

The Laws of Zambia

REPUBLIC OF ZAMBIA

THE ZAMBIA POLICE ACT

CHAPTER 107 OF THE LAWS OF ZAMBIA

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THE ZAMBIA POLICE ACT

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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.

43 of 1965
40 of 1974
23 of 1985
13 of 1994

[4th March, 1966]

PART I PRELIMINARY

PRELIMINARY

1. This Act may be cited as the Zambia Police Act.

Short title

2. In this Act, unless the context otherwise requires-

Interpretation

"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;

"Inspector" includes a Chief Inspector, a Senior Inspector and an Sub-Inspector;

"Inspector-General" means the Inspector-General of Police.

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"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 station" means any place appointed by the Inspector-General to be a police station and includes any local area policed from such station;

"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;

"Tribunal" means a police officer empowered under this Act to try offenders under section *thirty*.

(As amended by Act No. 40 of 1974)

PART II COMPOSITION AND ADMINISTRATIONPART 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.

Inspector-General to have entire command

(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.

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(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. Composition of the Force

(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. Functions of the Force

6. (1) The administration of the Force throughout Zambia shall be vested in the Inspector-General Administration of the Force

(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

ATTESTATION, SERVICE AND DISCHARGE

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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.

Attestation

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.

Declaration on joining the Force

(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.

Termination of appointment of certain police officers

(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.

Release on completion of service

(2) Every such police officer shall, until he has received a certificate of service, remain subject to the provisions of this Act.

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 OFFICERSPART 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.

Police officers not to engage in other employment

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.

General powers and duties of police officers

(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 Sub-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.

Search by police officers

(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.

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(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.

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.

Right of entry in case of 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.

Power to take photographs, measurements, fingerprints, etc.

(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.

Power to lay information

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.

No fee to be chargeable on bail bonds

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.

Power to inspect licences

(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.

Duty of the Force to keep order on public roads

(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-

Traffic barriers and cordons

- (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.

Non-liability for act
done under authority
of a warrant

(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-

Power to use firearms

- (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. Power to seize weapons

(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 COURTSPART V

OFFENCES BY POLICE OFFICERS TRIABLE BY CRIMINAL COURTS

26. (1) Any police officer who-

Offences by police officers triable by criminal courts

- (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

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- (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.

Apprehension of
deserters

28. (1) It shall not be lawful for any police officer to be, or to become, a member of-

Membership of trade
union forbidden

- (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. Cap. 269

(As amended by Act No. 13 of 1994)

PART VI DISCIPLINEPART 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.

Methods of dealing
with disciplinary
matters.
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(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-

Offences against
discipline by officers
below the rank of
Assistant
Superintendent

- (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 amenable 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;

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- (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 vexatious 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) uncleanness, 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;

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- (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-

Tribunals for the trial of disciplinary offences and their powers of punishment

- (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 other persons not exceeding four in number as may be appointed by the President:

Police Advisory Board

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.

Powers of officer
holding inquiry

(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.

Suspended
punishment

(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.

Fines to be recovered
by stoppage of pay

(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.

Loss or damage to arms and accoutrements to be made good by stoppage of 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:

Pay not to accrue during absence without leave, imprisonment or detention

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.

Interdiction of police officers below rank of Assistant Superintendent

(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.

Power of arrest and remand for offences

(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.

Confinement of police officer arrested or sentenced

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.

Dismissal and reduction in rank of police officer sentenced to imprisonment

(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 PROPERTYPART 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-

Inventory or description of unclaimed property to be sent to subordinate court

- (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.

Disposal of property which is neither money nor property subject to decay

(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.

Disposal of property
subject to decay

(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*.

Unclaimed money

PART VIII EMPLOYMENT OF POLICE OFFICERS ON SPECIAL DUTY AND THE MAINTENANCE OF ORDER IN DISTURBED AREASPART 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.

Employment of police
officers on special duty
at expense of private
persons

(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:

Arrangements with
other countries

- (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.

