injury specifically attributable to the nature of his duty, and his retirement is thereby necessitated or materially accelerated, he shall be granted in addition to any pension or gratuity, as the case may be, calculated in accordance with these Regulations such increased pension or gratuity, or, if no pension or gratuity is payable under these Regulations, such compassionate allowance, as the Commission may deem fit:

Provided that in any such case the increase of pension or gratuity or the compassionate allowance shall not be less than such sum as the policeman would have been entitled to under the Worker's Compensation Act if the said Act had applied to him.

(As amended by No. 343 of 1964 and S.I. No. 71 of 1964)

12. (1) Where any policeman to whom these Regulations apply who
has completed four years' or more service dies while in the Force from any cause, other than injury contracted in the circumstances described in regulation 11, the Commission may grant to his relatives or dependants a gratuity calculated at the rate of one-twelfth of the monthly salary which such policeman was receiving at the date of his death in respect of each completed month of service:

Provided that where the service which is permitted to count towards gratuity commenced prior to the 1st January, 1946, the gratuity which may be awarded in respect of such service prior to the 1st January, 1946, shall be calculated at the rate of one twenty-fourth of the retiring monthly salary in respect of each completed month of such service, and such gratuity shall be computed in two parts accordingly.

(2) Where for the purposes of sub-regulation (1) a gratuity is computed in two parts and in each part there occurs a period of service not amounting to a complete month, if the two such periods amount in the aggregate to not less than thirty days, one month's service shall be added to the part in which the greater period of service occurs, and where the periods of service are equal, to the part to which the one-twelfth gratuity rate applies.

(As amended by No. 343 of 1964 and S.I. No. 71 of 1964)

13.  If a policeman dies at any time from injury contracted in the circumstances described in regulation 11, a gratuity may be granted to his relatives or dependants, and the amount of such gratuity shall be the amount which would have been paid had the provisions of the Worker's Compensation Act applied:

Provided that in no case shall the amount of such gratuity be less than one year's salary or the amount of a gratuity calculated under the provisions of regulation 12, whichever is the greater.

14.  In any case where the Commission makes any grant to relatives or dependants in accordance with the provisions of regulation 12 or 13, then the decision of the Commission as to the apportionment of any gratuity so granted amongst the relatives or dependants concerned shall be final.

(As amended by No. 343 of 1964 and S.I. No. 71 of 1964)
15. Where a female member of the Force, having completed not less than five years' continuous service and having been confirmed in her appointment, retires or is required to retire from the Force for the reason that she has married or is about to marry, and is not eligible for the grant of any pension or otherwise eligible for gratuity under these Regulations, she may be granted, on production within six months after her retirement, or such longer period as the Permanent Secretary (Establishments) may in any particular case allow, of satisfactory evidence of her marriage, a gratuity of an amount not exceeding—

(a) one year's pensionable emoluments; or

(b) five times the annual amount of the pension which might have been granted to her under regulation 7 had there been no qualifying period of service and had that regulation been applicable to her;

whichever amount shall be the less.

(No. 197 of 1963 as amended by No. 343 of 1964)

16. (1) Where a policeman resigns from an appointment in which he has been confirmed and immediately thereafter assumes duties on, or full-time duties under, a rural council, the Commission may, if it is satisfied that such resignation was in the public interest and if such policeman is not otherwise eligible for the award of a pension or gratuity under these Regulations, grant such policeman, upon the completion of two years' continuous rural council service, a gratuity calculated in accordance with the provisions of regulation 12:

Provided that if any such policeman retires on grounds of ill health or dies before he has completed two years' rural council service, the Commission may grant him, or, if he dies, may grant his dependants, a gratuity calculated as aforesaid.

(2) No gratuity shall be granted under the provisions of this regulation to a policeman who resigns in order—

(a) to assume duties on a rural council which are nominal or which are periodical or in respect of which no emoluments are paid from rural council or other public funds; or

(b) to assume duties under a rural council in respect of which no
retiring award is granted by such council.

(Appended by No. 343 of 1964 and S.I. No. 71 of 1964)

17. (1) Except as hereinafter provided, the provisions of these Regulations shall also apply to the case of a policeman who is transferred to or from the service of Zambia from or to other public service.

Policemen with other public service

(2) In this regulation-
"other public service" means service in a civil capacity under a Scheduled Government or in the Teaching Service;
"pensionable emoluments" means-

(a) any salary or other emoluments granted by a Scheduled Government which may be taken into account for the purposes of computing a pension under the law of that Government; or

(b) any salary or other emoluments for service in the Zambia Civil Service (Local Conditions) which may be taken into account for the purposes of computing a pension in accordance with the conditions applying to that service; or

(c) any salary or other emoluments for service in the Teaching Service which may be taken into account for the purposes of computing a pension in accordance with the conditions applying to that service;

"Scheduled Government" means the Government of any territory mentioned in the Second Schedule;
"service in the Group" means service under the Government of Zambia and under a Scheduled Government or Scheduled Governments or the Teaching Service.

(3) Where the other public service of a policeman has been wholly under one or more Scheduled Governments or the Teaching Service and his aggregate service would have qualified him had it been wholly service in the Force for a pension under these Regulations, he may, on his retirement from the public service in circumstances in which he is permitted by the law or regulations of the service in which he is last employed to retire on pension or gratuity, be granted in respect of his service in the Force a pension of such an amount as bears the same proportion to the amount of pension for which he would have been
eligible had his service been wholly in the Force, as the aggregate amounts of his pensionable emoluments during his service in the Force bear to the aggregate amounts of his pensionable emoluments throughout his service in the Group.

(4) In determining for the purposes of this regulation the pension for which a policeman would have been eligible if his service had been wholly in the Force-

(a) the final pensionable emoluments taken shall be those of his last period of service in the Group;

(b) no regard shall be had to an increased pension under regulation 11;

(c) regard shall be had to the condition that the pension may not exceed two-thirds of the annual salary at the date of retirement;

(d) no period of other public service under a Scheduled Government or the Teaching Service in respect of which no pension or gratuity is granted shall be taken into account.

(5) For the purposes of this regulation, the aggregate amount of a policeman's pensionable emoluments shall be taken as the total amount of salary or pensionable emoluments which he would have received or enjoyed had he been on duty on full pay in his substantive offices throughout his period of service in the Group subsequent to the attainment of the age of twenty years:

Provided that-

(i) in calculating the aggregate amount of his pensionable emoluments, no account shall be taken of any service under a Scheduled Government or the Teaching Service in respect of which no pension or gratuity is granted to him;

(ii) where part only of any service is taken into account as pensionable service, a proportionate part only of the policeman's aggregate pensionable emoluments during that service shall be taken into account for such calculation.
(6) Where a policeman to whom this regulation applies retires from the public service in circumstances in which he is permitted by the law or regulations of the service in which he is last employed to retire on pension or gratuity, but has not completed in the aggregate the minimum period of ten years' service qualifying him for pension, he may be granted in respect of his service in the Force a gratuity of such an amount as bears the same proportion to the amount of gratuity for which he would have been eligible had his service been wholly in the Force, as the aggregate amounts of his salary during his service in the Force bears to the aggregate amounts of his salary and pensionable emoluments throughout his service in the Group.

(7) A female member of the Force to whom this regulation applies who resigns or is required to retire from the public service for the reason that she is about to marry or has married and in consequence-

(a) would, if the whole of her public service had been in the Force, have been eligible for a gratuity under regulation 15; and

(b) if she at the date of her resignation or retirement in other public service is eligible for a gratuity under provisions corresponding to that regulation in the law or regulations of the public service in which she is last employed;

may, if she is not eligible for the grant of any pension or otherwise eligible for gratuity under this regulation, be granted in respect of her service in the Force a gratuity of an amount not exceeding five times the annual amount of the pension for which she would have been eligible under sub-regulation (3) had there been no qualifying period and had sub-regulation (3) been applicable to her:

Provided that-

(i) for the purpose of computing total public service under this regulation, no regard shall be had to any service under a Scheduled Government or in the Teaching Service which does not grant a gratuity to her in consequence of her resignation or retirement;

(ii) for the purpose of computing the amount of such a gratuity in relation to a pension under sub-regulation (3)-

(a) paragraph (c) of sub-regulation (4) shall have effect as if the reference therein to two-thirds of the annual salary at the date of
retirement was a reference to one-fifth of the annual salary at the date of retirement; and

(b) the annual amount of that pension shall not exceed one-fifth of her annual pensionable emoluments.

(8) For the purposes of this regulation, service in the Zambia Civil Service (Local Conditions) shall be deemed to be other public service under a Scheduled Government and shall not be treated as being service under the Government of Zambia or as being service in the Force.

(As amended by No. 267 of 1961 and No. 197 of 1963)

18. If any policeman to whom a pension has been granted under these Regulations is convicted before any competent court and sentenced to death or to a term of imprisonment without the option of a fine then, in every such case, the Commission may direct that such pension shall forthwith cease:

Provided that-

(i) the pension shall be restored with retrospective effect in the case of a person whose conviction as above described has been quashed on appeal, or who at any time received a free pardon;

(ii) where a pension ceases as aforesaid, the Commission may cause all or any part of the monies to which the pensioner would have been entitled by way of pension to be paid to or applied for the benefit of any wife, child or children of the pensioner, and, after the expiration of his sentence, also for the benefit of the pensioner himself; and

(iii) in determining whether arrears of such pension or allowance are payable to such a person and in computing the amount thereof, account shall be taken of all moneys paid or applied under proviso (ii).

(As amended by No. 343 of 1964 and S.I. No. 71 of 1964)

19. Any policeman who has been dismissed shall, provided the Commission concurs, be granted neither pension nor gratuity.

(As amended by No. 343 of 1964 and S.I. No. 71 of 1964)
20. (1) Any person under the age of fifty years who has been granted a pension under these Regulations, may, if physically fit for service, be called upon to accept until he reaches such age any office in the Force not less in value than the office which he had at the date of the grant of his pension, at the discretion of the Inspector-General.

Further employment of pensioners

(2) If any person so called upon declines to accept the office for which he has been selected, the payment of his pension may, provided the Commission concurs, be suspended until he has reached the age of fifty years.

(As amended by No. 343 of 1964 and S.I. No. 71 of 1964)

21. If any person to whom a pension has been granted under these Regulations is appointed to another office in the public service of Zambia, the payment of his pension may with his consent, if the Commission thinks fit, be suspended during the period of his re-employment.

Payment of pension during re-employment

(As amended by No. 343 of 1964 and S.I. No. 71 of 1964)

22. Every application for a pension or a gratuity under these Regulations shall be submitted to such person and in such form as the President may from time to time prescribe.

Form of application

23. The Northern Rhodesia (African Police Pensions and Gratuities) Regulations and the African Police (Pensions) Regulations are hereby revoked:

Revocation of savings

Provided that-

(i) nothing in these Regulations shall be deemed to affect any rights or privileges enjoyed or to be enjoyed by any person under the provisions of the Regulations hereby revoked;

(ii) in the case of any policeman who retired between the 4th January, 1955, and the *commencement of these Regulations and who exercised an option to be paid a gratuity and a reduced pension under the provisions of regulation 6 of the Regulations hereby revoked, such policeman shall be entitled to be paid in addition to such gratuity and reduced pension a sum equal to the difference between the gratuity so
paid and the gratuity which would have been payable if for the words "ten times" in the said regulation 6 there had been substituted the words "twelve and one-half times";

* 3rd July, 1959

(iii) in the case of any policeman who retired after the 14th November, 1952, and before the *commencement of these Regulations, the powers of option and revocation given under the provisions of regulation 6(3) shall be deemed to apply to any pension awarded to and to any option exercisable by such policeman under the Regulations hereby revoked.

* 3rd July, 1959

FIRST SCHEDULE
*(Regulations 1 and 2)*

SCHEDULED POSTS
Assistant Inspector, Grade II
Assistant Inspector, Grade III
Sub-Inspector
Head Constable
Sergeant
Constable

SECOND SCHEDULE
*(Regulation 17)*

SCHEDULED GOVERNMENTS
Federation of Rhodesia and Nyasaland
Nyasaland Protectorate
Southern Rhodesia

SECTION 56- THE ZAMBIA POLICE (VIGILANTES) Statutory
Regulations by the Minister

1. Those Regulations may be cited as the Zambia Police (Vigilantes) Regulations,

2. When performing his functions and duties under subsection (5) of section forty-eight of the Act, every vigilante shall-
   (a) report promptly to the police all cases of a criminal nature occurring within the Section;
   (b) track and if possible identify criminals in the Section;
   (c) assist the police in detecting and apprehending any person suspected of committing an offence in the Section;
   (d) execute patrols in the Section;
   (e) collect and transmit to the police reports relevant to the security of the Section; and
   (f) perform any general or specific duties as the Ward Security Committee may direct after approval of the Inspector-General.

(2) Except as is provided for under section twenty-two of the Act, a vigilante shall not be authorised to erect or place or cause to be erected or placed any barrier, or cause a cordon to be formed, in or across any road or street or any other public place.

(3) No vigilante shall be authorised to use any firearm in the execution of his duties.

3. (1) There shall be a minimum of five vigilantes in every Section one of whom shall be designated as the Section Vigilante leader.

(2) All Section Vigilante Leaders shall be constituted into Branch vigilantes one of whom shall be designated as the Branch Vigilante Leader.
(3) All Branch Vigilante Leaders shall be constituted into Ward vigilantes one of whom shall be designated as the Ward Vigilante Leader.

4. The provisions of section twenty-three of the Act shall apply *mutatis mutandis* to a vigilante.

5. (1) Any applicant who fulfills the requirements of section *forty-nine* of the Act shall apply to the Ward Security Committee in Form VGI as set out in the Schedule hereto for consideration and appointment as a vigilante for the section in which such applicant resides.

(2) The application shall be signed by the applicant in the presence of the Chairman of the Section Security Committee who shall countersign such application as a witness and shall thereafter forward the application to the Chairman of the Branch Security Committee with his recommendations.

(3) The application shall be considered by the Chairman of the Branch Security Committee who shall thereafter forward the application with his recommendations to the Chairman of the Ward Security Committee who shall forward such application with his recommendations to the officer-in-charge of that police station for onward transmission to the Inspector-General.

6. Every vigilante shall at all times carry with him his identity card which shall be in Form VG5 as set out in the Schedule hereto.

7. The performance of a vigilante shall be assessed annually and an appraisal made by his Section Vigilante Leader in Form VG6 as set out in the Schedule hereto.

8. When a vigilante is issued with equipment in accordance with section *forty* of the Act Form VG7 as set out in the Schedule hereto shall be duly completed and signed.
9. (1) If a vigilante is no longer resident in the Section for which he was appointed a vigilante, the provisions of section fifty-five of the Act shall apply.

Termination of issue of equipment

(2) A vigilante who ceases to be a vigilante by virtue of sub-regulation (1) shall be issued with a notice of discharge.

10. Pending the designation of a Section Vigilante Leader, Ward Vigilante Leader or Branch Vigilante Leader in accordance with subsection (6) of section forty-eight of the Act, acting Vigilante Leaders may be designated from amongst the vigilantes with the approval of the officer-in-charge of a police station.

11. The provisions of Part VI of the Act shall apply mutatis mutandis to vigilantes:

Discipline

SCHEDULE
(Regulations 5, 6, 7 and 8)

FORM VG1

REPUBLIC OF ZAMBIA

ZAMBIA POLICE

APPLICATION AS A VIGILANTE

NOTE: Service as a Vigilante is voluntary

Complete six copies of this Form:

PART I

1. Surname
2. Age
3. Other Names
5. Place of Birth
6. Nationality
7. Martial Status
8. Village
9. Chief
10. District
11. Occupation
12. Previous Employment (if any)
13. Business Address
14. Residential Address

15. Section 16. Branch .................................................................
17. Ward
18. Name and address of next of kin

19. Name and address of father

22. District
23. Name and address of mother
24. Village 25. Chief .................................................................
26. District
27. Give details of clubs, associations or organisations of which you are or have been a member

28. Have you been convicted of any criminal offence? If so give details

29. Physical disabilities if any (state).
30. Other disabilities if any (state)

DECLARATION
31. I declare that I have answered those questions truthfully, and exactly and that I am not aware of any circumstances not disclosed in these answers which if known, might raise doubts as to my honesty, sobriety or fitness for appointment as a vigilante as by law established. I understand that if I am appointed as a vigilante and this declaration or any of the particulars furnished by me are subsequently found to be false within my own knowledge my appointment shall be terminated.
..............................................................................................................
Date .....................................................................19 ......................
Applicant's Signature or Thumb Print
Witness
Chairman of Section Security Committee
Section
Party Card No
National Registration Card No. ....................../..................../...................
PART II

(To be completed by the Chairman of the Section Security Committee)

RECOMMENDATION

32. I, (Name in full) Chairman of Section Security Committee of ................................................... Branch in ...................................................... Ward
which falls under .............................................................. Police Station in .............................................................. District
(Name in full) of Section for appointment as a Vigilante/Section Vigilante Leader in ...................................................... Section. To the best of my knowledge the applicant is suitable/not suitable for appointment as a vigilante in the Zambia Police.

Date ................................................................. Signature .................................................................

Name .................................................................

Party Card No. ...........................................................

PART III

(To be completed by the Chairman of the Branch Security Committee)

ENDORSEMENT

33. I, (Name in full) Chairman of ...................................................... Branch Security Committee in ...................................................... Ward, *endorse/do not endorse that to the best of my knowledge, this applicant is suitable/not suitable for appointment as a Vigilante/Section Vigilante Leader.

Date ................................................................. Signature .................................................................

Name .................................................................

Party Card No. ...........................................................

*Delete if not applicable

PART IV

(To be completed by the Chairman of the Ward Security Committee)

CERTIFICATE

34. I, (Name in full) Chairman of ...................................................... Ward Security Committee under .............................................................. District Council *certify/do not certify that the applicant is suitable for appointment as a Vigilante/Section Vigilante Leader in ...................................................... Section of ...................................................... Branch.

Date ................................................................. Signature .................................................................

Name .................................................................

Party Card No. ...........................................................
PART V
35. To Criminal Records Office
Zambia Police Force Headquarters
Lusaka

NON-CRIMINAL INQUIRY
Results

Comments by the Inspector-General: *Approved/Not approved for appointment as a
*Vigilante/Section Vigilante Leader.

PART VI

(To be completed by the Officer-in-Charge appointing Vigilante)

36. *Appointed/Not appointed
Date of appointment
Vigilante Identity Card No. (If appointed)
Place of issue
Date of issue

Date ................................................................. Signature

Name .
Service No.
Station

*Delete if not applicable
NOTE: This document is the property of the Government of the Republic of Zambia, once found hand it immediately to the nearest police station, Party office, police officer or official.

The person named herein and whose photograph is affixed hereon has been appointed a Vigilante under section 48 of the Zambia Police Act.

Name
Identity Card No.
Section
Ward
Police Station
District

Name
Rank
Officer-in-Charge of Police Station
## REPUBLIC OF ZAMBIA

ZAMBIA POLICE

ANNUAL PERFORMANCE APPRAISAL REPORT

PART I

(To be completed by the Section Vigilante Leader)

Period: from ...................................................... 19 ...........
to ........................................................................ 19 ...........

1. Full Name ........................................... 2. Identity Card No
3. Rank ...................................................
4. Section .............................................. 5. Branch
6. Ward ................................................. 7. Police Station
8. District .............................................. 9. Date of Appointment

### A. ASSESSMENT OF QUALITIES

(Tick where applicable)

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<td>4. Reliability, accuracy and knowledge of duties</td>
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<td>5. Energy, drive and interest in his work</td>
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<td>8. Relationship with members of the community</td>
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### B. GENERAL REMARKS
C. FITNESS FOR RETENTION IN SERVICE

Signature .......................................................  
Name ...........................................................
Section .......................................................  
Branch .......................................................  
Ward ...........................................................  
Police Station .............................................

PART II
Comments by Branch Vigilante Leader

Date ..........................................................................................    Signature
Name .
Identity Card No.

PART III
Comments by Ward Vigilante Leader

Date .........................................................................................    Signature
Name .
Identity Card No.

PART IV
Comments by Officer-in-Charge

Date ..........................................................................................    Signature
Name .
Rank
Number
Station
REPUBLIC OF ZAMBIA

ZAMBIA POLICE

RECORD OF ISSUE OF EQUIPMENT

PART I

The following items are issued for use to-
1. Name in full ........................................ 2. Identity Card No.
3. Rank .................................................... 4. Section
5. Branch ............................................... 6. Ward
7. Police Station .................................... 8. District

Signature
Name
Issuing Officer

Date .......................................................... Signature
Name
Authorising Officer
Rank

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Certified received the above items correctly
Date .......................................................... Signature
Vigilante

PART II

Inspector-General of Police
Quartermaster Stores
P.O. Box 50103
Lusaka

The items detailed below have been withdrawn from:
Name
Identity Card No. ....................................... Section .........................................................
Ward
for the reasons marked X below, please make the necessary adjustments to the records.
.................................................................  Transferred
.................................................................  Resigned from the Force
.................................................................  Service Terminated
.................................................................  Died

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Signature of Vigilante .........................
Signature of Receiving Officer .............
Force No. ...........................................
Rank ............................................... 
Station .............................................
District .......................................... 
Date ...............................................
SECTION 62—THE ZAMBIA POLICE (NON-CRIMINAL FINGERPRINTS CHARGES) REGULATIONS

Regulations by the President

1. These Regulations may be cited as the Zambia Police (Non-Criminal Fingerprints Charges) Regulations,

2. Any person requiring non-criminal fingerprints to be processed shall pay the full cost of that service.

3. The money received under those Regulations shall be paid into the general revenues of the Republic.

SECTION 63—THE ZAMBIA POLICE (CANTEENS, CLUBS AND JANESSES) (EXEMPTION) NOTICE

Notice by the Minister

1. This notice may be cited as the Zambia Police (Canteens, Clubs and Messes) (Exemption) Notice,

2. The canteens, clubs and messes named in the Schedule hereto are hereby exempt from all of the provisions of the Liquor Licensing Act and the Trades Licensing Act.

SCHEDULE
1. MESSES:
   
   (a) Lusaka Senior Officers' Mess  
   (b) Lusaka Junior Officers' Mess  
   (c) Ndola Senior Officers' Mess  
   (d) Kamfinsa Officers' Mess  
   (e) Lilayi Officers' Mess  

2. CANTEENS:
   
   (a) Kamfinsa Dry Canteen  
   (b) Kabwe M.U. Dry Canteen  
   (c) Lilayi Wet Canteen  
   (d) Lilayi Supermarket  

3. CLUBS:

   Name of Club                      Station

A. CENTRAL DIVISION
   
   (a) Kabwe Senior Police Club      Kabwe Central
   (b) Meliki Tembo Junior Police Club Kabwe Central
   (c) Mutondo Junior Police Club    Kabwe Mine
   (d) Ngo'na Junior Police Club     Bwacha
   (e) Mushemi Junior Police Club    Raylton

B. LUSAKA DIVISION
   
   (a) Lusaka Senior Police Club     Lusaka
   (b) Alibandila Junior Police Club Lusaka
   (c) Emmasdale Junior Police Club  Emmasdale
   (d) Mukobela Junior Police Club   Matero
   (e) Chilenje Junior Police Club   Chilenje

C. COPPERBELT DIVISION

(i) Ndola District

   (a) Ndola Senior Police Club      Ndola Central
   (b) Chifubu Junior Police Club    Chifubu
   (c) Mwaiseni Junior Police Club  Kansenji
   (d) Mwapona Junior Police Club   Ndola
   (e) Skyways Junior Police Club    Masala

   Name of Club                      Station

C. COPPERBELT DIVISION (Continued)

(ii) Chingola District

   (a) Chingola Senior Police Club   Chingola
   (b) Silibelo Junior Police Club  Chingola
(c) Fumbelo Junior Police Club . . . . . . . . . . Chiwempala
(d) Mulenga Junior Police Club . . . . . . . . . . Nchanga
(e) Mwanza Junior Police Club . . . . . . . . . . Chililabombwe

(iii) Kitwo District
(a) Kitwe Senior Police Club . . . . . . . . . . Kitwe
(b) Mukuzo Junior Police Club . . . . . . . . . . Kitwe
(c) Chamboshi Junior Police Club . . . . . . . . . . Chambeshi
(d) Kalulushi Junior Police Club . . . . . . . . . . Kalulushi
(e) Kitwe East Junior Police Club . . . . . . . . Kitwe East
(f) Samukwiza Junior Police Club . . . . . . . . Mindolo
(g) Riverside Junior Police Club . . . . . . . . . . Riverside
(h) Wusikili Junior Police Club . . . . . . . . . . Wusikili

(iv) Luanshya District
(a) Luanshya Senior Police Club . . . . . . . . . . Luanshya
(b) Levi Chiyo Junior Police Club . . . . . . . . Luanshya
(c) Emmanuel Bwalya Junior Police Club . . . . Roan-Antelope

(v) Mufulira District
(a) Mufulira Senior Police Club . . . . . . . . . . Mufulira
(b) Muchindu Junior Police Club . . . . . . . . . . Mulfulira
(c) Kamuchanga Junior Police Club . . . . . . Kamuchanga
(d) Kantanshi Junior Police Club . . . . . . . . . Kantanshi

D. EASTERN DIVISION
(a) Chipata Senior Police Club . . . . . . . . . . Chipata
(b) Mpaishya Junior Police Club . . . . . . . . . . Chipata
(c) Chakulunta Junior Police Club . . . . . . . . Lundazi
(d) Chadiza Junior Police Club . . . . . . . . . . Lundazi

E. LUAPULA DIVISION
(a) Nkwazi Senior Police Club . . . . . . . . . . Mansa
(b) Chipembele Junior Police Club . . . . . . . . Mansa
(c) Bangweulu Junior Police Club . . . . . . . . Samfya
(d) Tawana Junior Police Club . . . . . . . . . . Kwambwa
(e) Chimba Mlonga Junior Police Club . . . . . . Mwense

F. NORTHERN DIVISION
(a) Kasama Senior Police Club . . . . . . . . . . Kasama
(b) Malalo Junior Police Club . . . . . . . . . . Kasama
(c) Nsofwa Junior Police Club . . . . . . . . . . Mporokoso
(d) Isoka Junior Police Club . . . . . . . . . . Isoka
(e) Luwingu Junior Police Club . . . . . . . . . . Luwingu

G. NORTH-WESTERN DIVISION
(a) Solwezi Senior Police Club . . . . . . . . . . Solwezi
(b) William Banda Junior Police Club . . . . . . Solwezi
(c) Kabompo Junior Police Club . . . . . . . . . . Zambezi
(d) Zambezi Junior Police Club . . . . . . . . . . . . . Zambezi
(e) Mwinilunga Junior Police Club . . . . . . . . . Mwinilunga

H. SOUTHERN DIVISION
(a) Waller Senior Police Club . . . . . . . . . . . . . Livingstone
(b) Shamabwate Junior Police Club . . . . . . . . Livingstone
(c) Choma Senior Police Club . . . . . . . . . . . . . Choma
(d) Chavula Junior Police Club . . . . . . . . . . . . . . . . . Choma
(e) Mazabuka Senior Police Club . . . . . . . . Mazabuka
(f) Mazabuka Junior Police Club . . . . . . . . Mazabuka
(g) Fort Monze Senior Police Club . . . . . . . . Monze
(h) Moomba Junior Police Club . . . . . . . . . . . . . Monze

I. LILAYI TRAINING SCHOOL
(a) Lilayi Senior Police Club . . . . . . . . . . . . . Lilayi
(b) David Oliver Junior Police Club . . . . . . . . Lilayi

J. WESTERN DIVISION
(a) Sitaka Junior Police Club . . . . . . . . . . . . . Mongu
(b) Shangombo Dry Canteen . . . . . . . . . . . . . Mongu

K. KAMFINSA MOBILE UNIT
(a) Kamfinsa Senior Police Club . . . . . . . . . Kamfinsa
(b) Simon Chikombe Junior Police Club . . . . . . . Kamfinsa

L. PARA-MILITARY, LILAYI
(a) Para-Military Senior Police Club . . . . . . . . . Lilayi
(b) Para-Military Junior Police Club . . . . . . . . Lilayi
(c) Para-Military Junior Police Club . . . . . . . . Kafue Gorge
(d) Zambia Police Shooting Club . . . . . . . . Lusaka

(As amended by S.I. No. 157 of 1978)

CHAPTER 108
THE EMERGENCY POWERS ACT

ARRANGEMENT OF SECTIONS

Section
1. Short title
2. Interpretation
3. Emergency regulations
4. Repugnancy with other enactments
CHAPTER 108

EMERGENCY POWERS

An Act to empower the President to make emergency regulations whenever an emergency proclamation is in force; to specify the matters which may be provided for in emergency regulations; to provide for the duration of emergency regulations; and to provide for matters incidental to or connected with the foregoing.

[24th October, 1964]

1. This Act may be cited as the Emergency Powers Act.

2. In this Act, unless the context otherwise requires-

"the Constitution" means the Constitution of the Republic;

"emergency proclamation" means a proclamation under the Constitution declaring that a state of public emergency exists;

"emergency regulations" means regulations made under section three;

"enactment" means an instrument having the force of law other than the Constitution and this Act;

"the President" means the President of the Republic;

"the Republic" means the Republic of Zambia.

