

REPUBLIC OF ZAMBIA

THE PRESERVATION OF PUBLIC SECURITY ACT

CHAPTER 112 OF THE LAWS OF ZAMBIA

CHAPTER 112 THE PRESERVATION OF PUBLIC SECURITY ACT

THE PRESERVATION OF PUBLIC SECURITY ACT

ARRANGEMENT OF SECTIONS

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2. Interpretation
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CHAPTER 112

PRESERVATION OF PUBLIC SECURITY

An Act to make provision for the preservation of public security; and to provide for matters incidental thereto.

5 of 1960
Government Notices
229 of 1964
497 of 1964
Statutory Instrument
85 of 1964

[4th March, 1960]

1. This Act may be cited as the Preservation of Public Security Act.

Short title

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2. In this Act, the expression "public security" includes the securing of the safety of persons and property, the maintenance of supplies and services essential to the life of the community, the prevention and suppression of violence, intimidation, disorder and crime, the prevention and suppression of mutiny, rebellion and concerted defiance of, and disobedience to, the law and lawful authority, and the maintenance of the administration of justice.

Interpretation

(As amended by G.N. No. 229 of 1964 and S.I. No. 85 of 1964)

3. (1) The provisions of this section shall have effect during any period when a declaration made under the Constitution has effect.

Public security regulations.
Cap. 1.

(2) The President may, for the preservation of public security, by regulation-

- (a) make provision for the prohibition of the publication and dissemination of matter prejudicial to public security, and, to the extent necessary for that purpose, for the regulation and control of the production, publishing, sale, supply, distribution and possession of publications;
- (b) make provision for the prohibition, restriction and control of assemblies;
- (c) make provision for the prohibition, restriction and control of residence, movement and transport of persons, the possession, acquisition, use and transport of movable property, and the entry to, egress from, occupation and use of immovable property;
- (d) make provision for the regulation, control and maintenance of supplies and services; or
- (e) make provision for, and authorise the doing of, such other things as appear to him to be strictly required by the exigencies of the situation in Zambia.

(3) If the President is satisfied that the situation in Zambia is so grave that it is necessary so to do, he may, by statutory instrument, make regulations to provide for-

- (a) the detention of persons;
- (b) requiring persons to do work and render services.

(As amended by S.I. No. 85 of 1964)

4. Regulations made under section *three* may-

Incidental and supplementary provisions in regulations

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- (a) make provision for the payment of compensation and remuneration to persons affected by the regulations;
- (b) make provision for the apprehension and trial of persons offending against the regulations and for such penalties as the President may think fit for offenders thereunder;
- (c) make provision for suspending the operation of any written law other than the Constitution; Cap. 1
- (d) make provision for empowering such authorities and persons as may be specified in the regulations to make orders and rules for any of the purposes for which such regulations may be made;
- (e) make provision for the delegation and transfer of powers and duties conferred and imposed by or under the regulations; and
- (f) contain such other incidental and supplementary provisions as appear to the President to be necessary or desirable for the purposes of such regulations:

Provided that nothing in the foregoing provisions of this section or in the provisions of section *three* shall authorise the making of any regulations providing for the trial of persons by military courts.

(As amended by S.I. No. 85 of 1964)

5. (1) Any regulations made under this Act may be made to apply to Zambia or to any part thereof, and to any person or class of persons or to the public generally. Application and effect of regulations

(2) Subject to the provisions of section *twenty-two* of the Interpretation and General Provisions Act, any regulation made under this Act, and any order or rule made under any such regulation, shall have effect notwithstanding anything inconsistent therewith contained in any written law other than the Constitution and to the extent of any such inconsistency any such law as aforesaid shall have no effect so long as such regulation, order or rule shall remain in force. Cap. 2
Cap. 1

(3) Where any regulation made under this Act or any order or rule made under any regulation made under paragraph (a) of section *four* has not been laid before the National Assembly on a sitting day within three months of the date of making thereof, such regulation, order or rule shall, on the expiration of the said period of three months, cease to have effect, but without prejudice to the validity of anything previously done thereunder or to the making of any new regulation, order or rule.

(As amended by G.N. No. 229 of 1964 and S.I. No. 85 of 1964)

6. Every document purporting to be an order, licence, permit, certificate, direction, authority, or other document made, granted or issued by the Governor of Northern Rhodesia prior to the 24th October, 1964, or thereafter by the President, or any other authority or person in pursuance of this Act or any regulation made under this Act or any order or rule made under any such regulation, and purporting to be signed by or on behalf of the Governor of Northern Rhodesia prior to the 24th October, 1964, or thereafter by the President, or such other authority or person, shall be received in evidence, and shall, until the contrary is proved, be deemed to have been made, granted or issued by the Governor of Northern Rhodesia prior to the 24th October, 1964, or thereafter by the President, or that authority or person.

Proof of documents

(As amended by S.I. No. 85 of 1964)

SUBSIDIARY LEGISLATION

PRESERVATION OF PUBLIC SECURITY

CAP. 112

SECTION 3-APPLICATION

Government Notice
374 of 1964

Declaration by the Governor of Northern Rhodesia prior to the 24th October, 1964

WHEREAS by section *three* of the Preservation of Public Security Act it is provided that if the Governor is satisfied that it is necessary for the preservation of public security so to do, he may, by notice in the *Gazette*, declare that the provisions of subsections (2) and (3) of the said section shall come into operation and thereupon those provisions shall come into operation accordingly;

AND WHEREAS I am satisfied that it is necessary for the preservation of public security to declare that the provisions of the said subsections (2) and (3) of the said section *three* shall come into operation:

NOW THEREFORE, I, EVELYN DENNISON HONE, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Commander in the Royal Victorian Order, Officer of the Most Excellent Order of the British Empire, Governor of the Territory of Northern Rhodesia, do hereby declare and proclaim that the provisions of subsections (2) and (3) of section *three* of the Preservation of Public Security Act shall come into operation on the date hereof.

At Lusaka this twenty-seventh day of July, 1964.

E. D. Hone,
Governor.

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THE PRESERVATION OF PUBLIC SECURITY
REGULATIONS

ARRANGEMENT OF REGULATIONS

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34. Retaining possession of articles
35. Power to detain suspected persons
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SCHEDULE-Prescribed areas

SECTIONS 3, 4 AND 5-THE PRESERVATION OF PUBLIC
SECURITY REGULATIONS

Regulations by the President

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239 of 1970
240 of 1970
8 of 1972
172 of 1977
177 of 1977
33 of 1993
39 of 1993
Act No.
13 of 1994

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| <p>1. These Regulations may be cited as the Preservation of Public Security Regulations.</p> <p>2. These Regulations shall, except as hereinafter provided, apply only to those parts of Zambia set out in the Schedule.</p> <p>3. In these Regulations, unless the context otherwise requires-</p> <p>"armed forces" means any of the naval, military or air forces;</p> <p>"assembly" means any gathering of three or more people whether in public or in private;</p> <p>"citizen" means a citizen of Zambia;</p> | <p>Title</p> <p>Application of regulations</p> <p>Interpretation</p> |
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"competent authority" means a person appointed in writing by the President, or by any person exercising the functions of the President by virtue of regulation 27, for the purposes of all or any of the regulations in which such expression occurs;

"contravention", in relation to any provision or condition, includes a failure to comply with such provision or condition, and "contravene" shall be construed accordingly;

"Defence Force" means the Defence Force referred to in section *four* of the Defence Act and any other military, naval or air forces which may, with the approval of the President, for the time being be cooperating with the Defence Force; Cap. 106

"detention order" means an order made under the provisions of sub-regulation (1) of regulation 33;

"District Messenger" means a District Messenger as defined in section *two* of the District Messengers Act; Cap. 288

"established resident" has the meaning assigned to it in the Immigration and Deportation Act; Cap. 123

"lock out" means the closing of a place of employment or the suspension of work, or the refusal of an employer to continue to employ any number of persons employed by him, in consequence of a dispute, and done with a view to compelling those persons, or to aid the employer in compelling persons employed by him, to accept terms or conditions of, or affecting, employment;

"necessary service" means-

- (a) out service relating to the generation, supply or distribution of electricity;
- (b) any fire brigade or fire service;
- (c) any sewerage, rubbish disposal or other sanitation service;
- (d) any health, hospital or ambulance service;
- (e) any service relating to the supply or distribution of water;
- (f) any service relating to the production, supply, delivery or distribution of food or fuel;

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- (g) mining, including any service required for the working of a mine;
- (h) any communications service;
- (i) any transport service, and any service relating to the repair and maintenance, or to the driving loading and unloading, of vehicles for use in a transport service;
- (j) any road, railway, bridge, ferry, pontoon, airfield, harbour or dock; or
- (k) any other service or facility whether or not of a kind similar to the foregoing, declared by the ⁽¹⁾President to be a necessary service for the purpose of these Regulations.

* Any service required for the working of a mine declared to be a necessary service by S.I. No. 55 of 1966.

The transport of refugees from any country and the transport of essential goods declared to be a necessary service by S.I. No. 239 of 1966.

The transport of goods and passengers by rail declared to be a necessary service by S.I. No. 238 of 1968.

"officer in charge of police" shall have the same meaning as is set out in section *two* of the Zambia Police Act; Cap. 107

"person" includes any company or association or body of persons, corporate or unincorporate;

"police officer" means any member of the Zambia Police Force or of the Zambia Police Reserve and a Special Constable;

"prescribed area" means those parts of Zambia set out in the Schedule;

"restriction order" means an order made under the provisions of sub-regulation (1) of regulation 16;

"strike" means the cessation of work by a body of persons employed in any undertaking acting in combination, or a concerted refusal or a refusal under a common understanding of any number of persons who are so employed to continue to work;

"travel document of identity" means a travel document of identity, including a passport-

- (a) issued by or on behalf of the Government of Zambia, the former Protectorate of Northern Rhodesia, the former Federation of Rhodesia and Nyasaland, any sovereign state or the United Nations Organisation;

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- (b) which contains a personal description of the holder, the name of the country in which he was born and the date of his birth; and
- (c) to which is attached a photograph being a true likeness of the holder wherein his features are clearly and correctly depicted;

"uniform" means any article or articles of wearing apparel being distinct in design and colour intended to be used by members of armed forces or the police force;

"undertaking" means any company, firm, trade, business, industry or any other kind of enterprise, any statutory board, or corporation or any local or public authority or any branch or autonomous division thereof;

"vehicle" includes any engine, wagon, carriage, bicycle, or other means of carrying goods or persons by land, having two or more wheels, and whether propelled or moved by mechanical power or otherwise.

(As amended by No. 377 of 1964, Nos. 8 and 66 of 1965 No. 116 of 1968, No. 239 of 1970 and No. 8 of 1972)

4. (1) In this regulation-

"meeting" means any meeting, procession, sporting event or entertainment of any description;

"proper officer" means any police officer not below the rank of Assistant Superintendent.

Prohibition of meetings, processions, etc.

(2) It shall be lawful for any proper officer by order to prohibit the holding of any meeting in any area, place or building within the prescribed area, either generally or on any particular day or during any particular time, and if any meeting is held, or is proposed to be held, in contravention of any such order, it shall be lawful for any proper officer to take or cause to be taken such steps as may be necessary to disperse such meeting or to prevent the holding thereof.

(3) An order made under the provisions of sub-regulation (2) may relate to-

- (a) all meetings;
- (b) any specified class of meeting;
- (c) any specified meeting; or
- (d) any or all meetings organised, convened, held or attended by any specified person or group of persons.

(4) Any order made under the provisions of sub-regulation (2) may exempt from the provisions of such order such meetings or classes of meetings as may be specified in the order, and any such order may at any time be amended so as to provide for such exemption.

(5) It shall be lawful for any proper officer by order to prohibit any person or class of person specified in such order from addressing any meeting or assembly in any area, place or building within the prescribed area, either generally or during any period which may be so specified.

(6) It shall be lawful for any proper officer by order to prohibit the use of any public address system, loud hailer, or such other method or means of amplifying speech or sound as may be specified in such order, either generally or on any particular day or during any particular time.

(7) An order made under the provisions of sub-regulation (6) may exempt from the provisions of such order such persons or classes of person as may be specified in such order.

(8) Any person who convenes, attends or takes part in any meeting, the holding of which has been prohibited under the provisions of sub-regulation (2), or who contravenes any order made under sub-regulation (5) or (6), shall be guilty of an offence.

