

GOVERNMENT OF ZAMBIA

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**ACT**

**No. 4 of 2026**

Date of Assent: 31st March, 2026

**An Act to amend the Criminal Procedure Code Act**

**[8th April, 2026]**

ENACTED by the Parliament of Zambia.

Enactment

**1.** This Act may be cited as the Criminal Procedure Code (Amendment) Act, 2026, and shall be read as one with the Criminal Procedure Code Act, in this Act referred to as the principal Act.

Short title  
Cap. 88

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

Amendment  
of  
section 2

“aerodrome” has the meaning assigned to the word in the Civil Aviation Act;

Cap. 444

“aircraft” has the meaning assigned to the word in the Civil Aviation Act;

Cap. 444

“airport infrastructure” has the meaning assigned to the words in the Civil Aviation Act;

Cap. 444

“allied substances” has the meaning assigned to the words in the Medicines and Allied Substances Act;

Cap. 299

“distribution system” has the meaning assigned to the words in the Electricity Act;

Cap. 433

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Cap. 310	“medical supplies” has the meaning assigned to the words in the Zambia Medicines and Medical Supplies Agency Act;
Cap. 299	“medicine” has the meaning assigned to the word in the Medicines and Allied Substances Act;
Cap. 466	“navigation mark” has the meaning assigned to the words in the Inland Waters Shipping Act;
Cap. 453	“railway” has the meaning assigned to the word in the Railways Act;
Cap. 472	“road” has the meaning assigned to the word in the Public Roads Act;
Cap. 433	“transmission system” has the meaning assigned to the words in the Electricity Act; and
Cap. 87	“vessel” has the meaning assigned to the word in the Penal Code Act.
Amendment of section 123	<p><b>3.</b> Section 123(1) of the principal Act is amended by the—</p> <p>(a) deletion of paragraph (v) and the substitution therefor of the following:</p> <p style="padding-left: 40px;">(v) stock theft; and</p> <p>(b) insertion of the following new paragraphs immediately after paragraph (v):</p> <p style="padding-left: 40px;">(vi) defilement;</p> <p style="padding-left: 40px;">(vii) rape;</p> <p style="padding-left: 40px;">(viii) incest;</p> <p style="padding-left: 40px;">(ix) stealing of—</p> <p style="padding-left: 80px;">(A) medicine, allied substances or medical supplies;</p> <p style="padding-left: 80px;">(B) coltan, copper, diamond or gold;</p> <p style="padding-left: 80px;">(C) a railway;</p> <p style="padding-left: 80px;">(D) traffic signs;</p> <p style="padding-left: 80px;">(E) navigation marks;</p> <p style="padding-left: 80px;">(F) an aircraft, vertical signalisation installations and terminal buildings with associated facilities and installations; or</p>

(G) a distribution system or transmission system; and

(x) intentionally destroying or damaging—

(A) a railway;

(B) an aerodrome, aircraft or airport infrastructure;

(C) a road;

(D) a vessel or navigation mark; or

(E) a distribution system or transmission system.

4. The principal Act is amended by the repeal of section 192 and the substitution therefor of the following:

Repeal and replacement of section 192  
Proof of certain facts by affidavit or certificate

192. (1) Where a fact is ascertained by an examination or process and may become relevant to an issue in criminal proceedings, an affidavit or certificate shall, if purporting to have been made by a person qualified to carry out an examination or process, be admissible as evidence to prove a fact, where a skill is required in—

- (a) biology, chemistry, physics, astronomy, geography or geology;
- (b) mathematics, applied mathematics or mathematical statistics or in the analysis of statistics;
- (c) computer science or in any discipline of engineering;
- (d) anatomy or human behavioural sciences;
- (e) biochemistry, metallurgy, microscopy, toxicology or in any branch of pathology; or
- (f) ballistics, identification of fingerprints, body prints or in any examination of disputed documents.