PART IX VIGILANTE GROUPSPART IX

VIGILANTE GROUPS

48. (1) For every Section in every Branch in every Ward, there may be established a vigilante group of such number of persons as may be necessary. Establishment of vigilante groups

(2) On the recommendation of the Ward Security Committee in each Ward, the Inspector-General shall, by writing in Form VG2 set out in the Second Schedule, appoint suitable persons to be vigilantes for a specified Section in that Ward:

Provided that the Inspector-General may delegate his power to appoint vigilantes in any particular Section to the officer-in-charge of police under whose jurisdiction that Section is situated.

(3) Every vigilante appointed in accordance with subsection (2) shall-

- (a) sign a declaration of service in Form VG3 set out in the Second Schedule;
- (b) carry his letter of appointment, or such other means of identification as the Minister may designate, for the purposes of identifying himself as a vigilante when required to do so.

(4) Subject to the provisions of this Part and to any general or specific directions of the Minister, the Inspector-General shall have the command, superintendence, direction and control of the vigilantes appointed under this section.

Provided that the Inspector-General may delegate such command, superintendence, direction or control in respect of vigilantes in any Section, Branch, Ward or District to any such officer as he may designate for that purpose.

(5) Every vigilante appointed under this Part shall, in respect of the Section for which he is appointed, carry out such functions and duties to assist the police in maintaining law and order and protecting persons and property, as may be required of him by the officer-in-charge of police under whose jurisdiction he is placed.

(6) On the recommendation of the Ward Security Committee, the Inspector-General, or an officer to whom the Inspector-General has delegated that power, shall designate one vigilante each to be-

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- (a) the Section Vigilante Leader for a specified Section in that Ward;
- (b) the Branch Vigilante Leader for a specified Branch in that Ward; or
- (c) the Ward Vigilante Leader for that Ward;

and a Vigilante Leader shall carry out such functions and duties connected with the discipline and internal administration of the vigilantes under his leadership as may be required of him by the officer-in-charge of police under whose jurisdiction he is placed.

(As amended by Act No. 23 of 1985)

49. A person shall not be appointed a vigilante unless he-

Qualifications for
appointment as
vigilantes

- (a) volunteers for service as a vigilante;
- (b) is resident in that Section;
- (c) is at least eighteen years old;
- (d) is of good moral character;
- (e) is physically fit; and
- (f) has no previous conviction.

(As amended by Act No. 23 of 1985)

50. It shall be lawful for the Inspector-General to provide, from the funds allocated by Parliament for the purposes of the police, batons, handcuffs, whistles, identity cards, instruction manuals and other requisites for the training of, or the carrying out of their functions by, vigilantes.

Equipment for
vigilantes

(As amended by Act No. 23 of 1985)

51. (1) A vigilante may arrest any person who, in his presence, commits a cognizable offence, or whom he reasonably suspects of having committed a felony.

Arrest by vigilantes

(2) Any vigilante arresting any person without a warrant shall, without unnecessary delay, make over the person so arrested to a police officer, or, in the absence of a police officer, shall take such person to the nearest police station.

(As amended by Act No. 40 of 1974 and No. 23 of 1985)

52. A vigilante who, without reasonable excuse, refuses or neglects to serve or to obey such lawful orders or directions as may be given to him under the provisions of this Act shall be in breach of, and shall be dealt with in accordance with, the code of discipline for vigilantes issued by the Inspector-General and amended from time to time.

Refusal by vigilante to serve or obey orders

(As amended by Act No. 23 of 1985)

53. The Inspector-General or any officer authorised by him in that behalf may, in consultation with the Ward Security Committee, suspend any vigilante, or determine the services of any vigilante if he considers that the services of such vigilante can conveniently be dispensed with; and shall forthwith transmit notice thereof in Form VG 4 set out in the Second Schedule to the vigilante concerned.

Power to suspend or determine services of vigilantes

(As amended by Act No. 23 of 1985)

54. A vigilante may resign his appointment at any time by giving one month's notice in writing to the Inspector-General, with a copy thereof to the Ward Security Committee.