3. (1) Whenever an emergency proclamation is in force the President may, by statutory instrument, make such regulations as appear to him to be necessary or expedient for securing the public safety, the defence of the Republic, the maintenance of public order and the suppression of
mutiny, rebellion and riot, and for maintaining supplies and services essential to the life of the community.

(2) Without prejudice to the generality of the powers conferred by subsection (1), emergency regulations may so far as appears to the President to be necessary or expedient for any of the purposes mentioned in that subsection—

(a) make provision for the detention of persons or the restriction of their movements, and for the deportation and exclusion from the Republic of persons who are not citizens of Zambia;

(b) authorise—
   (i) the taking of possession or control on behalf of the Republic of any property or undertaking;
   (ii) the acquisition on behalf of the Republic of any property other than land;

(c) authorise the entering and search of any premises;

(d) provide for amending any enactment, for suspending the operation of any enactment, and for applying any enactment with or without modification;

(e) provide for charging, in respect of the grant or issue of any license, permit, certificate or other document for the purposes of the regulations, such fee as may be prescribed by or under the regulations;

(f) provide for payment of compensation and remuneration to persons affected by the regulations;

(g) provide for the apprehension, trial and punishment of persons offending against the regulations:

Provided that nothing in this paragraph shall authorise the making of provision for the trial of persons by military courts.

(3) Emergency regulations may provide for empowering such authorities or persons as may be specified in the regulations to make
orders and rules for any of the purposes for which such regulations are
authorised by this Act to be made, and may contain such incidental and
supplementary provisions as appear to the President to be necessary or
expedient for the purposes of the regulations.

(4) Emergency regulations shall specify the area to which they apply,
and may contain provision for the exclusion of persons from the area so
specified if it consists of only a part of the Republic.

4. Emergency regulations and any orders or rules made in pursuance of
emergency regulations shall have effect notwithstanding anything
inconsistent therewith contained in any enactment; and any provision of
an enactment which may be inconsistent with any emergency regulation
or any such order or rule shall, whether or not that provision has been
amended, modified or suspended in its operation under section three, to
the extent of such inconsistency have no effect so long as such
regulation, order or rule remains in force.

5. (1) All emergency regulations, if not sooner revoked, shall cease to
have effect when the emergency proclamation in pursuance of which
they have been made ceases to have effect.

(2) No emergency regulations shall have effect-

(a) during a period when an emergency proclamation is in force by
virtue of having been approved by a resolution of the National
Assembly under the Constitution;

(b) during a period when an emergency proclamation is in force by
virtue of having been extended by a resolution of the National Assembly
under the Constitution;

unless the National Assembly has, by a like resolution in such case,
affirmed that those regulations shall have effect during that period.

6. Every document purporting to be an instrument made or issued by
the President or other authority or person, shall be received in evidence,
and shall, until the contrary is proved, be deemed to be an instrument
made or issued by the President or that authority or person.
SECTION 3 - EMERGENCY REGULATIONS

1. These Regulations may be cited as the Emergency Powers Regulations.

2. (1) It is hereby authorised that any undertaking in an industry which has been declared a strategic industry by the President may be acquired, or possession of or control over it may be taken or acquired, on behalf of the Republic.

   (2) Any land or other property of such undertaking which, in the opinion of the President, is necessary for the operations of such undertaking shall be deemed to be part of such undertaking for the purposes of these Regulations.

   (3) In exercise of the powers contained in subregulation (1), the President may authorise any person to enter upon any land or property and take control thereof, and exercise the other powers contained in these Regulations in respect of any undertaking, notwithstanding that no compensation has yet been agreed or paid.

3. Where any of the powers contained in regulation 2 are exercised in respect of any undertaking, the Minister responsible for finance shall, on behalf of the Republic, pay in respect thereof, such compensation in money as may be agreed or, in default of agreement, determined in accordance with these Regulations.

4. (1) If within six months from the exercise in respect of any undertaking of the powers contained in regulation 2 there remains
outstanding any dispute relating to or in connection with such exercise of powers, other than a dispute as to the amount of compensation, the Attorney-General or any person claiming any interest in the undertaking may institute proceedings in the High Court for the determination of such dispute.

(2) Where any dispute arises as to the amount of compensation, the Attorney-General or any person claiming compensation may, and if such dispute is not settled within the aforementioned period of six months, shall refer such dispute to the National Assembly which shall by resolution determine the amount of compensation to be paid.

(3) No compensation determined by the National Assembly under these Regulations shall be called in question in any court on the grounds that it is not adequate.

(4) The existence of any dispute as aforesaid shall not affect the right of the President and persons authorised by him to take possession of and operate the undertaking.

5. Where a dispute as to the amount of compensation is referred to the National Assembly and either party wishes to adduce evidence, such evidence shall be heard by a select committee of the National Assembly. The powers, duties and proceedings of such select committee shall be governed by the Standing Orders of the National Assembly for the time being in force.

6. (1) The decision of the High Court (or, in the case of an appeal, the Supreme Court) shall be final and conclusive as between all the parties to the proceedings in question.

(2) The payment to the person who appears to be entitled thereto (or into court if the identity of such person, or any question of apportionment, is doubtful or in dispute) of the compensation determined by the National Assembly shall operate as a complete discharge of the Republic from all claims in respect of the undertaking, but shall not bar any subsequent proceedings against the person to whom the same was awarded by any person claiming to have a better right to the compensation or the right to a share thereof:
Provided that no proceedings under this subregulation by any person claiming to have a better right to any compensation or a right to a share therein shall be commenced after the expiration of three years from the date of the final decision.

(3) For the purposes of this regulation, the date of the final decision means the date of the settlement by agreement, the date of the passing of the resolution of the National Assembly referred to in regulation 4 or the date of the judgment of the High Court or the Supreme Court, as the case may be.

(4) Where it appears to the President that any estate or interest in any property or undertaking acquired under these Regulations was held by any person in any fiduciary or representative capacity, the Attorney-General may apply to the Court for directions as to whom and in what proportions the compensation should be paid.

7. (1) Any undertaking or property in respect of which the President has exercised the powers contained in regulation 2 shall be deemed to have been transferred to the Republic by virtue of these Regulations and without more.

(2) If the undertaking is a company registered under the Companies Act, the shares in such company shall be deemed to have been transferred to the Republic from the date on which the powers contained in regulation 2 were exercised.

(3) If the undertaking is owned by a single person or is a firm or a partnership, the ownership thereof, together with all licenses and permits, shall be deemed to have been transferred to the Republic.

(4) The President may appoint a competent authority who by itself or through any person authorised in that behalf by it, may exercise all the powers which before the transfer to the Republic of the undertaking were the powers of the owner, shareholders, board of directors, chief executive, secretary or any other officer of the undertaking.

(5) Without derogation from the generality of sub-regulation (4), such powers shall include the powers to-
(a) carry on the operations of the undertaking;

(b) operate any bank accounts of the undertaking;

(c) administer all assets, liabilities, contracts and agreements;

(d) enter into contracts, negotiations or other arrangements;

(e) sue and be sued in the name of the undertaking; and

(f) do all such things as the undertaking could lawfully have done prior to the transfer.

8. (1) Nothing in these Regulations shall be construed as requiring the President to complete the acquisition of any undertaking:

President may withdraw from acquisition

Provided that where possession of or control over or interest in any undertaking has been taken and the President decides not to complete the acquisition, the Government shall pay to the owner thereof, and all persons affected thereby, reasonable compensation including such reasonable costs and expenses as may have been incurred by them by reason or in consequence of the action by Government.

(2) The amount of such compensation shall, in default of agreement, be determined by the High Court.

9. In determining the amount of any compensation (including costs or expenses) payable under these Regulations, the National Assembly, the court and every other person shall have due regard to the fact that such undertaking has become part of an industry which has been declared a strategic industry.

Principles of assessment of compensation, etc.

10. (1) Any person who wilfully fails to comply with a notice to yield up possession, or who wilfully hinders or obstructs any duly authorised person taking possession of any undertaking or property in terms of these Regulations or exercising any rights or performing any functions under these Regulations in relation thereto, shall be guilty of an offence

Offences and penalties
and liable on conviction to a fine not exceeding twelve thousand five hundred penalty units or to imprisonment for a term not exceeding two years, or to both.

(2) If any person hinders or obstructs any duly authorised person from taking possession of any undertaking, land or other property in terms of these Regulations, the Attorney-General may apply *ex parte* to the High Court for an appropriate order and such court may thereupon, and upon proof of the due service of the notice to yield up possession, issue the necessary order addressed to any officer of the court or to any police officer and such officer or police officer shall forthwith eject any person so withholding possession.

(*As amended by Act No. 13 of 1994*)

11. The Minister responsible for industry may, by statutory instrument, make orders for the better carrying out of the provisions of these Regulations.

### SECTION 3-THE EMERGENCY (ESSENTIAL SUPPLIES AND SERVICES) REGULATIONS

**Title**

1. These Regulations may be cited as the Emergency (Essential Supplies and Services) Regulations.

2. These Regulations shall apply to the whole of the Republic.

3. Any person who is not a citizen of Zambia and whose licence under the Trades Licensing Act has been revoked by the President may be deported from the Republic.

4. (1) It is hereby authorised that any property or undertaking, other than land, belonging to-

   (a) any person referred to in regulation 3; or
(b) any person or company whose licence has been revoked by the President under the Trades Licensing Act:

may be acquired or possession of, or control over, such property or undertaking may be taken or acquired, by the Republic.

(2) In exercise of the powers contained in sub-regulation (1), the President may authorise any person to enter any property or undertaking and take possession of, or control on behalf of the Republic of, such property or undertaking, and exercise any powers contained in these Regulations in respect of such property or undertaking notwithstanding that no compensation has yet been agreed or paid.

5. A person authorised by the President (hereinafter referred to as an "authorised person") may at any time, without warrant, enter and search any premises belonging to any person or company whose licence has been revoked by the President under the Trades Licensing Act.

6. (1) Any goods or commodities found on any property or undertaking which is the subject of regulation 4 and belonging to, any person or company whose licence has been revoked according to regulations 3 and 4 (1) (b) respectively may be confiscated and thereafter disposed of as the President may direct.

(2) In these Regulations the words "goods" and "commodities" have the meaning assigned to them in the Control of Goods Act.

7. Where any of the powers contained in regulation 6 are exercised, the Minister responsible for finance shall, on behalf of the Republic, pay-

(a) in the case where the goods or commodities were purchased on a wholesale licence, the manufacturer's price;

(b) in a case where the goods or commodities were purchased on a retailers licence, the wholesaler's price.

8. (1) Where any dispute arises as to the amount of compensation, the Attorney-General or any person claiming compensation may, if such dispute is not settled within six months, refer the dispute to the National
Assembly which shall by resolution determine the amount of compensation to be paid.

(2) No compensation determined by the National Assembly under these Regulations shall be called in question in any Court on the grounds that it is not adequate.

(3) The existence of any dispute shall not affect the right of the President and persons authorised by him to take possession of, or control of, any property or dispose of any goods or commodities confiscated.

9. Where a dispute as to the amount of compensation is referred to the National Assembly and either party wishes to adduce evidence, such evidence shall be heard by a select committee of the National Assembly. The powers, duties and proceedings of such select committee shall be governed by the Standing Orders of the National Assembly for the time being in force.

10. Any person who wilfully fails to comply with an order to yield up possession, or who wilfully hinders or obstructs any duly authorised person taking possession of, or control of, any undertaking or property in terms of these Regulations or exercising any rights or performing any functions under these Regulations shall be guilty of an offence and liable on conviction to a fine not exceeding five thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

(As amended by Act No. 13 of 1994)

11. The Minister responsible for commerce may, by statutory instrument, make orders for the better carrying out of the provisions of these Regulations.

CHAPTER 109
THE ZAMBIA SECURITY INTELLIGENCE SERVICE ACT (REPEALED AND REPLACED BY ACT NO.14 OF 1998)

ARRANGEMENT OF SECTIONS
CHAPTER 109

ZAMBIA SECURITY INTELLIGENCE SERVICE 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.

[1st October, 1974]

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

2. 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;
   "Intelligence Officer" means any officer of the Service other than persons in the clerical and supporting staff thereof;

Section
1. Short title
2. Interpretation
3. Establishment and constitution of the Service
4. Appointments
5. Command and administration of the Service
6. Functions of the Service
7. Powers of Intelligence Officers
8. Staff Board
9. Declarations and oath of allegiance
10. Regulations
"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.

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. (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. Establishment and constitution of the Service

(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. (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. (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.

7. (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
Powers of
Intelligence
Officers.
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.

8. (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. (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. 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.

SUBSIDIARY LEGISLATION

THE ZAMBIA SECURITY INTELLIGENCE SERVICE REGULATIONS [ARRANGEMENT OF REGULATIONS]

PART I
PRELIMINARY
Regulation

1. Title
2. Interpretation
3. Application
4. Contracts of Service

PART II

APPOINTMENTS, CONDITIONS OF SERVICE (CONFIRMATION OF APPOINTMENTS, PROMOTIONS, PASSING OF PROMOTION BARS AND TRANSFERS) AND TERMINATION OF APPOINTMENTS

5. Recruitment, interviews and staff selection
6. Notification of Service posts
7. Constitution of Service posts
8. Abolition of Service posts
9. Application for appointment
10. Appointments to the Service
11. Age of appointment
12. Probation
13. Persons appointed to the Service to be given a letter
14. Director-General to determine suitability of candidate
15. Offer of permanent and pensionable appointment
16. Procedure where an officer holds a probationary appointment
17. Promotions
18. Transfer within the Service
19. Transfer from the Service
20. Termination of probationary appointments
21. Resignation of an officer on permanent and pensionable establishment
22. Resignation by an officer on probation
23. Qualification for retirement

PART III
DISCIPLINE

24. Procedure when criminal offence has been committed
25. Interdiction of officer
26. Suspension of disciplinary proceedings pending final determination of criminal proceedings.
27. Suspension following criminal conviction
28. Proceedings after acquittal of criminal charge
29. Offences against discipline
30. Punishments which may be imposed by an Officer in Charge
31. Report and review of disciplinary proceedings
32. Appeals
33. Appeals Tribunal
34. Disciplinary proceedings against, and appeal by Directors
35. Dismissal notwithstanding pending criminal proceedings
36. Service of documents

PART IV
MISCELLANEOUS

37. Grievances
38. Committees
39. Annual Reports
40. Responsibility for stores etc.
41. Every officer to perform all lawful duties and obey all lawful instructions
42. Member of Service not to engage in any other employment
43. Declarations on joining the Service
44. Provisions of the Civil Service (Local Conditions) Pensions Act to apply to officers in the Service

SECTION 10-ZAMBIA SECURITY INTELLIGENCE SERVICE REGULATIONS
Regulations by the President

PART I
PRELIMINARY

1. These Regulations may be cited as the Zambia Security Intelligence Service Regulations.

2. In these Regulations, unless the context otherwise requires-

"General Orders" means the General Orders of the Public Service;

"Officer-in-Charge" means the Director-General or any other officer appointed by the Director-General to be in control of a sector of the Service;

"responsible officer" means Officer-in-Charge;

"secretary" means secretary to the Staff Board established under section eight of the Zambia Security Intelligence Service Act;

"Service" means the Zambia Security Intelligence Service.

3. (1) These Regulations apply to all members of the Service appointed under section four of the Act, other than the Director-General, and the classes of persons specified in Part I of the Schedule.

(2) Any part of the General Orders that may be necessary for
application in the Service but are not provided for in these Regulations, shall be derived therefrom and applied as if the same were part of these Regulations and shall have the same force.

4. A contract of service entered into prior to commencement of the Act, between a member of the Service and the Service acting on behalf of the Public Service Commission, is deemed to have been made between such member and the Service, and the provisions of these Regulations shall apply to such contract:

Provided that any such member shall not be subject to any condition of service which is less favourable to him than any corresponding condition which applied to him immediately before the said date.

PART II
APPOINTMENTS, CONDITIONS OF SERVICE (CONFIRMATION OF APPOINTMENTS, PROMOTIONS, PASSING OF PROMOTION BARS AND TRANSFERS) AND TERMINATION OF APPOINTMENTS

5. The Director-General may, by orders or instructions, make conditions to govern the recruitment, interviews and staff selection of candidates for appointment to the Service.

6. Once in every year the Director-General shall publish by "Service Order" notice, a list of all posts.
7. (1) An application for establishment of a Service post, of and above the rank of Director, shall be made to the President or such other person or authority as the President may designate in that behalf, by the Director-General; and of any other rank below the rank of Director, to the Director-General, by the Director responsible for staff matters.

(2) Every such application shall state-

(a) the title of the post;

(b) the salary scale to be attached to that post;

(c) whether the proposed post is to be permanent;

(d) the reason why that post is considered necessary or desirable;

(e) the qualifications which will be required for any holder of the proposed post and the duties which that holder will be required to perform;

(g) such other details as the President or the Director-General, as the case may be, may require.

8. (1) An application for the abolition of the post of Director and above shall be made to the President by the Director-General; and of any other post below Director to the Director-General by the Director responsible for staff matters.

(2) Every application shall state-

(a) the reason why it is considered desirable that the post should be abolished;

(b) such other details as the President or the Director-General, as the case may be, may require.

9. Every application for appointment to the Service shall be addressed to the Director-General, on the prescribed form, through the office of the
Director responsible for staff matters.

10. Appointments to the Service shall be made on one or the other of the following-
    
    (a) on probation with a view to admission to the permanent and pensionable establishment; or
    
    (b) on agreement for temporary service.

11. No person shall be appointed to the service who is of an age not permitted under the Employment Act.

12 (1) Where any person is appointed, otherwise than by promotion or transfer, to any post in the Service on permanent terms, he shall, before being confirmed in such post, serve on probation for a period of one year or for such other period as the appointing authority may determine for a particular post.

(2) Where any person, who is required to serve on probation under sub-regulation (1), has previously been employed in the service of the Government or in such other service as the President may determine, the period or any part of the period of that previous service may, in the discretion of the appointing authority, be regarded as service on probation for purposes of sub-regulation (1).

13. Any person on appointment to the Service shall be given a letter, in the prescribed form, indicating that appointment and such person shall notify his acceptance in writing agreeing to the terms and conditions before he is formally appointed.

14. An appointment to the Service may not be made before the Director-General, acting on the advice of the Staff Board, has determined the suitability of the candidate concerned, unless the post is that of, and above, the rank of Director.

15. Offer of permanent and pensionable appointment in the Service shall in all cases be restricted to citizens of Zambia.
16. (1) Where an officer holds a probationary appointment, three months before the expiration of the period of such probationary appointment, the Officer-in-Charge of such officer shall consider-

Procedure where an officer holds a probationary appointment

(a) whether such officer should, on such expiration, be confirmed in a pensionable post;

(b) whether a further period of probationary service is necessary to determine whether such officer should be confirmed; or

(c) whether such officer should not remain in the Service.

(2) If, after consideration of the matters referred to in sub-regulation (1), the Officer-in-Charge is of the opinion that an officer in a probationary appointment should be confirmed in a pensionable appointment, and if that officer has passed examinations that are required for confirmation in his appointment, the Officer-in-Charge, as soon as may be before the expiration of the period of probationary appointment, shall forward a recommendation to the Staff Board that the officer be confirmed and, the Staff Board will refer it, with comments, to the Director-General.

(3) If, after consideration of the matters referred to in sub-regulation (1), the Officer-in-Charge is of the opinion that the work and conduct of an officer under his charge, in probationary appointment, have been of a standard to justify confirmation in a pensionable office, but the officer has not completed the examinations required for his appointment, he shall as soon as may be, before the expiration of that officer's probationary appointment, forward a report together with his recommendations as to the period of further probationary service which the officer should be granted in order to pass the required examinations to the Staff Board, which shall refer it, with its comments, to the Director-General.

(4) If, after consideration of the matters referred to in sub-regulation (1), the Officer-in-Charge is of the opinion that the work or conduct of an officer under his charge, in a probationary appointment, has not been in all respects satisfactory, he shall inform the officer concerned in writing indicating whether he proposes to recommend-
(a) an extension of the officer's probationary service to show whether he can overcome the defects noted; or

(b) that the officer's probationary appointment should be terminated.

(5) The Officer-in-Charge shall, when giving to an officer under his charge the information mentioned in sub-regulation (4), ask the officer whether he wishes to make, within a period to be appointed by the Officer-in-Charge, any representations to the recommendations proposed; and on the expiration of the period allowed to the officer to make any representations, the Officer-in-Charge shall forward a report on the officer, together with a copy of the letter to the officer and of the officer's representations, if any, his comments thereon and a recommendation either that the period of probationary service should be extended or that the officer should not remain in the service, to the Staff Board, which shall refer them, with its comments, to the Director-General.

(6) Where an officer holds a probationary appointment and the Officer-in-Charge, at any time during the period of such probationary appointment is of the opinion that such appointment should be terminated forthwith on the grounds of general unsuitability which renders the officer unlikely to justify confirmation in a pensionable office, the procedure prescribed in sub-regulations (4) and (5) shall be followed.

(7) A disciplinary offence committed by an officer to whom this regulation applies; or the conviction of such an officer on a criminal charge, shall be dealt with in accordance with Part III.

17. The Director-General may, from time to time, issue instructions relating to procedures and qualifications for promoting of officers.

18. An officer may be transferred to any station where his services are required, provided that adequate accommodation is available for him and, where appropriate, for his family, unless he indicates that he is in a position to provide his own accommodation.

19. An officer may on his own request be transferred from the Service
to any Government Department: the Service

Provided that the Director-General may, on the advice of the Staff Board and when it is found desirable in the interests of the Service, and in consultation with the Public Service Commission, transfer an officer to any Government Department.

20. The Director-General may, in consultation with the Staff Board, terminate the appointment of an officer on probation by giving him three months' salary in lieu of notice. Termination of probationary appointments

21. An officer on the permanent and pensionable establishment may resign at any time by giving the Service three months' notice, in writing or by paying one month's salary in lieu of notice. Resignation by an officer on permanent and pensionable establishment

22. An officer on probation may resign at any time by giving the Service three months' notice, in writing or by paying one month's salary in lieu of notice. Resignation by an officer on probation

23. Qualifications for retirement of officers in the Service shall be as those stipulated in the Civil Service (Local Conditions) Pensions Act. Qualification for retirement. Cap. 260

PART III
DISCIPLINE

24. (1) Whenever it comes to the notice of an Officer-in-Charge that a criminal offence, likely to warrant disciplinary proceedings, has been committed by an officer under his command, it shall be the duty of that Officer-in-Charge to inform the secretary who shall in turn inform the Director-General. Procedure when criminal offence has been committed

(2) Whenever it comes to the notice of the Director-General that a
criminal offence, likely to warrant disciplinary proceedings, has been committed by an officer; or whenever the Director-General is so informed under sub-regulation (1), he shall instruct the secretary to consult the Director of Public Prosecutions as to whether criminal proceedings against such officer have been instituted.

(3) Where, after consultation with the Director of Public Prosecutions, the Director-General is informed that criminal proceedings have been instituted, it shall be his duty to decide whether disciplinary proceedings should be instituted against the officer concerned, and to give directions accordingly.

(4) Whenever criminal proceedings are instituted against a member of the Service, the secretary shall forthwith submit a report to the Director-General, setting out the facts of the case, together with a statement as to whether criminal proceedings have been instituted against the officer.

25. (1) If criminal proceedings are instituted; or if disciplinary proceedings are instituted or are about to be instituted against an officer, the Director-General may interdict that officer from the exercise of the powers and functions of his office if he is satisfied that the interest of the Service so requires.

(2) An officer who is interdicted under sub-regulation (1) shall, during the period of his interdiction, receive such portion, being not less than half, of his salary as the Director-General may decide.

(3) Where criminal or disciplinary proceedings have been instituted against an officer under interdiction and such officer-

(a) is not convicted as a result of any such criminal proceedings; and

(b) is not subjected to any punishment under these Regulations as a result of any such disciplinary proceedings, the whole amount of his salary withheld under sub-regulation (2) shall, upon the ending of his interdiction, be paid to him.

(4) Where criminal or disciplinary proceedings have been instituted against an officer under interdiction and such officer-
(a) is or is not convicted as a result of any such criminal proceedings; or

(b) is subjected to any punishment under these Regulations, other than dismissal, as a result of any such disciplinary proceedings, he shall, upon the ending of his interdiction, be paid such portion of his salary withheld under sub-regulation (2) as the Director-General may direct.

(5) The interdiction of an officer shall have effect during such period and in accordance with such conditions as the Director-General may specify by notice in writing to that officer:

Provided that, where it appears expedient, the Director-General may, at any time during that period, abridge or extend the same by further notice in writing to that officer.

(6) Without derogating from the generality of sub-regulation (5), an officer who is interdicted under this regulation, shall comply in particular with all orders of an Officer-in-Charge relating to his residence and movements.

(7) In this regulation "salary" includes any personal allowance, inducement allowance or direct payment made under an assistance scheme.

26. Where criminal proceedings are instituted against an officer, no disciplinary proceedings shall be instituted against him upon any ground which is the subject of such criminal proceedings; and if such disciplinary proceedings have been instituted, they shall be suspended until the conclusion of such criminal proceedings and the determination of any appeal therefrom.

27. (1) Where as a result of criminal proceedings, an officer is convicted of a disciplinary offence likely to warrant his dismissal, the Director-General shall, by notice in writing to that officer, suspend him from the exercise of the powers and functions of his office.
(2) Where disciplinary proceedings are instituted against an officer suspended under sub-regulation (1) the Director-General shall direct that the salary of that officer be withheld, as from the date of his suspension, pending the determination of disciplinary proceedings.

(3) Where disciplinary proceedings instituted against an officer suspended under this regulation do not result in his dismissal, that officer shall be paid such portion of his salary withheld under sub-regulation (2) as the Director-General may direct.

(4) Subject to the provisions of this regulation, the suspension of an officer shall have effect during such period, and in accordance with such conditions, as the Director-General may specify by notice in writing to that officer:

Provided that where it appears expedient the Director-General may, at any time during that period, abridge or extend the period by further notice in writing to the officer.

28. An officer acquitted of a criminal charge in any court shall not be dismissed or otherwise punished for any charges of which he has been so acquitted, but nothing in this regulation shall prevent his being dismissed or otherwise punished for any other charges arising out of his conduct in the matter.

29. (1) An officer commits an offence against discipline if he is guilty of-

(a) mutiny, sedition or desertion, that is, if he-

(i) being cognisant of any mutiny or sedition in the Service, does not use his utmost endeavours to suppress such mutiny or sedition;
(ii) being cognisant of any mutiny or sedition in the Service does not, without delay, give information thereof to his superior officer;
(iii) deserts;
(iv) persuades, procures, assists or attempts to persuade, procure or assist any officer to desert:
(v) knowing that any officer has deserted or intends to desert, does
not, without delay, give information to his superior officer;

(vi) strikes or threatens violence to his superior officer, while that superior officer is in the execution of his duty;

(b) disobedience to orders, that is, if without good and sufficient cause, he disobeys or fails to comply with any lawful order, written or otherwise;

(c) insubordination or oppressive conduct, that is, if he-
   (i) is disrespectful in word, act or demeanour or uses threatening or insubordinate language, to a superior officer;
   (ii) uses obscene, abusive or insulting language to any other officer;
   (iii) is oppressive or tyrannical in conduct towards an officer of inferior rank;
   (iv) wilfully or negligently makes any false complaint against any other officer;
   (v) fails to report any complaint or report made against any officer; or
   (vi) assaults any officer;

(d) drunkenness, that is, if he-
   (i) while on or off duty, renders himself unfit through the consumption of intoxicating liquor or drugs to carry out his duties properly; or
   (ii) drinks intoxicating liquor, except in circumstances or on occasions approved by an Officer-in-Charge;

(e) neglect of duty, that is, if he, without good and sufficient cause-
   (i) neglects promptly and diligently to attend to or carry out anything which it is his duty to attend to or carry out;
   (ii) when on duty, sleeps or idles or gossips or sits or lies down;
   (iii) fails to work in his patrol area in accordance with orders, or leaves his patrol area or other place of duty, or fails to appear at any place or on any occasion appointed by a superior officer;
   (iv) fails to report anything which it is his duty to report;
   (v) fails, to make or send any report or return which it is his duty to make or send;
   (vi) omits to make any necessary entry in any official document,
book or paper;

(f) absence without leave or being late for duty, that is, if he, without reasonable cause or excuse-
(i) is absent without leave from, or is late for duty; or
(ii) leaves, or is absent from any service, camp or quarters;

(g) malingering, that is, if he-
(i) feigns or exaggerates any sickness or injury with a view to avoiding duty; or
(ii) while absent from duty on account of sickness, without good and sufficient cause neglects or omits to carry out any instructions of a medical officer or of a member of a hospital staff, or acts or conducts himself in a manner calculated to retard his return to duty;

(h) discreditable conduct, that is, if he-
(i) acts in a disorderly manner or in any manner prejudicial to discipline or likely to bring discredit on the reputation of the Service;
(ii) reports for duty dirty or untidy in his personal appearance, arms, equipment or clothing;
(iii) causes a disturbance in any place of duty or in any public place;
(iv) lends money to any officer superior to him;
(v) accepts a bribe or graft;
(vi) incurs debt in or out of the Service without any reasonable prospect or intention of repaying the same, or having incurred any debt, makes no reasonable effort to repay the same; or
(vii) if called upon by the Officer-in-Charge to furnish a full and true statement of his financial position, fails to do so;

(i) falsehood, prevarication or breach of confidence, that is, if he-
(i) knowingly makes or signs any false statement in any official book or document;
(ii) wilfully or negligently makes any false or misleading statement, whether written or verbal;
(iii) without good and sufficient cause destroys or mutilates any official document or record or alters or erases entry therein;
(iv) prevaricates before any court or at any inquiry;
(v) divulges any matter which it is his duty to keep secret;
(vi) without due authority discloses or conveys any information concerning an investigation or other security or departmental matter to any unauthorised person;
(vii) makes or joins in making any anonymous communication to a superior officer;
(viii) makes a false statement on joining the Service; or
(ix) engages without authority in any office or employment other than this Service duties;

(j) causing damage to property, that is, if he-
(i) wilfully or by carelessness causes any waste, loss or damage to any firearm, ammunition, vehicle, book, document, equipment, uniform or other clothing, or other property of the Service issued to him or used by him or entrusted to his care; or
(ii) fails to report any such loss or damage as aforesaid, however caused;

(k) being in unlawful possession of any property belonging to the Service or to any officer;

(l) discharging without orders or just cause any firearm issued to him;

(m) failing without good and sufficient cause to obey or comply with any regulation or order of the Service;

(n) conniving at, or knowingly being an accessory to any offence against discipline under these regulations; or

(o) any other act, conduct, disorder or neglect to the prejudice of good order or discipline within the Service, or in violation of duty in his office, not specified in these Regulations.