(As amended by No. 8 of 1965 and No. 240 of 1970)

5. (1) Whenever it appears to the President that for the purpose of preserving public security it is strictly required by the exigencies of the situation in Zambia so to do, he may by order prohibit throughout Zambia or in any area specified in the order-

Power to prohibit certain activities at dwellings, buildings and in public places

- (a) any person from entering without the express consent of the occupants for the time being thereof any dwelling or the curtilage thereof or any building and soliciting or advocating adherence to, or disseminating the teachings of, any religion, organisation or society specified in the order, whether by words, or conduct; or
- (b) any person in any public place from soliciting or advocating adherence to, or disseminating the teachings of, any religion, organisation or society specified in the order, whereby a breach of the peace is likely to be occasioned.

(2) An order made under this regulation may contain such incidental supplementary provisions as appear to the President to be necessary or expedient for the purposes of such order.

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(3) The provisions of this regulation shall not apply to any political party or to any trade union.

(4) Any person who contravenes any provision of an order made under this regulation shall be guilty of an offence.

(5) For the purposes of this regulation and any order made hereunder, "public place" has the meaning assigned to it in sub-regulation (5) of regulation 6.

(No. 357 of 1969)

6. (1) It shall be lawful for any proper officer, by order in writing, to prohibit during any period specified in such order assemblies between such hours as are specified in such order in any public place in such area as is specified in such order.

Control of assemblies

(2) Any person who, between the hours specified in an order made under sub-regulation (1) during any period specified in such order, is in the company of two or more persons in any public place in an area specified in such order shall be guilty of an offence.

(3) An order made under the provisions of this regulation may exempt from the operation thereof any person or class of persons, either generally or for such period as may be specified in such order, and the provisions of this regulation shall not apply to any member of a Police Force acting in the course of his duty.

(4) An order made under this regulation shall come into operation immediately on the making thereof but shall be published in the *Gazette* as soon as is reasonably practical thereafter.

(5) For the purposes of this regulation-

"member of a Police Force" includes any police officer, any mine police officer, any municipal police officer, any District Messenger, and any member of the Defence Force who is present within the prescribed area;

"proper officer" means any officer in charge of police; and

"public place" includes any highway, market place, square, road, street, bridge or other way which is lawfully used by the public, and 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 the condition of making any payment.

(As amended by Nos. 8 and 66 of 1965 and No. 361 of 1968)

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7. (1) Any person who attends, takes part in or is found at any assembly and who has in his possession at such assembly any firearms, ammunition, dangerous weapon, explosive substance or any stick, stone or other dangerous missile shall be guilty of an offence and shall be liable upon conviction to imprisonment for a period not exceeding five years.

Dangerous weapons,
etc., and unlawful
conduct at assemblies

(2) Any person who, at any assembly-

- (a) injures, or threatens or attempts to injure, any person, or damages, or threatens or attempts to damage, any property of any description, whether real or personal; or
- (b) conducts himself in such a manner as to occasion a breach of the peace or as to cause persons in the neighbourhood reasonably to fear that he will commit a breach of the peace or will provoke other persons to commit a breach of the peace;

shall be guilty of an offence and shall be liable upon conviction to imprisonment for a period not exceeding ten years.

(3) A person charged with an offence under the provisions of this regulation shall not be granted bail.

(4) The provisions of this regulation shall not apply to-

- (a) any member of a Police Force acting in the course of his duty;
- (b) any person employed by the Government, by any local authority, by any mining company, or by any building or construction company while acting in the course of his employment; or
- (c) any person exempted from such provisions by a police officer of or above the rank of Sub-Inspector, or any class of person so exempted by the Inspector General of Police by notification in the *Gazette*:

Provided that any such exemption shall be subject to such conditions, if any, as may be imposed by the authority granting such exemption.

(5) For the purposes of this regulation-

"dangerous weapon" means any article made or adapted for use for causing or threatening injury to the person, or intended by the person having it with him for such use, and includes any knife, spear, arrow, stone, axe, axe handle, stick or similar weapon; and

"member of a Police Force" means any police officer, any District Messenger, and any member of the Defence Force who is present within the prescribed area.

(As amended by Nos. 8 and 66 of 1965 and No. 361 of 1968)

8. (1) Whenever the President is satisfied that for the purpose of maintaining public order it is necessary so to do, he may, by statutory order, direct that any premises specified in the order shall be closed.

Closing of premises

(2) Any person who enters any premises in respect of which an order has been made under sub-regulation (1) shall be guilty of an offence:

Provided that it shall be a sufficient defence in any prosecution under this regulation if the accused person satisfies the court that he entered the premises concerned for the purpose of protecting them or maintaining them in a proper state.

(3) The President shall not make an order under this regulation unless he is satisfied that intoxicating liquor, as defined in the Liquor Licensing Act, is sold or supplied or consumed in, or in proximity to, the premises to be named in the order.

Cap. 167

(4) Any reference in an order to "premises" shall be deemed to include a reference to all land adjacent to such premises, which persons using the premises are permitted or entitled to use.

(No. 370 of 1965)

9. (1) Any person who, without lawful cause or excuse, uses words, whether written or spoken, or signs reasonably likely to intimidate any other person or class of persons, shall be guilty of an offence and shall be liable to imprisonment for a period not exceeding three years.

Threats calculated to intimidate or cause alarm prohibited

(2) In this regulation, "intimidate" means to put any person in fear of any injury or damage to himself or to any member of his family, or to his dependants, or in fear of any injury or loss to his property, business, employment or means of living.

10. Any person who, without lawful cause or excuse, makes any statement indicating or implying that it would be incumbent or desirable-

Threatening violence prohibited

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- (a) to do any act or acts calculated to bring death or physical injury to any person or any class or community of persons; or
- (b) to do any act or acts calculated to lead to destruction or damage to any property; or
- (c) to commit an offence against any written law in force in Zambia or in any part thereof;

shall be guilty of an offence and liable upon conviction to imprisonment for a period not exceeding seven years:

Provided that a statement which expresses mere disapproval of a written law shall, to that extent only, be held not to be a statement which indicates or implies that it would be incumbent or desirable to commit an offence against such law.

11. (1) Any person who enters Zambia without a travel document of identity shall be guilty of an offence and shall be liable on conviction to a fine not exceeding seventy five thousand penalty units or to imprisonment for a period not exceeding five years, or to both.

Prohibition of entry into Zambia without travel document of identity

(2) The provisions of sub-regulation (1) shall not apply to-

- (a) any person duly accredited to Zambia by or under the authority of the government of any sovereign state;
- (b) any person who under any written law is entitled to any diplomatic immunities and privileges by reason of his association with an organisation of which the Republic or the Government and one or more other states or the government or governments thereof are members;
- (c) any member of the official staff or of the household of a person described in paragraph (a) or (b);
- (d) any citizen or established resident; or
- (e) any wife or minor child of a person described in paragraph (a), (b), (c) or (d).

(3) No prosecution shall be instituted against any person for an offence under sub-regulation (1) without the sanction, fiat or written consent of the Director of Public Prosecutions.

(No. 116 of 1968 and Act No. 13 of 1994)

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12. (1) Any person who is found in Zambia wearing, or in possession of, uniforms of armed forces or police forces of any country other than Zambia shall be guilty of an offence and shall be liable on conviction to a fine not exceeding seventy five thousand penalty units or to imprisonment for a period not exceeding five years, or to both.

Prohibition of wearing or possessing certain uniforms

(2) The President may exempt any person from the provisions of sub-regulation (1).

* Italian Airforce Technical Assistance Personnel exempted by S.I. No. 447 of 1969.

(3) The provisions of sub-regulation (1) shall not apply to any person exempted by the President under sub-regulation (2).

(4) No prosecution shall be instituted against any person for an offence under sub-regulation (1) without the sanction, fiat or written consent of the Director of Public Prosecutions.

(No. 116 of 1968 and Act No. 13 of 1994)

13. (1) A District Executive Secretary may, by written or verbal notice delivered by a District Messenger, require any Chief or Headman resident within the District for which he is appointed District Executive Secretary to attend such meetings as appear to the District Executive Secretary to be desirable in the interest of public security, at the place and time specified in the aforesaid notice.

Duty to attend meetings

(2) A Chief may, by written or verbal notice delivered by a Kapasu, require any Headman resident within the area of the Chief to attend such meetings as appear to him to be desirable in the interest of public security, at the place and time notified to the Headman.

(3) Any Chief or Headman who without lawful excuse, the proof of which lies on him, fails to attend any meeting which he is required to attend under this regulation shall be guilty of an offence and be liable upon conviction to a fine not exceeding one thousand five hundred penalty units or to imprisonment for a period not exceeding six months, or to both.

(4) For the purposes of this regulation-

Cap. 287

"Chief" has the meaning assigned to it in the Chiefs Act;

"Headman" means a person holding the office of Headman under customary law.

(No. 335 of 1969 as amended by No. 357 of 1969 and Act No. 13 of 1994)

14. (1) It shall be lawful for any authorised officer by order to prohibit the entry, either generally or on any particular day or during any particular time, of any vehicle to or the presence of any vehicle on such road or part of a road within a prescribed area as may be described in the order.

Control of movement
on roads

(2) It shall be lawful for any authorised officer to take or cause to be taken such steps as may be necessary to prevent the entry of any vehicle to any road or part of a road in contravention of an order made under sub-regulation (1), or to remove any person in or on any vehicle found on any road or part of a road in contravention of such an order.

(3) Any person in or on a vehicle found on any road or part of a road in contravention of an order made under sub-regulation (1) shall be guilty of an offence.

(4) Any person who enters, in or on a vehicle, any road or part of a road, entry to which is prohibited by order under sub-regulation (1), shall be guilty of an offence.

(5) The provisions of an order made under this regulation shall not apply to any person exempted from such provisions by a police officer of or above the rank of Assistant Inspector Grade I, or any class of persons exempted by an authorised officer:

Provided that any such exemption shall be subject to such conditions, if any, as may be imposed by the authority granting such exemption.

(6) For the purposes of this regulation-

"authorised officer" means a police officer not below the rank of Inspector, or a commissioned officer of the Defence Force when acting in aid of the civil power.

(As amended by Nos. 8 and 66 of 1965)

15. (1) Wherever the President is satisfied that for the purpose of maintaining public order it is necessary so to do, he may, by order (hereinafter referred to as a "curfew order"), prohibit, in respect of the whole or any part of the prescribed area, all or any class of persons from being out of doors between such hours as may be specified in such order except with the authority of a written permit granted by such authority or person as may be so specified.

Curfews

(2) In any order made under sub-regulation (1) the President may, either absolutely or in such circumstances or subject to such conditions as may be specified in the order, grant exemption to any person or class of persons from the operation of such order.

(3) Any person who is out of doors in any area specified in a curfew order within the hours specified in that order who-

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- (a) fails to stop when called upon to do so by an authorised officer; or
- (b) being a person to whom the curfew order applies, is not in possession of a written permit authorising him to be so out of doors;

shall be guilty of an offence against these Regulations and shall be liable on conviction to a fine not exceeding seven hundred and fifty penalty units or to imprisonment for a period not exceeding three months, or to both.

(4) The provisions of this regulation shall not apply to an authorised officer.

(5) For the purposes of this regulation, "authorised officer" means any magistrate, police officer, District Messenger, or member of the Defence Force when acting in aid of the civil power.

(No. 359 of 1965 and Act No. 13 of 1994)

15A. Where the President is satisfied that in the interests of security or for the purpose of maintaining public order it is necessary so to do, he may, by order direct, in respect of the whole or any part of the prescribed area that lights shall be kept extinguished between such hours as may be specified in the order.

Black-outs

(2) Any person who contravenes an order made under sub-regulation (1) shall be guilty of an offence against these Regulations and shall be liable on conviction to a fine not exceeding two hundred and fifty penalty units or to imprisonment for a period not exceeding three months or to both.

(3) The provisions of this regulation shall not apply to any vehicle being used on duty by an authorised officer as defined in sub-regulation (5) of regulation 15.

(As amended by S.I. No. 172 of 1977 and No. 13 of 1994)

15B. Where the President is satisfied that in the interest of public security it is necessary so to do, he may issue a direction that the supply of electricity from all or any electricity stations in Zambia shall be wholly or partially cut off during such period and between such hours as the President may specify.

Controlling electricity

(As amended by S.I. No. 177 of 1977)

16. (1) The President, if he is satisfied that for the purpose of preserving public security within the prescribed area it is necessary so to do, may make an order against any person for any or all of the purposes mentioned in sub-regulation (2), and any person in respect of whom a restriction order is in force is hereinafter referred to as a restricted person.