Resignation by vigilantes

(As amended by Act No. 23 of 1985)

55. (1) Every vigilante shall, within one week after receipt of the notice determining his appointment deliver over to such person at such time and place as may be directed by the officer-in-charge of police his identity card, baton, whistle, instruction manuals and any other requisites which may have been provided to him under this Act.

Delivery up of equipment

(2) If, when directed to do so, a vigilante fails to return any article or equipment, he shall be liable to pay to the Government an amount equal to the cost thereof unless he shows that such article or equipment was stolen, lost or destroyed and that he took all reasonable precautions to prevent its theft, loss or destruction.

(As amended by Act No. 23 of 1985)

56. On the recommendation of the Inspector-General, the Minister may, by statutory instrument, make regulations for the better carrying out of the purposes of this Part.

Regulations

(As amended by Act No. 23 of 1985)

PART X PENSIONS AND GRATUITIESPART X

PENSIONS AND GRATUITIES

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.

Pensions and gratuities
Cap. 260

(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 XI GENERAL OFFENCESPART 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:

Power to prosecute under other law not affected

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.

Unlawful possession of articles supplied to police officers

(As amended by Act No. 13 of 1994)

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.

Disorderly conduct in police station, etc.

(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.

Persons causing disaffection, etc.

(2) If such person as aforesaid is a police officer he shall be liable to be dismissed from the Force.

PART XII MISCELLANEOUSPART 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.

Regulations

(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*;

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- (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 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.

Power to exempt
police canteens, etc.
Cap. 167
Cap. 393

64. (1) The Zambia Police Act, Chapter 44 of the 1965 Edition of the Laws, is repealed.

Repeal and savings

(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

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The Laws of Zambia

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 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 } atthis.....
day of, 19.....

Before me
(Signature of Magistrate or Superior Police Officer)

* Delete whichever is inapplicable.

Dated this day of, 19.....

Original: Appointee

Duplicate: Station

Triplicate: Force Headquarters

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)

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)

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)

SUBSIDIARY LEGISLATION

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

Statutory Instrument
72 of 1966

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;

The Laws of Zambia

"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. Establishment of Association

(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. Membership Association

5. The Association shall consist of a Subordinate Police Officers' Branch and Other Ranks' Branch. Branches

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 police district. Branch Boards

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: Constitution of Boards

Provided that-

The Laws of Zambia

- (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:

Each district within Copperbelt division	..	..	..	1 delegate
Central division	..	..	..	1 delegate
Lusaka division	..	..	..	2 delegates
Southern division	..	..	..	2 delegates
Northern division	..	..	..	1 delegate
Eastern division	..	..	..	1 delegate
Luapula division	..	..	..	1 delegate
North-Western division	..	..	..	1 delegate
Western division	..	..	..	1 delegate
Training School	..	..	..	1 delegate
Mobile Unit	..	..	..	1 delegate

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: Central Committees

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.

Matters to be
considered by Central
Committees

(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.

Representations by a
Conference

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.

Procedure by a
Conference

(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. Resolutions

(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. Facilities for meetings

SECTION 64-THE POLICE ADVISORY BOARD REGULATIONS

Government Notices
216 of 1951
86 of 1955
497 of 1964

Regulations by the President

1. These Regulations may be cited as the Police Advisory Board Regulations. Title

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- Additional functions of Board

- (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)

The Laws of Zambia

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.

Representations by
aggrieved officer

(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.

Association's right of
audience

(As amended by No. 86 of 1955)

SECTION 62-THE ZAMBIA POLICE (FORMS) REGULATIONS

Statutory Instrument
71 of 1966

Regulations by the President

1. These Regulations may be cited as the Zambia Police (Forms) Regulations.

Title

2. The forms set out in the Schedule are prescribed for the purposes of the Act.

Prescribed forms

SCHEDULE
(Regulation 2)

PRESCRIBED FORMS

The Laws of Zambia

For use in Criminal Cases only

ZAMBIA POLICE

Z.P. FORM 83

Stocked by Q.M. Stores

Size 8" x 12⁷/₈"

Name in which charged (BLOCK CAPITALS)	For use in C. 3
Alias	
Race Male/Female. Adult/Juvenile (Strike out classification not applicable)	
Charged with	
C.R. No(s) Station	F.P.R. No.
	CB/CP No.
	Class