(2) An offence against discipline under this regulation may be inquired into, tried and determined, and the offender shall be liable to suffer punishment according to the degree and nature of the offence, in accordance with the provisions of these Regulations.
(3) Nothing in these Regulations shall preclude the institution of criminal proceedings or proceedings under the General Orders against any officer:

Provided that, no officer shall be punished twice in respect of the same conduct.

30. (1) Subject to sub-regulation (2), the Director-General may impose any one or more of the following punishments under these Regulations:

(a) dismissal;

(b) discharge by due notice or on payment of salary in lieu of notice;

(c) reduction in rank;

(d) reduction in salary;

(e) deferment of increment;

(f) stoppage of increment;

(g) withholding of increment;

(h) a fine not exceeding one half of one month's salary;

(i) severe reprimand;

(j) reprimand.

(2) In the case of a Director, the Director-General may impose one or other of the following punishments:

(a) severe reprimand; or

(b) reprimand.
(3) A Director may impose any one or more of the following punishments-

(a) deferment of increment;

(b) stoppage of increment;

(c) withholding of increment;

(d) a fine not exceeding one half of one month's salary;

(e) severe reprimand; or

(j) reprimand.

(4) An officer in charge below the rank of Director may impose such of the following punishments as he may from time to time be authorised by the Director-

(a) a fine not exceeding one half of one month's salary;

(b) a severe reprimand; or

(c) reprimand.

(5) The Officer-in-Charge imposing punishment shall give notice in writing to the accused officer of any punishment imposed on him under these Regulations, and such notice shall, except in the case of a severe reprimand or a reprimand or any punishment imposed by the Director-General, inform the accused officer of his right to appeal under regulation 32.

31. (1) An Officer-in-Charge shall make a report to his immediate superior Officer-in-Charge of all disciplinary proceedings instituted and determined by him, including disciplinary proceedings where no punishment is imposed.

(2) Such superior Officer-in-Charge shall review the proceedings
reported to him and may, if he considers that the punishment imposed was too severe or too lenient or that no punishment should have been imposed, where punishment was imposed, refer the matter to the Officer-in-Charge mentioned in sub-regulation (1) for further report.

(3) All disciplinary proceedings shall be reported to the Director-General.

32. (1) An officer may appeal to the Director-General against any punishment, other than a severe reprimand or a reprimand, imposed on him under these Regulations.

(2) An appeal made by an officer under this regulation shall be in writing, addressed to the Officer-in-Charge by whom the punishment is imposed, and shall set out clearly the grounds of the appeal, and that appeal shall be delivered to the Officer-in-Charge as aforesaid not later than twenty-one days from the date of the notice given to the officer under regulation 30 (5) informing him of the punishment imposed.

(3) The Officer-in-Charge shall submit an appeal received under sub-regulation (2) to the Director-General.

33. (1) There shall be an Appeals Tribunal which shall be the Staff Board constituted under section eight of the Act.

(2) The Director-General shall, before making his decision on an appeal submitted to him, under regulation 32, forward the appeal to the Appeals Tribunal for consideration.

(3) The Appeals Tribunal may call upon the officer making the appeal to appear before it during consideration of an appeal.

(4) After considering the appeal the secretary of the Appeals Tribunal shall submit to the Director-General, a written report summarising the facts and issues raised by the appeal and the findings and recommendations of the tribunal, and that report shall include-

(a) a statement whether in the opinion of the majority of the
members of the tribunal the accused officer committed the offence with which he was charged;

(b) a brief statement of the reasons for that opinion;

(c) particulars of any matters which in the opinion of a majority of the members of the tribunal tend to aggravate or mitigate the gravity of the offence;

(d) in the case of dissent among the members of the tribunal, a report of the minority on the foregoing lines.

(5) The Director-General shall not be bound to accept the recommendations of the Appeals Tribunal, but shall consider such recommendations and the report of the Tribunal, and shall determine the appeal and make such order as may appear to him appropriate.

34. (1) Notwithstanding anything in this Part, where disciplinary proceedings are instituted against an officer of and above the rank of Director, and the Director-General is of the opinion that the offence, if proved, might warrant a more severe punishment than a fine, he shall refer the matter to the Special Disciplinary Tribunal for consideration and determination.

(2) The Special Disciplinary Tribunal shall consist of the Secretary to the Cabinet as Chairman, the Chairman of the Public Service Commission and at least one other member appointed by the Chairman.

(3) An officer of the rank of Director and above found guilty of a disciplinary offence by the Special Disciplinary Tribunal shall, unless the punishment was a fine have the right to appeal to the President.

(4) Except as aforesaid in this regulation and the Director-General is bound by any decision of the Disciplinary Tribunal, and the provisions of this Part shall apply mutatis mutandis to disciplinary proceedings against, and appeals by, an officer of and above the rank of Director.

35. Notwithstanding anything in these Regulations, where, in the case of an offence by a Director, the Special Disciplinary Tribunal or, in any other case, the President, is satisfied that the interests of the Service so Dismissal notwithstanding pending criminal
require, an office may be dismissed notwithstanding that criminal proceedings against him are pending.

36. Where under the provisions of these Regulations it is necessary-

(i) to deliver or serve any notice, charge or other document to or upon any officer; or

(ii) to communicate any information to any officer by reason of such officer having absented himself from duty; or

(iii) it is not possible to effect delivery or service, or to communicate information to the officer personally;

it shall be sufficient if the notice, charge or other documents, or a letter containing that information, be served upon the officer by post to his last known address.

PART IV

MISCELLANEOUS

37. (1) An officer who is aggrieved by any decision by a superior officer on any matter other than matters of misconduct, may appeal to the Director-General through his supervising officers and the Director-General's decision shall be final.

(2) Notwithstanding sub-regulation (1), an officer who has made an appeal to the Director-General for a review of an order under these Regulations, shall carry out the order pending the review and decision of the Director-General, except that where the order relates to transfer involving the exchange of officers, the officer aggrieved by such an order shall not assume his duties on transfer pending the review of the order and decision by the Director-General.

38. (1) The Director-General may, at any time, appoint a Board of Inquiry for the purpose of collecting and recording evidence and to make a report of its findings and recommendations on any matter that may be referred to it.
(2) Any Board of Inquiry appointed under sub-regulation (1) shall consist of the Chairman and any number of members that may be appointed by the Director-General:

Provided that the number of members so appointed shall be an odd number.

39. The Director-General may, establish any committees within the Service which shall perform such duties as he may determine.

40. (1) Every head of a Department of the Service shall prepare and submit to the Director-General a report relating to the operations of his department over the preceding calendar year and those submissions shall be made not later than the 31st day of March in the year following the period under review.

41. Every Officer-in-Charge shall be responsible for all public stores, equipment and moneys issued and delivered to him for the use of the members of the Service under his command and shall account for the same to the Director-General.

42. (1) Every officer shall perform all lawful duties imposed on him and shall obey all lawful instructions relating to the performance of his duties which he may, from time to time, receive from his superior officers.

(2) Every officer shall be deemed to be on duty at all times and may at any time be detailed for duty outside the Republic.

43. No member of the Service shall, without the approval of the Director-General, engage in any employment or office directly or indirectly otherwise than in accordance with his duties.

44. (1) Every officer shall, on joining the Service, make and sign before Declarations on
the Director-General or an Officer-in-Charge appointed by the Director-General, in such manner as he shall declare to be most binding on his conscience, the declarations set out in Form OP/I and OP/II of Part II of the Schedule.

(2) Every officer shall, before making the declarations referred to in sub-regulation (1) answer truthfully all questions put to him as to his previous service in any military, naval, airforce, police force, security or intelligence service or similar force or service, and as to whether at any time he has been convicted of or charged with any criminal offence.

**45.** Notwithstanding anything to the contrary in these Regulations, the provisions of the Civil Service (Local Conditions) Pensions Act shall apply to officers in the Service and, reference to the term "Civil Servant" contained therein shall, unless the context otherwise requires, refer to "Officers" of the Zambia Security Intelligence Service.

**SCHEDULE**

*(Regulations 3 and 44)*

**PART I**

**CLASSIFIED EMPLOYEES**

*(a)* Labourer
*(b)* Classified employees—Classes (i), (ii), (iii) and Special Grade
*(c)* Trade-Tested workers (all grades)
*(d)* Industrial employees (Grades (1), (2) and (3)).

**PART II**
Form OP/I

ZAMBIA SECURITY INTELLIGENCE SERVICE

DECLARATION ON JOINING THE SERVICE

I, (full name) of (address)

do solemnly and sincerely declare that I will be faithful and bear true allegiance to the President of the Republic of Zambia, and, during service with the Zambia Security Intelligence Service, I will preserve, protect and defend the Constitution of Zambia and, will obey all lawful orders of the President and of all officers placed over me and, will subject myself to all Ordinances, Acts, Orders and Regulations relating to the said Service.

Declared at .......................................................... this day of .........................................................., 19......

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

Signature of Officer

Before me,

to be signed by or on behalf of the Director-General

ZAMBIA SECURITY INTELLIGENCE SERVICE

STATE SECURITY ACT, CAP. 111

My attention has been drawn to the provisions of the above Act, and I am fully aware of the serious consequences which may follow any breach of such provisions. I understand also that these provisions apply not only during the period of my employment but also after my employment with the Government has ceased.

Signed ..........................................................

Name ..................................................................

(BLOCK CAPITALS)

Date ..................................................................

Witnessed  .......................................................
CHAPTER 110
THE FIREARMS ACT

ARRANGEMENT OF SECTIONS

PART I
PRELIMINARY

Section
1. Short title
2. Interpretation
3. Application
4. Establishment of Central Firearms Registry
5. Licensing authorities

PART II
IMPORT AND EXPORT OF FIREARMS AND AMMUNITION

6. Import of firearms and ammunition
6A. Import of firearms or ammunition by public officers.
6B. Import of firearms or ammunition by foreign diplomats
7. Deposit in warehouse of firearms or ammunition imported for sale
8. Registration of imported firearms and ammunition
9. Restriction on export of firearms and ammunition

PART III
FIREARM LICENCES

10. Prohibition against purchase, etc., of firearms or ammunition without licence
11. Exemptions from holding firearm licence
12. Firearm certificate
13. Firearm licence
14. Period of validity and renewal of firearm licence
15. Variation and revocation of firearm licence
16. Antique firearms
17. Associations
18. Young persons
19. Servants of the Republic

Section
20. Production of licence
21. Production of firearms
22. Change of residence of holder of firearm licence
23. Death of holder of firearm licence

PART IV
SALE AND TRANSFER OF FIREARMS AND AMMUNITION:
FIREARMS DEALERS AND PRIVATE WAREHOUSES

24. Private warehouses
25. Restrictions on sale or transfer of firearms
26. Registration of firearms dealers
27. Registration of places of business of firearms dealers
28. Consequences of removal of place of business from register
29. Production of firearms dealer's licence
30. Form and duration of firearms dealer's licence
31. Prescribed fees
32. Register of transactions in firearms and ammunition
33. Powers of court on conviction of firearms dealer

PART V
MANUFACTURE, REPAIR AND CONVERSION OF FIREARMS AND AMMUNITION

34. Restriction on manufacture of firearms and ammunition
35. Repair, etc., of firearms and ammunition
36. Restriction on conversion of firearms

**PART VI**
**MISCELLANEOUS**

37. Prohibited articles
38. Safe custody of firearms and ammunition
39. Notice of loss of firearm
40. Failure to take precautions against injury or damage
41. Firearms Code
42. Loan of firearms
43. Prohibition of pawning of firearms

Section
44. Deposit of firearms for safe custody
45. Power to prohibit carrying, etc., of firearms
46. Power to take possession of stocks of firearms and ammunition
47. Carrying firearms when drunk, etc.
48. Possessing firearms with intent to injure
49. Penalty for use and possession of firearms in certain cases

**PART VII**
**GENERAL**

50. Powers of search
51. Powers of search without warrant
52. Obstruction, etc., of officers
53. Taking possession of firearms or ammunition by customs officer
54. Penalties, forfeiture and revocation of licence
55. Aiding and abetting, etc.
56. Disposal of unclaimed firearms and ammunition
57. Service of notices
58. Regulations
59. Exercise of discretion
60. Rectification of register following appeal
61. Repeal and saving

FIRST SCHEDULE-Prescribed fees

SECOND SCHEDULE-Offences to which section 49 applies

CHAPTER 110

FIREARMS

An Act to make new provision for regulating licenses and certificates and for the control of the import, export, movement, storage, possession, sale, manufacture and repair of firearms and ammunition; and to make provision for matters connected with or incidental to the foregoing.

[All sections except section 13 (3) (b)-1st January, 1970]
[Section 13 (3) (b)-1st October, 1970]

PART I

PRELIMINARY

1. This Act may be cited as the Firearms Act. Short title

2. In this Act, unless the context otherwise requires- Interpretation

"acquire" means hire, accept as a gift or borrow, and "acquisition" shall be construed accordingly;
"air gun" means any weapon, whether of smooth or rifled bore, from which a missile can be projected by means of compressed air or other gas;

"ammunition" means-

(a) ammunition for any firearm, including explosives, cartridges, balls, caps, and any other material for loading into or discharging from a firearm;

(b) any material or thing containing or producing, or adapted to contain or produce, any noxious gas, liquid or other thing for the purpose of being discharged from a firearm;

(c) grenades, bombs and other similar missiles, whether or not capable of use with a firearm;

but does not include ammunition for air guns or blank cartridges;

"approved club" means a club approved by the Minister in terms of any regulations for the time being in force relating to shooting clubs;

"approved safari company" means a safari company approved by the Minister in terms of regulations made under this Act;

"authorised officer", in relation to any provision of this Act, means a person authorised by regulations made under this Act to exercise the powers or perform the duties conferred or imposed by such provision;

"carrier" includes a carrier's agent;

"central firearms store" means a building designated as such by the Minister by statutory instrument;

"certificate of competency" means a certificate in the prescribed form signed by a prescribed officer, that the person named therein is competent to use the type of firearm therein described;

"club" means a rifle club, small bore rifle club, pistol club, shotgun club or clay pigeon club, or a combination of two or more of the foregoing;
"Division" means an area designated as a Division by the Inspector-General

"Divisional Commander" means a superior police officer appointed by the Inspector-General to be in charge of a Division or, if no such officer has been appointed in relation to any Division, the Inspector-General;

"firearm" means-

(a) any lethal barrelled weapon of any description from which any shot, bullet, bolt or other missile can be discharged or which can be adapted for the discharge of any such shot, bullet, bolt or other missile;

(b) any weapon of any description designed or adapted for the discharge of any noxious liquid, gas or other thing;

(c) any barrel or any frame or body to which a barrel may be attached, incorporating a mechanism designed to cause controlled detonation or discharge of any shot, bullet, bolt or other missile and any accessory to any such weapon designed or adapted to diminish the noise or flash caused by firing such weapon;

but does not include an air gun which is not of a type declared by regulations made under this Act to be specially dangerous or any apparatus designed specially for the discharge of insecticides, fungicides, industrial or fire-fighting chemicals or for medical or surgical use;

"firearm certificate" means a certificate granted under the provisions of section twelve;

"Firearms Code" means the code issued in terms of section forty-one;

"firearms dealer" means a person who, by way of trade or business, buys, sells, transfers, repairs, tests or proves firearms or ammunition;

"firearms dealer's licence" means a licence issued under section twenty-seven;

"firearm licence" means a licence issued under section thirteen;
"holder", in relation to any licence, permit or other authorisation, includes the person to whom the same was issued;

"Inspector-General" means the Inspector-General of Police;

"licence" means a licence in force at the time in question, and references to a certificate, permit or other authorisation shall be similarly construed;

"licensing authority" means an authority specified in or under section five;

"officer in charge of police" means the officer, not below the rank of Sub-Inspector, appointed by the Inspector-General to be in charge of any police station and, save for the purposes of section twelve, includes, when the officer in charge of the police station is absent from the police station or unable, from illness or other cause, to perform his duties, the police officer present at the police station who is next in rank to such officer;

"premises" include any land;

"private warehouse" means a warehouse for firearms and ammunition kept by the holder of a firearm dealer's licence in respect thereof;

"police station" means any place appointed by the Inspector-General to be a police station;

"port" has the meaning assigned to it in section two of the Customs and Excise Act;

"prohibited article" means-

(a) any firearm which is so designed or adapted that, if pressure is applied to the trigger, missiles continue to be discharged until pressure is removed from the trigger or the magazine containing the missiles is empty;

(b) any firearm or ammunition or class of firearm or ammunition declared by the Minister, by statutory instrument, to be a prohibited article for the purposes of this Act;
"prove", in relation to a firearm, means to test the durability and safety of the barrel, chamber and breech of such firearm to such standards as may from time to time be specified by the Minister, and "proof" shall be construed accordingly;

"public warehouse" means-

(a) a warehouse for firearms and ammunition under the exclusive control of the Government;

(b) a warehouse under the Customs and Excise Act; Cap. 322

(c) a private warehouse;

and which is designated as a public warehouse by the Minister by Gazette notice;

"registered", in relation to a firearms dealer, means registered under the provisions of section twenty-six;

"Registrar" means the person appointed under the provisions of subsection (2) of section four to have charge of the Registry;

"Registry" means the Central Firearms Registry established under the provisions of subsection (1) of section four;

"safari company" means an association of persons whether corporate or unincorporate whose business is or includes the arrangement and conduct of hunting safaris;

"slaughtering instrument" means a firearm which is specially designed or adapted for the instantaneous slaughter of animals or the instantaneous stunning of animals preparatory to their slaughter;

"tourist" means a person, not ordinarily resident in Zambia, who is visiting Zambia for a period not exceeding six months solely for holiday purposes or for the purpose of taking part in a shooting competition;

"transfer" includes let on hire, give, lend and part with possession, and "transferee" and "transferor" shall be construed accordingly.
(As amended by Act No. 29 of 1985)

3. (1) Except as otherwise expressly provided, this Act shall apply to all firearms and ammunition.

(2) The Minister may, by statutory instrument, exempt any particular type or description of firearm or ammunition from all or any of the provisions of this Act for such period as may be prescribed.

(3) The provisions of this Act shall be in addition to and not in derogation from any other written law relating to the importation and exportation of firearms and ammunition.

4. (1) There is hereby established a Central Firearms Registry (in this Act referred to as "the Registry") where there shall be recorded such information relating to the provisions of this Act and any statutory instruments made thereunder as the Minister may direct.

(2) The Minister shall appoint a person (in this Act referred to as "the Registrar") to have charge of the Registry.

5. The following shall be the licensing authorities for the granting and issuing of firearm licences and firearms dealer's licences for the purposes of this Act:

(a) in the area of a municipal council or township council as defined in section two of the Cap. 281 Local Government Act, such council;

(b) in any other area, such authority or person as the Minister may prescribe.

(As amended by No. 11 of 1970)

PART II

IMPORT AND EXPORT OF FIREARMS AND AMMUNITION

6. (1) No person shall import firearms or ammunition except under the
authority of, and in accordance with the terms and conditions (if any) contained in, a firearms dealer's import permit or a tourist's import permit, as the case may be. Such permits shall be in the prescribed form and shall be issued by the Registrar.

(2) Firearms or ammunition for the purpose of sale shall be imported only under the authority of a firearms dealer's import permit.

(3) A tourist's import permit shall be issued only to a tourist who-

(a) is booked on a hunting safari with an approved safari company; or

(b) is taking part in, or is a member of a team taking part in, a shooting competition in Zambia; or

(c) is visiting Zambia in the course of a journey to a destination outside Zambia.

(4) Nothing in this section shall apply to the re-import of firearms or ammunition in respect of which a firearm licence is in force.

(5) Any person who-

(a) imports any firearm or ammunition; or

(b) receives or retains any firearm or ammunition knowing or having reason to believe the same to have been imported; otherwise than in accordance with the provisions of this section shall be guilty of an offence and liable on conviction to a fine not exceeding six thousand two hundred and fifty penalty units or to imprisonment for a term not exceeding ten years, or to both.

(As amended by Act No. 13 of 1994)

6A. (1) The provisions of section six shall not apply to a public officer who imports one firearm and a reasonable amount of ammunition-Import of firearms or ammunition by public officers

(As amended by Act No. 13 of 1994)
(a) in respect of which he produces a certificate, signed by an officer of or above the rank of permanent secretary in the foreign country, certifying that the same has been received by the public officer as an official gift during an official visit to that foreign country; or

(b) which, in the case of a Zambian diplomat returning to Zambia after serving abroad, has been purchased abroad by him; provided that the same is declared as such to a customs officer at the time of such importation and is surrendered for deposit in accordance with the provisions of section seven.

(2) If any firearm or ammunition imported under subsection (1) is of a type normally used for military purposes, the same shall be deemed to be the property of the Republic.

(3) A public officer wishing to obtain possession of any firearm or ammunition which he has imported under this section shall, unless the same has become the property of the Republic under subsection (2), cause the same to be registered in accordance with the provisions of section eight and shall apply for a firearm licence in respect thereof in accordance with the other provisions of this Act.

(4) Any firearm or ammunition in respect of which the provisions of subsection (3) have been complied with shall be released to the public officer and shall become his property.

(5) Any firearm or ammunition imported under this section which has not been released in accordance with subsection (4) shall be deemed to be the property of the Republic.

(6) Any person to whom this section applies and who fails to comply with its provisions shall be guilty of an offence.

(7) For the purposes of this section, "public officer" includes a member of the National Assembly.

(As amended by Act No. 16 of 1986)
6B. (1) The provisions of section six shall not apply to any diplomatic agent of a foreign government or organisation who is entitled to diplomatic immunity or privileges under the Diplomatic Immunities and Privileges Act if at the time of his first arrival in Zambia he imports any firearm or ammunition provided that the same is declared as such to a customs officer at the time of importation and is surrendered for deposit in accordance with the provisions of section seven.

Import of firearms or ammunitions by foreign diplomats.

(2) The Minister may, by statutory instrument, prescribe-

(a) the firearm or ammunition which may be released from deposit for use in Zambia;

(b) the procedures for their registration and release from deposit;

(c) the conditions applicable to such release from deposit; and

(d) the procedures for their re-export.

Deposit in warehouse of firearms or ammunition imported for sale.

(3) Any firearms or ammunition imported under subsection (1) and not dealt with under subsection (2) shall be dealt with in accordance with subsection (3) of section fifty-three.

(As amended by Act No. 16 of 1986)

7. (1) Any person who imports any firearms or ammunition for the purpose of sale shall forthwith deposit the same in the public warehouse nearest to the place of entry, or in such other public or private warehouse as the Registrar may direct.

Depository of imported firearms and ammunition for sale.

(2) Any person who contravenes subsection (1) or who receives or retains any firearms or ammunition knowing or having reason to believe that subsection (1) has been contravened in relation thereto shall be guilty of an offence and liable on conviction to a fine not exceeding seven hundred and fifty penalty units or to imprisonment for a term not exceeding ten years, or to both.

(As amended by Act No. 13 of 1994)
8. (1) All firearms and ammunition imported into Zambia for the purpose of sale shall be registered in the prescribed manner according to any existing numbers or marks on such firearms or parts thereof or on any package of ammunition, and, if so required by an authorised officer, shall be stamped or otherwise marked in the prescribed manner.

(2) Registration under subsection (1) shall be effected as soon as possible after the deposit of the firearms or ammunition in a warehouse in terms of section seven, and shall include a notation that the firearms or ammunition have been imported for the purpose of sale.

(3) Any person who imports any firearms or ammunition shall supply such information for the purpose of enabling registration to be effected as may be required by the person responsible for such registration (who shall be such person as may be prescribed), or as may be prescribed.

(4) No person other than an authorised officer or a person deputed by such officer in that behalf shall alter, substitute or erase from a firearm or a part thereof any number or mark in accordance with which such firearm or part has been registered.

(5) Any person who contravenes any provision of subsection (3) or (4) shall be guilty of an offence.

9. (1) No person shall export firearms or ammunition except under the authority of, and in accordance with the terms and conditions (if any) contained in, a firearms dealer's export permit, a tourist's export permit or a resident's export permit, as the case may be. Such permits shall be in the prescribed form and shall be issued by the Registrar.

(2) A tourist's export permit shall be issued only to a tourist to whom a tourist's import permit was issued.

(3) A resident's export permit may be issued to a person ordinarily resident in Zambia who wishes to remove firearms or ammunition from Zambia either temporarily or permanently.

(4) Any person who exports any firearm or ammunition otherwise than
in accordance with the provisions of this section shall be guilty of an offence.

PART III

FIREARM LICENSES

10. (1) Subject to the provisions of this Act, no person shall purchase, acquire or have in his possession any firearm or ammunition unless he holds a firearm license in respect thereof.  

Prohibition against purchase, etc., of firearms or ammunition without licence

(2) If any person-

(a) purchases, acquires or has in his possession any firearm or ammunition without holding a firearm license in respect thereof or otherwise than as authorised by such licence, or, in the case of ammunition, in quantities in excess of those so authorised; or

(b) fails to comply with any condition subject to which a firearm license is held by him;

he shall, subject to the provisions of this Act, be guilty of an offence and liable on conviction to a fine not exceeding one hundred and twelve thousand five hundred penalty units or to imprisonment for a term not exceeding fifteen years, or to both.

(As amended by Act No. 13 of 1994)

11. (1) The following provisions of this section shall have effect notwithstanding anything contained in section ten.  

Exemptions from holding firearm licence

(2) A person carrying on the business of a firearms dealer and registered as such, or a servant of such person, may purchase, acquire or have in his possession a firearm or ammunition in the ordinary course of that business without holding a firearm licence.
(3) A person carrying on business as an auctioneer or carrier, or a servant of any such person, may have in his possession a firearm or ammunition in the ordinary course of that business without holding a firearm licence.

(4) A person carrying a firearm or ammunition belonging to another person who holds a firearm license in respect thereof may have in his possession that firearm or ammunition under instructions from and for the use of that other person for sporting purposes only without himself holding a firearm licence.

(5) A member of an approved club or of a cadet corps may have in his possession a firearm or ammunition when engaged as such member in, or in connection with, drill or target practice, without holding a firearm licence.

(6) Any person may, without holding a firearm licence, use a firearm not exceeding .22 calibre at any shooting range (whether at an approved club or otherwise) or shooting gallery in the presence of the holder of a firearm licence in respect of such firearm or in the presence of some person otherwise authorised to be in possession of such firearm by virtue of this Act.

(7) A person taking part in a theatrical performance or any rehearsal thereof, or in the production of a cinematograph film, may have a firearm in his possession during and for the purposes of such performance, rehearsal or production without holding a firearm licence.

(8) A person attending an athletic, swimming or other sporting meeting may have a firearm in his possession during such meeting for the purpose of starting races thereat without holding a firearm licence.

(9) A tourist in possession of a valid tourist's import permit may have in his possession the firearms and ammunition specified in such permit without holding a firearm licence.

(10) The proprietor or manager of an abattoir may purchase, acquire or have in his possession, and any person employed at an abattoir for the slaughter of animals may have in his possession, a slaughtering
instrument or ammunition therefor without holding a firearm licence:

Provided that the exemption afforded by this section shall apply in the case of a slaughtering instrument which is not of the captive-bolt type only if the person concerned has been granted a certificate of exemption in respect of such instrument in terms of subsection (13).