Restriction orders

(2) A restriction order may be made for any or all of the following purposes, that is to say:

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- (a) for securing that, except in so far as may be permitted by the restriction order or by a written permit issued by a competent authority, the restricted person shall not be in the prescribed area or in any such place or area within the prescribed area as may be specified in the restriction order;
- (b) for securing that, except in so far as may be permitted by the restriction order or by a written permit issued by such person as may be specified in the restriction order, the restricted person shall remain in such place or area within Zambia as may be so specified;
- (c) for requiring the restricted person to notify his movements in such manner, at such times and to such authority or person in such place as may be specified in the restriction order.

(3) For the avoidance of doubt, it is hereby expressly declared that, notwithstanding any other provision of these Regulations, a restriction order may be made under paragraph (a) of sub-regulation (2) against any person who is outside the prescribed area.

(4) Any permit issued under paragraph (a) or (b) of sub-regulation (2) may be issued subject to such terms and conditions as may appear expedient to the authority or person issuing the same, and any person who contravenes any such term or condition shall be guilty of an offence.

(5) A restriction order shall come into force immediately upon the service of a copy thereof upon the restricted person, and, if at the time of such service the restricted person-

- (a) in the case of a restriction order made under paragraph (a) of sub-regulation (2), is within a place or area specified in such order, he may be removed therefrom; or
- (b) in the case of a restriction order made under paragraph (b) of sub-regulation (2), is outside a place or area specified in such order, he may be removed thereto;

by any police officer or any person acting on behalf of the President, and shall, whilst being so removed, be deemed to be in lawful custody.

(6) Any person who-

- (a) enters or is found in any place or area;
- (b) leaves any place or area; or

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(c) fails to notify his movements;

in contravention of a restriction order shall be guilty of an offence.

(7) Without prejudice to any proceedings which may be taken against a restricted person under these Regulations, any restricted person who is at any time within or outside any place or area in contravention of the provisions of a restriction order or of the terms or conditions of a permit issued under sub-regulation (2) may be removed from or to such place or area, as the case may be, by any police officer or person acting on behalf of the President, and shall, whilst being so removed, be deemed to be in lawful custody.

17. (1) Where any article has come into the possession of an executive authority (whether in consequence of the seizure of the article under any of these Regulations or otherwise) and it appears to him that the article is or may be relevant to the making of a restriction order, such executive authority may retain such article for so long only as may be necessary to investigate or inquire whether or not a restriction order should be made:

Retention of articles in connection with restriction orders

Provided that no such article may be retained for any period exceeding the period for which this regulation is in force.

(2) Any person aggrieved by the retention of an article under this regulation may make his objection to the Inspector General of Police who shall consider such objection.

(3) For the purposes of this regulation, any authority, officer or other person whatsoever having functions in connection with the execution of these Regulations shall be an executive authority.

(As amended by No. 8 of 1965)

18. (1) For the purpose of controlling Zambian citizens returning to Zambia from any foreign country, the President, or any competent authority, where it appears to him to be strictly required by the exigencies of the situation in the Republic, may, by order, direct any such citizen described by name in the order to proceed to and remain in any part of or place in Zambia named in the order.

Power to direct persons to proceed to and remain in any part of Zambia

(2) Any person who, without lawful excuse, fails or neglects to comply with any such order or prevents or obstructs or interferes with any other person in the performance of any such order shall be guilty of an offence.

(No. 359 of 1965)

19. *Revoked by S.I. No. 39 of 1993.*

20. *Revoked by S.I. No. 39 of 1993.*

21. *Revoked by S.I. No. 39 of 1993.*

22. (1) Any magistrate, police officer, member of the Defence Force when acting in aid of the civil power, or District Messenger may arrest without warrant any person who is guilty or suspected of being guilty of an offence under these Regulations. Power of arrest

(2) Any magistrate, member of the Defence Force when acting in aid of the civil power, or District Messenger shall have all the powers of arrest of a police officer.

(As amended by Nos. 8 and 66 of 1965)

23. It shall be lawful for any member of the Defence Force not below the rank of warrant officer when acting in aid of the civil power, or police officer not below the rank of Assistant Inspector, without a warrant, by day or by night, to enter and inspect any premises or place wherein he has just cause to believe that there is evidence relevant to the making of a detention order or a restriction order, or that an offence under these Regulations has been, is being or is about to be committed, and to search any part of such premises or place and then and there to take all necessary measures for the retention and preservation of such evidence or for the effectual prevention or detection of such offence. Powers of entry, inspection and search

(As amended by Nos. 8 and 66 of 1965)

24. (1) It shall be lawful for an authorised officer, without warrant, by day or by night, to stop and search any vehicle which is in motion or to search any vehicle which is stationary which he has just cause to believe- Power to stop and search vehicles

(a) may contain any person who has committed or is about to commit an offence under these Regulations or any other written law;

(b) contains evidence relevant to-

(i) the making of a detention order or a restriction order;

(ii) an offence under these Regulations or any other written law.

(2) Any person who, without reasonable excuse, the proof whereof shall lie on him, fails or refuses to comply with a request or signal made to him by an authorised officer in the exercise of the powers conferred upon such officer by sub-regulation (1), shall be guilty of an offence and liable upon conviction to a fine not exceeding seven hundred and fifty penalty units or to imprisonment for a period not exceeding three months, or to both.

(3) For the purposes of this regulation, "authorised officer" means any police officer, any District Messenger, or any member of the Defence Force when acting in aid of the civil power.

(As amended by Nos. 8 and 66 of 1965 and Act No. 13 of 1994)

25. When any order, direction or notice is made or given under the provisions of these Regulations, the person issuing such order, direction or notice shall cause notice thereof to be given in such manner as he thinks necessary for bringing it to the notice of all persons who in his opinion ought to have notice of the order, direction or notice and, without prejudice to the generality of this above provision, it shall be a sufficient notification of any order, direction or notice if it shall be published in the *Gazette*, or, in the case of an order, direction or notice addressed to an individual, if it is brought to his notice by service, by post or otherwise.

Publicity for orders

26. Any person who obstructs, knowingly misleads, or otherwise interferes with or impedes, or withholds any information in his possession which he may reasonably be required to furnish from, any officer or other person who is carrying out the orders of the President or who is otherwise acting in accordance with his duty under these Regulations shall be guilty of an offence.

Obstruction of officers

27. The President may, by writing under his hand, and either generally or specially, depute any person or persons, either by name or by office, to exercise all or any of the functions conferred upon the President by these Regulations, subject to such conditions, if any, as he may specify, and thereupon any person so deputed shall have and may exercise such functions accordingly, but no such delegation shall affect or impair the power of the President to act himself under these Regulations.

Delegation of functions

28. If the fulfilment by any person of any contract is interfered with by the necessity on the part of himself or of any other person of complying with these Regulations or any rule, order, notice, scheme or direction thereunder, that necessity shall be a good defence to any action or proceedings taken against that person in respect of the non-fulfilment of such contract so far as it is due to that interference.

Effect of regulations on contracts

29. (1) Without prejudice to the operation of any other written law, any person who attempts to commit, conspires with any other person to commit, or does any act preparatory to the commission of any offence against any of these Regulations shall be guilty of an offence against that regulation and shall be liable upon conviction to the punishment provided in respect of such first-mentioned offence.

Attempt to commit offences, etc.

(2) Any person who does any act preparatory to the commission of an offence against any written law relating to injury to the person or damage to property, whether real or personal, shall be guilty of an offence.

30. (1) A subordinate court of the first or second class may try any offence under these Regulations and impose any sentence provided for in these Regulations.

Jurisdiction of subordinate courts

(2) A subordinate court of the third class may try any offence under these Regulations in respect of which the penalty is provided under regulation 47 and may impose any penalty provided for in such regulation.

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(3) The provisions of the Criminal Procedure Code relating to the confirmation of sentences and fines imposed by subordinate courts shall apply to any sentence or fine imposed in respect of an offence under these Regulations. Cap. 88

(4) Notwithstanding the provisions of any other written law to the contrary, a subordinate court may inquire into or try any offence which it has jurisdiction to try under the Penal Code, these Regulations or any other written law, whether or not the offence was committed within the district in which such subordinate court has jurisdiction. Cap. 87

(5) For the purposes of this regulation, "district" shall have the meaning which is assigned to it in section two of the Criminal Procedure Code. Cap. 88

31. (1) Notwithstanding the provision of any written law to the contrary, a local court shall have and may exercise jurisdiction to try any offence under regulations 13 and 36 and accordingly such local court- Jurisdiction of local courts

(a) shall administer the provisions of the said regulations 13 and 36; and

(b) may impose any sentence provided for in those regulations:

Provided that nothing in this sub-regulation shall confer jurisdiction on a local court to try any offence under regulation 13 where the person charged with the offence is a Chief.

(2) In this regulation, "local court" has the meaning assigned to it in the Local Courts Act. Cap. 29

(No. 335 of 1969)

32. Any person who contravenes a condition contained in an exemption granted in terms of these Regulations shall be guilty of an offence. Offence for contravention of condition

33. (1) Whenever the President is satisfied that for the purpose of preserving public security it is necessary to exercise control over any person, the President may make an order against such person, directing that such person be detained and thereupon such person shall be arrested, whether in or outside the prescribed area, and detained. Detention orders

(2) The President may at any time vary or revoke any detention order or may direct that the operation of such order be suspended subject to such conditions, if any, as the President may think fit, and may at any time revoke any such order of suspension or vary any such conditions.

(3) Without prejudice to the generality of sub-regulation (2), where a detention order is suspended, the person against whom such order is made may be subjected to conditions-

- (a) imposing upon him such restrictions as to place of residence, business or employment, or association or communication with other persons, as the President may think fit;
- (b) prohibiting him from being out of doors between such hours as may be specified except with the authority of a written permit granted by a competent authority;
- (c) requiring him to notify his movements in such manner, at such times and to such authority or person as may be specified;
- (d) prohibiting or restricting the possession or use by him of any specified article; or
- (e) prohibiting him from travelling except in accordance with permission given to him by a competent authority.

(4) If any person contravenes any condition attached to the suspension of a detention order, that person shall, whether or not the suspension is revoked or the order varied in consequence of such contravention, be guilty of an offence.

(5) Any person detained in pursuance of this regulation shall be deemed to be in lawful custody and shall be detained in such place within or without the prescribed area as may be authorised by the *(3)President and in accordance with such instructions as the President may issue in that behalf:

* Mumbwa Prison authorised by G.N. No. 388 of 1964. Kabwe and Lusaka Prisons authorised by Gazette Notice No. 733 of 1967. Mpima authorised by Gazette Notice No. 909 of 1967.

Provided that, where the President authorises the detention of any person in any place declared to be a prison under the Prisons Act, nothing in this sub-regulation shall be to the prejudice of any power under the said Act to direct the removal of such person from such prison to any other prison within Zambia. Cap. 97

(6) Any police officer of or above the rank of Superintendent may, without warrant, arrest any person in respect of whom he has reason to believe that there are grounds which would justify his detention under this regulation, and may order that such person be detained for a period not exceeding seven days pending a decision whether a detention order should be made against him, and the provision of sub-regulation (5) shall apply in respect of his detention during such period:

Provided that a person arrested under this sub-regulation shall be released where, before a decision is reached as to whether or not a detention order should be made against him, the police officer who arrested him finds, on further inquiry, that there are no grounds which would justify his detention under this regulation.

(7) (1) There shall be a Tribunal or such number of Tribunals as the President considers necessary or expedient for the purposes of this regulation.

(2) A Tribunal shall consist of-

- (a) a chairman, qualified to be enrolled as an advocate in Zambia, appointed by the Chief Justice;
- (b) such other persons as the President may appoint.

(8) Where a person is lawfully detained under this regulation, his case shall be reviewed not more than one month after the commencement of his detention and thereafter during his detention at intervals of not more than six months by a Tribunal established under sub-regulation (7).

(9) A Tribunal established under sub-regulation (7) may exclude from proceedings before it persons other than the parties to the proceedings and their legal representatives to such extent as the Tribunal may consider necessary or expedient in the interests of defence, public safety, public order, public morality or the protection of the private lives of persons concerned in the proceedings.

(10) On any review by a Tribunal in pursuance of this regulation of the case of a detained person, the Attorney-General, or such public officer or class of public officers as may be specified by him or a legal practitioner instructed in that behalf by the Attorney-General, shall have a right of audience before the Tribunal for the purpose of presenting the case and may make representations to the Tribunal.

(11) On any review by a Tribunal in pursuance of this regulation of the case of a detained person, the Tribunal may make recommendations concerning the necessity or expediency of continuing his detention to the President, but the President shall not be obliged to act in accordance with any such recommendation.