RIGHT HAND

1. R. Thumb	2. R. Forefinger	3. R. Middle Finger	4. R. Ring finger	5. R. Little Finger
(Fold)				(Fold)

LEFT HAND

6. L. Thumb	7. L. Forefinger	8. L. Middle Finger	9. L. Ring finger	10. L. Little Finger
(Fold)				(Fold)

LEFT HAND	IMPRESSIONS OF THUMBS		RIGHT HAND
Impressions of LEFT fingers taken simultaneously	Impressions of THUMBS taken simultaneously		Impressions of RIGHT fingers taken simultaneously
	Left Hand	Right Hand	
(Fold)			(Fold)

The Laws of Zambia

*(1)Fingerprints	{	taken by	No.	Rank	Date
		in presence of	Tested by		
Classified by.....			Identified		
			Identified with criminal record.....		
Searched by.....			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.

The Laws of Zambia

DESCRIPTION

Date and Place of Birth	Age	Complexion	Index searched
Country of Birth (if alien)		Hair	
District		Eyes.....	
Village		Height	
Tribe		Occupation	
Chief		Date first entr Zambia (If applicable)	
Address		National Registration Card No.	
Marks, scars, peculiarities		Serial No. of Passport	
		Date of issue Place of Issue	

Sentenced by Court at On

Sentence	Offence	Section of Law	

Prisoner's signature to be recorded *after* description has been completed.

The Laws of Zambia

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 more than one count, or for a variety of different offences, has been obtained the different counts, or offences, and sentences will be clearly stated whether sentences are consecutive or concurrent.

Remarks (enter brief particulars of offence(s) committed)

I HEREBY CERTIFY
 knowledge and belief accurate

S

Rank

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

Item No.

F.P.B.No.

Description of Property

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

Item No.

F.P.B.No.

Description of Property

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

Item No.

F.P.B.No.

Description of Property

(Any serial Nos. *not* to be quoted)

SECTION 62-THE ZAMBIA POLICE (SPECIAL DUTY) REGULATIONS

Statutory Instrument
68 of 1966

Regulations by the President

1. These Regulations may be cited as the Zambia Police (Special Duty) Regulations. Title
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- Charges to be paid
- (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. Manner of payment
- (2) 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

Statutory Instrument
69 of 1966

Regulations by the President

The Laws of Zambia

1. These Regulations may be cited as the Zambia Police (Superior Police Officers) Association Regulations. Title

2. In these Regulations, unless the context otherwise requires- Interpretation

"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. Establishment of Association

(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. Membership of 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. Conferences

(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.

Election of delegates
to attend Central
Conference

(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.

Central Committee

(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.

Representations by
Central Committee

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.

Procedure at meetings
and quorum

(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.

Proceedings at Central
Conference

(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.

Facilities for meetings

THE ZAMBIA POLICE TRIBUNALS (PROCEDURE) REGULATIONS

ARRANGEMENT OF REGULATIONS

Regulation

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

Statutory Instrument
70 of 1966

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- Interpretation

"accused" means a police officer of or below the rank of Chief Inspector charged before a Tribunal with an offence against discipline;

"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. Right of accused to prepare defence

(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.

Joint trial of several
accused

(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:

Representation of
accused

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.

Appointment of
prosecutor

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.

Arraignment of
accused

(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.

Objection by accused to charge

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.

Amendment of charge

(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 charge.

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.

General plea of "guilty" or "not guilty"

(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.

Procedure after plea of "guilty"

(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.

Withdrawal of plea of
"not guilty"

13. (1) After a plea of "not guilty" to any charge is recorded, the trial shall proceed as follows:

Plea of "not guilty"

- (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.

Procedure where no
witnesses to fact
(except accused)
called for defence

(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.

Procedure on trial of several accused together

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.

Procedure on acquittal

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.

Procedure on conviction

(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.

Announcement of sentence and transmission of proceedings

The Laws of Zambia

(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.