(11) If he has been granted a certificate of exemption in terms of subsection (13) a person may have in his possession, without holding a firearm licence, a bolt-firing instrument designed for constructional or industrial purposes while engaged in the furtherance of such purposes.

(12) Any person may, without holding a firearm licence-

(a) have in his possession a signalling apparatus or ammunition therefor on board a ship, boat or aircraft or at an airfield or harbour, as part of the equipment of the ship, boat, aircraft, airfield or harbour; and

(b) remove a signalling apparatus or ammunition therefor, being part of the equipment of an airfield or harbour, from or to a place appointed for the storage thereof in safe custody at that airfield, and keep any such apparatus or ammunition at such place; and

(c) if he has been granted a certificate of exemption in terms of subsection (13), remove a signalling apparatus or ammunition therefor from or to a ship, boat, harbour, aircraft or airfield to or from such place and for such purposes as may be specified in the certificate.

(13) An authorised officer may on application being made to him in that behalf issue a certificate of exemption in any of the cases referred to in subsections (10), (11) and (12) (c) and sections sixteen and twenty-five. Such application and certificate shall be in the prescribed form.

(14) Any person who, for the purpose of procuring, whether for himself or for any other person, the grant of a certificate of exemption under the provisions of this section, makes any statement which he knows to be false in any particular or does not believe to be true shall be guilty of an offence.
12. (1) An application for the grant of a firearm certificate or a provisional firearm certificate shall be in the prescribed form and shall be made to the officer in charge of police at any police station in the Division in which the applicant resides or, in the case of a company, carries on business.

(2) For the purposes of this section, "officer in charge of police" includes, when the officer in charge of the police station is absent from the police station or unable, from illness or other cause, to perform his duties, the police officer of or above the rank of Sub-Inspector present at the police station who is next in rank to such officer.

(3) An application under subsection (1) shall be forwarded by the officer in charge of police to the Inspector General who may-

(a) issue the certificate; or

(b) require the applicant to submit a certificate of competency; or

(c) require the applicant to satisfy the officer in charge of police that he has an adequate knowledge of the Firearms Code; or

(d) refuse the application without assigning any reason therefor.

(4) Without derogating from the generality of subsection (3) (d), an application for a firearm certificate shall be refused if, in relation to the firearm or ammunition in respect of which the application is made-

(a) the applicant is not in the opinion of the Inspector General a fit and proper person to be entrusted with the firearm or ammunition; or

(b) the applicant is not competent to use the firearm or ammunition; or

(c) the applicant has an inadequate knowledge of the Firearms Code; or

(d) the firearm or ammunition is in a dangerous condition; or
(e) the Inspector General has reason to believe that the firearm or ammunition is required for an unlawful purpose; or

(f) the firearm or ammunition is a prohibited article.

(5) If the Inspector General refuses an application he shall forthwith report such refusal to the Minister.

(6) Any person aggrieved by a refusal to issue a firearm certificate or a provisional firearm certificate may, within fourteen days of the receipt by him of written notification of such refusal, appeal therefrom to the Minister, who shall review the circumstances of the refusal and may either dismiss the appeal without assigning reasons or direct that the certificate shall be issued and, if he so directs, shall specify the conditions, if any, subject to which the certificate shall be granted; and the Inspector General shall comply with any such directions given by the Minister.

(7) The decision of the Minister on an appeal in terms of this section shall be final and shall not be questioned in any proceedings.

(8) A firearm certificate or a provisional firearm certificate shall be in the prescribed form and shall specify, inter alia-

(a) in the case of a firearm certificate, the description and serial number of the firearm to which it relates;

(b) in the case of a provisional firearm certificate, a general description of the type and calibre of firearm which the applicant wishes to acquire;

(c) as to ammunition, the quantities authorised to be purchased in any one year and the quantities authorised to be held at any one time;

(d) the conditions, if any, subject to which the firearm licence thereby authorised to be issued shall be held.

(9) Any person who, for the purpose of procuring, whether for himself or for any other person, a firearm certificate or a provisional firearm
certificate, makes any statement which he knows to be false in any particular or does not believe to be true, and any person other than an authorised officer who makes any entry or alteration, or in any way wilfully marks or defaces any entry, in a firearm certificate or a provisional firearm certificate, shall be guilty of an offence.

(As amended by Act No. 29 of 1985)

13. (1) An application for the issue of a firearm licence or a duplicate firearm licence shall be made to the licensing authority of the area in which the applicant resides.

(2) A licensing authority shall not issue a firearm licence unless-

(a) the applicant produces a firearm certificate authorising the issue of a firearm licence in respect of the firearm or ammunition to which the firearm certificate relates; and

(b) the applicant, if so requested by the licensing authority, produces the firearm or ammunition to which the firearm certificate relates; and

(c) the prescribed fee is paid.

(3) A firearm licence shall be in the prescribed form and shall-

(a) state the description and serial number of the firearm to which it relates;

(b) contain a separate section relating to ammunition, in which shall be stated the quantities authorised to be purchased in any one year and the quantities authorised to be held at any one time, and in which shall be recorded by the vendor or supplier any sale or supply of ammunition;

(c) state the conditions, if any, subject to which the licence is held.

(4) If a firearm licence is lost or destroyed the holder thereof shall forthwith report such loss or destruction to the officer in charge of police at the nearest police station.
(5) Where a licensing authority is satisfied that a firearm licence has been accidentally lost or destroyed it shall, upon payment of the prescribed fee, issue a duplicate thereof which shall state-

(a) that it is issued in replacement of a lost or destroyed licence, as the case may be; and

(b) the serial number of the original licence.

(6) If a lost firearm licence is subsequently found and the holder thereof becomes aware that it has been found, he shall forthwith report such finding to the officer in charge of police at the nearest police station.

(7) If a lost licence which is subsequently found comes into the possession of the holder, he shall forthwith hand such licence to the officer in charge of police at the nearest police station and, if he has obtained a duplicate licence, surrender whichever licence he may be required by such officer to surrender.

(8) Where the holder of a firearm licence makes application for a firearm licence in respect of a further firearm or firearms the licensing authority shall, subject to the provisions of subsection (2), vary the firearm licence already held by the applicant by entering thereon in respect of the further firearm or firearms the information specified in subsection (3):

Provided that in any case where-

(i) a person who holds a firearm licence in his personal capacity makes application in a representative capacity for a firearm licence; or

(ii) a person who holds a firearm licence in a representative capacity makes application in his personal capacity for a firearm licence;

the licensing authority shall issue a separate licence.

(9) Any person who contravenes subsection (4), (6) or (7) shall be guilty of an offence.
(10) Any person who, for the purpose of procuring, whether for himself or for any other person, a firearm licence or a duplicate firearm licence, makes any statement which he knows to be false in any particular or does not believe to be true, and any person other than an authorised officer who makes any entry or alteration or endorsement, or in any way wilfully marks or defaces any entry or endorsement, in or on a firearm licence, shall be guilty of an offence.

14. (1) A firearm licence shall, unless previously revoked or cancelled, continue in force for three years from the date when it was issued or last renewed and shall, subject to the provisions of this section, be renewable for a further period of three years and so on from time to time.

(2) Application for the renewal of a firearm licence shall be in the prescribed form and shall be made by the holder thereof to the officer in charge of police at any police station in the Division in which the holder resides or, in the case of a company, carries on business. Such application shall be made within three months before the date of expiry of the licence, and at the time of application the holder shall produce for the inspection of such officer all the firearms to which the licence relates and all ammunition then in his possession:

Provided that where any firearms and ammunition have been deposited in a warehouse during the absence from Zambia of the holder of the licence relating thereto and such licence expires during such absence, it shall be lawful for the holder to apply within one month of his return to Zambia for the renewal of such licence.

(3) Upon application being made to him for the renewal of a firearm licence an officer in charge of police shall satisfy himself that-

(a) the person presenting the licence for renewal is the authorised holder thereof;

(b) the firearms produced to him are those to which the licence relates;

(c) the holder of the licence is still a fit and proper person to be entrusted with the firearms in question and that the purposes for which such firearms are required are still lawful;
(d) the firearms are not in a dangerous condition;

and if he is so satisfied he shall endorse on the firearm licence that the firearms to which it relates have been produced to him and that such licence may be renewed.

(4) If on an application being made to him as aforesaid the officer in charge of police is not satisfied with regard to any of the matters referred to in subsection (3) he shall refuse to make the endorsement mentioned in the said subsection either in respect of the licence as a whole or, if the matters in regard to which he is not satisfied relate to certain only of the firearms entered in the licence, in respect of such firearms. Subsections (5), (6) and (7) of section twelve shall apply mutatis mutandis to such a refusal.

(5) Any firearm in respect of which an officer in charge of police has refused to make an endorsement of a firearm licence in terms of the provisions of this section shall forthwith on such refusal be deposited by the holder of the licence in a public warehouse.

(6) Where the holder of a firearm licence does not desire to renew such licence he shall, before the expiry of the licence, deposit in a public warehouse the firearms and ammunition to which the licence relates, unless he has previously lawfully disposed of them.

(7) The licensing authority of the area in which the holder of a firearm licence resides shall, upon production of such licence duly endorsed in terms of subsection (3) and upon payment of the prescribed fee, renew the licence in the manner prescribed.

(8) Any person who contravenes any of the provisions of subsection (5) or (6) shall be guilty of an offence.

15. (1) The Inspector General may at any time either at the request of the holder of a firearm licence or of his own motion-

(a) vary the conditions subject to which the firearm licence is held; or
(b) cancel the entry in the firearm licence relating to any firearm or ammunition; or

(c) revoke the firearm licence.

(2) Where the Inspector General exercises any of the powers conferred on him by subsection (1) otherwise than at the request of the holder of the firearm licence in question he shall-

(a) forthwith report such exercise to the Minister; and

(b) by written notice inform such holder of such variation, cancellation or revocation, as the case may be;

and subsections (5), (6) and (7) of section twelve shall apply mutatis mutandis.

(3) The notice referred to in subsection (2) (b) shall require the holder of the firearm licence to produce such licence to a specified officer in charge of police within fourteen days of the date of receipt of such notice:

Provided that if the holder of the firearm licence appeals to the Minister in terms of subsection (2) this subsection shall be read as if for the reference to the date of receipt of the notice there were substituted a reference to the date on which the Minister's decision in the appeal is given or (if such be the case) the date on which the appeal is abandoned.

(4) The holder of a firearm licence who has been notified in terms of subsection (2) of the revocation thereof or the cancellation of an entry therein by virtue of the powers conferred by subsection (1) shall within forty-eight hours after the receipt of such notice deposit the firearms or ammunition in question in a public warehouse, unless he has previously lawfully disposed of the same.

(5) Any person who fails to comply with the requirements of a notice served on him in terms of subsections (2) and (3) or who contravenes the provisions of subsection (4) shall be guilty of an offence.

(As amended by Act No. 29 of 1985)
16. (1) A Divisional Commander may, upon the production to him of an antique firearm, issue to the owner thereof a certificate of exemption in the prescribed form:

Provided that such Divisional Commander may, before issuing such certificate of exemption and if in his opinion the nature of the firearm makes it desirable, require that such firearm is rendered permanently incapable of being brought into use as a firearm.

(2) Where the owner of an antique firearm refuses to comply with the requirement made under the proviso to subsection (1) he shall, unless he has obtained a firearm licence in respect thereof or has lawfully disposed thereof, within one month after the date of such requirement deposit the firearm in a public warehouse specified by the Divisional Commander.

(3) Nothing in this Act relating to firearms shall apply to a firearm-

(a) in respect of which a certificate of exemption has been issued in terms of subsection (1) and which is purchased, acquired or possessed as an antique, curiosity or ornament;

(b) which belongs to or is kept in a museum and in respect of which the Minister has given a certificate that he is satisfied that proper and adequate precautions have been taken for preventing the firearm from coming into the possession of any person not lawfully entitled under this Act to possess that firearm.

17. (1) In this section, "association" means any company, firm, club, society, body or other association of persons whether corporate or unincorporate.

(2) Where firearms or ammunition are owned, or are to be owned, by an association all applications for firearm certificates or firearm licences or the renewal or replacement thereof or for certificates of exemption shall be made by, and any such licence or certificate shall be granted or issued to, a named person in his capacity as a duly authorised official or representative, as the case may be, of the association, and such person shall be responsible under this Act as the holder of such licence or
(3) Where a licence or certificate has been granted to a person in terms of subsection (2) and such person ceases to be a member or employee, as the case may be, of the association in question, it shall be the duty of such association within fourteen days of such person ceasing to be a member or employee as aforesaid so to inform an officer in charge of police and at the same time to make application for such licence or certificate to be varied by the substitution of another duly authorised official or representative, failing which such licence or certificate shall on the expiration of the said period of fourteen days expire.

(4) Subject to the provisions of section eleven, where a firearm licence or a certificate of exemption has been issued in terms of this section the firearm to which it relates may be possessed, carried or used by a person other than the person in whose name such licence or certificate was issued only if such other person is a member or employee of the association in question and has been authorised by an authorised officer to possess, carry or use such firearm.

(5) An authority given under subsection (4) shall be in such form, and may be made subject to such conditions, as may be prescribed.

18. (1) Except as provided by this section, a person who has not attained the age of twenty-one years shall not purchase, acquire or have in his possession any firearm or ammunition, and no person shall sell, let on hire or give any firearm or ammunition to a person whom he knows or has grounds for believing to be under the age of twenty-one years.

(2) A person who has attained the age of eighteen years may purchase, acquire or have in his possession an air gun having a calibre of or exceeding .44958 centimetres.

(3) A person who has attained the age of eighteen years may have in his possession a firearm or ammunition in circumstances in which he is permitted to have possession thereof without holding a firearm licence by virtue of subsection (4), (5) or (6) of section eleven or where he is under the immediate supervision of an adult who is authorised under this Act to possess the firearm or ammunition.
(4) No person shall permit or enable a person whom he knows or has grounds for believing to be under the age of eighteen years to have possession of a firearm or ammunition except where that other person is entitled to have possession thereof by virtue of subsection (3), and if any person under the age of eighteen years is in possession of any firearm or ammunition the holder of the firearm licence or certificate of exemption relating thereto and the father or other person in immediate control of the person under the age of eighteen years shall be presumed to have permitted or enabled such possession unless he satisfies the court that he could not reasonably have prevented such possession.

(5) No person shall permit or enable a person under the age of fourteen years to have possession of an air gun except under the immediate supervision of an adult and if any person under the age of fourteen years is in possession of an air gun otherwise than under such supervision the father or other person in immediate control of the person under the age of fourteen years shall be presumed to have permitted or enabled such possession unless he satisfies the court that he could not reasonably have prevented such possession.

(6) Any person who contravenes any provision of this section shall be guilty of an offence.

(7) The Minister may by regulation exempt any person or class of persons from any provision of this section subject to such conditions as may be specified in such regulations.

19. (1) Notwithstanding any rule of law whereunder the provisions of this Act do not bind the Republic, and without prejudice to any such rule, so much of the foregoing provisions of this Part as relates to the purchase and acquisition, but not so much thereof as relates to the possession, of firearms and ammunition shall apply to persons in the service of the Republic in their capacity as such:

Provided that-

(i) a person in the service of the Republic duly authorised in writing in that behalf may purchase or acquire firearms and ammunition for the public service without holding a firearm licence;
(ii) a person in the armed forces of the Republic shall, if he satisfies the Inspector General on application in terms of section twelve that he is required to purchase or acquire a firearm or ammunition for his own use in his capacity as a member of the armed forces, be entitled without payment of any fee to the issue of a firearm licence in respect of the firearm or ammunition in question.

(2) For the purposes of this Act, a police officer shall be deemed to be a person in the service of the Republic.

20. (1) Any police officer or authorised officer may demand from any person whom he has reasonable grounds to believe to be in possession of a firearm or ammunition the production of his firearm licence.

(2) If any person upon whom a demand is made under subsection (1) fails to produce his firearm licence or to permit the officer in question to read such licence or to show that he is entitled by virtue of this Act to have the firearm or ammunition in his possession without holding a firearm certificate, the officer may seize and detain such firearm or ammunition and may require such person forthwith to declare to him his name and address.

(3) Any person who is required to declare his name and address in terms of subsection (2) who refuses so to declare, or who fails to give his true name or address, shall be guilty of an offence and the officer in question may arrest without warrant any person who refuses so to declare his name and address or whom he suspects of giving a false name or address or who he reasonably believes may abscond.

21. (1) Any police officer or authorised officer may demand from any person who holds a firearm licence or other authority under this Act to possess a firearm or ammunition the production at such time and place as the officer may specify of the firearm or ammunition to which the licence or authority relates for his own inspection or for the inspection of any other person.

(2) Any person who fails to comply with a demand made in terms of subsection (1) shall be guilty of an offence:
Provided that no person shall be prosecuted for an offence under this section in addition to being prosecuted under section thirty-eight or thirty-nine in respect of the same firearm or ammunition.

22. (1) Where the holder of a firearm licence changes his residence he shall within thirty days thereafter produce his firearm licence to the officer in charge of the police station nearest to the address to which he has moved (notwithstanding that such police station was also the station nearest to the address from which such holder had moved).

(2) An officer to whom a firearm licence is produced in terms of subsection (1) shall endorse such licence with the change of address and shall send a copy of such endorsement to the Registry.

(3) Where the holder of a firearm licence changes his residence and the residence to which he removes is situate outside Zambia, he shall report such removal to an authorised officer and, if he wishes to remove his firearms or ammunition from Zambia, shall obtain from such officer a permit in that behalf:

Provided that this subsection shall not apply in any case of a temporary change of residence where the holder concerned deposits his firearms and ammunition in a public warehouse for the duration of the change of residence.

(4) Any person who fails to comply with any provision of subsection (1) or (3) shall be guilty of an offence.

23. (1) Upon the death of the holder of a firearm licence such licence shall forthwith lapse and any person who comes into possession of the firearms or ammunition to which the said licence relates shall within fourteen days of coming into possession thereof deposit the same in a public warehouse.

(2) When any firearm or ammunition is deposited in a public warehouse and within six months of such deposit no person has established his title thereto, the person in charge of such warehouse shall notify the subordinate court within whose jurisdiction the warehouse is situate of the deposit of such firearm and ammunition.
(3) Upon being notified of a deposit as aforesaid the subordinate court shall cause a notice to be posted in a conspicuous place at the court or at such other places as it deems fit specifying the firearm or ammunition and the name of the person upon whose death such firearm or ammunition was deposited, and calling upon any person claiming to be entitled thereto to appear before the court within six months after the date of such notice and establish his title to such firearm or ammunition.

(4) If no person shall within six months after the date of the aforementioned notice have established his title to the firearm or ammunition specified in such notice such firearm or ammunition shall be deemed to have been abandoned by the person, if any, lawfully entitled thereto and to have become the property of the Republic, and the subordinate court in question shall notify the Registrar accordingly.

(5) If some person shall have duly established his title to the firearm or ammunition but shall fail within three months after establishing such title to obtain a firearm licence authorising his acquisition and possession thereof, such firearm or ammunition shall, on payment to the person entitled thereto of full compensation, be surrendered to the Republic.

PART IV

SALE AND TRANSFER OF FIREARMS AND AMMUNITION: FIREARMS DEALERS AND PRIVATE WAREHOUSES

24. (1) No person shall keep a private warehouse for firearms and ammunition unless he is the holder of a firearms dealer's licence in respect thereof.

(2) No firearms or ammunition shall be deposited in or withdrawn from a private warehouse except as may be permitted by regulations in that behalf.

(3) Any person who contravenes any provision of this section shall be
guilty of an offence.

25. (1) No person shall, by way of trade or business:

(a) purchase, sell or transfer; or

(b) accept or expose for sale or transfer or have in his possession for sale or transfer;

any firearm or ammunition unless he is a registered firearms dealer:

Provided that, subject to the other provisions of this Act, it shall be lawful for an auctioner to accept for sale by auction, sell by auction, expose for sale by auction and have in his possession for sale by auction, a firearm or ammunition without being a registered firearms dealer if-

(i) he has first obtained a certificate of exemption in terms of subsection (13) of section eleven and complies with the conditions, if any, of such certificate; and

(ii) he maintains, and produces on demand to an authorised officer, such records and makes such returns relating to the sale of firearms and ammunition as may be prescribed.

(2) No person shall sell or otherwise alienate or transfer any firearm or ammunition to any other person in Zambia unless-

(a) such other person is a registered firearms dealer; or

(b) such other person is the holder of a firearm licence authorising him to purchase, acquire or have possession of the firearm or ammunition in question, or shows that he is a person entitled by virtue of this Act to purchase, acquire or have possession of such firearm or ammunition without holding a firearm licence; or

(c) the transferor is a carrier or an employee of a carrier and the delivery of such firearm or ammunition is in the ordinary course of his business or employment as such.
(3) Every person who sells or otherwise alienates or transfers any firearm or ammunition to any other person in Zambia other than a registered firearms dealer shall, unless such other person shows that he is entitled by virtue of this Act to purchase, acquire or have possession of such firearm or ammunition without holding a firearm licence, comply with any conditions contained in the firearm licence held by such other person, and in the case of a firearm shall within seven days after the date of the transaction send notice thereof to the Registrar by registered post.

(4) Any person who-

(a) contravenes any provision of this section; or

(b) in order to purchase or acquire a firearm or ammunition, produces a false firearm licence or a firearm licence in which any false entry has been made, or personates a person to whom a firearm licence has been issued, or makes any statement which he knows to be false in any particular or does not believe to be true;

shall be guilty of an offence and liable on conviction to a fine not exceeding seven thousand five hundred penalty units or to imprisonment for a term not exceeding fifteen years, or to both.

(As amended by Act No. 13 of 1994)

26. (1) The Registrar shall for the purposes of this Act keep a register of firearms dealers (in this Part referred to as "the register") and, subject as hereinafter provided, shall enter therein the name and such other particulars as may be prescribed of every person who is entitled under the provisions of this Part to be issued with a firearms dealer's licence.

(2) An application for registration as a firearms dealer shall be made in the prescribed form to the Registrar who may register the applicant or refuse to register him without assigning any reason for such refusal:

Provided that an applicant shall not be registered-

(i) if a disqualification order against him under section thirty-three is in force; or
(ii) unless the Registrar is satisfied that the applicant is conversant with the provisions of this Act; or

(iii) if the Registrar is satisfied that for the applicant to carry on the business of a firearms dealer would endanger the public safety or the peace.

(3) If the Registrar, after giving reasonable notice to any person whose name is on the register, is satisfied that-

(a) that person is no longer carrying on business as a firearms dealer; or

(b) for that person to continue to carry on business as a firearms dealer would endanger the public safety or the peace;

he shall remove the name of that person from the register.

(4) The Registrar shall remove from the register the name of any person if that person so wishes.

(5) Any person aggrieved by a refusal to enter his name on, or the removal of his name from, the register may within fourteen days after the receipt by him of written notice of such refusal or removal appeal to the Minister, and the provisions of subsections (5), (6) and (7) of section twelve shall apply mutatis mutandis.

(6) The Registrar shall issue to a person who is registered in terms of this section a certificate of registration in the prescribed form.

(7) Any person who, for the purpose of procuring his registration or that of any other person as a firearms dealer, makes any statement which he knows to be false in any particular or does not believe to be true shall be guilty of an offence.

27. (1) An application for registration under subsection (2) of section twenty-six shall contain particulars of every place of business in Zambia at which the applicant proposes to carry on business as a firearms dealer and shall be accompanied by a certificate in respect of each such place.
issued by an officer in charge of police of the Division in question that the premises named in the certificate are suitable for carrying on the business of a firearms dealer; and the Registrar shall, upon registering the applicant as a firearms dealer and subject as hereinafter provided, enter in the register every such place of business.

(2) Every person registered as a firearms dealer who proposes to carry on business as such at any place of business not entered in the register shall notify the Registrar accordingly and shall furnish him with the particulars and certificate mentioned in subsection (1) and thereupon the Registrar shall, subject as hereinafter provided, enter that place of business in the register.

(3) An officer in charge of police shall not issue such a certificate as is referred to in subsection (1) unless he is satisfied that-

(a) the premises in question are so constructed as to be a secure place for the safe-keeping of firearms and ammunition;

(b) suitable strong rooms, safes or other secure stores for the safe-keeping of firearms and ammunition are provided within the premises;

(c) suitable locks or similar appliances are provided for ensuring the safe-keeping of firearms and ammunition within the premises and within the strong rooms, safes and stores;

(d) adequate provision is made in the premises to safe-guard firearms and ammunition which are removed from strong rooms, safes and stores for the purposes of display or any other purpose in the ordinary course of business.

(4) Any person aggrieved by the refusal of an officer in charge of police to issue a certificate under this section may within fourteen days of the receipt of written notice of such refusal appeal to the Minister, and the provisions of subsections (6) and (7) of section twelve shall apply mutatis mutandis.

(5) The licensing authority for the area in which a place of business is situate shall issue a firearms dealer's licence in respect of such place of business upon application being made in the prescribed form and upon
production-

(a) of the certificate of registration issued to the applicant in terms of subsection (6) of section twenty-six; and

(b) if the certificate referred to in paragraph (a) does not specify the place of business in respect of which the application is made, of the certificate of the Registrar that such place of business is entered on the register;

and upon payment of the prescribed fee.

(6) Upon the removal from the register of the name of a firearms dealer in terms of subsection (3) or (4) of section twenty-six the Registrar shall remove from the register all places of business of that dealer.

(7) If the Registrar, after giving reasonable notice to the firearms dealer in whose name a place of business has been registered, is satisfied that-

(a) such dealer is no longer carrying on the business of a firearms dealer at such premises; or

(b) for such dealer to continue to carry on business as a firearms dealer at such premises would endanger the public safety or the peace; or

(c) such premises no longer comply with the requirements specified in paragraphs (a), (b), (c) and (d) of subsection (3);

he shall remove such place of business from the register.

(8) Any person aggrieved by the removal from the register of a place of business in terms of subsection (7) may within fourteen days of the receipt by him of written notice of such removal appeal to the Minister, and the provisions of subsections (6) and (7) of section twelve shall apply mutatis mutandis.

(9) If-

(a) any registered firearms dealer has a place of business in respect
of which he does not hold a firearms dealer's licence and carries on business as a firearms dealer at such place; or

(b) any registered firearms dealer fails to maintain his place of business so that at all times it, and strong rooms, safes and stores within it, comply with the requirements of paragraphs (a), (b), (c) and (d) of subsection (3); or

(c) any person makes any statement which he knows to be false in any particular or does not believe to be true for the purpose of procuring, whether for himself or for any other person, the entry of any place of business in the register or a licence in respect of any place of business; he shall be guilty of an offence and liable on conviction to a fine not exceeding fifteen thousand penalty units or to imprisonment for a term not exceeding two years, or to both.  
(As amended by Act No. 13 of 1994)

28. (1) Upon the removal of a place of business from the register the Registrar shall by notice served on the firearms dealer concerned inform him of the removal and may by the same notice order that firearms dealer to cease, as from the date of service of the notice, carrying on the business of a firearms dealer or selling or otherwise disposing of any firearms or ammunition at that place of business.

(2) Where an appeal against any such removal as aforesaid is allowed the notice served under subsection (1) shall be of no force or effect as from the date of determination of such appeal.

(3) Where the firearms dealer does not appeal against any such removal as aforesaid, or where any such appeal is abandoned or dismissed, the Registrar shall by notice served on the firearms dealer in question authorise the disposal, in accordance with such directions as may be contained in the notice, of the stock in hand of that firearms dealer at that place of business notwithstanding any other provisions of this Act.

(4) Where a place of business of a firearms dealer is removed from the register the firearms dealer's licence in respect of that place of business shall cease to be valid upon the service of the notice referred to in subsection (1) or, if there is an appeal against such removal, upon the abandonment or dismissal of such appeal.
(5) If a firearms dealer upon whom a notice is served under subsection (1) or (3) contravenes any provision of such notice he shall be guilty of an offence and liable on conviction to a fine not exceeding fifteen thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

(As amended by Act No. 13 of 1994)

29. (1) Any police officer or authorised officer may demand from any person whom he reasonably suspects may be carrying on at any place the business of a firearms dealer the production of a firearms dealer's licence in respect of that place.

(2) If any person fails without lawful excuse to produce a firearms dealer's licence on demand being made as aforesaid, or to permit such officer to read the document produced to him, the officer may require such person forthwith to declare to him his name and address, and if such person refuses so to declare or fails to give his true name and address he shall be guilty of an offence and the officer may without warrant arrest the person who refuses so to declare his name or address, or whom he suspects of giving a false name or address or of intending to abscond.

30. (1) A firearms dealer's licence shall be in the prescribed form and shall, subject to the provisions of this Act, be valid for one year from the date of issue thereof.

(2) Not less than one month before the date of expiry of a firearms dealer's licence in respect of a place of business the holder thereof-

(a) shall surrender such licence to the licensing authority which issued it; and

(b) may apply for the issue of a new firearms dealer's licence in respect of that place of business.

(3) Any such application as is referred to in subsection (2) (b) shall be in the prescribed form, and upon production of a certificate of the Registrar that such place of business is still entered on the register and upon
payment of the prescribed fee the licensing authority shall issue the new licence.