(2) Despite subsection (1), a court may, in which an affidavit or certificate is adduced in evidence by a person qualified to carry out an examination or process, in its discretion—

- (a) cause that person to be summoned to give oral evidence in criminal proceedings or may cause written interrogatories to be submitted to that

person for reply, and any written interrogatories and reply purporting to be a reply from that person shall be admissible as evidence in criminal proceedings; or

- (b) cause that person to be summoned to give oral evidence, at the request of the accused, and that request shall be made not less than seven days before a trial.

(3) Where a finding or action taken is in connection with a fingerprint, body-print, bodily sample or crime scene sample which is relevant to the issue in a criminal proceeding, an affidavit shall, if purporting to have been made by a person who is a public officer in the performance of official duties, on the production of the affidavit in criminal proceeding, be *prima facie* proof that the fingerprint, body-print, bodily sample or crime scene sample, was found or dealt with —

- (a) at the crime scene, in the place, in the article or in the position of circumstances stated in the affidavit; or

- (b) in the manner stated in the affidavit.

(4) Where the physical condition or the identity of a deceased person at a hospital, nursing home or mortuary is relevant to the issue in a criminal proceeding, an affidavit shall, if purporting to be made by a person who alleges to be employed at the hospital, nursing home, mortuary, as a driver of an ambulance and in the performance of official duties observed the physical characteristics of the deceased person, on the production of the affidavit at the proceeding, be *prima facie* proof that —

- (a) while a deceased person was under that person's care, the deceased person had or sustained the injuries or wounds or sustained no injuries or wounds, as described in the affidavit;

- (b) the deceased person in question was handed over to a specified person;

- (c) the deceased person in question was in the care of a specified person; or

- (d) the deceased person was pointed out or handed over to a specified person or left in the person's care by a specified person.

(5) Where the collection, receipt, custody, packing, marking, delivery or dispatch of any fingerprint or body-print, article of clothing, specimen, bodily sample, crime scene sample, tissue or an object of any nature is done in accordance with the National Forensic Act, 2020, and is relevant to the issue in a criminal proceeding, an affidavit shall, if purporting to have been made by a person who is, a public officer, in provincial administration, at a university in the Republic or designated by the Minister and is in performance of official duties, on the production of the affidavit at that criminal proceeding, be *prima facie* proof that the fingerprint or body-print, article of clothing, specimen, bodily sample, crime scene sample, tissue or object of any nature was —

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- (a) received from a person specified in the affidavit and was packed or marked in the manner described in the affidavit;
- (b) delivered or dispatched to any person, institute, State institution or body specified in the affidavit and was packed or marked in the manner described in the affidavit; or
- (c) during a period specified in the affidavit in that person's custody and was packed or marked in the manner described in the affidavit.

(6) A person referred to under subsection (5), may issue a certificate in place of an affidavit referred to under that subsection, in which event the provisions of this section shall, with necessary modifications apply with reference to that certificate.

(7) A person who wilfully and knowingly issues a false statement in an affidavit or certificate under this section, commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a term not exceeding five years, or to both.

5. The principal Act is amended by the insertion of the following new section immediately after section 192:

Insertion of  
Section  
192A

192A (1) The evidence of a fingerprint or result of a blood test of an accused or evidence that an accused has or had a mark, characteristic, distinguishing feature or condition of appearance on the accused's body, shall be admissible at criminal proceedings, when it is necessary to ascertain that—

Evidence of  
fingerprint  
or blood test  
of accused

(a) a fingerprint, body-print or bodily sample or the information derived from a fingerprint, body-print or bodily sample of an accused corresponds to a fingerprint, body-print or bodily sample found at a crime scene; or

(b) an accused has or had a mark, characteristic, distinguishing feature, condition or appearance which is ascertained.

(2) The evidence referred to under this section shall not be inadmissible by reason only that the fingerprint, body-print, or bodily sample was not taken, or that the mark, characteristic, feature, condition or appearance in question was not ascertained or that it was taken or ascertained against the will of an accused.

Insertion of section 358B

6. The principal Act is amended by the insertion of the following new section immediately after section 358A:

Sentencing guidelines for offence under Act

358B. The Chief Justice may issue sentencing guidelines for any offence under this Act.

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