(No. 377 of 1964 as amended by No. 389 of 1964, Nos. 8, 104, 127 of 1965 and Nos. 33 and 39 of 1993)

34. (1) Where any article has come into the possession of an executive authority (whether in consequence of the seizure of the article under any of these Regulations or otherwise) and it appears to him that the article is or may be relevant to the making of a detention order, such executive authority may retain such article for so long only as may be necessary to investigate or inquire whether or not a detention order should be made:

Retaining possession
of articles

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Provided that no such article may be retained for any period exceeding the period for which this regulation is in force.

(2) Any person aggrieved by the retention of an article under this regulation may make his objection to a Tribunal established under regulation 33, and the Tribunal shall consider such objection.

(3) For the purposes of this regulation, any authority, officer or other person whatsoever having functions in connection with the execution of these Regulations shall be an executive authority.

(No. 377 of 1964)

35. (1) If any person, upon being questioned by a police officer, fails to satisfy such officer as to his identity or as to the purpose for which he is in the place in which he is found, such police officer may, if he reasonably suspects that such person has committed an offence, or when he reasonably considers it necessary to prevent his committing an offence, arrest him, and detain him, or order him to be detained.

Power to detain
suspected persons

(2) No person shall be detained under the powers conferred by this regulation for a period exceeding twenty-four hours except with the authority of a magistrate or of a police officer not below the rank of Assistant Superintendent, on whose direction such person may be detained for a further period of forty-eight hours:

Provided that if a magistrate is satisfied that the necessary inquiries cannot be completed within such further period of forty-eight hours, he may direct that such person may be detained for a further period not exceeding seven days.

(3) Any person detained under the powers conferred by this regulation shall be deemed to be in lawful custody and may be detained in any prison or police station or in any place authorised under sub-regulation (5) of regulation 33.

36. Any person who harbour or conceals any other person whom he knows or has reason to believe to be a person whose presence, activities or movements constitute a threat to the preservation of public security shall be guilty of an offence and be liable to a fine not exceeding one thousand five hundred penalty units or to imprisonment for a period not exceeding six months, or to both such fine and imprisonment.

Harbouring suspected
persons

(No. 335 of 1969 and No. 13 of 1994)

37. *Revoked by S.I. No. 39 of 1993.*

38. *Revoked by S.I. No. 39 of 1993.*

39. *Revoked by S.I. No. 39 of 1993.*

40. *Revoked by S.I. No. 39 of 1993.*

41. *Revoked by S.I. No. 39 of 1993.*

42. (1) If, in respect of any prescribed area or part thereof, it appears to the President that persons are or may be resorting thereto or concealing themselves or residing therein in circumstances in which the presence, activities or movement of such persons in, into or out of such area constitutes a threat to the maintenance of public order, he may by order declare such area to be a prohibited area for the purposes of these Regulations. Prohibited areas

(2) An order made under this regulation shall come into force upon such date as may be specified therein, and so long as the order is in force, subject to any exemptions for which provisions may be made by the same or any subsequent order, no person shall enter or re-enter or remain in or be within any part of the prohibited area unless he is in possession of a permit issued by a competent authority.

(3) A permit issued under sub-regulation (2)-

- (a) shall be in such form as the authority issuing it shall determine;
- (b) shall be subject to such conditions as may be contained therein or be endorsed thereon; and
- (c) may be revoked at any time by any authority empowered to issue such permits;

and any person claiming to be the holder of such a permit shall, on demand made in that behalf by an authorised officer, produce the permit to such officer.

(4) Any person who is unlawfully in any prohibited area, or who fails to comply with or contravenes the terms of any direction, order or permit given or issued under the provisions of this regulation, shall be guilty of an offence.

(5) Without prejudice to any proceedings which may be taken under these Regulations, any person who is unlawfully in any prohibited area or who contravenes the terms of any direction, order or permit given or issued under the provisions of this regulation may be removed from such place or area by an authorised officer, who may use all necessary force to effect such removal. Any person whilst being so removed shall be deemed to be in lawful custody.

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(6) Any person who is removed from a prohibited area under sub-regulation (5) may be removed to any part of Zambia.

(7) Whenever any person has been removed to an area under sub-regulation (6), he shall immediately upon his arrival therein report himself to the nearest officer in charge of police in the District, and shall thereafter so report himself at such intervals as the officer in charge of police may determine, and any person who fails to comply with the provisions of this sub-regulation shall be guilty of an offence against these Regulations.

(8) For the purposes of this regulation, "authorised officer" means any magistrate, police officer or member of the Defence Force.

(As amended by Nos. 8 and 66 of 1965)

43. *Revoked by S.I. No. 39 of 1993.*

44. (1) Any person who exports from Zambia any petroleum product-

Smuggling of any petroleum product

(a) otherwise than in accordance with the Customs and Excise Act; or

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(b) in contravention of any written law or order prohibiting, restricting or regulating the export of any petroleum product;

shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding fifteen years.

(2) Where the amount of any petroleum product involved in the commission of any offence exceeds four hundred and forty-five litres, a sentence of not less than three years shall be imposed on the person convicted of that offence.

(3) For the purposes of this regulation, "petroleum product" means a refined petroleum capable of being used as a motor spirit or diesel fuel or power paraffin or aviation spirit, but does not include illuminating paraffin.

(No. 75 of 1966 as amended by No. 218 of 1966)

45. (1) Any person who is in possession of any petroleum product, without lawful authority, the burden of proving which shall be on him, shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding five years.

Possession of any petroleum product

(2) Where the amount of any petroleum product involved in the commission of any offence exceeds four hundred and forty-five litres, a sentence of not less than one year shall be imposed on the person convicted of that offence.

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(3) For the purposes of this regulation, "petroleum product" means a refined petroleum capable of being used as a motor spirit or diesel fuel or power paraffin or aviation spirit, but does not include illuminating paraffin.

(No. 75 of 1966)

46. Any person who incites, instigates, or in any way encourages or persuades, any person or class of persons employed in a necessary service to absent himself from such employment or otherwise to fail to perform his work or duties in or about that necessary service, knowing or having reasonable cause to believe that the probable consequence of such absence or failure, either alone or in combination with others, would be to deprive the public wholly or to any extent of that service shall be guilty of an offence.

Persons influencing employees in necessary services

(No. 239 of 1968)

47. (1) Any person guilty of an offence under these Regulations for which no other penalty is provided shall be liable on conviction to a fine not exceeding fifteen thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

Penalties

(2) Where the person guilty of an offence under these Regulations is a corporation, company or society, any director, officer or trustee or other person concerned with the management thereof shall be guilty of the like offence unless he proves that the offence was committed without his knowledge or consent.

(As amended by No. 13 of 1994)

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SCHEDULE

(Regulations 2 and 3)

PRESCRIBED AREAS

All Provinces.

(No. 359 of 1965)

THE PRESERVATION OF PUBLIC SECURITY (DETAINED PERSONS) REGULATIONS

ARRANGEMENT OF REGULATIONS

Regulation

1. Title
2. Application of Regulations
3. Interpretation
4. Interpretation of other written laws
5. Powers of Commissioner
6. Appointment and general duties of officers in charge
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8. Powers of officers in charge, officers and guards
9. Detention and removal
10. Search of detained persons
11. Property of detained persons
12. Medical examination and weighing
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18. Visits
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20. Punishment for scheduled offences
21. Committee of Inspection
22. Examination of articles and search by officers, etc.
23. Offences in respect of places and detained persons
24. Prohibited articles and unauthorised communications
25. Searches
26. Use of force and communication with detained persons
27. Use of weapons by officers and guards
28. Offences
29. Power to punish officers and guards
30. Proceedings

FIRST SCHEDULE-Scheduled offences

SECOND SCHEDULE-Normal and reduced diets

SECTION 3-THE PRESERVATION OF PUBLIC SECURITY (DETAINED PERSONS)
REGULATIONS

Regulations by the President

Government Notices
412 of 1964
497 of 1964
Statutory Instruments
8 of 1965
66 of 1965
Act No.
13 of 1994

1. These Regulations may be cited as the Preservation of Public Security (Detained Persons) Regulations. Title
 2. These Regulations shall apply to the whole of Zambia. Application of Regulations
 3. In these Regulations, unless the context otherwise requires- Interpretation
- "Commissioner" means the Commissioner of Prisons;
- "detained person" means a person detained under the authority of a detention order, or under the provisions of sub-regulation (6) of regulation 33 of the Preservation of Public Security Regulations, or, where any person detained under regulation 35 of the said Regulations is detained in a place of detention, such person;
- "detention order" means an order made against any person under the provisions of sub-regulation (1) of regulation 33 of the Preservation of Public Security Regulations;
- "guard" means a person appointed as such under the provisions of regulation 7;
- "officer" means a person appointed to be an officer under regulation 7;
- "officer-in-charge", in relation to any place of detention, means the person appointed by the Commissioner to be in charge of such place;
- "place of detention" means a place authorised by the President under the provisions of sub-regulation (5) of regulation 33 of the Preservation of Public Security Regulations;
- "police officer" means any member of the Zambia Police Force or the Zambia Police Reserve and a Special Constable;

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"prohibited article" means any article other than-

- (a) an article issued to a detained person by an officer-in-charge; or
- (b) an article which a detained person is permitted by these Regulations or by an officer-in-charge to retain;

"removal order" means an order made under the provisions of sub-regulation (2) of regulation 9 directing that a detained person be removed from one place of detention to another;

"scheduled offence" means an offence specified in the First Schedule.

(As amended by No. 8 of 1965)

4. In any written law relating to the remand or safe custody of accused persons or persons awaiting trial, "prison", "place of security" and "place of safety" shall, notwithstanding anything to the contrary contained in such law, include a reference to a place of detention. Interpretation of other written laws

5. The Commissioner shall, subject to the general or special directions of the President, be responsible for the general control and administration of all places of detention and for the security and proper treatment of all detained persons therein, and he may issue standing orders for these purposes. Powers of Commissioner

6. (1) The Commissioner shall, in respect of every place of detention, appoint a public officer to be the officer-in-charge thereof. Appointment and general duties of officers in charge

(2) The officer-in-charge shall, subject to the directions of the Commissioner, have and be responsible for the control and administration of the place of detention of which he is appointed and shall be responsible to the Commissioner for the treatment of detained persons in his custody and the conduct of officers and guards under his control, and for the due observance by such officers, guards and detained persons of the provisions of these Regulations, and shall maintain such records and observe such standing orders as the Commissioner shall direct.

(As amended by No. 8 of 1965)

7. (1) The Commissioner may appoint such number of persons to be officers and guards for the purposes of these Regulations as he shall think necessary to ensure the safe custody of detained persons in places of detention and for the control and proper governance and administration of places of detention. Appointment and duties of officers and guards

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(2) It shall be the duty of officers and guards appointed under these Regulations to do all things that are necessary for preventing detained persons from escaping and for maintaining good order in places of detention and for ensuring that the provisions of these Regulations are observed so far as it is within their competence to do so.

(As amended by No. 8 of 1965)

8. Officers-in-charge, officers and guards appointed under these Regulations shall have all the powers, privileges and protection of a police officer.

Powers of officers in charge, officers and guards

9. (1) Every officer-in-charge is hereby authorised and required to keep and detain all detained persons duly conveyed to a place of detention of which he is in charge, or transferred thereto under a removal order, according to the provisions of these Regulations until such person is lawfully discharged or removed from his custody.

Detention and removal

(2) The Commissioner, or any person authorised by him in that behalf, may, by written order, direct that a detained person be removed from one place of detention to another, and such person whilst being so removed shall be deemed to be in lawful custody.

(3) Any person, on production of an order in writing from a police officer not being below the rank of Sub-Inspector and with the approval of the officer-in-charge of a place of detention, may interview any detained person within a place of detention in the sight and hearing of an officer or guard of the place of detention for purposes connected with the investigation of any offence whatsoever or with the preservation of public security. If the officer-in-charge is satisfied that the detained person is willing to be interviewed by police officers out of the sight and hearing of an officer or guard of the place of detention, then the officer-in-charge may permit that detained person to be interviewed by not less than two police officers within the place of detention and out of the sight and hearing of an officer or guard of the place of detention.

(4) If a police officer not being below the rank of Sub-Inspector certifies verbally or in writing that a detained person is required at a police station or other place in connection with the investigation of an offence or with the preservation of public security, the officer-in-charge shall permit the temporary removal to the police station or other place of such detained person in the custody of a police officer duly authorised in writing in that behalf by the said superior police officer for such period as the said superior police officer may require.

10. Every detained person, male or female, may be searched on admission to a place of detention, and all prohibited articles taken from him.