31. (1) There shall be payable on the grant or issue of the certificates, licences and permits referred to in this Act the fees set out in the First Schedule.

(2) All fees paid on the issue, renewal or replacement of firearm licences and the entry of further firearms in a firearm licence, and on the issue of firearms dealers' licences, shall be paid into the revenue or local authority treasury, as the case may be, of the licensing authority by which the licences in question are issued, and save as aforesaid all fees paid in terms of any provision of this Act or regulations made thereunder shall be paid into the general revenues of the Republic.

32. (1) Every registered firearms dealer shall keep a register of transactions relating to his business as such dealer (in this section referred to as a dealer's register), including the sale, transfer, repair, test or proof of firearms and the sale or transfer of ammunition, and shall enter therein such particulars as may be prescribed.

(2) Every entry required to be made in a dealer's register shall be made within twenty-four hours after the transaction to which it relates; and in the case of a sale or transfer the firearms dealer shall require the purchaser or transferee, if not known to him, to furnish particulars sufficient for identification and shall forthwith enter such particulars in his dealer's register.

(3) Every registered firearms dealer shall on demand allow an authorised officer to enter his place of business and inspect all stock in hand, and shall on request by that officer produce for inspection his dealer's register.

(4) Every registered firearms dealer shall render punctually to the Registrar such reports and returns, prepared in such manner, as may be prescribed.

(5) Any person who-
(a) contravenes any provision of this section; or

(b) knowingly makes any false entry in a dealer's register; or

(c) knowingly furnishes any false particulars of identification of himself for the purposes of this section;

shall be guilty of an offence.

33. (1) Where a registered firearms dealer is convicted of an offence under this Act or against any law relating to the import or export of firearms or ammunition, the court may make an order, in this Act referred to as a disqualification order, against such dealer and against any person who was knowingly a party to the offence in question.

(2) A person aggrieved by the making of a disqualification order may appeal against such order in the same manner as against the conviction in question, and the court may suspend the operation of the order pending the determination of such appeal.

(3) Where a disqualification order against any person is made and is not suspended pending the determination of an appeal-

(a) the name of such person shall be removed from the register; and

(b) such person shall not thereafter, save with the consent of the Minister, be registered as a firearms dealer; and

(c) any person who, save with the consent of the Minister, knowingly employs in any business connected with firearms or ammunition a person against whom a disqualification order has been made shall not be registered as a firearms dealer or, if so registered, shall be liable to be removed from the register.

(4) Any person who-

(a) being disqualified in terms of this section, applies for registration as a firearms dealer without first obtaining the consent of the Minister; or
being a registered firearms dealer, employs in his business as such dealer, save with the consent of the Minister, a person disqualified in terms of this section; shall be guilty of an offence.

(5) Where a court makes a disqualification order under this section it shall cause notice thereof to be sent to the Registrar.

PART V
MANUFACTURE, REPAIR AND CONVERSION OF FIREARMS AND AMMUNITION

34. (1) No person shall manufacture any firearms or ammunition in Zambia except on behalf of the Government or with the consent of the Minister, and at a place established or designated for the purpose by, and in accordance with instructions issued by, the Minister.

(2) For the purposes of this Act, "manufacture", in relation to firearms and ammunition, does not include the repair of a firearm or ammunition or the alteration or substitution or replacement of any component part of a firearm.

(3) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding fifteen thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

(4) Any police officer or authorised officer who reasonably suspects that subsection (1) is being or has been contravened may seize and detain any firearm or ammunition or any material or article which he reasonably suspects may be the subject of, or have been used in connection with, any such contravention.

(As amended by Act No. 13 of 1994)

35. (1) Subject to subsection (3), no person other than a registered firearms dealer shall repair, test or prove any firearm or ammunition.
save under the authority of a permit from an authorised officer in the prescribed form;

Provided that nothing in this section shall operate to prevent the repair, test and proof of any firearm or ammunition at an establishment under the exclusive custody and control of the Government.

(2) Every repair, test or proof of a firearm or ammunition shall be accounted for-

(a) in the case of a registered firearms dealer, in accordance with the provisions of section thirty-two; or

(b) in any case authorised by a permit under subsection (1), in such manner as may be specified in such permit.

(3) Nothing in this section shall operate to prohibit the holder of a firearm licence from himself testing or repairing the firearms or ammunition to which such licence relates.

(4) No person shall undertake the repair, test or proof of a firearm or ammunition for any other person unless such other person-

(a) exhibits a firearm licence authorising him to have possession of such firearm or ammunition; or

(b) shows that he is by virtue of this Act entitled to have possession of such firearm or ammunition without holding a firearm licence; or

(c) is a registered firearms dealer and the repair, test or proof is undertaken at his request in that capacity.

(5) Any person who-

(a) contravenes any provision of this section; or

(b) for the purpose of procuring the repair, test or proof of any firearm or ammunition, exhibits a firearm licence or certificate or permit
which is false or in which any false entry has been made, or personates any person to whom a firearm licence or certificate or permit has been issued or granted, or who makes any statement which he knows to be false in any particular or does not believe to be true;

shall be guilty of an offence and liable on conviction to a fine not exceeding fifteen thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

(As amended by Act No. 13 of 1994)

36. (1) No person shall, without the written permission of an authorised officer-

Restriction on conversion of firearms

(a) shorten the barrel of any firearm to a length of less than 45.72 centimetres; or

(b) convert or modify any firearm so that the method of loading or discharge thereof, or the calibre or type of ammunition usable therein, differs from that for which such firearm was originally designed.

(2) No person shall convert into a firearm anything which is so constructed as to be incapable of discharging a missile through the barrel thereof.

(3) Any person who contravenes any provision of this section shall be guilty of an offence and liable on conviction to a fine not exceeding fifteen thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

(As amended by Act No. 13 of 1994)

PART VI

MISCELLANEOUS

37. (1) It shall not be lawful for any person other than a person-

Prohibited articles

(a) in the service of the Government and in his capacity as such; or
(b) authorised in writing in that behalf by the Minister; or

c) who is a member of a class of persons for the time being authorised in that behalf by the Minister by statutory instrument;

to sell, transfer, purchase, acquire or have in his possession any prohibited article.

(2) Any person who contravenes any provision of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding thirty-seven thousand five hundred penalty units or to imprisonment for a term not exceeding five years, or to both.

(3) An authority given under this section shall be subject to such conditions as may be specified therein, and if any person authorised thereby contravenes any such condition he shall be guilty of an offence.

(4) The Minister may at any time by notice in writing revoke any individual authority given by him to any person. Such notice shall require the person in question to deliver up such authority to such person as may be specified in the notice within twenty-one days after the service thereof, and if such person fails to comply with such notice he shall be guilty of an offence.

(5) An authority given by the Minister under this section to any class of persons may at any time be revoked by statutory instrument.

(As amended by Act No. 13 of 1994)

38. (1) Every person having in his possession or under his control any firearm or ammunition shall keep the same at all times securely and in safe custody, and shall take all reasonable precautions to ensure that such firearm or ammunition is not lost or stolen or able to come into the possession of any person not lawfully entitled to be in possession thereof.

(2) Whenever it is necessary to convey within Zambia any firearm or ammunition otherwise than in the custody of the holder of any licence, certificate, permit or other authority relating thereto or of a registered firearms dealer or auctioneer authorised to be in possession thereof, the
responsibility for taking all reasonable precautions against loss or theft shall lie on the consignor of such firearm or ammunition:

Provided that when any carrier has knowingly accepted such firearm or ammunition as aforesaid and furnished to the consignor or to any other carrier a receipt therefor, the carrier so accepting shall be deemed to have accepted responsibility for the safe custody of such firearm or ammunition, notwithstanding anything contained in any agreement between him and the consignor, until the delivery in the normal course of such firearm or ammunition to some person authorised to receive it.

(3) Any person who contravenes any provision of this section shall be guilty of an offence and liable on conviction to a fine not exceeding fifteen thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

(4) In any prosecution for an offence under subsection (1) the onus shall lie on the accused to satisfy the court that he took all reasonable precautions in terms of the said subsection.

39. (1) If any firearm is lost, stolen or destroyed the holder of the firearm licence or other authority relating thereto shall forthwith report such loss, theft or destruction to the officer in charge of the police station nearest to the address at which such holder resides. Notice of loss of firearm

(As amended by Act No. 13 of 1994)

(2) If an authorised officer is satisfied that a firearm has been lost, stolen or destroyed he shall make an endorsement to that effect on the firearm licence or other authority under which such firearm was held and shall forthwith make a report to the Registrar.

(3) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence.

40. Any person who, in his handling or care of any firearm or ammunition, fails to take reasonable or proper precautions against possible injury or damage to persons or property shall be guilty of an offence and liable on conviction to a fine not exceeding fifteen thousand penalty units or to imprisonment for a period not exceeding two years, Failure to take precautions against injury or damage
41. (1) The Minister may prepare a code, to be known as the Firearms Code, containing such information, directions and advice as appear to him to be proper or desirable for the guidance of persons using or in any way associated with firearms or ammunition, and may from time to time amend such code.

(2) The proposed Firearms Code or any proposed amendments thereto, as the case may be, shall, before being issued, be approved by the National Assembly.

(3) The Firearms Code may be issued in such languages and at such price as the Minister shall deem fit.

(4) Failure on the part of any person to observe any provision of the Firearms Code shall not of itself render that person liable to criminal proceedings of any kind, but any such failure may in any proceedings, whether civil or criminal and including proceedings for an offence under this Act, be relied upon by any party to the proceedings as tending to establish or negative any liability which is in question in such proceedings.

42. Notwithstanding any other provisions of this Act, a person may borrow or have in his possession for a period not exceeding six months a firearm and ammunition therefor owned by the holder of a firearm licence relating thereto if the borrower-

(a) holds a firearm licence in respect of a firearm of the same type as the borrowed firearm; and

(b) holds a transfer certificate in the prescribed form authorising the borrower to have possession of the borrowed firearm.

43. Any person who pawns or who accepts in pawn any firearm or ammunition shall be guilty of an offence.
44. (1) An authorised officer may in the interests of public safety require any person to deposit his firearms or any of them or any ammunition therefor in a public warehouse for safe custody for such period or periods as such officer may deem necessary, and any person who fails to comply with any such requirement shall be guilty of an offence.

(2) Any person aggrieved by a requirement under this section may, having first complied therewith, appeal therefrom to the Minister, and the provisions of subsections (6) and (7) of section twelve shall apply mutatis mutandis.

45. (1) Whenever the President is satisfied that in the interests of public safety or for the prevention of offences against the peace it is necessary or expedient so to do, he may by statutory instrument-

(a) prohibit the carrying or conveyance of firearms or ammunition;

(b) prohibit the sale of firearms or ammunition; or

(c) order that all firearms and ammunition shall be delivered up to such person, and within such time, as may be specified in such order.

(2) An order made under subsection (1)-

(a) may be expressed to apply to the whole of Zambia or to such portion thereof as may be specified; or

(b) may be made subject to any exceptions, whether in respect of any person or class of persons or of any firearms or ammunition or class or type thereof, as the President may deem necessary or expedient; and

(c) may be revoked or varied by the President at any time.

(3) Any police officer may without warrant arrest any person who he has reason to believe has acted or is acting in contravention of an order made under this section.
(4) Any person who contravenes any provision of an order made under this section shall be guilty of an offence and liable on conviction to a fine not exceeding fifteen thousand five hundred penalty units or to imprisonment for a term not exceeding seven years, or to both.

(As amended by Act No. 13 of 1994)

46. (1) Whenever the President is satisfied that in the interests of public safety or public order it is necessary or expedient so to do, he may by statutory instrument direct that the stocks of firearms and ammunition in the possession of firearms dealers in any Division or of any firearms in transit within Zambia shall be taken possession of by police officers for the purpose of safe storage.

(2) Any registered firearms dealer within a Division in respect of which a direction has been given as aforesaid shall, on being informed by a police officer of the intention to take possession of his stocks of firearms and ammunition, take immediate steps for the packing of such stocks for removal to a place of safety.

(3) A receipt shall be given by the police officer in question to the person from whom such stocks are received for all stocks of firearms and ammunition of which possession has been taken in terms of this section.

(4) Firearms and ammunition of which possession has been taken in terms of this section shall be returned to the persons from whom they were received at such time as the Minister may appoint.

(5) Any person who fails to comply with the provisions of subsection (2) or who interferes with or obstructs any officer acting in accordance with a direction given under this section, or who fails to surrender the whole of his stocks of firearms or ammunition in accordance with such direction, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred and twelve thousand five hundred penalty units or to imprisonment for a period not exceeding fifteen years, or to both.

(As amended by Act No. 13 of 1994)
47. (1) Any person who is under the influence of drink, or who behaves in a disorderly manner, while carrying a firearm shall be guilty of an offence and liable on conviction to a fine not exceeding fifteen thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

(2) A police officer may arrest without warrant any person who he has reason to believe is guilty of an offence under this section.

(As amended by Act No. 13 of 1994)

48. (1) Any person who has in his possession any firearm or ammunition with intent to endanger life or cause serious injury to person or property, or to enable any other person so to do, shall, whether or not any injury to person or property has been caused, be guilty of an offence and liable on conviction to imprisonment for a term not exceeding fourteen years.

(2) A police officer may arrest without warrant any person who he has reason to believe is guilty of an offence under this section.

49. (1) Any person who makes or attempts to make any use whatever of a firearm or imitation firearm with intent to resist or prevent the lawful apprehension of himself or any other person shall be guilty of an offence and liable on conviction to imprisonment for a term not exceeding fourteen years.

(2) Where any person commits an offence under subsection (1) in respect of his own lawful apprehension for any other offence committed by him, he shall be liable to the penalty herein provided in addition to any penalty to which he may be liable for that other offence.

(3) Any person who, at the time of his committing any offence specified in the Second Schedule or of his apprehension therefor, has in his possession any firearm or imitation firearm shall, unless he satisfies the court that he had such firearm or imitation firearm in his possession for a lawful purpose, be guilty of an offence and liable on conviction, in addition to any penalty to which he may be liable in respect of such other offence, to imprisonment for a term not exceeding seven years.
(4) On the trial of any person for an offence under subsection (1) the court may convict him of an offence under subsection (3).

(5) A firearm or imitation firearm shall, notwithstanding that it is not loaded or is otherwise incapable of discharging any missile or noxious liquid or gas, as the case may be, be deemed to be an offensive weapon or instrument within the meaning of sections two hundred and ninety-four and two hundred and ninety-five and of paragraphs (a) and (b) of section three hundred and five of the Penal Code.

(6) In this section, "imitation firearm" means anything which has the appearance of being a firearm, whether or not it is capable of discharging any missile or noxious liquid or gas, as the case may be.

**PART VII**

**GENERAL**

50. (1) If a magistrate is satisfied by information on oath that there is reasonable ground for suspecting that an offence under this Act has been, is being or is about to be committed he may issue a search warrant in the prescribed form authorising any police officer or authorised officer named therein-

(a) to enter at any time any premises or place named in the warrant, with or without assistance and if necessary by force, and to search such premises or place and every person found therein; and

(b) to seize any firearm or ammunition or any other thing which he may find in the premises or place, or on any person found therein, by which or in respect of which or in connection with which he has reasonable grounds for suspecting that an offence under this Act has been, is being or is about to be committed; and

(c) if the premises are those of a registered firearms dealer, to examine any books relating to the firearms business of such dealer.

(2) A search warrant issued under this section may be issued and
executed on any day.

(3) A person making a search under the authority of a warrant issued in terms of this section may arrest without warrant any person found in the premises or place in question who he has reason to believe has committed an offence under this Act.

(4) The provisions of subsections (1) and (3) of section one hundred and two and of sections one hundred and four, one hundred and six, one hundred and twenty and one hundred and twenty-one of the Criminal Procedure Code shall apply to search warrants issued under this section, and any magistrate issuing such a warrant shall, for the purposes thereof, be deemed to have jurisdiction throughout Zambia:

Provided that reference to police officer in any of the said sections of the Criminal Procedure Code shall, for the purposes of any warrant issued under this section, be deemed to include reference to an authorised officer.

51. (1) Any police officer of or above the rank of Sub-Inspector may without warrant-

(a) stop, search and detain any vehicle or vessel in or upon which there is reason to suspect that any firearm or ammunition is being unlawfully conveyed; or

(b) stop, search and detain any person whom he reasonably suspects of unlawfully conveying or having in his possession any firearm or ammunition; or

(c) seize any firearm or ammunition found in the course of any search under this section.

(2) For the purposes of this section-

"vehicle" has the meaning assigned to it in section two of the Roads and Road Traffic Act;

"vessel" includes a ship, boat and every other kind of craft used in navigation either on the sea or on inland waters, and includes aircraft.
52. Any person who obstructs any officer in the execution of a search warrant issued in terms of section fifty or, being required by such officer under the said section to produce any information, record or thing which to the knowledge of such officer is available to such person, or who obstructs an officer in the lawful exercise of any power conferred upon him by section fifty-one, shall be guilty of an offence.

53. (1) Where possession is taken by a customs officer of any firearms or ammunition the entry of which into Zambia would be contrary to this Act or any other law, such firearms or ammunition shall as soon as is practicable be handed to the officer in charge of the nearest police station, who shall deposit the same in a public warehouse and forthwith make a report to the Registrar.

(2) The customs officer taking possession as aforesaid shall issue a receipt in the prescribed form and, as the case may be, hand it to the person from whom such possession was taken or send it by prepaid registered post to the consignee of such firearms and ammunition.

(3) Where possession has been taken as aforesaid of any firearms or ammunition and it is not alleged that the same are liable to forfeiture or the subject of any offence, such firearms or ammunition shall, provided not less than twenty-four hours' notice of such intended departure has been given to the officer in charge of the police station in question, be returned to the person from whom they were taken on his departure from Zambia through the same port through which he entered.

54. (1) A person convicted of an offence under this Act for which no other penalty is provided shall be liable to a fine not exceeding seven thousand five hundred penalty units or to imprisonment for a term not exceeding one year, or to both.

(2) Where any person-

(a) is convicted of an offence under this Act or is convicted of any offence for which he is sentenced to imprisonment; or

(b) has been ordered to be subject to police supervision or to enter into a recognizance to keep the peace or to be of good behaviour, a
condition of which is that the offender shall not possess, carry or use a firearm;
the court by which he is convicted or by which the order is made may order the forfeiture or disposal of any firearm or ammunition found in his possession and the revocation of any firearm licence held by him.

(3) Where a court orders the revocation of a firearm licence under this section-

(a) it shall cause notice of the order to be sent to the Registrar; and

(b) the Registrar shall, by notice in writing, require the surrender by the holder of such licence; and

(c) if such holder fails to surrender such licence within fourteen days after the receipt of such notice he shall be guilty of an offence:

Provided that evidence that the loss or destruction of such licence has been reported in accordance with the provisions of subsection (4) of section thirteen shall be a defence to any charge under this subsection.

(As amended by Act No. 13 of 1994)

55. Any person who aids and abets, or counsels or procures, or attempts to commit any offence under this Act shall be guilty of an offence and liable on conviction to the penalty provided for the offence the commission of which he aided and abetted or counselled or procured or attempted, as the case may be.

56. (1) Any firearms or ammunition deposited in a public or private warehouse in terms of this Act or of any other law and remaining unclaimed for a period of three years from the date of such deposit shall be deemed to have been abandoned by the owner thereof and shall thereupon become the property of the Republic.

(2) Any firearms or ammunition which have become the property of the Republic by virtue of subsection (1) or of a forfeiture under this Act or any other law may be sold, destroyed or otherwise disposed of as the Minister may direct.
57. Any notice required or authorised by this Act to be served on any person may be served personally or may be sent by prepaid registered post addressed to such person at his last known or usual postal address or, in the case of a registered firearms dealer, at any place of business in respect of which he holds a firearms dealer's licence, and any notice so sent shall be presumed unless the contrary is proved to have been delivered in the normal course of posting.

58. (1) The Minister may, by statutory instrument, make regulations generally for the carrying out of the provisions of this Act and for its efficient administration and in particular, but without derogating from the generality of the foregoing-

(a) prescribing anything which is to be prescribed under this Act;

(b) regulating the import and export of firearms and ammunition and the conditions and restrictions which may be specified in an import permit;

(c) regulating the import and sale of blank cartridges;

(d) prescribing the officers or classes of officers who shall be authorised officers for the purposes of the several provisions of this Act;

(e) prescribing the nature, frequency and form of reports and returns to be made and the persons to whom reports and returns are to be made;

(f) providing for the surrender and return of certificates of registration of firearms dealers and firearms dealers' licences upon the removal of or restoration to the register of the name of or a place of business of a firearms dealer;

(g) providing for the determination and payment of compensation where any firearm or ammunition is compulsorily taken possession of or acquired;

(h) regulating the deposit in and withdrawal from warehouses of firearms and ammunition and prescribing the fees, rent and other charges payable on and during such deposit;
(i) prescribing the fees to be paid for any licence, certificate, permit or other authorisation issued or granted under this Act or in respect of any act of registration or other official act performed thereunder;

(j) specifying the conditions under which a firearm or ammunition may be delivered to a carrier or conveyed within Zambia;

(k) regulating the establishment and conduct of shooting clubs and prescribing the fees payable in respect of the registration thereof;

(l) regulating the stamping, numbering and registration of firearms and ammunition and the proving of firearms;

(m) prescribing the manner in which fees, rents and charges payable under this Act may be recovered;

(n) prescribing the procedure to be followed in appeals;

(o) declaring types of firearms to be specially dangerous;

(p) providing for tests of competency.

(2) Regulations may prescribe penalties for any contravention thereof not exceeding those mentioned in subsection (1) of section fifty-four.

(3) The Minister may by regulations made under subsection (1) alter or amend the provisions of the First Schedule.

(4) The Minister may, by regulations made under subsection (1)-

(a) provide for the establishment, composition, functions and procedures of a Firearms Committee to make recommendations to the Inspector-General on such matters as may be prescribed therein;

(b) provide that where the Inspector-General considers it undesirable to follow the recommendations of the Firearms Committee, he shall refer the matter to the Minister for ruling; and

(c) provide for such matters relating to the Firearms Committee as
59. Where any discretion is conferred on any person by or under this Act or any regulation made thereunder the Minister may from time to time issue directions as to the manner in which such discretion shall be exercised and that person shall comply with those directions.

60. Upon the determination of any appeal under this Act all necessary alterations shall be made in the register.

61. The Firearms Act, 1965, Act No. 24 of 1965, is hereby repealed:

Provided that any licence, certificate, permit or other authorisation issued under the provisions of the said Act shall have effect during its period of validity, and during such period the holder thereof shall not be required to obtain any equivalent licence, certificate, permit or other authorisation required by or under this Act; and the Minister may extend the period of validity of any licence, certificate, permit or other authorisation so issued, or any class thereof, for such period as he may deem necessary to enable the equivalent authorisation under this Act to be obtained.

SCHEDULE

(Section 49)

OFFENCES TO WHICH SECTION 49 APPLIES

1. Offences under subsection (3) of section 229 of the Roads and Road Traffic Act.

2. Offences under the following provisions of the Penal Code:

   Sections 81, 82, 133, 135, 136, 171, 222, 223, 226, 232, 247, 248, 272, 274, 275, 276, 286, 301, 302, paragraphs (c) to (g) of sections 305,
sections 328, 329 and 336.

SUBSIDIARY LEGISLATION

FIREARMS

SECTION 2-THE FIREARMS (PROHIBITED ARTICLES) ORDER
Order by the Minister

1. This Order may be cited as the Firearms (Prohibited Articles) Order.

2. The articles specified in the Schedule are hereby declared to be prohibited articles.

SCHEDULE

(Paragraph 2)

PROHIBITED ARTICLES

7.62 mm rifle and ammunition therefor
.303 rifle and ammunition therefor

THE FIREARMS REGULATIONS ACT
[ARRANGEMENT OF SECTIONS]

Regulation
1. Title
2. Authorised officers
3. Firearms dealer's import and export permits
4. Tourist's import and export permits
5. Resident's export permit
6. Certificates of exemption (other than for auctioneer)
7. Certificate of exemption (auctioneer)
8. Application for firearm certificate
9. Firearm certificate
10. Provisional firearm certificate
11. Firearm licence
12. Certificate of competency
13. Associations
14. Registration of firearms dealers
15. Firearms dealer's licence
16. Dealer's register
17. Permit to repair, test or prove firearms and ammunition
18. Record of repairs, etc.
19. Transfer certificate
20. Deposit in and withdrawal from public warehouse
21. Taking possession of firearms or ammunition by customs officer
22. Record of deposits and withdrawals
23. Search warrants
24. Stamping and marking of firearms
25. Quantity of ammunition authorised to be held
26. Quantity of ammunition authorised to be acquired
27. Quantities of ammunition: tourists
28. Annual allocation
29. Licensing authorities
30. Access to firearms
31. Specially dangerous air guns
32. Penalties

Regulation
33. Revocation and savings

FIRST SCHEDULE-Prescribed fees

SECOND SCHEDULE-Authorised officers

THIRD SCHEDULE-List of forms
1. These Regulations may be cited as the Firearms Regulations.

2. The persons or classes of persons referred to in the second column of the First Schedule are hereby appointed authorised officers for the purposes of the provisions of the Act set out opposite thereto in the first column of such Schedule.

3. (1) A firearms dealer's import permit shall be issued by the Registrar in Form 1 in the Second Schedule and a fee of sixty fee units shall be payable on the issue of the permit.

   (2) Application for the issue of a firearms dealer's export permit shall be made to the Registrar in Form 2 in the Second Schedule.

   (3) A firearms dealer's export permit shall be issued by the Registrar in Form 3 in the Second Schedule and a fee of six fee units shall be payable on the issue of the permit.

   (4) A firearms dealer's export permit shall be valid for a period of three months from the date of issue thereof and if not used within such period shall be delivered by the holder thereof to the Registrar within two weeks after the expiration of such period. The fee paid shall not be returnable.

   (5) Any person who fails to comply with the provisions of this regulation or who fails to comply with any conditions upon which a
firearms dealer's import permit or export permit was issued shall be guilty of an offence.

(As amended by Act No. 13 of 1994)

4. (1) Application for the issue of a tourist's import permit and/or export permit shall be made to the Registrar in Form 4 in the Second Schedule.

(2) A tourist's import and/or export permit shall be issued by the Registrar in Form 5 in the Second Schedule.

(3) Every tourist's import permit shall, in addition to such conditions as the Registrar may consider desirable in any particular case, contain the following conditions:

(a) no ammunition imported under the authority of the permit shall be used except in connection with a shooting competition or a hunting safari conducted by an approved safari company;

(b) the firearms specified in the permit and any unused ammunition imported thereunder shall be removed from the Republic within six calendar months of the date of import;

(c) no such firearms or unused ammunition shall be removed from the Republic except under the authority of a tourist's export permit, and unless such export permit is surrendered to a customs officer at the port of exit by the tourist or his agent.

(4) Any person who fails to comply with any condition contained in a tourist's import and/or export permit shall be guilty of an offence.

5. (1) A resident's export permit shall be issued by the Registrar in Form 6 in the Second Schedule and shall be valid for a period of three months from the date of issue thereof and if not used within such period shall be delivered by the holder thereof to the Registrar within two weeks after the expiration of such period.

(2) If a firearm or ammunition is being removed permanently from the Republic, the firearm licence and resident's export permit relating
thereto shall be surrendered to a customs officer at the port of exit in question.

(3) Any person who fails to comply with the provisions of this regulation shall be guilty of an offence.

6. (1) Application for a certificate of exemption in any of the cases referred to in subsections (10), (11) and (12) (c) of section eleven and in section sixteen of the Act (that is to say, in the case of a slaughtering instrument of the non-captive-bolt type or ammunition therefor, a bolt-firing instrument designed and used for constructional purposes, a signalling apparatus or ammunition therefor or an antique firearm) shall be in Form 7 in the Second Schedule and shall be made to the Divisional Commander in whose Division the applicant resides.

(2) A certificate of exemption in any of the cases referred to in sub-regulation (1) shall be in Form 8 in the Second Schedule and a fee of eight fee units shall be payable on the issue of such certificate, which shall be valid for a period of one year from the date of issue thereof.

(As amended by Act No. 13 of 1994)

7. (1) Application for a certificate of exemption for an auctioneer shall be in Form 9 in the Second Schedule and shall be made to the Divisional Commander in whose Division the auction is to be conducted.

(2) A certificate of exemption for an auctioneer shall be in Form 10 in the Second Schedule and a fee of eight fee units shall be payable on the issue of such certificate, which shall be valid for such period not exceeding six months as may be stipulated in such certificate.

(3) No firearm or ammunition sold by an auctioneer under the authority of section twenty-five of the Act shall be delivered to the purchaser unless he produces to the auctioneer a firearm licence or other authorisation entitling the purchaser to be in possession of such firearm or ammunition.

(4) An auctioneer to whom a certificate of exemption has been issued in terms of sub-regulation (2) shall, within fourteen days after the sale or transfer of the firearm or ammunition or the date of expiry of the said
certificate, as the case may be, complete the return printed on the rear of
such certificate and deliver it to the Divisional Commander who issued
it together with, if the same has not been sold or transferred, the firearm
or ammunition in question.

