

GOVERNMENT OF ZAMBIA

ACT

No. 14 of 1999

Date of Assent: 23rd December, 1999

An Act to amend the Zambia Police Act

[24th December, 1999

ENACTED by the Parliament of Zambia.

Enactment

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

Short title
Cap. 107

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

Amendment
of section 2

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

Cap. 169

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

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

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

(a) speech, music or other sounds;

(b) visual images;

(c) electronic or other data;

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

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

- (a) record the name, the offence for which the person is arrested and the state or condition of the person; and
- (b) make such recommendations as to that person's well being as are necessary including the requirement for that person to have medical attention.

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

Insertion of new section 45A

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

Establishment of vehicle parking lot

(2) The Vehicle Parking Lot shall be for—

- (a) the safe-keeping of vehicles; and
- (b) the storage of vehicles found abandoned or unattended to in a public place.

(3) A person—

- (a) who has deposited a vehicle for safe keeping at a Vehicle Parking Lot; or
- (b) whose vehicle is being kept in a Vehicle Parking Lot on account of that person's neglect or abandonment;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PART XA

POLICE PUBLIC COMPLAINTS AUTHORITY

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

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

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

Appointment of Secretary

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

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

Immunity of members

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

Remuneration of members

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

Functions of Authority

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

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

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

Powers of Authority

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

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

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

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

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

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

Proceedings of Authority

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

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

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

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

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

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

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

Committees

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

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

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

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

Disclosure of interest by member

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

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

57S. A person who— Offences

(a) gives false information to the Authority;

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

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

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

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

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

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

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

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

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

(2) A person who—

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

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