Search of detained persons

11. (1) All money, clothes or other effects, other than-

Property of detained persons

(a) a reasonable amount of clothing for wear during detention; and

- (b) such property as the officer-in-charge, in his discretion, permits to be retained; and
- (c) articles which a detained person is permitted to have by virtue of any provision of these Regulations;

brought into a place of detention by a detained person or sent to such place of detention for the use of such person shall be taken into the custody of the officer-in-charge, who shall keep an inventory of the same, and all such money, clothes or other effects shall be returned to the detained person when he is lawfully released or removed from the custody of the officer-in-charge.

(2) All property taken into the custody of an officer-in-charge under the provisions of sub-regulation (1) shall be labelled so as to be easily identifiable as the property of the person from whom it is taken, and such person shall acknowledge that the property taken from him is correctly listed by affixing his signature or mark against the entry relating to his property in such inventory.

(3) An officer-in-charge may refuse to take into a place of detention any property of a detained person which, by reason of its bulk, nature or excessive quantity, cannot be conveniently stored in such place of detention.

(4) Subject to the provisions of these Regulations, an officer-in-charge shall give a detained person every facility to dispose of any property belonging to him which was brought or sent into a place of detention by or on behalf of such person.

(5) The officer-in-charge shall inspect the place where the property of detained persons is stored at regular intervals and shall take such steps as he may consider necessary for its proper preservation.

12. The officer-in-charge shall, if circumstances permit, cause every detained person to be medically examined by a medical officer and weighed immediately on his admission to a place of detention and at convenient intervals thereafter.

Medical examination
and weighing

13. (1) Unless he is placed on a reduced diet under the provisions of regulation 20, every detained person shall receive the normal diet set out in the Second Schedule, with such variations, if any, as the Commissioner may from time to time authorise, either generally or specifically.

Food and necessities

(2) An officer-in-charge may in his discretion or on the advice of a medical officer, cause any detained person to receive a diet varied in such manner as the said officer-in-charge or medical officer may recommend.

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(3) So far as may be reasonably practicable, and subject to the directions of an officer-in-charge as regards quantity, a person under detention may secure or purchase such luxuries, including clothing and tobacco, as are consistent with good order and discipline:

Provided that all such articles must be received or bought through the officer-in-charge, who may impound any article, the possession of which is prohibited by standing orders or which, in his opinion, is likely to be dangerous to health or life or is likely to facilitate escape from the place of detention.

(4) An officer-in-charge may regulate the amount of food and other necessities procured by any detained person.

(5) The officer-in-charge may order that anything received by a detained person under the provisions of sub-regulation (3) be examined, and anything discovered in the course of such examination shall be dealt with under the provisions of regulation 11.

14. (1) A detained person shall not be compelled to wear clothing supplied by the officer-in-charge unless, in the opinion of such officer, his own clothing is insufficient, improper or in an insanitary condition. Clothing

(2) An officer-in-charge may require any detained person who attempts to escape to wear such clothing as the officer-in-charge may determine.

15. A detained person shall be permitted to smoke tobacco and receive newspapers, books and magazines subject to such restrictions as to time and place as the officer-in-charge may determine. Smoking and newspapers

16. (1) Subject to the provisions of sub-regulation (2), no detained person shall be compelled to perform any work but a detained person may elect to be given employment and in such case shall be eligible to receive such payment as the Commissioner may determine. Employment

(2) A detained person shall keep his room, the precincts thereof, his clothing, furniture and utensils clean and tidy and shall assist in the preparation of his food.

17. A detained person may exercise daily during such periods as shall be permitted by the officer-in-charge. Exercise

18. (1) A detained person may be visited once in any week by persons authorised by the officer-in-charge and may in special circumstances be allowed further visits in the discretion of the officer-in-charge. Visits

(2) Visits shall be made at such times and places and subject to such conditions as the officer-in-charge may specify.

(3) A detained person shall not be visited by more than two visitors at any one time.

(4) The officer-in-charge shall permit the legal representative of a detained person to interview such person at such times and subject to such conditions as the officer-in-charge may specify and such interviews shall not be reckoned as visits for the purpose of sub-regulation (1).

(5) A legal practitioner who wishes to interview any detained person shall, if so requested by the officer-in-charge, produce proof to the satisfaction of the officer-in-charge that he is the legal representative of the person whom he wishes to interview.

19. (1) A detained person shall be permitted each week-

Letters

(a) to receive one letter; and

(b) to write one letter not exceeding four pages in length on paper supplied by the officer-in-charge.

(2) The officer-in-charge may, at his discretion, permit a detained person to receive and write more than one letter each week.

(3) The officer-in-charge may, in his discretion, permit a detained person to write a letter and receive a reply thereto as an alternative to receiving a visitor under these Regulations.

(4) The officer-in-charge or any person duly authorised in that behalf by him shall read every letter to or from a detained person and may stop any such letter if, in his opinion, its contents are objectionable. A detained person shall be given the opportunity to write another letter if his first letter is stopped.

(5) A detained person by whom or to whom a letter is written which is stopped under the provisions of sub-regulation (4) shall forthwith be advised that such letter has been stopped, and the officer-in-charge shall forward the letter to the Commissioner who may give directions, either generally or specially, as to the disposal of the letter including directions for impounding or destroying the letter or for obliterating or excising any objectionable matter therein before it is transmitted to the addressee.

20. (1) An officer-in-charge may punish any detained person found after due inquiry to be guilty of a scheduled offence by ordering him to undergo one or more of the following punishments: Punishment for scheduled offences

- (a) separate confinement in a separate cell or other place set aside for such punishment for a period not exceeding sixteen days on the normal diet as set out in the Second Schedule;
- (b) separate confinement in a separate cell or other place set aside for such punishment for a period not exceeding seven days upon a reduced diet as set out in the Second Schedule;
- (c) deprivation for such period as the officer-in-charge may think fit of any privilege relating to food, books, clothing, letters, or any other matter whatever to which the detained person may be entitled under these Regulations; or
- (d) reprimand:

Provided that no offender shall be awarded more than one of the punishments set out in paragraphs (a) and (b) in respect of any offence or offences forming the subject of a single inquiry.

(2) Any person aggrieved by an order made under the provisions of sub-regulation (1) may appeal in writing therefrom to the Commissioner and the decision of the Commissioner on any such appeal shall be final.

(3) Where any person appeals to the Commissioner under sub-regulation (2), the officer-in-charge shall forthwith cause such appeal to be transmitted to the Commissioner with a full statement of the case and all evidence.

21. (1) The President may appoint two or more persons to constitute a Committee of Inspection (hereinafter referred to as the Committee) for any place or places of detention. Committee of Inspection

(2) The President shall nominate one of the Committee as chairman and such chairman shall be responsible for ensuring compliance with the provisions of this regulation.

(3) In the absence or incapacity of any member of the Committee, the remaining member or members shall have the powers and exercise the duties of the Committee, and, if the chairman is absent or incapacitated, shall be responsible for ensuring compliance with the provisions of this regulation.

(4) The Committee may at any time visit the place or places of detention in respect of which it has been constituted and shall do so at least once in every month.

(5) The Committee shall hear any complaint (not being a complaint relating to the validity of a detention order or relating to the grounds upon which such detention order was made) which any detained person may wish to make, and it shall be the duty of the officer-in-charge to inform the Committee of any detained person who wishes to make a complaint.

(6) The Committee shall record its visits in the minute book which shall be kept at every place of detention and enter any remarks and recommendations which it may wish to make, and copies of any such remarks and recommendations shall be sent by the officer-in-charge without delay to the Commissioner, together with a report on any action taken.

22. (1) Any officer or guard attached to a place of detention may examine anything carried into or out of such place, and may stop and search, or cause to be stopped and searched, any person entering or leaving such place of detention.

Examination of articles and search by officers, etc.

(2) For the purpose of ensuring that prohibited articles are not being kept in any place of detention, the officer-in-charge may cause such place of detention and all detained persons therein to be searched at such times as he may determine.

(3) Any prohibited articles found as a result of any examination or search under the provisions of this regulation shall be dealt with under the provisions of regulation 11.

23. Any person who-

- (a) is found loitering within 91.44 metres of any place of detention and who fails to depart therefrom upon being required so to do to by any officer or guard of the place of detention or by a police officer;
- (b) harbours or employs any detained person whom he knows to be unlawfully at large; or
- (c) wilfully interferes with any detained person;

Offences in respect of places and detained persons

shall be guilty of an offence and liable upon conviction to a fine not exceeding one thousand five hundred penalty units or to imprisonment for a period not exceeding six months, or to both.

(As amended by No. 13 of 1994)

24. (1) Any person-

- (a) who by any means whatever introduces into any place of detention or removes therefrom any prohibited article;

Prohibited articles and unauthorised communications

- (b) who gives to or takes from, any detained person any prohibited article;
- (c) being a detained person, who communicates or attempts to communicate with any person who is not a detained person or with any detained person who is detained in some other place of detention, otherwise than in accordance with these Regulations; or
- (d) not being a detained person, who communicates or attempts to communicate with a detained person otherwise than in accordance with these Regulations;

shall be guilty of an offence and shall be liable to a fine not exceeding one thousand five hundred penalty units or to imprisonment for a period not exceeding six months, or to both.

(2) When any person in the presence of any officer or guard commits any offence specified in this regulation, and refuses on demand of such officer or guard to state his name and residence, or gives a name or residence which such officer or guard knows or has reason to believe to be false, such officer or guard shall arrest him and shall without unnecessary delay make him over to a police officer.

(As amended by No. 13 of 1994)

25. Where any detained person is searched under any of the provisions of these Regulations, such search shall be carried out by a person of the same sex as such detained person and no person of the opposite sex shall be present during such search.

Searches

26. (1) An officer-in-charge, officer or guard in dealing with a detained person shall not use force unless its use is necessary, and no more force than is reasonably necessary shall be used.

Use of force and communication with detained persons

(2) Subject to the provisions of regulation 27, an officer-in-charge, officer or guard shall not strike a detained person unless he is compelled to do so in self-defence or the defence of others.

(3) An officer-in-charge, officer or guard shall not act in a manner calculated to provoke a detained person.

27. (1) Subject to the provisions of this regulation, an officer or guard may use a weapon against-

Use of weapons by officers and guards

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- (a) a detained person who is-
 - (i) escaping or attempting to escape;
 - (ii) engaged in a combined outbreak or in an attempt to force, break open or scale the outside door, gate fence or enclosure wall of the place of detention; or
 - (iii) using violence to him or another officer or guard or other person; and

- (b) a person who-
 - (i) whilst assisting a detained person to escape, is using violence to such officer or guard or other person; or
 - (ii) is engaged in a combined break-in or in an attempt to force, break open or scale the outside door, gate, fence or enclosure wall of the place of detention or an inside door, gate, fence or wall of the place of detention.

(2) Resort shall not be had to the use of a weapon unless-

- (a) the officer or guard has reasonable ground to believe that he cannot otherwise prevent the escape or break-in;

- (b) the officer or guard gives a warning that he is about to use the weapon; and

- (c) the warning given by the officer or guard is unheeded.

(3) An officer or guard shall not, in the presence of an officer-in-charge, make use of a weapon as is authorised in sub-regulation (1), except on the orders of the officer-in-charge.

(4) The use of weapons in pursuance of the provisions of this regulation shall be, as far as possible, to disable and not to kill.

(5) For the purposes of this regulation, "weapon" shall include any firearm, baton or tear smoke.

28. Any officer or guard who-

Offences

- (a) uses traitorous or disloyal words regarding the President;
- (b) is disrespectful in word, act, or demeanour to an officer-in-charge, officer or guard duly placed in authority over him;
- (c) disobeys or fails to comply with any lawful order, including any standing order issued by the Commissioner;
- (d) renders himself unfit for duty through drink or by the use of drugs;
- (e) absents himself without leave or overstays his leave or withdraws himself from duty;
- (f) neglects or refuses to assist in the apprehension of any person whom it is his duty to arrest;
- (g) allows to escape any detained person whom it is his duty to keep or guard;
- (h) offers or uses unwarranted personal violence to any person in his custody;
- (i) pawns, sells, loses by neglect, makes away with, wilfully spoils or fails to report any damage to any arms, ammunition, accoutrements, clothing, or any other public property;
- (j) steals or unlawfully destroys any property belonging or issued to a detained person;
- (k) without due authority, discloses or conveys any information concerning any investigation or matter relating to the Zambia Prison Service;
- (l) without proper authority, demands from any person any article, carriage or portorage;
- (m) makes or signs any false report or statement in any official record or document, knowing or having reasonable ground to believe that the same is false;
- (n) knowingly makes a false accusation against any officer-in-charge, officer, guard or detained person, or wilfully suppresses any material facts, or makes or joins in making any anonymous complaint;
- (o) assists or connives with any detained person in having or obtaining any prohibited article; or
- (p) is guilty of any other act, conduct, disorder or neglect of duty to the prejudice of good order or discipline;

shall be guilty of an offence against discipline.