(5) A Divisional Commander to whom a firearm or ammunition has
been delivered in terms of this regulation shall forthwith deposit the
same in a public warehouse and make a report to the Registrar.

(6) Any person who fails to comply with the provisions of this
regulation or who submits a return which he knows to be false in any
particular or does not believe to be true shall be guilty of an offence.

(As amended by Act No. 13 of 1994)

8. (1) An application for a firearm certificate or a provisional firearm
certificate made to an officer in charge of police in terms of section
twelve of the Act shall be in Form 11 in the Second Schedule.

(2) If an applicant for a firearm certificate is unable adequately to speak
or write the English language, he may make his application verbally to
the officer in charge of police, who shall record such application in the
English language in the said Form 11 on behalf of the applicant.

(3) Upon recording such particulars as aforesaid, the officer in charge of
police shall explain such particulars as recorded to the applicant in a
language which the applicant understands, and shall then complete and
sign the certificate to that effect contained in the said Form 11.

(4) If the officer in charge of police is of the opinion that he is unable
adequately to converse with the applicant, he may call upon any other
police officer not below the rank of Sub-Inspector who is able
adequately to converse with the applicant to perform the functions of the
officer in charge of police referred to in sub-regulations (2) and (3).

9. (1) A firearm certificate shall be issued by the Inspector-General or,
subject to sub-regulation (2), by an officer in charge of police and shall
be in Form 12 in the Second Schedule, and shall be valid for a period of
three months from the date of issue thereof.
(2) A firearm certificate shall not be issued by an officer in charge of police except under the authority of a provisional firearm certificate issued by the Inspector-General.

10. (1) A person who wishes to obtain a firearm licence in respect of a firearm the full details of which are not known shall apply for a provisional firearm certificate in Form 11 in the Second Schedule.

(2) A provisional firearm certificate shall be issued by the Inspector-General in Form 13 in the Second Schedule and shall be valid for a period of nine months from the date of issue thereof.

(3) Upon being furnished with the full details of the firearm to be acquired by the holder of a provisional firearm certificate and upon the surrender of such provisional certificate, the officer in charge of police shall issue a firearm certificate to the person named in such provisional firearm certificate:

Provided that no firearm certificate shall be issued in terms of this regulation in respect of a firearm of a type or calibre different from that specified in the provisional firearm certificate, nor shall there be endorsed in a firearm certificate issued in terms of this regulation particulars of ammunition which differ as to type, calibre or quantity from those specified in the provisional firearm certificate.

(4) An officer in charge of police who issues a firearm certificate under the authority of a provisional firearm certificate shall within seven days thereafter return the provisional firearm certificate to the Inspector-General with the particulars of the firearm certificate endorsed thereon.

(5) A provisional firearm certificate is valid for no purpose other than as authorisation by the Inspector-General to an officer in charge of police to issue a firearm certificate to the person named therein on compliance with the provisions of this regulation. Accordingly, in particular, a provisional firearm certificate does not authorise the issue of a firearm licence.

(As amended by No. 157 of 1972)
11. (1) A firearm licence shall be issued by a licensing authority in Form 14 in the Second Schedule, and the receipt for the payment of any prescribed fee in respect thereof shall be in Form 15 in the Second Schedule.

(2) All entries made in a firearm licence in respect of the sale or supply of ammunition shall be made in ink or by what is commonly known as a ball-point pen.

12. A certificate of competency shall be issued by the officer in charge of police to whom the application for a firearm certificate or a provisional firearm certificate was made, and shall be in Form 16 in the Second Schedule.

13. An authority to a member or employee of an association issued by an authorised officer in terms of subsections (4) and (5) of section seventeen of the Act shall be in Form 17 in the Second Schedule.

14. An application for registration as a firearms dealer shall be in Form 18 in the Second Schedule and a certificate of registration shall be in Form 19 in such Schedule.

15. An application to a licensing authority for the issue or renewal of a firearms dealer's licence shall be in Form 20 in the Second Schedule, and a firearms dealer's licence shall be in Form 21 in such Schedule.

16. (1) The particulars to be entered in a dealer's register kept in terms of section thirty-two of the Act shall be in accordance with Form 22 in the Second Schedule.

(2) A dealer's register shall be kept in duplicate and every dealer shall on or before the seventh day of each month forward to the Registrar the duplicate copy of his register relating to the preceding calendar month. Such copy shall be certified by the dealer as being a true record of his transactions as a firearms dealer during the month to which it relates.

17. (1) A permit under section thirty-five of the Act to repair, test or prove firearms or ammunition shall be in Form 23 in the Second Schedule.
Schedule and shall be valid for a period of one year from the date of issue thereof.

(2) The Registrar shall not issue a permit under this regulation unless he is satisfied that-

(a) the premises on which such repair, test or proof is to be carried out are so constituted as to be a secure place for the safe-keeping of firearms and ammunition;

(b) suitable strong rooms, safes or other secure stores for the safe-keeping of firearms and ammunition are provided within such premises;

(c) the premises and the strong rooms, safes and stores are fitted with suitable locks or appliances for ensuring the safe-keeping of firearms and ammunition within such premises and within such strong rooms, safes and stores;

(d) the applicant for the permit is qualified either by training or experience to repair, test and prove firearms and ammunition.

(3) Before issuing a permit under this regulation the Registrar may require the applicant to produce-

(a) a certificate, issued by the Divisional Commander of the Division in which the premises in question are situate, in respect of each place at which the repair, test or proof of firearms or ammunition is to be carried out, that the premises in question comply with the requirements of paragraphs (a), (b) and (c) of sub-regulation (2);

(b) a certificate that the qualifications of the applicant comply with the requirements of paragraph (d) of sub-regulation (2).

(4) Any person who, for the purpose of procuring, whether for himself or for any other person, any such permit or any such certificate as is mentioned in this regulation, makes any statement which he knows to be false in any particular or does not believe to be true shall be guilty of an offence.
18. (1) Every holder of a permit issued in terms of regulation 17 shall maintain in duplicate a record of all firearms and ammunition received for test, repair or proof. Such record shall be in Form 24 in the Second Schedule.

(2) Within seven days after the end of each calendar quarter, the holder of a said permit shall forward to the Registrar the duplicate thereof duly certified by such holder as being a true record of the firearms and ammunition received by him for repair, test or proof, whether or not such firearms or ammunition were actually repaired, tested or proved, during the period to which such record relates.

(3) For the purposes of this regulation, "calendar quarter" means a period between and including the 1st January and the 31st March, the 1st April and the 30th June, the 1st July and the 30th September and the 1st October and the 31st December.

(4) Any person who, without lawful excuse, fails to comply with the provisions of this regulation or who submits to the Registrar a record which is incorrect in any material particular shall be guilty of an offence.

19. (1) A transfer certificate issued for the purposes of section forty-two of the Act shall be in Form 25 in the Second Schedule and shall be valid for such period, not exceeding six months from the date of issue thereof, as may be stated therein.

(2) Such certificate shall be issued by the Divisional Commander of the Division in which the borrower resides or by a police officer not below the rank of Sub-Inspector authorised in that behalf in writing by such Divisional Commander.

20. (1) Whenever a person is required to deposit a firearm or ammunition in a public warehouse, he shall be issued with a receipt which shall be in Form 26 in the Second Schedule.

(2) No firearm or ammunition shall be withdrawn from a public warehouse except under the authority of a withdrawal permit, which shall be in Form 27 in the Second Schedule, and shall be issued by the
Divisional Commander in whose Division such public warehouse is situate or such other police officer not below the rank of Sub-Inspector authorised in that behalf in writing by such Divisional Commander.

(3) No permit for the withdrawal of a firearm or ammunition from a public warehouse shall be granted, except for the purpose of transfer to another public warehouse or a private warehouse, unless either a firearm licence is produced authorising the applicant for withdrawal to possess the firearm or ammunition or the applicant is authorised under the Act to possess that firearm or ammunition without a firearm licence.

(4) A permit for the withdrawal of firearms or ammunition from a public warehouse may be granted subject to compliance with such conditions as shall be endorsed thereon, and any person who fails to comply with any such condition shall be guilty of an offence.

21. Where possession is taken by a customs officer of any firearms or ammunition under section fifty-three of the Act, he shall issue a receipt in Form 28 in the Second Schedule and, as the case may be, hand it to the person from whom such possession was taken or send it by prepaid registered post to the consignee of such firearms or ammunition.

22. The officer in charge of a public warehouse shall keep a record, in Form 29 in the Second Schedule, of all deposits in and withdrawals from the public warehouse and shall forward a duplicate of such record to the Registrar at the end of each month.

23. (1) An information on oath sworn before a magistrate for the purpose of the issue of a search warrant shall be in Form 30 in the Second Schedule.

(2) A search warrant issued under section fifty of the Act shall be in Form 31 in the Second Schedule.

24. (1) Any officer specified in sub-regulation (2) may, before registration under the provisions of section eight of the Act, require a firearm or a package of ammunition, which is not adequately stamped or marked as to be easily identified, to be stamped or marked with the appropriate distinctive letters as set out hereunder:

<p>| Chadiza | . . . . . CD | Stamping and markings of firearms |</p>
<table>
<thead>
<tr>
<th>Place</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chililabombwe</td>
<td>CB</td>
</tr>
<tr>
<td>Chingola</td>
<td>CA</td>
</tr>
<tr>
<td>Chinsali</td>
<td>CH</td>
</tr>
<tr>
<td>Chipata</td>
<td>CP</td>
</tr>
<tr>
<td>Choma</td>
<td>CO</td>
</tr>
<tr>
<td>Feira</td>
<td>FI</td>
</tr>
<tr>
<td>Gwembe</td>
<td>GE</td>
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<td>Isoka</td>
<td>IS</td>
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<tr>
<td>Kabompo</td>
<td>KO</td>
</tr>
<tr>
<td>Kabwe Rural</td>
<td>KR</td>
</tr>
<tr>
<td>Kabwe Urban</td>
<td>KB</td>
</tr>
<tr>
<td>Kalabobo</td>
<td>KA</td>
</tr>
<tr>
<td>Kalomo</td>
<td>KL</td>
</tr>
<tr>
<td>Kalulushi</td>
<td>KU</td>
</tr>
<tr>
<td>Kaoma</td>
<td>KM</td>
</tr>
<tr>
<td>Kasama</td>
<td>KS</td>
</tr>
<tr>
<td>Kasemba</td>
<td>KE</td>
</tr>
<tr>
<td>Katete</td>
<td>KT</td>
</tr>
<tr>
<td>Kawambwa</td>
<td>KW</td>
</tr>
<tr>
<td>Kitwe</td>
<td>KI</td>
</tr>
<tr>
<td>Livingstone</td>
<td>LR</td>
</tr>
<tr>
<td>Luanshya</td>
<td>LA</td>
</tr>
<tr>
<td>Lundazi</td>
<td>LU</td>
</tr>
<tr>
<td>Lusaka</td>
<td>LS</td>
</tr>
<tr>
<td>Luwingu</td>
<td>LW</td>
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<tr>
<td>Mansa</td>
<td>MS</td>
</tr>
<tr>
<td>Mazabuka</td>
<td>MA</td>
</tr>
<tr>
<td>Mbala</td>
<td>ML</td>
</tr>
<tr>
<td>Mkushi</td>
<td>MK</td>
</tr>
<tr>
<td>Mongu</td>
<td>MO</td>
</tr>
<tr>
<td>Mpika</td>
<td>MI</td>
</tr>
<tr>
<td>Mporokoso</td>
<td>MP</td>
</tr>
</tbody>
</table>
Mufulira . . . . . . . . . . . . . . . . . . MU
Mumbwa . . . . . . . . . . . . . . . . . . MB
Mwinilunga . . . . . . . . . . . . . . . . MW
Namwala . . . . . . . . . . . . . . . . NA
Nchelenge . . . . . . . . . . . . . . . . NC
Ndola Rural . . . . . . . . . . . . . . ND
Ndola Urban . . . . . . . . . . . . . . NU
Petauke . . . . . . . . . . . . . . . . . . PE
Samfya . . . . . . . . . . . . . . . . . . SA
Senenga . . . . . . . . . . . . . . . . SN
Serenje . . . . . . . . . . . . . . . . . . SE
Sesheke . . . . . . . . . . . . . . . . . . SH
Solwezi . . . . . . . . . . . . . . . . . . SO
Zambezi . . . . . . . . . . . . . . . . . . ZA

(2) The registration of firearms and all ammunition imported into Zambia shall be effected as follows:

(a) in the case of firearms or ammunition which have been deposited in a private warehouse, by the Registrar;

(b) in the case of firearms or ammunition which have been deposited in a public warehouse, by the officer in charge of police in whose area the public warehouse concerned is situate.

(3) Any person who, on demand by the Registrar or any officer deputed by him in that behalf, or an officer in charge of police, refuses or wilfully fails to deliver to such officer a firearm or a package of ammunition required to be stamped or marked in accordance with the provisions of sub-regulation (1) shall be guilty of an offence.

25. The quantity of ammunition authorised to be possessed at any one time under a firearm licence in respect of each firearm specified therein shall not exceed the amounts shown below:

<table>
<thead>
<tr>
<th>Ammunition Type</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pistol (.22 calibre or below)</td>
<td>50 rounds</td>
</tr>
<tr>
<td>Rifle (.22 calibre or below)</td>
<td>100 rounds</td>
</tr>
</tbody>
</table>
Rifle (above .22 calibre)  ...  ...  ...  50 rounds
Shotgun  ...  ...  ...  ...  ...  ...  100 rounds
Gunpowder  ...  ...  ...  ...  2 pounds
Caps  ...  ...  ...  ...  ...  ...  ...  100

Provided that-

(i) nothing in this regulation shall apply to any quantity of ammunition possessed by an approved club under the provisions of regulation 7 of the Firearms (Control of Shooting Clubs) Regulations;

(ii) the Inspector-General may in his absolute discretion authorise in writing the holder of a firearm licence to possess a quantity of ammunition in excess of that authorised by this regulation solely for industrial, commercial or agricultural purposes.

(As amended by S.I. No. 83 of 1997)

26. (1) The quantity of ammunition authorised to be acquired in any one year under a firearm licence in respect of each firearm specified therein shall not exceed the amounts specified below:

<table>
<thead>
<tr>
<th>Weapon</th>
<th>Allowed Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pistol</td>
<td>10 rounds</td>
</tr>
<tr>
<td>Rifle (.22 calibre or below)</td>
<td>200 rounds</td>
</tr>
<tr>
<td>Rifle (above .22 calibre)</td>
<td>150 rounds</td>
</tr>
<tr>
<td>Shotgun</td>
<td>200 rounds</td>
</tr>
<tr>
<td>Gunpowder</td>
<td>4 pounds</td>
</tr>
<tr>
<td>Caps</td>
<td>200</td>
</tr>
</tbody>
</table>

(2) For the purposes of this regulation the term "any one year" shall mean the period between and including the 1st January and the 31st December:

Provided that-

(i) nothing in this regulation shall apply to any quantity of ammunition acquired by an approved club under the provisions of regulation 7 of the Firearms (Control of Shooting Clubs) Regulations;
(ii) the Inspector-General may in his absolute discretion authorise in writing the holder of a firearm licence to acquire a quantity of ammunition in excess of that authorised by this regulation solely for industrial, commercial or agricultural purposes;

(iii) nothing in this regulation shall authorise the holder of a firearm licence to acquire a quantity of ammunition which in the aggregate of that quantity already possessed by such person exceeds the quantity authorised to be held at any one time by regulation 25.

(As amended by No. 264 of 1970 and S.I. No. 83 of 1997)

27. The quantity of ammunition authorised to be imported, acquired or possessed at any one time by the holder of a tourist's import permit in respect of each firearm specified therein shall not exceed the amounts specified below:

<table>
<thead>
<tr>
<th>Weapon</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pistol</td>
<td>50 rounds</td>
</tr>
<tr>
<td>Rifle (.22 calibre or below)</td>
<td>400 rounds</td>
</tr>
<tr>
<td>Rifle (above .22 calibre)</td>
<td>150 rounds</td>
</tr>
<tr>
<td>Shotgun</td>
<td>200 rounds</td>
</tr>
</tbody>
</table>

(As amended by S.I. No. 83 of 1997)

28. (1) The Minister shall specify to the Registrar, by means of a notification of annual allocation, the number of firearms of diverse types and the quantities of ammunition which may be authorised by the Registrar for importation into Zambia by registered firearms dealers during any one year.

(2) The annual allocation shall be notified in writing by the Minister to the Registrar not later than the 31st January in each year in question, and the Minister need not make public the contents of such annual allocation.

(3) The Minister may, either of his own volition or on application by the Registrar, vary at any time the contents of the annual allocation.

29. (1) The licensing authorities in respect of areas other than those mentioned in the second column of the Third Schedule are specified in

Annual allocation

Licensing authorities
paragraph (a) of section five of the Act.

(2) The licensing authority for the area within a District specified in the first column of the Third Schedule, exclusive of areas within that District for which licensing authorities are specified in paragraph (a) of section five of the Act, shall be the authority set out opposite thereto in the second column of the said Schedule.

30. With the permission of the officer in charge of a public warehouse and subject to any conditions which may be imposed by him, the owner of a firearm deposited therein or his agent or servant shall have access to that firearm for the purpose of cleaning the firearm.

31. All air guns the barrels of which are rifled are hereby declared to be specially dangerous and accordingly are firearms within the meaning of the Act.

32. Any person found guilty of an offence under these Regulations shall be liable on conviction to a fine not exceeding seven thousand five hundred penalty units or to imprisonment for a term not exceeding one year, or to both.

(As amended by Act No. 13 of 1994)

33. The Firearms Regulations, contained in Chapter 111 of the Revised Edition, are hereby revoked:

Provided that any licence, certificate, permit or other authorisation issued under the provisions of the said Regulations shall have effect during its period of validity, and during such period the holder thereof shall not be required to obtain any corresponding licence, certificate, permit or other authorisation under these Regulations.

FIRST SCHEDULE

(Sections 31 and 58)

PRESCRIBED FEES

Certificate, Licence or Permit  Fee units
1. Tourist's import permit 222
2. Certificate of exemption 56
3. Firearms licence:
   (a) in respect of each rifle or pistol entered on licence 222
   (b) in respect of each breech-loading firearm other than a rifle or pistol 167
   (c) in respect of each muzzle-loading firearm 112
4. Duplicate firearm licence 56
5. Certificate of exemption (antique firearm) 56
6. Firearm dealer's licence 1,111
7. Permit for repair, test or proof 56
8. Where a further firearm is entered on a firearm licence under subsection (8) of section thirteen the fee payable in respect of that firearm shall be one half of the fee prescribed therefor under item (3) of this Schedule for each year or part of a year for which the firearm licence continues to be in force.

(As amended by S.I. No. 37 of 1997)

SECOND SCHEDULE

(Regulation 2)

AUTHORISED OFFICERS

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provisions of the Act</td>
<td>Authorised Officers</td>
</tr>
<tr>
<td>Section 8 (1) The Registrar or any police officer of or above the rank of Sub-Inspector deputed by him in that behalf.</td>
<td></td>
</tr>
<tr>
<td>Section 8 (4) The Registrar or any police officer of or above the rank of Sub-Inspector deputed by him in that behalf.</td>
<td></td>
</tr>
<tr>
<td>Section 11 (13) The Divisional Commander of the Division in which the applicant resides.</td>
<td></td>
</tr>
<tr>
<td>Section 12 (9) The Registrar or any Divisional Commander or any officer in charge of police.</td>
<td></td>
</tr>
<tr>
<td>Section 13 (10) A person employed by a licensing authority when issuing, varying or renewing a firearms licence, or the Inspector-General or any officer in charge of police when endorsing a licence in terms of section 22 (2) of the Act, or any person selling or supplying any ammunition to the holder when recording the sale or supply of such ammunition in the section of the firearm certificate</td>
<td></td>
</tr>
</tbody>
</table>
relating to ammunition pursuant to section 13 (3) (b) of the Act.

Section 17 (4) The officer in charge of police of the police station in whose area the holder of the licence or certificate resides.

Section 20 Any officer defined as such in section 2 of the Customs and Excise Act (Cap. 322); any immigration officer or immigration assistant defined as such in section 2 of the Immigration and Deportation Act (Cap. 123); any wildlife officer defined as such in section 2 of the National Parks and Wildlife Act (Cap. 201); any honorary wildlife ranger appointed under section 7 of the National Parks and Wildlife Act (Cap. 201); or any authorised officer defined as such in section 2 of the Protected Places and Areas Act (Cap. 125).

Section 21 Any officer defined as such in section 2 of the Customs and Excise Act (Cap. 322); any immigration officer or immigration assistant defined as such in section 2 of the Immigration and Deportation Act (Cap. 123).

Section 22 (3) The Registrar.

Section 25 (1) (ii) The Divisional Commander of the Division in which the auction is to take place.

Section 29 (1) Nil, other than any police officer.

Section 32 (3) Any police officer.

Section 34 (4) Nil, other than any police officer.

Section 35 (1) The Registrar.

Section 36 (1) The Divisional Commander of the Division in which the applicant resides.

Section 39 (2) Any police officer of or above the rank of Sub-Inspector.

Section 44 (1) Any police officer of or above the rank of Sub-Inspector.

Section 50 Any officer defined as such in section 2 of the Customs and Excise Act (Cap. 322).

THIRD SCHEDULE

LIST OF FORMS

1. Firearms dealer's import permit.
2. Application for firearms dealer's export permit.
3. Firearms dealer's export permit.
4. Application for tourist's import/export permit.
5. Tourist's import/export permit.
6. Resident's export permit.
8. Certificate of exemption in respect of a slaughtering instrument which is not of the captive-bolt type/industrial bolt-firing instrument/signalling apparatus/antique firearm.
11. Application for firearm certificate/provisional firearm certificate.
12. Firearm certificate.
13. Provisional firearm certificate.
14. Firearm licence.
15. Receipt for firearm licence fees.
17. Authority to possess, carry and use a firearm and ammunition owned by an association.
18. Application for registration as a firearms dealer.
19. Certificate of registration as a firearms dealer.
20. Application for issue/renewal of firearms dealer's licence.
21. Firearms dealer's licence.
22. Dealer's register.
23. Permit to repair, test or prove firearms (other than by a registered firearms dealer).
24. Return of repairs, test or proof carried out by a person other than a firearms dealer.
25. Transfer certificate.
26. Receipt for firearm or ammunition deposited in a public warehouse.
27. Permit for withdrawal of firearms and ammunition from a public warehouse.
28. Receipt for firearm or ammunition taken into possession by a customs officer.
29. Record of deposits and withdrawals from public warehouse.
30. Information to ground search warrant.
31. Search warrant.

FORM 1
(Regulation 3)
REPUBLIC OF ZAMBIA

THE FIREARMS ACT

THE FIREARMS REGULATIONS
No. .......................

FIREARMS DEALER'S IMPORT PERMIT
Permission is hereby granted to (name in full) of (address)

who is the holder of Firearms Dealer's Licence No. .................dated to import the firearms and ammunition specified hereunder:

FIREARMS:
Quantity and description

AMMUNITION:
Quantity and description

CONDITIONS SUBJECT TO WHICH THIS PERMIT IS HELD:

FEE UNITS PAID: 60
DATE STAMP

Registrar

ORIGINAL to Firearms Dealer
DUPLICATE and TRIPLICATE to Controller of Customs and Excise
QUADRUPLICATE to be retained by Registrar
(As amended by Act No. 13 of 1994)

FORM 2
(Regulation 3)

REPUBLIC OF ZAMBIA

THE FIREARMS ACT

THE FIREARMS REGULATIONS

APPLICATION FOR FIREARMS DEALER'S EXPORT PERMIT
To: The Registrar  
Central Firearms Registry  
P.O. Box RW.103  
Lusaka

I (full name)  
of (firm)  
of (address)

being the holder of Firearms Dealer's Licence No. dated apply for a permit to export the firearms and ammunition specified hereunder:

**FIREARMS:**

<table>
<thead>
<tr>
<th>Type</th>
<th>Make</th>
<th>Calibre</th>
<th>Serial No.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
</tbody>
</table>

State which, if any, of the above firearms are fully automatic.

**AMMUNITION:**

Quantity and description

Is the exportation permanent or temporary? To whom does the firearm(s)/ammunition belong? (if not the property of the applicant dealer, give name and address of owner)

Number and date of issue of Firearm Licence if firearm(s)/ammunition are not the property of the applicant dealer

<table>
<thead>
<tr>
<th>Number</th>
<th>date of issue</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

State precise reason for exportation (e.g. repair, dealer acting as agent or supplier for person not resident in Zambia)

What is the country of ultimate destination?

Which is the port of exit from Zambia?

What is the name of the consignee?
What is the address of the consignee?

By what method of transportation will the export be effected?

State details (if known) of the particulars of any Import Permit or other document authorising the consignee to possess the firearm(s)/ammunition in the country of ultimate destination.

I certify that the above information is correct and I am aware that it is an offence to contravene any condition on which the permit may be issued.

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

Date Signature of Firearms Dealer

Application approved/not approved

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

Registrar

Number and date of issue of Firearms Dealer's Export Permit issued
FORM 3
(Regulation 3)
REPUBLIC OF ZAMBIA

THE FIREARMS ACT

THE FIREARMS REGULATIONS
No. ............................

FIREARMS DEALER'S EXPORT PERMIT

Permission is hereby granted to (name in full)
of (address)

who is the holder of Firearms Dealer's Licence No
dated
to export the firearms and ammunition as hereunder specified:

FIREARMS:

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<th>Type</th>
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<th>Calibre</th>
<th>Serial No.</th>
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</tbody>
</table>

AMMUNITION:
Quantity and description

Country of ultimate destination

Port of exit from Zambia
Name of consignee

Address of consignee

Method of transportation (road, rail, air, etc.)
Exportation is temporary/permanent (*delete whichever is inapplicable*).

Conditions subject to which this permit is held

FEE UNITS PAID: 6

**DATE STAMP**

*Registrar*

This permit will remain valid for a period of three months from the date of issue and if not utilised within such period must be returned to the Registrar. The Fee Paid is not returnable.

ORIGINAL to Firearms Dealer
DUPLICATE and TRIPLICATE to Controller of Customs and Excise
QUADRUPLICATE to be retained by Registrar

(*As amended by Act No. 13 of 1994*)

**FORM 4**
(*Regulation 4*)

REPUBLIC OF ZAMBIA

THE FIREARMS ACT

THE FIREARMS REGULATIONS

APPLICATION FOR TOURIST'S IMPORT/EXPORT PERMIT

Applicant's surname (*or last name*)
Other names (*forenames*)
Date and place of birth
Residential address

Postal address (*or address to which you wish the permit to be posted*)

Address in Zambia
Passport No. .........................................Place of issue
Date of issue
Particulars of firearm(s) and ammunition for which permit is required.

FIREARMS:

<table>
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<tr>
<th>Type</th>
<th>Make</th>
<th>Calibre</th>
<th>Serial No.</th>
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</table>

AMMUNITION:
Quantity and description

*(a) Name of approved safari company with whom you are booked

*(b) Name of shooting competition in Zambia in which you are taking part

Port of entry into Zambia
Port of exit from Zambia
Proposed date of entry into Zambia
Proposed date of departure from Zambia

I certify that the above information is correct and I enclose the fee of 60 fee units in the form of (e.g. cash, postal order, etc.) which I understand will be refunded to me if this application is not approved.

Date .......................................................... Signature of Applicant

Receipt No. and date if fee is paid to a Zambian Diplomatic Mission outside Zambia.

*Delete (a) or (b) as applicable

Application *approved/not approved

Tourist's Import/Export permit No. ......................... dispatched on (date) .........to address as requested by

Date .................................................................... Registrar
To be completed only if application is not approved.

*To (name of applicant)

I regret to inform you that your application for a Tourist's Import/Export permit has not been approved and herewith by prepaid registered post the sum of 60 fee units.

*To (name of Zambian Diplomatic Mission outside Zambia)

I refer to an application made by for a Tourist's Import/Export permit and am to advise that this application has not been approved. Please advise the applicant accordingly and refund to him the fee paid.

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

Date                                                   Registrar

*Delete as applicable

(As amended by Act No. 13 of 1994)
FORM 5  
(Regulation 4)

REPUBLIC OF ZAMBIA

THE FIREARMS ACT

THE FIREARMS REGULATIONS

TOURIST'S IMPORT/EXPORT PERMIT

No. .........................