Evidence: general

SECTION 63-EXEMPTION OF ZAMBIA POLICE CANTEENS FROM THE PROVISIONS OF THE
TRADES LICENSING ACT

Gazette Notice
2035 of 1970

Notice by the Minister

The Zambia Police Canteens in the Schedule are hereby exempted from all the provisions of the Trades Licensing Act.

Cap. 393

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

Government Notices
215 of 1952
39 of 1959
28 of 1961
137 of 1964
343 of 1964
497 of 1964
Statutory Instrument
71 of 1964

Regulations by the President

1. These Regulations may be cited as the Subordinate Police (Conditions of Service) Regulations. Title

2. In these Regulations, unless the context otherwise requires-

Interpretation

"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;

The Laws of Zambia

"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

The Laws of Zambia

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.

(No. 28 of 1961)

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.

Retirement

(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-

Privileges on retirement

- (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-

Dismissal

- (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.

Discharge certificate

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.

Vacation and occasional leave

(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.

The Laws of Zambia

- (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.

Application for leave

(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.

Sick leave

(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.

The Laws of Zambia

(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: Leave on urgent private affairs

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: Transport privileges

(a) Travelling on first appointment, termination of appointment and transfer:

FARES		
<i>Transport</i>		<i>Class</i>
Rail		Third class
Motor or river		
BAGGAGE		
<i>Constable</i>	<i>Constable</i>	<i>receiving</i>
<i>Sergeant</i>	<i>receiving</i>	<i>less than</i>
<i>and</i>	<i>K10.50 a month</i>	<i>K10.50 a month</i>
<i>above</i>	<i>or more</i>	
600 lb. or	450 lb. or	300 lb. or
12 carriers	9 carriers	6 carriers

(b) Travelling on vacation leave:

Fares: As in paragraph (a)

The Laws of Zambia

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
21. Payment of pension during re-employment
22. Form of application
23. Revocation and savings

FIRST SCHEDULE-Scheduled posts

SECOND SCHEDULE-Scheduled Governments

SECTION 64-THE SUBORDINATE POLICE (PENSIONS)
REGULATIONS

Government Notices
203 of 1959
267 of 1961
197 of 1963
343 of 1964
497 of 1964
Statutory Instrument
71 of 1964
Title and application

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-

Interpretation

"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 *(2)commencement of the Zambia Civil Service (Local Conditions) Contributory Pensions Act, Chapter 48 of the 1965 Edition of the Laws;

*1st November, 1961, appointed by G.N. No. 276 of 1961.

"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;

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"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:

Service to be unbroken

* 1st November, 1961, appointed by G.N. No. 276 of 1961.

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:

Gratuity and reduced pension

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: Basic pension

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. Maximum pension grantable

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: Special pensions

Provided that-

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- (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).

Special pensions or gratuities

(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:

Policemen retiring on account of injuries

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.

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(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:

Gratuities to dependants where a policeman dies while in the Force

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:

Gratuities to dependants when a policeman is killed on duty
Cap. 271

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.

Apportionment of gratuities to be decided by the Commission

(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-

Marriage gratuities

- (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:

Resignation to enter rural council service

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.

(As amended 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;

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- (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:

Pension to cease on conviction

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

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- (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.

Forfeiture of pension or 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;

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- (ii) in the case of any policeman who retired between the 4th January, 1955, and the *(3)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 *(4)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) REGULATIONS

Statutory Instrument
122 of 1986

Regulations by the Minister

1. Those Regulations may be cited as the Zambia Police (Vigilantes) Regulations, Title

- 2.** When performing his functions and duties under subsection (5) of section *forty-eight* of the Act, every vigilante shall-
- Exercise of functions and duties
- (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.
- Composition of Vigilantes
- (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.
- Non-liability for act done under authority of a warrant
- 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.
- Procedure for appointment as vigilante
- (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.

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(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. Form of identity

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. Appraisal form

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. Record of issue of equipment

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. Acting designations

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:

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PART I

1. Surname
2. Age
3. Other Names
4. National Registration Card No. / /
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
20. Village 21. Chief
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.