(As amended by No. 66 of 1965)

29. (1) Alleged offences against discipline may be inquired into by the Commissioner or a senior Prisons Officer appointed by the Commissioner or an officer-in-charge.

Power to punish officers and guards

(2) Where an officer conducting an inquiry into an offence against discipline is satisfied that such offence has been committed, he may punish the offender by-

- (a) admonition;
- (b) reprimand or severe reprimand;

(c) extra duty not exceeding seven days; or

(d) fine not exceeding one-half of a month's pay:

Provided that the imposition of a fine of or above the amount of thirty penalty units under paragraph (d) shall be subject to confirmation by the Commissioner.

(3) The Commissioner shall have the power to reduce or quash any sentence passed by an officer-in-charge and may at any time before it is carried out vary any punishment imposed under this regulation.

(As amended by No. 13 of 1994)

30. (1) Every officer empowered to hold an inquiry under regulation 29 shall have power to summon and examine witnesses and to require the production of all documents relevant to such inquiry and to adjourn any hearing from time to time.

Proceedings

(2) In every inquiry under regulation 29 the proceedings and findings shall be recorded in writing.

(3) Any person summoned as a witness under sub-regulation (1) who fails to attend at the time and place mentioned in the summons, or an adjournment, or refuses to answer any question that is lawfully put to him or makes any false statement shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding one hundred and fifty penalty units or to imprisonment for a period not exceeding one month, or to both:

Provided that no such witness shall be obliged to answer any question which may tend to incriminate him or render him liable to any forfeiture or penalty.

(As amended by No. 13 of 1994)

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FIRST SCHEDULE

(Regulation 3)

SCHEDULED OFFENCES

1. Mutiny and incitement to mutiny.
2. Escape or attempting to escape.
3. Assault on any officer or guard at a place of detention.
4. Shouting or making unnecessary noise.
5. Assaulting or taking part in any attack on or quarrelling or fighting with a detained person, including aggravated or repeated assaults.
6. Doing any act or using any language calculated to wound or offend the feelings or prejudices of any detained person.
7. Using any abusive or indecent language or indulging in any indecent gesture or act.
8. Committing a nuisance in any part of a place of detention.
9. Treating with disrespect any person lawfully visiting any place of detention or any person or officer employed in or in connection with any place of detention.
10. Wilfully destroying food or throwing it away without orders.
11. Omitting or refusing to keep himself clean or disobeying any order designed to preserve the health of detained persons.
12. Tampering in any way with locks, lights or other fixtures or fittings in a place of detention.
13. Stealing or without reasonable excuse interfering with the clothing or property of any other detained person.
14. Having in his possession any article which he is not entitled to have.
15. Spitting on or otherwise soiling any floor, door, wall or other part of a place of detention or any article therein.
16. Wilfully or negligently damaging or destroying any property of the Government.
17. Refusing to undergo medical treatment.
18. Disobeying or neglecting to comply with any reasonable order or direction brought to his notice in any manner.
19. Wilfully bringing a false accusation against any person or officer employed in or in connection with any place of detention.
20. Communicating with, or trying to communicate with, any person outside the place of detention otherwise than in accordance with provisions made under these Regulations.
21. Any other act, conduct, disorder or neglect which may reasonably be considered to be to the prejudice of good order or discipline.
22. Attempting to commit, or aiding, abetting or inciting the commission of any of the above offences.

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SECOND SCHEDULE

(Regulations 13 and 20)

NORMAL DIET

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								<i>Daily Issues</i>
Cereal meal (maize, bulrush millet, kaffircorn or finger millet)	567 g
or rice (unpolished or parboiled)	..	..	..	..	..	..	..	340.2 g
and bread (wholemeal or brown)	..	..	..	..	..	..	..	113.4 g
and maize meal, etc.	..	..	..	..	..	..	..	113.4 g
or starchy substitute (dry),								
e.g. cassava meal	..	..	..	..	..	..	..	396.9 g
and skim milk	..	..	..	..	..	..	..	568 ml
(or equivalent powder)	..	..	..	..	..	..	..	(56.7 g)
or bananas*(4) (unpeeled but excluding stalk)	..	..	..	..	..	..	..	2.025 kg
and skim milk	..	..	..	..	..	..	..	568 ml
(or equivalent powder)	..	..	..	..	..	..	..	(56.7 g)
Ground-nuts (shelled)	..	..	..	..	..	..	..	56.7 g
and peas, beans, lentils or dahl	..	..	..	..	..	..	..	56.7 g
Salt	..	..	..	..	..	..	..	21.262 g
Cocoa, coffee or tea	..	..	..	..	..	..	..	7.087 g
and sugar	..	..	..	..	..	..	..	14.175 g
								<i>Weekly Issues</i>
Skim milk	..	..	..	..	..	..	..	1,988 ml
(or equivalent powder)	..	..	..	..	..	..	..	(198.45 g)
(or full cream milk)	..	..	..	..	..	..	..	(1,988 ml)
and fresh meat	..	..	..	..	..	..	..	793.8 g
or fresh fish	..	..	..	..	..	..	..	0.9 kg
and fat	..	..	..	..	..	..	..	99.225 g
or dry fish	..	..	..	..	..	..	..	340.2 g
and fat	..	..	..	..	..	..	..	99.225 g
Fat or oil	..	..	..	..	..	..	..	85.05 g
and margarine (vitaminised)	..	..	..	..	..	..	..	99.225 g
Mixed fresh vegetables (green leafy, green beans or peas, tomatoes, fresh peppers, carrots, onions, turnips)	..	..	..	..	..	..	..	0.9 kg
or dehydrated vegetables (cabbage, cauliflower, green beans or peas, carrots)	..	..	..	..	..	..	..	113.4 g
or canned vegetables (as above)	..	..	..	..	..	..	..	0.9 kg
Pumpkin and mixed fresh fruits (pawpaw, mango, banana †(5) guava, orange, grandilla, mulberry, lemon)	..	..	..	..	..	..	..	0.9 kg
or mixed canned fruits as above (up to 226.8 g of fresh or canned fruit may be substituted by 28.35 g of dried fruits)	..	..	..	..	..	..	..	0.9 kg

* Banana not to be included if already included in daily issue.

†Only to be supplied when this food forms part of the habitual diet.

REDUCED DIET

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	<i>Daily Issues</i>
Maize meal	340.2 g
<i>or</i> cassava meal	340.2 g
<i>or</i> millet meal	340.2 g
Fresh vegetables	170.1 g
<i>or</i> peas <i>or</i> beans	56.7 g
<i>or</i> sweet potatoes	283.5 g
Peas <i>or</i> beans	56.7 g
Dripping	14.175 g
<i>or</i> ground-nut oil	7.087 g
<i>or</i> ground-nuts, shelled	28.35 g
<i>or</i> red palm oil	3.544 g
Salt	21.262 g
Unlimited water.	

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SECTION 3-THE PRESERVATION OF PUBLIC SECURITY (RAILWAYS) REGULATIONS

Statutory Instruments

230 of 1966

394 of 1966

130 of 1967

13 of 1994

Regulations by the President

1. These Regulations may be cited as the Preservation of Public Security (Railways) Regulations. Title
2. In these Regulations, unless the context otherwise requires- Interpretation
- "Administrator" means the Administrator of Railways appointed under the provisions of regulation 3;
- "Executive Officer", in relation to the Railways, means the Managing Director of Zambia Railways or such other officer of the Railways as is responsible for the operation of the Railways within Zambia or any part of Zambia; and
- "Railways" means the established Railways by or under the Railways Act Cap. 453
3. For the purposes of these Regulations, there shall be an Administrator of Railways, who shall be appointed by the President. Administrator of Railways
4. (1) The Administrator may give to the Executive Officer of the Railways such directions as appear to the Administrator to be necessary or expedient for ensuring that, for the purpose of maintaining communication services essential to the life of the community, sufficient locomotives, units of rolling stock and other items of railway equipment are made available for the operational requirements of the Railways within Zambia and for operational use on railway systems other than the Railways. Functions of Administrator
- (2) Without prejudice to the generality of the powers conferred by sub-regulation (1), directions given under this regulation may-
- (a) prohibit or control the movement from Zambia to Zimbabwe of locomotives, rolling stock and other railway equipment and, in particular, may control such movement by specifying the numbers of locomotives, units of rolling stock and other items of railway equipment which shall be retained for the operational use of the Railways within Zambia or for operational use on any railway system other than the Railways;
- (b) require the movement from Zambia to any railway system other than the Railways of such numbers of locomotives, units of rolling stock and other items of railway equipment as the Administrator may specify;

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- (c) require such information relating to the locomotives, units of rolling stock and items of other railway equipment operated by the Railways within Zambia and the movement thereof to be furnished to the Administrator as the Administrator may consider necessary for the effective exercise of his powers.

(3) Directions given under this regulation may make provision only with respect to a specified class or classes of locomotives, rolling stock or other railway equipment and may make different provision with respect to different classes of locomotives, rolling stock or other railway equipment.

5. (1) The Administrator may give to the Executive Officer of the Railways such directions as appear to the Administrator to be necessary or expedient for ensuring that, for the purpose of maintaining communication services essential to the life of the community, a sufficient number of personnel is employed by the Railways for the operational requirements of the Railways within Zambia.

Administrator may give directions concerning employees

(2) Without prejudice to the generality of the powers conferred by sub-regulation (1), in any directions given under sub-regulation (1) the Administrator may require the Executive Officer of the Railways to employ a specified person for a specified purpose or in a specified post and the Executive Officer shall comply with such directions, notwithstanding the provisions of any written law or agreement which may regulate employment for such purpose or in such post.

(No. 394 of 1966)

6. Where the Administrator is satisfied that the continued employment of any employee by the Railways in Zambia will be detrimental to the good running of the Railways in Zambia, he may require the Executive Officer of the Railways to terminate in Zambia the employment of such employee by the Railways in Zambia and the Executive Officer shall comply with such directions, notwithstanding the provisions of any written law or agreement to the contrary.

Administrator may give directions concerning dismissal of employees

(No. 130 of 1967)

7. It shall be lawful for the Administrator, or any person authorised by him in writing in that behalf, to enter and inspect at all reasonable times and without a warrant any premises occupied by the Railways for the purpose of securing information relating to the movement of locomotives, rolling stock and other railway equipment.

Powers of entry and inspection

8. Any person who-

- (a) contravenes or fails to comply with any directions given under these Regulations with which it is his duty to comply; or
- (b) when required under these Regulations to furnish any information, furnishes information which is false in any particular; or
- (c) obstructs the Administrator or any person authorised by him in that behalf in the exercise of the powers conferred by regulation 7;

Offences and penalties

shall be guilty of an offence and shall be liable, on conviction, to imprisonment for a period not exceeding three years.

9. The Administrator may, by writing under his hand, depute any person or persons to exercise all or any of the functions of the Administrator under these Regulations, subject to such conditions, if any, as he may specify, and thereupon any person so deputed shall have and may exercise such functions accordingly; but no such delegation shall affect or impair the power of the Administrator to act himself under these Regulations.

Delegation of functions of Administrator

SECTIONS 3, 4 AND 5-THE PRESERVATION OF PUBLIC SECURITY (AIR SERVICES) REGULATIONS *Statutory Instrument 76 of 1966*

Regulations by the President

1. These Regulations may be cited as the Preservation of Public Security (Air Services) Regulations. Title
2. In these Regulations, unless the context otherwise requires-
- "the Act" means the Air Services Act; Cap. 446
- "air service" shall have the meaning assigned thereto in section *two* of the Act;
- "Minister" means the Minister responsible for transport;
- "permit" means a permit issued by the Minister under these Regulations authorising the holder thereof to provide an air service to, from or within Zambia.
3. Notwithstanding the provisions of the Act, no person shall provide an air service to, from or within Zambia-
- (a) otherwise than in accordance with the conditions of a permit; or
- (b) whilst the permit authorising the provision of the air service is suspended;
- whether or not such person holds a permit issued under and in accordance with the provisions of the Act. No air service to be provided without permit
4. (1) An application for the issue, renewal, transfer or amendment of a permit shall be made to the Minister in such manner as the Minister may direct. Application for permit

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(2) The provisions of subsections (2) and (3) of section *five* of the Act and, if the Minister so directs, such of the provisions of section *six* and *seven* of the Act as the Minister may specify, shall, *mutatis mutandis*, apply in relation to an application under and in accordance with sub-regulation (1).