1. Permission is hereby granted to (name in full)

of (residential address)

Address in Zambia

Passport No. ........................ Place of issue

Date of issue

to import into the Republic of Zambia the firearms and ammunition specified hereunder:

FIREARMS:

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<tr>
<th>Type</th>
<th>Make</th>
<th>Calibre</th>
<th>Serial No.</th>
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</table>

AMMUNITION:

Quantity and description

This permit is subject to the following conditions:

(1) no ammunition imported under the authority of this permit shall be used except in connection with a shooting competition or a hunting safari conducted by an approved safari company;

(2) the firearms specified in this permit and any unused ammunition imported thereunder shall be removed from the Republic within six calendar months of the date of import;

(3) no such firearms or unused ammunition shall be removed from the Republic except
under the authority of a tourist's export permit, and unless the export permit is surrendered to a customs officer at the port of exit by the tourist or his agent;

(4) (further conditions, if any)

*(a) Name of approved safari company with whom applicant is booked

*(b) Name of shooting competition in Zambia in which applicant is taking part

Port of entry into Zambia
Port of exit from Zambia
Proposed date of entry into Zambia
Proposed date of departure from Zambia

*Delete (a) or (b) as applicable

FEE PAID: 60 fee units

Receipt No. and date if fee paid to Zambian Diplomatic Mission abroad.

DATE STAMP

Registrar

TOURIST'S EXPORT PERMIT

2. Permission is hereby granted to (name in full)

to export from the Republic of Zambia the firearms and ammunition specified hereunder:

FIREARMS:

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<tr>
<th>Description</th>
<th>Serial No.</th>
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</table>

AMMUNITION:

Quantity and description
DATE STAMP

Registrar

ORIGINAL to Tourist
DUPLICATE and TRIPLICATE to Controller of Customs and Excise
QUADRUPLICATE to be retained by Registrar

(As amended by Act No. 13 of 1994)
FORM 6  
(Regulation 5) 

REPUBLIC OF ZAMBIA  

THE FIREARMS ACT  

THE FIREARMS REGULATIONS  

RESIDENT'S EXPORT PERMIT  

(NOT to be issued to a Registered Firearms Dealer except in his private capacity) 

Permission is hereby granted to (name in full) 

of (residential address) 

Postal address 

to remove the following firearm(s) or ammunition from the Republic: 

*(a) temporarily, for the period from to ................... or 

*(b) permanently: 

FIREARMS: 

<table>
<thead>
<tr>
<th>Type</th>
<th>Make</th>
<th>Calibre</th>
<th>Serial No.</th>
<th>Licence No.</th>
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AMMUNITION: 

This permit is issued and held subject to the condition that if the firearm(s) specified above is/are not removed from Zambia within three months of the date of issue it must be returned to the Registrar. 

Signed ....................................................................................  

Date  

Registrar
*Delete as applicable

Received from the above named person who states he is leaving Zambia permanently Firearm Licence
No. ..........................................................dated......................................................

Signed ...................................................................................

Authorised Officer

ORIGINAL to Applicant
DUPLICATE to be retained by Registrar
NOTE-This permit must be produced to a customs officer at the port of exit and if you are
leaving Zambia permanently your firearm licence must be surrendered to such officer.
FORM 7

(Regulation 6)

REPUBLIC OF ZAMBIA

THE FIREARMS ACT

THE FIREARMS REGULATIONS

APPLICATION FOR CERTIFICATE OF EXEMPTION IN RESPECT OF:
*A SLAUGHTERING INSTRUMENT/INDUSTRIAL BOLT-FIRING INSTRUMENT/
SIGNALLING APPARATUS/ANTIQUE FIREARM

*Delete whichever is inapplicable

To: Officer Commanding

.................................Division
Zambia Police

Applicant's surname (or last name)
Other names (forenames)
National Registration Card No.
Date and place of birth
Residential address

Postal address

If the owner of the *instrument/apparatus/antique firearm is an association, what is the name of such association?

Situation of registered office (if any)
Situation of the place at which the *instrument/apparatus/antique firearm will be kept

State the precautions which will be taken to ensure the security of the *instrument/apparatus and the ammunition when not in use (this question need not be answered in respect of an antique firearm)

What modifications have been carried out to render the antique firearm permanently incapable of being brought as a firearm?
What is the year of manufacture of the antique firearm? *(if unknown, state estimated age)*
From whom or where is the antique firearm to be acquired? *(name and address)*

(a) Description of *instrument/apparatus/antique firearm indicating, where applicable, the calibre and Series*

(b) Ammunition for *instrument/apparatus in respect of which application is made for possession*

I certify that the above information, to the best of my knowledge and belief, is true.

..................................................................................................................  ..........................................................  ..........................................................
Date                                                                                     Signature of Applicant

*Delete as applicable*

To: Registrar
    I have to inform you that Certificate of Exemption No.

    was issued to the applicant on

Divisional Commander

ORIGINAL to Registrar upon issue of certificate
DUPLICATE to be retained
FORM 8
(Regulation 6)
REPUBLIC OF ZAMBIA

THE FIREARMS ACT

THE FIREARMS REGULATIONS
No. ....................... 

CERTIFICATE OF EXEMPTION IN RESPECT OF:
*A SLAUGHTERING INSTRUMENT WHICH IS NOT OF THE CAPTIVE-BOLT TYPE/INDUSTRIAL BOLT-FIRING INSTRUMENT/SIGNALLING APPARATUS/ANTIQUE FIREARM

I hereby certify that the undermentioned is authorised to possess the
*instrument/apparatus/antique firearm/ammunition specified below without holding a firearm licence in respect thereof:

Name in full
Residential address

Postal address

National Registration Card No.

(a) Description of *instrument/apparatus/antique firearm, indicating, where applicable, the calibre and Serial No.

(b) Ammunition

This certificate is valid for one year with effect from the date of issue.
FEE PAID: 8 fee units

.................................................................................................................. Signed Divisional

Date

Commander

Division
*Delete as applicable

ORIGINAL to Applicant
DUPLICATE to support field cash book entry
TRIPLICATE to Registrar
QUADRUPLE to remain in book

(As amended by Act No. 13 of 1944)
FORM 9  
*(Regulation 7)*

REPUBLIC OF ZAMBIA

THE FIREARMS ACT

THE FIREARMS REGULATIONS

APPLICATION FOR CERTIFICATE OF EXEMPTION FOR AUCTIONEER

*To:* Officer Commanding  
................................. Division  
Zambia Police

Applicant's surname *(or last name)*

Other names *(forenames)*
of *(firm)*
of *(address)*

Address of registered office

Full description of facilities possessed to ensure the security of firearms and ammunition

From whom are the firearms and ammunition to be acquired?

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Owner's Firearm Licence No.</th>
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</table>

Address of premises upon which auction will be conducted

Address of premises upon which the firearms and ammunition will be stored whilst in your custody

Firearms and ammunition in respect of which an auctioneer's permit of exemption is applied for:
FIREARMS: (each firearm to be described separately. If this space is insufficient, append separate inventory.)

<table>
<thead>
<tr>
<th>Type</th>
<th>Make</th>
<th>Calibre</th>
<th>Serial No.</th>
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AMMUNITON:

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<th>Quantity</th>
<th>Description</th>
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I certify that the above information, to the best of my knowledge and belief, is true.

Date ................................................... Signature of Applicant ...................................................

---

**FORM 10**

*(Regulation 7)*

**REPUBLIC OF ZAMBIA**

THE FIREARMS ACT

THE FIREARMS REGULATIONS
No. ......................

CERTIFICATE OF EXEMPTION FOR AUCTIONEER

I hereby certify that the undermentioned is authorised to possess for sale by auction, the firearm(s) or ammunition specified below without holding a firearm licence in respect thereof:

Full name of (firm) of (address)

FIREARMS:

<table>
<thead>
<tr>
<th>Type</th>
<th>Make</th>
<th>Calibre</th>
<th>Serial No.</th>
<th>For sale on behalf of (full name)</th>
<th>Owner's Firearm Licence No.</th>
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### AMMUNITION:

<table>
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<th>Quantity</th>
<th>Description</th>
<th>For sale on behalf of</th>
<th>Owner's Firearm Licence No.</th>
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upon the following premises

**Conditions to be observed for the safe custody of firearms and ammunition**

This certificate is valid until

Any firearm or ammunition sold under authority of this certificate must not be given into the actual possession of the purchaser unless he produces to the holder of this certificate a valid licence or permit authorising him to possess the firearm or ammunition.

This certificate is to be returned to the Divisional Commander who issued it not later than the date of expiration thereof, unless endorsed as returned on the reverse hereof duly completed by the holder.

**FEE PAID:** 8 fee units

**Date**

**Divisional Commander**

ORIGINAL to Applicant
DUPLICATE to support field cash book entry
TRIPLICATE to Registrar
QUADRUPPLICATE to be retained

The Divisional Commander shall, on return of this certificate to him by the holder, forward it to the Registrar of Firearms endorsing the particulars of the return overleaf on the reverse of the quadruplicate of this certificate.

*(As amended by Act No. 13 of 1994)*

I hereby certify that I the undersigned have, on the date indicated, sold to the undermentioned person(s), the firearms(s) under authority of this certificate and which are set out below opposite my signature and that I have entered the entries in the "Record of Ammunition Supplied" portion of the purchaser's firearm licence.

<table>
<thead>
<tr>
<th>Date</th>
<th>Full Name of Purchaser</th>
<th>No. and Date of issue of Purchaser’s Firearm</th>
<th>Firearms(s) Sold</th>
<th>Quantity</th>
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If all or some of the firearms and/or ammunition remain unsold, give details of their disposal by Auctioneer:


Date Signature of Applicant
FORM 11
(Regulation 8)

REPUBLIC OF ZAMBIA

THE FIREARMS ACT

THE FIREARMS REGULATIONS

APPLICATION FOR *FIREARM CERTIFICATE/PROVISIONAL FIREARM CERTIFICATE

........................................... Police Station
To be completed in Triplicate
ORIGINAL and DUPLICATE to Commissioner
TRIPLICATE to be retained by Officer in Charge

PART I
Applicant's surname (or last name)
Other names (forenames)
Date and place of birth
Address (residential)

Address (postal)

Occupation
Nationality
National Registration Card No.
Particulars of Passport (Non-Zambians only).
Passport No. ...................................................... Place of issue
Date of issue ..................................................

Particulars of firearm(s) and ammunition for which certificate is required:
FIREARMS:

<table>
<thead>
<tr>
<th>Type</th>
<th>Make</th>
<th>Calibre</th>
<th>Serial No.**</th>
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........................................... ............................  .....................
AMMUNITION:
Quantity, calibre and type applied for

(If application is for provisional firearm certificate these particulars need not be supplied on this application)
State which, if any, of the above firearms is fully automatic

From whom firearm(s) to be acquired

State purpose for which firearm(s) required

State No. and date and place of issue of any current or previously held Zambia Firearm Licence or Certificate

State details of ANY conviction(s) against the applicant within or outside Zambia together with sentences imposed in respect thereof or, where there is no conviction against the applicant, state 'NIL':

<table>
<thead>
<tr>
<th>Offence(s)</th>
<th>Date of Conviction</th>
<th>Place of Conviction</th>
<th>Sentence Imposed</th>
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I certify that the above information is correct and I am aware that it is an offence to make any false statement for the purpose of procuring a Firearm Certificate or Provisional Firearm Certificate.

....................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................................
Date                                                                                              Signature or right thumbprint of applicant
PART II
Certificate to be signed by the Officer in Charge of Police if the applicant is unable to understand the English language.

I hereby certify that I have translated the above particulars from (language) into English and explained to the applicant in

Officer in Charge of Police or other Police
Officer not below the rank of Sub-Inspector

PART III
Inspector-General of Police,
Lusaka.

I hereby certify that none of the prohibitions set out in section 12 (4) of the Act applies.
A certificate of competency *has been issued/is considered unnecessary in this case.

DATE STAMP

Officer in Charge of Police

*Delete as applicable

PART IV
Comments of Officer in Charge Criminal Record Office

PART V
(to be detached)
ORIGINAL to Applicant
DUPPLICATE to Officer in Charge of Police to whom DATE STAMP application was made
TRIPLICATE to be retained

Sir,

I am to advise you that your application for a *Provisional Firearm Certificate/Firearm Certificate* has/has not been approved.

*I am to request that you produce the enclosed Provisional Firearm Certificate to the Officer in Charge of Police Station in order that a Firearm Certificate may be issued.

*I am to request that you produce the enclosed Firearm Certificate to the Licensing Authority in whose area you reside in order that a Firearm License may be issued.

I am, Sir,

your obedient servant

Inspector-General of Police

Name of Applicant
Postal address

*Delete as applicable
(As amended by No. 183 of 1971).
FORM 12
(Regulation 9).

REPUBLIC OF ZAMBIA

THE FIREARMS ACT

THE FIREARMS REGULATIONS
No. ............................

FIREARM CERTIFICATE

Authority is hereby given to (name in full)

of (residential address)

of (postal address)

to be issued with a Firearm Licence in respect of the firearm(s) and ammunition specified hereunder:

FIREARMS:

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<th>Type</th>
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<th>Calibre</th>
<th>Serial No.</th>
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</table>

AMMUNITION:

(a) Quantities authorised to be purchased in any one year (type, calibre)

(b) Quantities authorised to be held at any one time (type, calibre)

The Firearm Licence which is hereby authorised to be granted to the holder of this certificate shall be held subject to the following conditions

This certificate will remain valid for a period of three months from the date of issue.

DATE STAMP
Inspector-General of Police or Officer in Charge of
Police in terms of Provisional Firearm
Certificate No. ..................

ORIGINAL to Applicant to be surrendered to the Licensing Authority when Firearm License is issued

DUPLICATE to be retained or, if issued on authority of a Provisional Firearm Certificate, to be forwarded to the Inspector-General of Police by the Officer in Charge
FORM 13
(Regulation 10)
REPUBLIC OF ZAMBIA

THE FIREARMS ACT

THE FIREARMS REGULATIONS
No. ..................................

PROVISIONAL FIREARM CERTIFICATE

Authority is hereby given to the officer in charge of police at Police Station on notification to him of the description and serial number of the firearm in question, on my behalf to issue to (full name) of (residential address) (postal address)

a firearm certificate in respect of a firearm and ammunition, the general description of the type and calibre of which is specified hereunder:
FIREARM: (General description and calibre)

AMMUNITION:
(a) Quantities authorised to be purchased in any one year (type, calibre)

(b) Quantities authorised to be held at any one time (type, calibre)

The firearm certificate which is hereby authorised to be granted to the applicant in respect thereof shall be endorsed with the following conditions whereby a firearm license shall be granted to him

This provisional firearm certificate will remain valid for a period of nine months from the date of issue and, if no firearm certificate is issued under this authority, upon its expiry must
be returned to the Inspector-General so endorsed.

DATE STAMP

Inspector-General of Police

ORIGINAL to Applicant, to be surrendered to officer in charge of police on issue of firearm certificate
DUPLICATE to officer in charge of police, to be returned to the Inspector-General within three days of the issue of a firearm certificate
TRIPLICATE to be retained by the Inspector-General

N.B.-This provisional certificate is NOT a firearm certificate and does NOT entitle the holder to the issue of a firearm licence by a licensing authority

To: Inspector-General of Police

*(a) In exercise of the authority vested in me by virtue of this provisional firearm certificate I hereby certify I have issued Firearm Certificate No. , the duplicate of which is appended hereto, to the applicant on (date of issue of firearm certificate)

*(b) No firearm certificate has been issued.

DATE STAMP

Officer in Charge of Police

*Delete (a) or (b) as applicable
'See Note overleaf'

NOTE-The holder of a Provisional Firearm Certificate shall, on ascertaining the details of the firearm he proposes to acquire, produce such certificate and firearm to the officer in charge of police, who, if so authorised by the Inspector-General, shall, on being satisfied that the firearm proposed to be acquired fits the general description contained in such certificate, issue a firearm certificate on behalf of the Inspector-General.
(As amended by No. 157 of 1972)
FORM 14
(Regulation 11)

REPUBLIC OF ZAMBIA

THE FIREARMS ACT

THE FIREARMS REGULATIONS
No. ..........................................

FIREARM LICENCE

Place of issue
Date of issue
Surname.
Other names
Residential address

National Registration Card No.
Passport No. ........................................ Place of issue
Date of issue
Fee paid
Receipt No.
DATE STAMP

Licensing Authority

ENDORSEMENTS OF CHANGES OF RESIDENTIAL ADDRESS*
Change of residential address

Change of postal address

.............................................................
Date ................................................

Officer in Charge of Police
........................................ Police Station
Change of residential address

Change of postal address

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

Date Officer in Charge of Police

......................... Police Station

Change of residential address

Change of postal address

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

Date Officer in Charge of Police

......................... Police Station

Change of residential address

Change of postal address

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

Date Officer in Charge of Police

......................... Police Station

*Details of endorsement to be sent to Central Firearms Registry

FIREARMS REGISTERED IN LICENCE HOLDER'S NAME

(1) Date acquired ..................................................................................
    Type ............................................................................................
    Make ..........................................................................................
    Calibre .....................................................................................
    Serial number .........................................................................

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

OFFICIAL STAMP

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

Licensing Authority

†Date of disposal of firearm

Method of disposal of firearm
<table>
<thead>
<tr>
<th>(2) Date acquired</th>
<th>Type</th>
<th>Make</th>
<th>Calibre</th>
<th>Serial number</th>
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</table>

**Licensing Authority**

†Date of disposal of firearm
Method of disposal of firearm

<table>
<thead>
<tr>
<th>(3) Date acquired</th>
<th>Type</th>
<th>Make</th>
<th>Calibre</th>
<th>Serial number</th>
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</table>

**Licensing Authority**

†Date of disposal of firearm
Method of disposal of firearm

<table>
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<th>(4) Date acquired</th>
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</table>
APPLICATION FOR RENEWAL OF FIREARM LICENCE ENDORSEMENT PRIOR TO RENEWAL

The firearms specified in this Licence have been produced for my inspection and have been found to be in accordance with the details specified in this Licence.

I am satisfied that the provisions of section 14 (3) of the Act have been complied with and that this Firearm Licence may be renewed.

Given under my hand this .......................................... day of    , 19 ......

DATE STAMP

Officer in Charge of Police

RECORD OF RENEWAL

This Firearm Licence No.   is hereby renewed for three years with effect from the .............................. day of ............................ ., 19....

FEE PAID

Receipt No.

DATE STAMP

Licensing Authority
TO RENEWAL

The firearms specified in this Licence have been produced for my inspection and have been found to be in accordance with the details specified in this Licence.
I am satisfied that the provisions of section 14 (3) of the Act have been complied with and that this Firearm Licence may be renewed.
Given under my hand this ......................... day of ....................... , 19 ....

DATE STAMP

Officer in Charge of Police

RECORD OF RENEWAL

This Firearm Licence No. is hereby renewed for three years with effect from the .................. day of ..................... , 19 ....
FEE PAID
Receipt No.

DATE STAMP

Licensing Authority

APPLICATION FOR RENEWAL OF FIREARM LICENCE ENDORSEMENT PRIOR TO RENEWAL

The firearms specified in this Licence have been produced for my inspection and have been found to be in accordance with the details specified in this Licence.
I am satisfied that the provisions of section 14 (3) of the Act have been complied with and that this Firearm Licence may be renewed.
Given under my hand this ......................... day of ....................... , 19 ....

DATE STAMP

Officer in Charge of Police

RECORD OF RENEWAL

This Firearm Licence No. is hereby renewed for three years with effect from the .................. day of ..................... , 19 ....
FEE PAID
Receipt No.
APPLICATION FOR RENEWAL OF FIREARM LICENCE ENDORSEMENT PRIOR TO RENEWAL

The firearms specified in this Licence have been produced for my inspection and have been found to be in accordance with the details specified in this Licence.
I am satisfied that the provisions of section 14 (3) of the Act have been complied with and that this Firearm Licence may be renewed.
Given under my hand this ....................... day of ....................... , 19 .......

DATE STAMP

Officer in Charge of Police

RECORD OF RENEWAL

This Firearm Licence No.   is hereby renewed for three years with effect from the ....................... day of ....................... , 19 .......
FEE PAID
Receipt No.

DATE STAMP

Licensing Authority

This licence is issued and held subject to the following conditions imposed by the Inspector-General of Police:

Firearm Certificate

DATE STAMP

Licensing Authority

The conditions specified above are hereby varied as follows:

Inspector-General of Police
AMMUNITION

(a) The quantities of ammunition authorised to be purchased or acquired in any one year by the holder of this Licence shall not exceed (type, calibre)

(b) The quantities of ammunition authorised to be held at any one time by the holder of this Licence shall not exceed (type, calibre)

RECORD OF AMMUNITION SUPPLIED

I hereby certify that I, the undersigned, have on this date supplied to the holder of this Firearm Licence the quantity of ammunition set out below opposite my signature.

<table>
<thead>
<tr>
<th>Date</th>
<th>Quantity and Description of Ammunition Supplied</th>
<th>Names and Address (block capitals) of Supplier</th>
<th>Signature</th>
</tr>
</thead>
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</tbody>
</table>

N.B.-The quantity of ammunition authorised to be held or purchased need not be obtained all at once, but any person supplying ammunition must endorse in ink in the above space the amount supplied and it is an offence to supply ammunition which, in the aggregate, exceeds the quantities specified in paragraph (a) or (b) above.
FORM 15
(Regulation 11)
REPUBLIC OF ZAMBIA

THE FIREARMS ACT

THE FIREARMS REGULATIONS
No. ........................................

RECEIPT FOR FIREARM LICENCE FEES

Details of Firearms and Ammunition

(a) FIREARMS:

<table>
<thead>
<tr>
<th>Type</th>
<th>Make</th>
<th>Calibre</th>
<th>Serial No.</th>
<th>Amount</th>
</tr>
</thead>
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</table>

(b) AMMUNITION:

Firearm Licence No.

Received from (full name)
of (address)
the sum of (in words)

K

*First Issue/Renewal/Replacement

.................................................................
Date Licensing Authority

*Delete as applicable
ORIGINAL to Payer
DUPLICATE to Central Firearms Registry
TRIPLICATE to be retained by Licensing Authority
FORM 16
(Regulation 12)
REPUBLIC OF ZAMBIA

THE FIREARMS ACT

THE FIREARMS REGULATIONS

CERTIFICATE OF COMPETENCY

I hereby certify that (name in full
of (residential address)

(postal address)

is a fit and proper person to be issued with a *Firearm Certificate/Provisional Firearm
Certificate and that he understands and is competent to use the type of firearm(s) specified
hereunder

The applicant has satisfied me that he has an adequate knowledge of the Firearms Code.
Given under my hand this ....................................................... day
of .......................................................... , 19 .................

DATE STAMP

Officer in Charge of Police

ORIGINAL to Inspector-General of Police
DUPLICATE to Applicant

*Delete as applicable

FORM 17
(Regulation 13)

REPUBLIC OF ZAMBIA
AUTHORITY TO POSSESS, CARRY AND USE A FIREARM AND AMMUNITION
OWNED BY AN ASSOCIATION

Full name of member/employee

*being a member of
*being employed by

is hereby authorised to possess, carry and use the following firearm(s) and/or ammunition:

(a) FIREARMS:

<table>
<thead>
<tr>
<th>Type</th>
<th>Make</th>
<th>Calibre</th>
<th>Serial No.</th>
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</table>

(b) AMMUNITION:

in respect of which a valid Firearm Licence No. has been issued to the above-named association.

This authority is valid only when a member or employee of an association is possessing, carrying or using a firearm or ammunition owned by his association in his capacity as a member or employee of such association.

This authority is valid until

 Signed

Date

Officer in Charge of Police

Police Station

ORIGINAL to Applicant
DUPLICATE to Registrar
TRIPLICATE to be retained by Officer in Charge of Police

*Delete as applicable
FORM 18

(Regulation 14)

REPUBLIC OF ZAMBIA

THE FIREARMS ACT

THE FIREARMS REGULATIONS

APPLICATION FOR REGISTRATION AS A FIREARMS DEALER

To: The Registrar
   Central Firearms Registry
   P.O. Box RW.103
   Lusaka

1. I (full name)
   of (firm)
   of (address)

hereby apply for registration as a firearms dealer, and for permission to keep a private
warehouse at the place or places of business specified below in accordance with section 26
of the Firearms Act.

2. Particulars of place(s) of business

3. Maximum quantity and type of firearms and ammunition to be held at any one time:
   (a) FIREARMS:

<table>
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<tr>
<th>Quantity</th>
<th>Type</th>
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</table>
   (b) AMMUNITION:

4. State whether a disqualification order under section 33 of the Act has been made
   against you

If "Yes" give details
5. State whether you have ever been convicted of any offence(s) either within or outside Zambia

If "Yes" give details

6. State your nationality

7. State whether you are conversant with the provisions of the Firearms Act and all the Regulations made thereunder:

    I certify that the above particulars are correct.

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

    Date  Signature of Applicant

Application to be submitted in duplicate together with a certificate of suitability of each place of business in accordance with the provisions of section 27 (1) of the Firearms Act.
FORM 19
(Regulation 14)
REPUBLIC OF ZAMBIA

THE FIREARMS ACT

THE FIREARMS REGULATIONS
No.............

CERTIFICATE OF REGISTRATION AS A FIREARMS DEALER

I hereby certify that (full name)

(hereinafter referred to as "the applicant")
of (residential address)
(postal address)

has this day been registered as a firearms dealer in accordance with the provisions of the Firearms Act. Accordingly, in terms of section 27 (5) of the Firearms Act, the applicant is authorised to be issued with a firearms dealer's licence in respect of the following premises.

Maximum quantity and type of firearms and ammunition to be held at any one time:

(a) FIREARMS:

<table>
<thead>
<tr>
<th>Quantity</th>
<th>Type</th>
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</tbody>
</table>

(b) AMMUNITION:

Given under my hand this day of .................................. , 19 ......

Signed

Registrar

ORIGINAL to Applicant
DUPLICATE to Licensing Authority
TRIPLICATE to Officer in Charge of Police
QUADRUPLE to be retained by Registrar
FORM 20
(Regulation 15)
REPUBLIC OF ZAMBIA

THE FIREARMS ACT

THE FIREARMS REGULATIONS

APPLICATION FOR ISSUE/RENEWAL OF FIREARMS DEALER'S LICENCE

To (Licensing Authority) ...........................................
...........................................................................................
...........................................................................................

I (full name) of (firm) of (address)

*(a) hereby apply for the issue of a Firearms Dealer's Licence in terms of section 27 (5) of the Firearms Act, in respect of the premises, firearms and ammunition authorised in Certificate of Registration as a Firearms Dealer No. ................. dated ......................... or

*(b) hereby apply for the issue of a new Firearms Dealer's Licence in respect of the same place(s) of business specified in my previous licence, in terms of section 30 (2) and (3) of the Firearms Act.

I enclose herewith my old Firearms Dealer's Licence No. ............ which expires on

, 19 ......... , and a certificate from the Registrar that the above-mentioned place(s) of business is/are entered on the Register.

................................................................. Date 
................................................................. Signature of Applicant

*Delete (a) or (b) as applicable

FORM 21
(Regulation 15)

REPUBLIC OF ZAMBIA

THE FIREARMS ACT
THE FIREARMS REGULATIONS
No. ........................................

FIREARMS DEALER'S LICENCE

Name in full
of (residential address)

(postal address)

of (name of firm)

is hereby licensed to carry on the business of a firearms dealer (and to keep a private
warehouse) at the following place of business:

and has been authorised by the Registrar to hold at the said place of business firearms and
ammunition as specified hereunder:

FIREARMS:

<table>
<thead>
<tr>
<th>Quantity</th>
<th>Type</th>
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</table>

AMMUNITION:

Quantity and description

Firearms Dealer's Registration Certificate No. ............................

This Licence is valid for one year from the date of issue.

FEE PAID: 750 fee units

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

Date Licensing Authority

ORIGINAL to Applicant
DUPLICATE to Officer in Charge of Police in whose area the business is situated
TRIPLICATE to Registrar
QUADRUPLICATE to be retained by Licensing Authority

(As amended by Act No. 13 of 1994)
**FORM 22**  
*(Regulation 16)*

**REPUBLIC OF ZAMBIA**

**THE FIREARMS ACT**

**THE FIREARMS REGULATIONS**

**DEALER'S REGISTER**

**TRANSACTIONS FOR THE MONTH OF ....................., 19 ....**

Name of Firearms Dealer ...........................

Firearms Dealer's Licence No. ......................

Address of private warehouse ........................

**DEPOSITS**

<table>
<thead>
<tr>
<th>Entry No.</th>
<th>Date of Deposit</th>
<th>Quantity</th>
<th>Description and Serial No. of Firearms</th>
<th>Calibre and Type of Ammunition</th>
<th>Reason for Deposit</th>
<th>Import Permit No. and Date of Issue or Firearm Licence No. or Permit of Exemption No. of Depositor and Date of Issue</th>
<th>Name and Address of Depositor</th>
<th>Withdrawal No.</th>
<th>Date of Withdrawal</th>
<th>Quantity</th>
<th>Description and Serial No. of Firearms</th>
<th>Calibre and Type of Ammunition</th>
<th>Reason for Withdrawal</th>
<th>Firearm Licence No. or Permit of Exemption No. and Date of Issue</th>
<th>Name and Address of Recipient</th>
<th>Withdrawal No.</th>
</tr>
</thead>
</table>

**WITHDRAWALS**
FORM 23
(Regulation 17)
REPUBLIC OF ZAMBIA

THE FIREARMS ACT

THE FIREARMS REGULATIONS
No. ..............................