..... Date19

Applicant's Signature or Thumb Print

Witness

Chairman of Section Security Committee

Section

Party Card No

National Registration Card No. / /

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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
..... town District *recommend/do not recommend
(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, *(5)endorse/do not endorse that to the best of my knowledge, this applicant is *suitable/not suitable for appointment
as a *(6)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.
District

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.

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PART VI

(To be completed by the Officer-in-Charge appointing Vigilante)

36. *(7)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

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REPUBLIC OF ZAMBIA
ZAMBIA POLICE
VIGILANTE IDENTITY CARD

<p>Identity Card</p> <p>ZAMBIA POLICE</p> <p>VIGILANTE</p> <p>No.</p>
--

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.

<p>PHOTO</p>

.....
Signature

Name
Identity Card No.....
Section
Ward
Police Station
District

<p>DATE STAMP</p>

.....
Signature

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)

	Very Good	Good	Satisfactory	Poor
1. Commitment				
2. Understanding of laws and regulations				
3. Degree of political awareness				
4. Reliability, accuracy and knowledge of duties				
5. Energy, drive and interest in his work				
6. Ability to lead and communicate				
7. Intelligence, judgment and common sense				
8. Relationship with members of the community				

B. GENERAL REMARKS

.....

.....

.....

.....

C. FITNESS FOR RETENTION IN SERVICE

.....

.....

.....

Signature

Name

Section

Branch

Ward

Police Station

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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
	<i>Issuing Officer</i>
Date	Signature
	Name
	<i>Authorising Officer</i>
	Rank.....

Quantity	Items Issued	K	n	Remarks
	Batons Long Batons Short Handcuffs Covers Note Book Torches Hand Whistle Police Identity Card Vigilante Guidelines Note Books Thoughts on Humanism			

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

Handed in the following:

Quantity	Items Issued	K	n	Remarks
----------	--------------	---	---	---------

The Laws of Zambia

	Batons Long Batons Short Handcuffs Covers Note Book Torches Hand Whistle Police Identity Card Vigilante Guidelines Note Books Thoughts on Humanism			
--	---	--	--	--

Signature of Vigilante
Signature of Receiving Officer
Force No.
Rank
Station
District
Date

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SECTION 62-THE ZAMBIA POLICE (NON-CRIMINAL FINGERPRINTS CHARGES)
REGULATIONS

Statutory Instrument
101 of 1988

Regulations by the President

- | | |
|--|--|
| <p>1. These Regulations may be cited as the Zambia Police (Non-Criminal Fingerprints Charges) Regulations,</p> <p>2. Any person requiring non-criminal fingerprints to be processed shall pay the full cost of that service.</p> <p>3. The money received under those Regulations shall be paid into the general revenues of the Republic.</p> | <p>Title</p> <p>Fees for non-criminal fingerprints</p> <p>Money to be paid in the general revenues of the Republic</p> |
|--|--|

SECTION 63-THE ZAMBIA POLICE (CANTEENS, CLUBS AND MESSSES) (EXEMPTION)
NOTICE

Statutory Instruments
136 of 1977
157 of 1978

Notice by the Minister

- | | |
|---|--------------------------------------|
| <p>1. This notice may be cited as the Zambia Police (Canteens, Clubs and Messes) (Exemption) Notice,</p> <p>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.</p> | <p></p> <p>Cap. 167
Cap. 393</p> |
|---|--------------------------------------|

SCHEDULE
(Paragraph 2)

The Laws of Zambia

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 Juinor 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	..	..	..	..	Mufulira
(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)	Chadima Junior Police Club	Lundazi

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Endnotes

1 (Popup - Popup)

* 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.[fn]This form must be completed in every detail before the officer concerned begins to take fingerprints of any other person.[fn]On no account must two incomplete forms be dealt with at the same time

2 (Popup - Popup)

1st November, 1961, appointed by G.N. No. 276 of 1961.

3 (Popup - Popup)

3rd July, 1959

4 (Popup - Popup)

3rd July, 1959

5 (Popup - Popup)

Delete if not applicable

6 (Popup - Popup)

Delete if not applicable

7 (Popup - Popup)

Delete if not applicable