(3) If the Minister wishes to refer an application under and in accordance with the provisions of sub-regulation (1) to a tribunal, the provisions of sections *nine* to *twelve*, both inclusive, of the Act in relation to matters referred to a tribunal by the Minister shall, *mutatis mutandis*, apply.

(4) Where the Minister-

(a) has directed under the provisions of sub-regulation (2) that any of the provisions of sections *six* and *seven* of the Act shall apply in relation to any application; or

(b) wishes to refer the application to a tribunal under the provisions of sub-regulation (3);

the fee that would have been payable under the provisions of section *twenty* of the Act, had the application been made under the Act, shall be payable.

5. (1) The Minister may, with or without the recommendation of a tribunal, reject an application made under and in accordance with the provisions of sub-regulation (1) of regulation 4 or grant, revoke, suspend, transfer, renew or vary a permit, whether or not application therefor has been made, and include such conditions to a permit as he thinks necessary or expedient.

Rejection of application

(2) Where the Minister has granted a permit to any person, he may suspend the application of the Act in respect of the holder of such permit.

6. If a holder of a permit applies for the renewal of the permit before the lapse of the period of its validity, the permit shall be treated as being in force until the holder is notified in writing on behalf of the Minister that the Minister has refused his application or has renewed the permit.

Renewal of permit

7. A person who contravenes or fails to comply with-

Offences

(a) the provisions of these Regulations; or

(b) the terms and conditions of a permit;

shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding fifteen thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

(As amended by Act No. 13 of 1994)

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SECTIONS 3, 4 AND 5-THE PRESERVATION OF PUBLIC SECURITY (CONTROL OF WATERWAYS) REGULATIONS

Regulations by the President

*Statutory Instrument
325 of 1967
Act No.
13 of 1994*

- | | |
|--|-------------------------------------|
| <p>1. These Regulations may be cited as the Preservation of Public Security (Control of Waterways) Regulations.</p> | Title |
| <p>2. In these Regulations, unless the context otherwise requires-</p> <p>"authorised officer" means any police officer, immigration officer, customs officer or any member of the Defence Force when acting in aid of the civil power;</p> <p>"movement permit" means a permit issued under regulation 5;</p> <p>"restricted waterway" means a waterway declared under regulation 3 to be a restricted waterway;</p> <p>"vessel" includes every description of water craft used or capable of being used as a means of transportation on water; and</p> <p>"waterway" includes any river, stream, lake or dam.</p> | Interpretation |
| <p>3. The President may, by statutory order, declare any waterway or any part of a waterway to be a restricted waterway.</p> | Declaration of restricted waterways |
| <p>4. Save in accordance with a movement permit or in the charge of a public officer acting in the course of his duties, it shall be unlawful for any vessel to enter into or to move within a restricted waterway.</p> | Restriction of movement of vessels |
| <p>5. An authorised officer may issue a movement permit in the form set out in the Schedule to any person in respect of any vessel and may endorse on the permit such conditions as he thinks fit as to-</p> <p>(a) the period of its validity;</p> <p>(b) the purpose for which the vessel may be used within the restricted waterway;</p> <p>(c) the days or times of day during which the vessel may be used within the restricted waterway; and</p> <p>(d) the area of the restricted waterway which the vessel may enter or within which it may move.</p> | Movement permits |

6. An authorised officer may at any time-

Investigation by
authorised officers

- (a) stop a vessel in motion within a restricted waterway;
- (b) board any vessel within a restricted waterway for the purpose of making inquiries as to the use or presence of the vessel within the restricted waterway;
- (c) demand of the person in charge of any vessel within a restricted waterway the production of a movement permit;
- (d) without warrant, search any vessel within a restricted waterway which he reasonably suspects may contain-

(i) any person who has committed or is about to commit an offence; or

(ii) any evidence relevant to an offence.

7. (1) The person in charge of any vessel which enters into or moves within a restricted waterway in contravention of regulation 4, or of any condition attached to a movement permit, shall be guilty of an offence and liable, on conviction, to a fine not exceeding fifteen thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

Offences and
penalties

(2) Any person who, without reasonable excuse, the proof whereof shall be upon him, fails or refuses to comply with a request or signal made by an authorised officer by virtue of the powers conferred upon him by regulation 6 to such person to stop his vessel, shall be guilty of an offence and liable on conviction to a fine not exceeding seven hundred and fifty penalty units or to imprisonment for a period not exceeding three months, or to both.

(As amended by No. 13 of 1994)

8. (1) An authorised officer may without warrant arrest any person who he reasonably suspects has committed an offence contrary to regulation 7.

Powers of arrest and
seizure

(2) An authorised officer who has reasonable cause to believe that a vessel has been, is being or is about to be used in the commission of an offence contrary to regulation 7 may seize and retain that vessel for the purpose of preserving evidence of or preventing the commission of such offence.

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SCHEDULE

REPUBLIC OF ZAMBIA

PRESERVATION OF PUBLIC SECURITY (CONTROL OF WATERWAYS) REGULATIONS.

(Regulation 5)

MOVEMENT PERMIT

Subject to the provisions of the Preservation of Public Security (Control of Waterways) Regulations, and to the special conditions set out below. permission is hereby granted to.....

until.....to *introduce into/use
(date of expiry of permit)

within the area of restricted waterway the vessel.....
(description of vessel)

SPECIAL CONDITIONS

1.

(Purposes for which vessel may be used)

2.

(Days or hours during which vessel may be used)

3.

(Limitations on area of restricted waterway in which vessel may be used)

OFFICIAL DATE STAMP

.....
(Signature)

.....
(Official Position)

* Delete whichever is inapplicable.

SECTIONS 3, 4 AND 5-THE PRESERVATION OF PUBLIC SECURITY (PROHIBITED WATERWAYS) REGULATIONS

Statutory Instrument
200 of 1972

Regulations by the President

IN EXERCISE of the powers conferred upon the President by sections *three, four* and *five* of the Preservation of Public Security Act, the following Regulations are hereby made:

1. These Regulations may be cited as the Preservation of Public Security (Prohibited Waterways) Regulations, 1972. Title

2. In these Regulations, unless the context otherwise requires- Interpretation
 - "authorised officer" means any police officer, immigration officer, or customs officer or any member of the Defence Force when acting in aid of the civil power;
 - "prohibited waterway" means a waterway declared under regulation 3 to be a prohibited waterway;
 - "vessel" includes every description of water craft used or capable of being used as a means of transportation on water;
 - "waterway" includes any river, stream, lake or dam.

3. The President may by order declare any waterway or any part of a waterway to be a prohibited waterway. Declaration of prohibited waterways

4. (1) Subject to the provisions of sub-regulation (2), it shall be unlawful for any vessel to enter into or to move within a prohibited waterway. Prohibition of movement of vessels

(2) The provisions of sub-regulations (1) shall not apply to a vessel in charge of a public officer acting in the course of his duties.

5. An authorised officer may at any time- Investigation by authorised officer
 - (a) stop a vessel in motion within a prohibited waterway;
 - (b) board any vessel within a prohibited waterway for the purposes of making inquiries as to the use or presence of the vessel within the prohibited waterway;
 - (c) without warrant, search any vessel within a prohibited waterway.

The Laws of Zambia

6. (1) The person in charge of any vessel which enters into or

Offences and penalties

moves within a prohibited waterway in contravention of regulation 4 shall be guilty of an offence and liable on conviction to a fine not exceeding ten thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

(2) Any person who, without reasonable excuse, the proof whereof shall be upon him, fails or refuses to comply with a request or signal made by an authorised officer by virtue of the powers conferred upon him by regulation 5 to such person to stop his vessel, shall be guilty of an offence and 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.

7. (1) An authorised officer may without warrant arrest any person who he reasonably suspects has committed an offence contrary to regulation 6.

Powers of arrest and seizure

(2) An authorised officer who has reasonable cause to believe that a vessel has been, is being or is about to be used in the commission of an offence contrary to regulation 6 may seize and retain that vessel for the purpose of preserving evidence of or preventing the commission of such offence.

8. The operation of the Preservation of Public Security (Control of Waterways) Regulations, and any order made or any movement permit issued thereunder is hereby suspended.

Suspension of the operation of the Preservation of Public Security (Control of Waterways) Regulations

(As amended by No. 13 of 1994)

REGULATION 3 OF THE PRESERVATION OF PUBLIC SECURITY (CONTROL OF WATERWAYS) REGULATIONS-THE KARIBA RESTRICTED WATERWAY ORDER

Statutory Instrument
273 of 1968

Order by the President

1. This Order may be cited as the Kariba Restricted Waterway Order.

Title

2. The waterway described in the Schedule is hereby declared to be a restricted waterway.

Declaration of restricted waterway

The Laws of Zambia

SCHEDULE

(Paragraph 2)

KARIBA RESTRICTED WATERWAY

All that area of Lake Kariba which lies within Zambia and to the east of the Kariba dam wall marked by a brass stud numbered N.R.T./T.153 at approximate latitude 16 degrees 9.9568 metres South and approximate longitude 28 degrees 13.8176 metres East, the boundary follows a straight line on an approximate true bearing of 211 degrees 7.9248 metres for a distance of approximately 3,352.8 metres to a point at latitude 16 degrees 9.8552 metres South and longitude 28 degrees 14.1732 metres East; thence in a straight line on an approximate true bearing of 259 degrees 1.8288 metres for a distance of approximately 11,338.56 metres to a point at latitude 16 degrees 11.3284 metres South and longitude 28 degrees 12.0904 metres East; thence in a straight line on an approximate true bearing of 247 degrees 27.94 centimetres for a distance of approximately 44,287.44 metres to a point at latitude 16 degrees 13.6144 metres South and longitude 28 degrees 5.08 metres East; thence in a straight line on an approximate true bearing of 229 degrees 0.9144 metres for a distance of approximately 17,007.84 metres to a point at latitude 16 degrees 15.4432 metres South and longitude 20 degrees 2.6924 metres East; thence in a straight line on an approximate true bearing of 245 degrees 13.4112 metres for a distance of approximately 35,844.48 metres to a point at latitude 16 degrees 18.1356 metres South and longitude 27 degrees 16.2052 metres East; thence in a straight line on an approximate true bearing of 214 degrees 11.8872 metres for a distance of approximately 38,191.44 metres to a point at latitude 17 degrees 5.5832 metres South and longitude 27 degrees 12.5476 metres East; thence in a straight line on an approximate true bearing of 185 degrees 13.4112 metres for a distance of approximately 9,448.8 metres to a point at latitude 17 degrees 7.0612 metres South and longitude 27 degrees 11.7856 metres East; thence in a straight line on an approximate true bearing of 221 degrees 1.8288 metres for a distance of approximately 12,039.6 metres to a point at latitude 17 degrees 8.5852 metres South and longitude 27 degrees 10.0584 metres East; thence in a straight line on an approximate true bearing of 232 degrees 5.4864 metres for a distance of approximately 31,120.08 metres to a point at latitude 17 degrees 11.176 metres South and longitude 27 degrees 6.0452 metres East; thence in a straight line on an approximate true bearing of 218 degrees 4.8768 metres for a distance of approximately 30,480 metres to a point at latitude 17 degrees 13.0048 metres South and longitude 27 degrees 3.4544 metres East; thence in a straight line on an approximate true bearing of 166 degrees 7.62 metres for a distance of approximately 3,291.84 metres to a point of latitude 17 degrees 15.494 metres South and longitude 27 degrees 2.9972 metres East; thence in a straight line on an approximate true bearing of 226 degrees 15.5448 metres for a distance of approximately 10,485.12 metres to a point of latitude 17 degrees 16.4592 metres South and longitude 27 degrees 1.524 metres East; thence in a straight line on an approximate true bearing of 214 degrees 3.048 metres for a distance of approximately 7,833.36 metres to a point at latitude 17 degrees 18.3896 metres South and longitude 27 degrees 1.3716 metres East; thence in a straight line on an approximate true bearing of 282 degrees 10.9728 metres for a distance of approximately 2,743.2 metres to a point at approximately latitude 17 degrees 17.8816 metres South and approximate longitude 27 degrees 0.3048 metres East on the medium filum of the Zambezi River; thence in a northerly direction to the Northern shore of Lake Kariba; thence follows the shore line in general north-easterly and easterly direction to the Kariba dam wall; thence along this dam wall to a brass stud on the dam wall numbered N.R.T./T.153 which is the point of starting.