PERMIT TO REPAIR, TEST OR PROVE FIREARMS (OTHER THAN BY A
REGISTERED FIREARMS DEALER)

Permission is hereby granted to (name)
of (residential address)

to repair, test or prove firearms and ammunition at the following business premises
(address)

Attention is drawn to regulation 18 requiring the above-named person to keep a register of
transactions in Form 24.

Signed
Registrar

FEE PAID: 11 fee units

ORIGINAL to Applicant
UPLICATE to be retained by Registrar

(As amended by Act No. 13 of 1994)
FORM 24  
*(Regulation 18)*

REPUBLIC OF ZAMBIA

THE FIREARMS ACT

THE FIREARMS REGULATIONS

RETURN OF REPAIRS, TEST OR PROOF CARRIED OUT BY A PERSON OTHER THAN A FIREARMS QUARTER OF YEAR ENDED ................................... , 19 .......

| Entry No. | Name of Owner of Firearms or Ammunition | Description and Serial No. of Firearms or Ammunition | Date of Receipt of Firearms or Ammunition | Firearm Licence No. or Permit of Exemption No. of Owner and Date of Issue | Brief Rep |
FORM 25
(Regulation 19)
REPUBLIC OF ZAMBIA

THE FIREARMS ACT

THE FIREARMS REGULATIONS
No. ........................................

TRANSFER CERTIFICATE

Full Name
of (residential address)
who is the holder of Firearm Licence No. issued by the Licensing Authority
on
is hereby authorised to borrow and have in his possession the following firearm(s) and ammunition:

(a) FIREARMS:

<table>
<thead>
<tr>
<th>Type</th>
<th>Make</th>
<th>Calibre</th>
<th>Serial No.</th>
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</table>

(b) AMMUNITION:

the property of-

(full name)
of (residential address)

the holder of Firearm Licence No. issued by the Licensing Authority on ...................................................

This certificate is valid for a period of six months from the date of issue.

......................................................... Signed

Date Divisional Commander

ORIGINAL to Borrower
DUPLICATE to Owner
TRIPlicate to Central Firearms Registry
Quadruplicate to be retained
FORM 26
(Regulation 20)
REPUBLIC OF ZAMBIA

THE FIREARMS ACT

THE FIREARMS REGULATIONS
No. .........................

RECEIPT FOR FIREARM OR AMMUNITION DEPOSITED IN A PUBLIC WAREHOUSE

Received from (name) of (address)

the following firearm(s) and/or ammunition:

(a) FIREARMS:

<table>
<thead>
<tr>
<th>Type</th>
<th>Make</th>
<th>Calibre</th>
<th>Serial No.</th>
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</table>

(b) AMMUNITION:

which have been deposited this day in the public warehouse at

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

Date Officer in Charge of Public Warehouse

Signature of person depositing
Firearms or Ammunition

ORIGINAL to person from whom firearms are received
DUPLICATE to Registrar
TRIPLICATE to be retained by issuing officer

NOTES
(i) This receipt will be issued to any person other than a Firearms Dealer who is required to deposit firearms or ammunition in a public warehouse.

(ii) IT IS MOST IMPORTANT that this receipt is retained by the person to whom it was issued. Failure to do so may result in delay when the firearms or ammunition are handed back to such person.

(iii) Firearms or ammunition which remain in a public warehouse in Zambia for a period of three years are liable to become the property of the Republic.
FORM 27
(Regulation 20)
REPUBLIC OF ZAMBIA

THE FIREARMS ACT

THE FIREARMS REGULATION

No. ..................................

PERMIT FOR WITHDRAWAL OF FIREARMS AND AMMUNITION FROM A PUBLIC WAREHOUSE

To: The Registrar
   Central Firearms Registry
   P.O. Box RW.103
   Lusaka

PART A
Permission is hereby granted to (name)
of (address)
to withdraw the undermentioned firearm(s) and ammunition from the public warehouse at (place).................

(a) FIREARMS:

<table>
<thead>
<tr>
<th>Type</th>
<th>Make</th>
<th>Calibre</th>
<th>Serial No.</th>
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</table>

(b) AMMUNITION:

No. of Firearm Licence/Certificate of Exemption/Export Permit/Form 28 or Firearms Dealer's Licence relating to above-mentioned firearm/ammunition
date of issue
Conditions to be observed on withdrawal
PART B
The firearms and/or ammunition mentioned above were withdrawn from the public warehouse at .................. on .................................................. by

Officer in Charge of Public Warehouse

PART C
To be completed when firearms and ammunition are returned to the person from whom they were taken upon his departure from Zambia.

To: Officer in Charge of Police/Public Warehouse

(Place)

I hereby acknowledge receipt of the firearms and ammunition specified in PART A of this form.

Signature of person receiving firearms and ammunition

To be forwarded to Registrar after firearms or ammunition are returned.
FORM 28  
*(Regulation 21)*  
REPUBLIC OF ZAMBIA

THE FIREARMS ACT

THE FIREARMS REGULATIONS
No. .....................

RECEIPT FOR FIREARM OR AMMUNITION TAKEN INTO POSSESSION BY A CUSTOMS OFFICER

Received from *(name)*  
of *(address)*  
the following firearm(s) and/or ammunition:

*(a)* FIREARMS:

<table>
<thead>
<tr>
<th>Type</th>
<th>Make</th>
<th>Calibre</th>
<th>Serial No.</th>
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</tbody>
</table>

*(b)* AMMUNITION:

.........................................................  DATE STAMP

*Signature of person depositing*  
*Signature of Customs Officer*

Date  
Place

ORIGINAL to person from whom firearms received  
DUPLICATE to Registrar  
TRIPLICATE to be retained by Customs Officer

Received the above-mentioned firearms and/or ammunition from  
....................... of Customs and Excise Department

*Signature of Police Officer*

DATE STAMP
NOTES

(i) IT IS MOST IMPORTANT that this receipt is retained by the person to whom it was issued. Failure to do so may result in delay when the firearms or ammunition are handed back to such person.

(ii) Firearms or ammunition which are not liable to forfeiture nor the subject of any offence and which are taken possession of by a Customs Officer may only be returned to a traveller upon his departure from Zambia AT THE SAME PORT through which he entered Zambia. Such firearms or ammunition should be claimed upon departure from Zambia from the officer in charge of the police station at the original port of entry. Not less than twenty-four hours' notice of such departure must be given to the officer in charge of the police station in question.

(iii) There is no provision for firearms to be returned to travellers at any place or port of exit other than the original port of entry. Firearms or ammunition not claimed by departing travellers may be returned to them at an address outside Zambia solely at the discretion of the Inspector-General of Police and upon payment of a handling fee and carriage by the claimant.

(iv) Firearms or ammunition which remain in a public warehouse in Zambia for a period of three years are liable to become the property of the Republic.
**FORM 29**
*(Regulation 22)*
**REPUBLIC OF ZAMBIA**

THE FIREARMS ACT

THE FIREARMS REGULATIONS

RECORD OF DEPOSITS AND WITHDRAWALS FROM THE PUBLIC WAREHOUSE AT ......................

**DEPOSITS:**

<table>
<thead>
<tr>
<th>Entry No.</th>
<th>Date</th>
<th>Withdrawal Entry No.</th>
<th>Description and Serial No. of Firearms or Ammunition</th>
<th>Name and Address of Depositor</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
</tbody>
</table>

**WITHDRAWALS:**

<table>
<thead>
<tr>
<th>Entry No.</th>
<th>Date</th>
<th>Deposit Entry No.</th>
<th>Name and Address of Person Making Withdrawal</th>
<th>Withdrawal Permit No.</th>
</tr>
</thead>
<tbody>
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</tbody>
</table>
FORM 30  
(Regulation 23)  

REPUBLIC OF ZAMBIA  

THE FIREARMS ACT  

THE FIREARMS REGULATIONS  

INFORMATION TO GROUND SEARCH WARRANT  

IN THE SUBORDINATE COURT of the  
Class for the .............................................. District, holden at  
WHEREAS ................................................................. of  
being first duly sworn, deposes and says that he has reasonable ground to suspect and does  
suspect that an offence under the Firearms Act has been, is being or is about to be  
committed because* ................................  
and that he has reasonable ground to suspect and does suspect that the firearm(s),  
ammunition or other thing aforementioned are    and he applies for a search warrant to  
isssue.  

Signature of the person applying 
for the Warrant  

Taken and sworn at ............. this ...........  
day of .............................................. , 19 .... Magistrate  

*Here state shortly the grounds on which the warrant is applied for. 
Enter here a description of the premises in respect of which the warrant is applied for.
FORM 31  
(Section 50)  
(Regulation 23)  
REPUBLIC OF ZAMBIA

THE FIREARMS ACT  

THE FIREARMS REGULATIONS  

SEARCH WARRANT  

IN THE SUBORDINATE COURT of the Class for the .............................................. District, holden at  

To: Police Officer, or authorised officer.  

WHEREAS ................................................................ of has this day made information on oath that there is reasonable ground for suspecting that an offence under the Firearms Act has been, is being or is about to be committed;  

NOW THEREFORE you are hereby authorised and commanded in the name of the President to enter at any time, with or without assistance and if necessary by force*, and search the same and any persons found therein and to seize any firearm or ammunition or any other thing which may be found on such search by which or in connection with which you have reasonable ground for suspecting that an offence under the said Act has been, is being or is about to be committed and if the premises are those of a registered firearms dealer, to examine any books relating to the firearms business of such dealer. If any firearm, ammunition or any other thing aforementioned are found on search you are further commanded to bring such firearm, ammunition or other thing so found and also any person arrested in connection therewith, before this Court to be dealt with according to law.  

Issud at the ........................... day of ........................ , 19 .......  

Magistrate  

* Here describe the premises or place in respect of which this warrant is issued.
THIRD SCHEDULE

(Regulation 29)

LICENSING AUTHORITIES FOR CERTAIN AREAS

(As amended by S.I. No. 37 of 1997)

REGULATIONS MADE UNDER THE FIREARMS ACT, 1965

(Section 15 of the Interpretation and General Provisions Act)

THE FIREARMS (CONTROL OF SHOOTING CLUBS) REGULATIONS

Act No. 24 of 1965

Statutory Instrument 71 of 1968

1. These Regulations may be cited as the Firearms (Control of Shooting Clubs) Regulations.

2. In these Regulations, unless the context otherwise requires-

"affiliated club" means a club affiliated to a parent association;

"approved club" means a club approved by the Minister in terms of these Regulations;

"club" means a rifle club, small bore rifle club, pistol club, shotgun club or clay pigeon club or a combination of two or more of the foregoing;

"Divisional Commander" means a senior police officer, as defined in the Act, who for the time being has been appointed by the Inspector-General of Police as Officer Commanding the Division in which area the club is situated;

"member" means fully paid-up member of an approved club;

"parent association" means an association in the First Schedule declared by the Minister to be a parent association for the purposes of these Regulations;
"small bore" means a bore not exceeding .5588 centimetres.

3. (1) After the commencement of these Regulations, every new club shall, within sixty days of its formation, make application for approval to the Minister in Form 1 in the Second Schedule. Application for approval by clubs

(2) Every club in existence at the commencement of these Regulations shall, within thirty days of the commencement of these Regulations, make application for approval to the Minister in Form 1 in the Second Schedule.

4. (1) Upon receipt of an application under regulation 3, the Minister may, at his discretion and without having to give reasons— Approval or disapproval of application by the Minister

(a) approve the application; or

(b) refuse the application:

Provided that no application for a club of a type for which a parent association exists shall be approved unless the club is an affiliated club.

(2) Where the Minister refuses an application he shall within a reasonable time notify the club of such refusal in writing.

(3) Where the Minister approves the application he shall issue or cause to be issued a certificate of approval in Form 2 in the Second Schedule, and upon receipt of such certificate the club officials shall display such same certificate at the club headquarters.

5. (1) Where the activities of an approved club are or are likely to be prejudicial to— Withdrawal of approval

(a) the interests of defence;
(b) public safety;

(c) public order;

of the Republic, the Minister may withdraw approval of that club.

(2) If the Minister withdraws approval of the club, he shall give in Form 3 in the Second Schedule a notice of such withdrawal to the club concerned.

6. (1) Every club shall have a suitably constructed armoury for the safe-keeping of firearms and ammunition belonging to the club or its members.

(2) Where the club has no armoury, other arrangements for safe-keeping of firearms and ammunition as are permitted by these Regulations shall be made.

(3) A club armoury shall be so constructed as-

(a) to be a secure place for safe-keeping of firearms and ammunition;

(b) to contain adequate arrangements in the form of strong boxes, rifle racks fitted with chains and padlocks, safes or other means suitable for the secure storage of firearms and ammunition;

(c) to contain suitable locks or other similar appliances fitted to each door, window or other openings leading into the armoury to ensure the safe-keeping of firearms and ammunition stored therein.

(4) Every club having an armoury and wishing to use it by storing firearms and ammunition therein, shall apply for an armoury certificate from the Divisional Commander.

(5) Upon receipt of the application for an armoury certificate by a club, the Divisional Commander shall inspect or cause the armoury to be inspected by a police officer of or above the rank of Sub- Inspector and
if in the opinion of the Divisional Commander the provisions of sub-regulation (3) are complied with, he shall issue the armoury certificate in Form 4 in the Second Schedule, and upon receipt of such certificate the club officials shall display the certificate in a prominent place inside the armoury.

(6) If at any time after the granting of the armoury certificate, it appears to the Divisional Commander that the armoury does not comply with or no longer complies with the requirements of sub-regulation (3), he may withdraw the armoury certificate until such time that the defect or defects which led to the withdrawal of the certificate have been remedied to the required standard and to the satisfaction of the Divisional Commander.

(7) Where the Divisional Commander withdraws the armoury certificate in accordance with sub-regulation (6), the secretary of the club concerned shall return the armoury certificate to the Divisional Commander forthwith.

(8) Any person who keeps firearms or ammunition or permits the keeping of firearms or ammunition in an armoury for which the club does not hold an armoury certificate shall be guilty of an offence.

(9) Notwithstanding the provisions of this regulation, an approved club may, with the written approval of the Divisional Commander-

(a) store and safe-keep firearms and ammunition belonging to the club and club members at a private warehouse in respect of which a valid firearms dealer's licence exists; or

(b) may make such other arrangements for the safe-keeping of firearms or ammunition as may be approved by the Divisional Commander.

(10) Nothing in this regulation shall absolve or be deemed to absolve any person from complying with the requirements of section thirty-eight of the Act regarding the safe-keeping and custody of firearms or ammunition.

7. (1) Notwithstanding the provisions of regulations 25 and 26 of the Club's
Firearms Regulations, the maximum quantity of ammunition to be acquired or purchased by an approved club during the course of any one calendar year commencing on the 30th September shall not exceed that club's annual quota authorised by the Minister.

(2) The Minister shall, in writing and as soon as possible after the 30th September each year, notify each approved club, and the Divisional Commander, of the authorised annual quota of ammunition allotted to each club.

(3) A parent association may, with the prior written consent of any affiliated clubs, acquire, during the course of any calendar year, commencing on the 30th September, on behalf of any such clubs, a quantity of ammunition not exceeding the aggregate of the authorised annual quotas of the clubs on whose behalf the ammunition is acquired:

Provided that no approved club will be entitled to acquire ammunition if it has consented to an affiliated club acquiring the ammunition on its behalf.

(4) The Minister may, on being satisfied that reasonable grounds exist for doing so, authorise the issue to an approved club of a supplementary quota in addition to the approved annual quota of ammunition.

8. (1) An approved club shall issue to each of its members a membership card which shall be serially numbered and which shall clearly indicate the name of the club and the name of the member to whom it is issued.

(2) An approved club shall maintain a register of its members in which shall be entered-

(a) the full name and address of each member;
(b) the date on which each member was admitted to membership;
(c) the date on which each member ceases to be a member.
(3) Only members of approved clubs may take part in drills, target practices and competitions connected with the activities of an approved club:

Provided that this sub-regulation shall not apply to members of visiting foreign shooting teams or shooting teams comprised of members of the Zambia Police, the Zambia Police Reserve or the Defence Forces of the Republic.

(4) Nothing in this regulation shall prevent a member of any approved club from taking part in drills, target practices and competitions at the premises of another approved club.

(5) For the purposes of ensuring compliance with this regulation, a police officer of or above the rank of Sub-Inspector may require any person engaged in a drill, target practice or competition in connection with the activities of an approved club to produce for inspection his membership card, and may require an office-bearer of a club to produce for inspection the register of members of that club.

(6) Not later than the 30th September each year the secretary of each approved club shall supply the officer in charge of the police station in whose area the club's range is situated with a list of the full names, residential addresses and membership card numbers of all members; and amendments to such lists shall be supplied on the last day of December, March and June showing details of members who have joined or left the club during the previous quarter.

9. (1) For purposes connected with the activities of an approved club, a member shall use only ammunition purchased from or supplied by an approved club.

(2) An approved club may sell ammunition for use on its range to a member or to a member of another approved club or to a member of a visiting foreign shooting team at the premises or at the shooting range of that club:

Provided that such sale of ammunition shall not be by way of trade or
business and shall not result in any financial profit for a club over and above the club's normal expenses.

(3) The secretary of an approved club shall keep or cause to be kept a record in Form 5 in the Second Schedule, of ammunition received and disposed of, and such record shall be produced for inspection at the request of a police officer of or above the rank of Sub-Inspector.

(4) If at the end of a drill, target practice or competition, a person has in his possession unexpended ammunition, he shall arrange with an office-bearer of the club-

(a) for the safe-keeping of such ammunition in the club armoury or other approved place; or

(b) for the re-purchase of such ammunition by the club.

(5) Any person who having purchased or who having acquired ammunition from an approved club removes the unexpended portions of such ammunition from the premises or from the shooting range of such approved club, shall be guilty of an offence.

(6) An approved club shall keep-

(a) a register of all firearms belonging to the club in Form 6 in the Second Schedule;

(b) a record of loaned firearms to and returns from any person to whom such loans were made.

(7) No member of the club shall use his membership of the club to acquire or to obtain in his personal name any firearm which he would not otherwise have acquired or obtained had he not been a member of such a club.

10. (1) No firing shall take place at an open air shooting range belonging to a rifle club or small bore rifle club unless-
(a) the range is kept cleared and is in proper condition; and

(b) the butts are properly constructed and in good repair; and

(c) a flag pole is provided at or near the butts; and

(d) a large red danger flag is hoisted thereon; and

(e) red flags are placed on either side of the range; and

(f) a smaller red danger flag is provided and hoisted at the butts as a warning to a cease fire.

(2) Whenever a clay pigeon club is conducting a drill, practice or competition no firing shall take place unless the following precautions are observed, that is to say:

(a) a large red danger flag is displayed at or near the firing point;

(b) smaller red flags are placed on footpaths approaching from the front and sides of the firing point at a distance of not less than 150 yards from the firing point.

(3) No firing shall take place at the range of any club unless an office-bearer of the club is present to ensure that reasonable safety precautions are observed.

11. (1) Every club shall, not later than the 30th September each year, send to the Minister a return in Form 7 in the Second Schedule or in the case of a parent association in Form 8 in the Second Schedule. Annual returns by clubs

(2) It shall be the duty of every office-bearer of a club to ensure that such returns are duly furnished.

12. (1) A Divisional Commander shall, at least once every year, inspect the premises and armouries of each club within his division to ensure that range safety arrangements and safe-keeping arrangements for firearms and ammunition are satisfactory. Annual inspection
(2) Divisional Commanders shall advise clubs of any necessary improvements or alterations revealed by such inspections and the clubs concerned shall arrange for such improvements or alterations to be carried out within three months of the date of receiving such advice.

13. It shall be the responsibility of every office-bearer of a club to ensure that the provisions of these Regulations are complied with. Responsibility of office-bearer

14. (1) Where a breach by a club of these Regulations occurs, every office-bearer, and every person managing or assisting in the management of such a club in Zambia, shall be liable to a fine not exceeding one thousand five hundred penalty units or to imprisonment for a period not exceeding six months, or to both: Penalties

Provided that in any proceedings against any person in respect of any breach of these Regulations, it shall be a good defence to show that the breach took place without his knowledge or connivance and was not facilitated by any neglect on his part and that he could not reasonably have been expected to know about it.

(2) Any other person found guilty of an offence under these Regulations shall be liable to a fine not exceeding seven hundred and fifty penalty points or to imprisonment for a period not exceeding three months, or to both.

(As amended by Act No. 13 of 1944)

FIRST SCHEDULE

(Regulation 2)

THE FOLLOWING ASSOCIATIONS ARE DECLARED TO BE PARENT ASSOCIATIONS:

Name of Parent Association:
   The Zambia Small-bore Rifle Association (Z.S.R.A.).

SECOND SCHEDULE
## PRESCRIBED FORMS

<table>
<thead>
<tr>
<th>Form</th>
<th>Description</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>Application for approval of a shooting club</td>
</tr>
<tr>
<td>2</td>
<td>Certificate of approval of a shooting club</td>
</tr>
<tr>
<td>3</td>
<td>Notification of withdrawal of approval of a shooting club</td>
</tr>
<tr>
<td>4</td>
<td>Armoury certificate</td>
</tr>
<tr>
<td>5</td>
<td>Register of receipt and disposal of ammunition by a shooting club</td>
</tr>
<tr>
<td>6</td>
<td>Register of firearms</td>
</tr>
<tr>
<td>7</td>
<td>Annual return by shooting club</td>
</tr>
<tr>
<td>8</td>
<td>Annual return by parent association</td>
</tr>
</tbody>
</table>

### FORM 1

**THE FIREARMS (CONTROL OF SHOOTING CLUBS) REGULATIONS**

*(Regulation 3 (1))*

**APPLICATION FOR APPROVAL OF A SHOOTING CLUB**

(To be completed in triplicate)

**PART I**

To: The Officer in Charge Police Station,

The *(name of club)* hereby applies to the Minister to become an approved club in terms of regulation 3 of the Firearms (Control of Shooting Clubs) Regulations.

The following are the particulars of the club:

- *(a)* type of club
- *(b)* postal address
- *(c)* present number of members
- *(d)* office-bearers:

<table>
<thead>
<tr>
<th>Office</th>
<th>Name</th>
<th>Postal Address</th>
<th>Residential Address</th>
<th>Telephone Number</th>
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</tbody>
</table>
(e) parent association (if any)......

(f) situation of club premises, range and number of butts

(g) proposed arrangements for safe-keeping of firearms and ammunition

Date ................................................  Signed

Certificate of affiliation (if applicable)
I hereby certify that the (name of club)
is affiliated to the (name of parent association).

Chairman/President/Secretary
Date ................................................

(name of parent association)

PART II
To: Commanding Officer,
.......................................... Police Division.

1. The application is recommended/not recommended.

2. Additional comments (if any)

Officer in Charge
.......................................... Police Station

PART III
To: Permanent Secretary,
Ministry of Home Affairs,
Lusaka.

1. The application is recommended/not recommended.
2. Additional comments (*if any*)

Divisional Commander of Police

Date ................................................   Division

Original to Minister.
Duplicate to Inspector-General of Police.
Triplicate to be retained by Divisional Commander.
Quadruplicate to be retained by Officer in Charge of Police Station.
FORM 2

THE FIREARMS (CONTROL OF SHOOTING CLUBS) REGULATIONS

(Regulation 4 (3))

CERTIFICATE OF APPROVAL OF A SHOOTING CLUB

I hereby certify that
   has been
approved in terms of regulation 4 of the Firearms (Control of Shooting Clubs) Regulations.
Dated at ....................... this ...day of ........................., 19 .......
Date Stamp.

  Minister

Original to club.
Duplicate to Inspector-General of Police.
Triplicate to Officer in Charge ............................................................ Police Station.
Quadruplicate to be retained by the Minister.
FORM 3
THE FIREARMS (CONTROL OF SHOOTING CLUBS)
REGULATIONS

(Regulation 5 (2))

NOTIFICATION OF WITHDRAWAL OF APPROVAL OF A SHOOTING CLUB

To:   (name of club)

I hereby give you notice that in accordance with regulation 5 of the Firearms (Control of Shooting Clubs) Regulations approval of your club is hereby withdrawn on the grounds that

Please note that members of your club are no longer entitled to have in their possession firearms or ammunition when engaged as members in or in connection with drill or target practices, without holding a firearm certificate.

Please also note that your club is no longer permitted to engage in the activities of a shooting club in Zambia.

Dated at   this ....................... day of .................. , 19 .......

Minister

Original to club.
Duplicate to Inspector-General of Police.
Triplicate to Officer in Charge ................................................................. Police Station.
Quadruplicate to be retained by the Minister.
THE FIREARMS (CONTROL OF SHOOTING CLUBS) REGULATIONS

(Regulation 6 (5))

ARMOURY CERTIFICATE

I hereby certify that (name of club) is permitted to store firearms or ammunition specified hereunder in the club armoury situated at (location of premises).

   Firearms

   Ammunition

Date ................................................

Divisional Commander of Police.

...................................................Division

Original to club.
Duplicate to the Minister.
Triplicate to be retained.
FORM 5

THE FIREARMS (CONTROL OF SHOOTING CLUBS) REGULATIONS

(Regulation 9 (3))

REGISTER OF RECEIPT AND DISPOSAL OF AMMUNITION BY A SHOOTING CLUB

Calibre .....................................  Annual quota ........................................... year commencing 30th September
Name of club ............................................

<table>
<thead>
<tr>
<th>Date</th>
<th>Description of trans-, action, e.g. received, sold, etc.</th>
<th>No. of Rounds In</th>
<th>No. of Rounds Out</th>
<th>Balance on hand</th>
<th>From/to</th>
<th>Import Permit No. and date of issue, or club and membership card No.</th>
</tr>
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</table>

Separate record to be kept for each type of ammunition
FORM 6
THE FIREARMS (CONTROL OF SHOOTING CLUBS) REGULATIONS

(Regulation 9 (6))

REGISTER OF FIREARMS

Name of club .................................

<table>
<thead>
<tr>
<th>Calibre</th>
<th>Make</th>
<th>Type</th>
<th>Serial No.</th>
<th>Other marks (e.g. club No.)</th>
</tr>
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<tbody>
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<td>..........</td>
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</table>

Date

<table>
<thead>
<tr>
<th>Received/ Loaned/ Returned, etc.</th>
<th>To/ from whom</th>
<th>Signature of recipient</th>
<th>Club and membership card No.</th>
<th>Signature of office-bearer</th>
</tr>
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<tbody>
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</table>

NOTE.-A separate page must be used for each weapon.
FORM 7

THE FIREARMS (CONTROL OF SHOOTING CLUBS) REGULATIONS

(Regulation 11 (1))

ANNUAL RETURN BY SHOOTING CLUB

PART I

(To be completed by club)

(a) Name of club

(b) Postal address

(c) Type of club .....................*Affiliated to
   (parent association).

(d) Number of members

(e) (i) Details of firearms owned by club:

<table>
<thead>
<tr>
<th>Type</th>
<th>Make</th>
<th>Calibre</th>
<th>Serial No.</th>
<th>Date acquired</th>
<th>F.A.C. No.</th>
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(ii) Details of firearms disposed of by club during past year. (Give type, make,
calibre, serial No., date
disposed of, method of disposal.)

(f) Number and type of firearm owned by members for use in club activities, for which
annual quota of ammunition is claimed. (This must be supported by a list showing
member's name, type and calibre of weapon and firearm certificate numbers)

(g) Amount of ammunition:
   (i) Purchased or acquired by club during past year (excluding unexpended
   ammunition returned by
   members, etc.)

   (ii) In stock at date of report

(h) Number of butts in serviceable condition
PART I-continued

(i) List of office-bearers:

<table>
<thead>
<tr>
<th>Office</th>
<th>Name</th>
<th>Postal Address</th>
<th>Residential Address</th>
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(j) Firearms and ammunition belonging to the club are kept:

* (i) in the club armoury situated at

(ii) at

Date ................................................
........................................................................................................................................................................

(Signed by two office-bearers)

*Delete whichever is not applicable.

PART II

(To be completed if the club has an armoury)

The club armoury was inspected on   and-

* (i) was found satisfactory;

(ii) the following items requiring attention were notified to the club:

Date Stamp.

Officer in Charge

.................................................Police Station

* Delete whichever is not applicable.

FORM 8
THE FIREARMS (CONTROL OF SHOOTING CLUBS) REGULATIONS

(Regulation 11 (1))

ANNUAL RETURN BY PARENT ASSOCIATION

To: Permanent Secretary,
Ministry of Home Affairs,
Lusaka.

Return for the year ending 30th September, 19 .

(a) Name of association

(b) Postal address

(c) List of office-bearers:

<table>
<thead>
<tr>
<th>Office</th>
<th>Name</th>
<th>Postal Address</th>
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(d) List of affiliated clubs:

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<th>Name</th>
<th>Type</th>
<th>Postal Address</th>
<th>Number of members</th>
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(e) Record of receipt and disposal of ammunition during the year:

<table>
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<tr>
<th>Calibre</th>
<th>Date</th>
<th>Received sold, etc.</th>
<th>No. of Rounds</th>
<th>Balance in stock</th>
<th>From/to</th>
<th>*Import Permit No., date and place of issue</th>
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<td>In</td>
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*If applicable.

Date ................................................ Signature