The Laws of Zambia

SECTIONS 3, 4 AND 5-THE PRESERVATION OF PUBLIC SECURITY (EMPLOYERS AND EMPLOYEES) REGULATIONS

Statutory Instrument
175 of 1968
Act No.
13 of 1994

Regulations by the President

1. These Regulations may be cited as the Preservation of Public Security (Employers and Employees) Regulations. Title

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

"Minister" means the Minister responsible for labour;

"specified employer" means an employer engaged in an industry specified in the order under regulation 3.

3. (1) The Minister may, by statutory order, require any employer engaged in any industry specified in the order to retain, subject to such conditions as the Minister may therein provide, in his employment any person or class or classes of persons, or all persons, employed by him at the commencement of the order. Minister may order employers in specified industries to retain employees

(2) An order made under this regulation may contain such incidental or supplementary provisions as appear to the Minister to be necessary or expedient for the purpose of such order.

4. During any period when an order under regulation 3 is in force, no specified employer shall terminate the employment of any person employed by him at the commencement of such order save in accordance with the provisions thereof. Restriction on dismissals by specified employer

5. Any specified employer who fails to comply with the provisions of regulation 4 shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding fifteen thousand penalty units. Offence

(As amended by Act No. 13 of 1994)

SECTIONS 3, 4 AND 5-THE PRESERVATION OF PUBLIC SECURITY (MOVEMENT OF VEHICLES) REGULATIONS

Statutory Instrument
231 of 1966

Regulations by the President

1. These Regulations may be cited as the Preservation of Public Security (Movement of Vehicles) Regulations. Title

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2. (1) Where the Commissioner-General is of opinion that the export of any goods is not lawful, he may direct the person in charge or having control of any vehicle being used in the exportation of such goods to remove the vehicle and the goods to such place as he may specify. Powers of Commissioner-General

(2) Any person who fails to comply with a direction given by the Commissioner-General shall be guilty of an offence and liable, on conviction, to a term of imprisonment not exceeding two years.

(3) Unless the Commissioner-General otherwise directs, the reasonable cost of complying with any direction given by him shall be borne by the consignor of the goods concerned and may be recovered accordingly from the consignor by the person complying with the direction.

(4) The powers conferred on the Commissioner-General shall be in addition to and not in derogation of the powers conferred on him by the Customs and Excise Act. Cap. 322

(5) For the purposes of this regulation- Cap. 321

"Commissioner-General" means the person appointed Commissioner-General under the Zambia Revenue Authority Act, and includes any person authorised by him to give directions under this regulation; and

"vehicle" means any train, motor car, van, lorry, cart, or other conveyance of any kind, except a ship or aircraft.

SECTIONS 3, 5 AND 6-THE PRESERVATION OF PUBLIC SECURITY (MAINTENANCE OF SUPPLIES) REGULATIONS

Statutory Instrument
199 of 1971
121 of 1988
11 of 1989

Regulations by the President

1. These Regulations may be cited as the Preservation of Public Security (Maintenance of Supplies) Regulations. Title

2. These Regulations shall apply throughout Zambia. Application

The Laws of Zambia

3. (1) In this regulation-

"agricultural produce" means any animal, vegetable, grain, fruit, dairy product or any other thing whatsoever produced in Zambia in the course of agriculture for the purpose of human or animal consumption;

"public service vehicle" has the same meaning as is assigned to that expression in the Roads and Road Traffic Act;

"road service licence" means a road service licence granted under section *one hundred and fifty-two* of the Roads and Road Traffic Act;

Use of vehicles for carriage of agricultural produce
Cap. 464
Cap. 464

(2) While these Regulations are in force any person may use or cause or permit to be used on a road any vehicle as a public service vehicle for the carriage of agricultural produce and the carriage of any person *bona fide* in charge of and accompanying agricultural produce without there being in force in relation to such vehicle a road service licence authorising such use.

(3) The operation of Part X of the Roads and Road Traffic Act is suspended in its application to any such vehicle as is mentioned in sub-regulation (2).

Cap. 464

(As amended by S.I. No. 11 of 1989)

THE PRESERVATION OF PUBLIC SECURITY (NECESSARY SERVICES) (DECLARATION)
ORDER

Order by the President

Statutory Instrument
241 of 1970
35 of 1985

1. This Order may be cited as the Preservation of Public Security (Necessary Services) (Declaration) Order.

Title

2. The service specified in the Schedule is hereby declared to be a necessary service for the purposes of the Preservation of Public Security Regulations.

Declaration of necessary service.

The Laws of Zambia

SCHEDULE

The Teaching Service of the Government

All financial Institutions in the Republic

SECTION 3-THE PRESERVATION OF PUBLIC SECURITY (MILLING OF MAIZE) REGULATIONS *Statutory Instrument
214 of 1986*

Regulations by the President

1. These Regulations may be cited as the Preservation of Public Security (Milling of Maize) Regulations. Title

2. (1) The President may, by notice under his hand, require any miller, until further notice, to use all the resources of his undertaking (including staff) for the purpose solely to mill maize for the Republic. Powers of President

(2) The President may, by writing under his hand, delegate to any person any function under these Regulations other than those referred to in sub-regulation (1).

3. Where the powers contained in regulation 2 (1) are exercised in respect of any miller or undertaking, such miller or undertaking shall be paid at such rates as may be agreed, or in default of agreement, as may be determined in accordance with these Regulations. Compensation to be paid

4. (1) If within four weeks from the exercise in respect of any miller or undertaking of the powers contained in regulation 2 (1) there remains outstanding any dispute relating to or in connection with such exercise of powers, other than a dispute as to the applicable rate or the amount to be paid, the Attorney-General or any person affected by the exercise of such powers, may institute proceedings in the High Court for the determination of such dispute. Disputes

(2) Where any dispute arises as to the applicable rate or the amount to be paid, the Attorney-General or any person affected by the exercise of such powers may, and if such dispute is not settled within the aforementioned period of four weeks, shall refer such dispute by way of a submission to a single arbitrator under the provisions of the Arbitration Act: Cap. 180

Provided that such arbitrator shall be an auditor practising in Zambia.

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(3) The existence of any dispute as aforesaid shall not affect the right of the President and persons authorised by him to require the miller or undertaking to provide the services as required by regulations 2 (1).

5. (1) Any person who wilfully fails to comply with a notice under regulation 2 (1), or does any act designed to defeat the purpose of such notice, or who wilfully hinders or obstructs any duly authorised person from exercising any rights or performing any functions under these Regulations, shall be guilty of an offence and liable on conviction to a fine not exceeding twelve thousand five hundred penalty units or to imprisonment for a term not exceeding two years, or to both.

Offences and Penalties

(2) If any person wilfully fails to comply with a notice under regulation 2 (1) or does any act designed to defeat the purpose of such notice, or hinders or obstructs any duly authorised person from exercising any rights or performing any functions under these Regulations, the Attorney-General may apply *ex parte* to the High Court for an appropriate order and such court may thereupon, and upon proof of the due service of the notice under regulation 2 (1), issue such order as may be necessary to ensure compliance with regulation 2 (1).

(As amended by No. 13 of 1994)

REGULATION 3-THE ZAMBEZI PROHIBITED WATERWAY (NO. 2) ORDER

Statutory Instrument
202 of 1972

1. This Order may be cited as the Zambezi Prohibited Waterway (No. 2) Order. Title
2. The waterways described in the Schedule hereto are hereby declared to be prohibited waterways. Prohibited waterways
3. The Zambezi Prohibited Waterway Order, 1972, contained in Statutory Instrument No. 201 of 1972 is hereby revoked. Revocation of S.I. No. 201 of 1972

The Laws of Zambia

SCHEDULE

(Paragraph 2)

PART I

KARIBA PROHIBITED WATERWAY

All that area of Lake Kariba which lies within Zambia and to the east of the Kariba dam wall marked by a brass stud numbered N.R.T./T.153 at approximate latitude 16 degrees 31 minutes 20 seconds South and approximate longitude 28 degrees 45 minutes 40 seconds East, the boundary follows a straight line on an approximate true bearing of 221 degrees 26 minutes for a distance of approximately 3,352.8 meters to a point at latitude 16 degrees 32 minutes 40 seconds South and longitude 28 degrees 44 minutes 30 seconds East; thence in a straight line on an approximate true bearing of 259 degrees 6 minutes for a distance of approximately 11,338.56 metres to a point of latitude 16 degrees 33 minutes 50 seconds South and longitude 28 degrees 38 minutes 20 seconds East; thence in a straight line on an approximate true bearing of 247 degrees 11 minutes for a distance of approximately 44,287.44 metres to a point at latitude 16 degrees 43 minutes 20 seconds South and longitude 28 degrees 15 minutes 20 seconds East; thence in a straight line on an approximate true bearing of 229 degrees 3 minutes for a distance of approximately 17,007.84 metres to a point at latitude 16 degrees 49 minutes 20 seconds South and longitude 20 degrees 8 minutes 10 seconds East; thence in a straight line on an approximate true bearing of 245 degrees 44 minutes for a distance of approximately 35,844.48 metres to a point at latitude 16 degrees 57 minutes 30 seconds South and longitude 27 degrees 49 minutes 50 seconds East; thence in a straight line on an approximate true bearing of 214 degrees 39 minutes for a distance of approximately 38,191.44 metres to a point at latitude 17 degrees 14 minutes 40 seconds South and longitude 27 degrees 37 minutes 50 seconds East; thence in a straight line on an approximate true bearing of 185 degrees 44 minutes for a distance of approximately 9,448.8 metres to a point at latitude 17 degrees 19 minutes 50 seconds South and longitude 27 degrees 37 minutes 20 seconds East; thence in a straight line on an approximate true bearing of 221 degrees 6 seconds for a distance of approximately 12,039.6 metres to a point at latitude 17 degrees 24 minutes 50 seconds South and longitude 27 degrees 33 minutes 00 seconds East; thence in a straight line on an approximate true bearing of 232 degrees 18 minutes for a distance of approximately 31,120.08 metres to a point at latitude 17 degrees 35 minutes 20 seconds South and longitude 27 degrees 19 minutes 10 seconds East; thence in a straight line on an approximate true bearing of 218 degrees 16 minutes for a distance of approximately 30,480 metres to a point at latitude 17 degrees 48 minutes 20 seconds South and longitude 27 degrees 08 minutes 40 seconds East; thence in a straight line on an approximate true bearing of 166 degrees 25 minutes for a distance of approximately 3,291.84 metres to a point at latitude 17 degrees 50 minutes 10 seconds South and longitude 27 degrees 09 minutes 10 seconds East; thence in a straight line on an approximate true bearing of 226 degrees 51 minutes for a distance of approximately 10,485.12 metres to a point at latitude 17 degrees 54 minutes 00 seconds South and longitude 27 degrees 05 minutes 00 seconds East; thence in a straight line on an approximate true bearing of 214 degrees 10 minutes for a distance of approximately 7,833.36 metres to a point at latitude 17 degrees 57 minutes 40 seconds South and longitude 27 degrees 02 minutes 30 seconds East; thence in a straight line on an approximate true bearing of 282 degrees 36 minutes for a distance of approximately 2,743.2 metres to a point at approximately latitude 17 degrees 57 minutes 20 seconds South and approximate longitude 27 degrees 01 minutes 00 seconds East on the medium filum of the Zambezi River; thence in a northerly direction to the Northern shore of Lake Kariba; thence follows the shore line in general north-easterly and easterly direction to the Kariba dam wall; thence along this dam wall to a brass stud on the dam wall numbered N.R.T./T.153 which is the point of starting.

PART II

ZAMBEZI PROHIBITED WATERWAY

All such area of the Zambezi River as lies within Zambia and is situated directly opposite to the bank of the said River lying outside Zambia.

Endnotes

1 (Popup - Popup)

Any service required for the working of a mine declared to be a necessary service by S.I. No. 55 of 1966.

The transport of refugees from any country and the transport of essential goods declared to be a necessary service by S.I. No. 239 of 1966.

The transport of goods and passengers by rail declared to be a necessary service by S.I. No. 238 of 1968.

2 (Popup - Popup)

Italian Airforce Technical Assistance Personnel exempted by S.I. No. 447 of 1969.

3 (Popup - Popup)

Mumbwa Prison authorised by G.N. No. 388 of 1964. Kabwe and Lusaka Prisons authorised by Gazette Notice No. 733 of 1967. Mpima authorised by Gazette Notice No. 909 of 1967.

4 (Popup - Popup)

Banana not to be included if already included in daily issue.

5 (Popup - Popup)

Only to be supplied when this food forms part of the habitual diet.