

The Laws of Zambia

REPUBLIC OF ZAMBIA

**THE COMMISSION FOR INVESTIGATIONS ACT**

**CHAPTER 39 OF THE LAWS OF ZAMBIA**

**CHAPTER 39 THE COMMISSION FOR INVESTIGATIONS ACT**

THE COMMISSION FOR INVESTIGATIONS ACT

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**CHAPTER 39**

COMMISSION FOR INVESTIGATIONS ACT

20 of 1991  
11 of 1995

**An Act to establish a Commission for Investigations, to provide for its powers, privileges and immunities and to provide for matters connected with or incidental to the forgoing.**

*[6th September, 1991]*

PART I

PRELIMINARY

- 1. This Act may be cited as the Commission for Investigations Act. Short title
  
- 2. In this Act, unless the context otherwise requires- Interpretation

"chairman" in relation to the Commission means the Investigator-General; or any Commissioner elected as such at any meeting of the Commission;

"Commission" means the Commission for Investigations established by this Act;

"Commissioner" means a member of the Commission other than the Investigator-General;

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"the Court" means the High Court;

"high judicial office" means the office of a judge of a court of unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or in the Republic of Ireland or the office of a judge of a court having jurisdiction in appeals from such a court;

"Investigator-General" means the Investigator-General appointed under the Constitution.

"local authority" means a council established under the Local Government Act and any other authority declared by Act of Parliament to be a local authority; Cap. 281

"Member" in relation to the Commission means a Commissioner or the Investigator-General;

"Secretary" means the person appointed under section six to be the secretary of the Commission;

3. (1) This Act shall apply to-

Application

- (a) any person in the service of the Republic;
- (b) the members and persons in the service of local authority;
- (c) the members and persons in the service of any institution or organisation, whether established by or under an Act of Parliament or otherwise, in which the Government holds a majority of shares or exercises financial or administrative control;
- (d) the members and persons in the service of any Commission established by or under the Constitution or any Act of Parliament;

but shall not apply to the President.

(2) Notwithstanding subsection (1), the Commission shall have no power to question or receive any decision of any court or of any judicial officer in the exercise of his judicial functions, or any decision of a tribunal established by law for the performance of judicial functions in the exercise of such functions, or any matter relating to the exercise of the prerogation of mercy.

PART II

ESTABLISHMENT OF COMMISSION AND APPOINTMENTS

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4. (1) There is hereby established a Commission for Investigations which shall consist of an Investigator-General and three Commissioners who shall be appointed by the President. The Commission

(2) The Commission may act notwithstanding any vacancy or the absence of any member.

Provided that, unless the National Assembly by resolution confirms the appointment in the sitting of the National Assembly next succeeding his appointment, the appointment of a Commissioner shall be terminated at the end of that sitting.

*(As amended by Act No. 11 of 1995)*

5. (1) A person shall not be qualified for appointment as a Commissioner if he holds the office of President, Vice President, Minister or Deputy Minister or if he is a member of the National Assembly (or a public officer). Commissioners

(2) A person who, whether before or after the commencement of this subsection, has been appointed a Commissioner shall vacate office at the expiration of three years from the date of his appointment, and shall thereafter be eligible to be once re-appointed for a further term of three years:

Provided that, unless the National Assembly by resolution confirms any such re-appointment in the sitting of the National Assembly next succeeding the re-appointment, the re-appointment shall be terminated at the end of that sitting, and the person concerned shall not be eligible for appointment for any further term as a Commissioner within three years after the end of his first term.

(3) A person appointed a Commissioner may be removed from office by the President for inability to discharge the functions of his office (whether arising from infirmity of mind or body or for any other reason) or for misbehavior.

*(As amended by Act No. 11 of 1995)*

6. The Commission shall employ a secretary and such other members of the staff of the Commission as the Commission may determine who shall be public officers. Secretary staff

7. (1) Every Member shall, on appointment, take an oath in the form set out in Part I of the First Schedule. Oaths on appointment

(2) The Secretary and such other members of the staff of the Commission as the Chairman may require so to do shall, on appointment, take an oath in the form set out in Part II of the First Schedule.

(3) Where any person is required to take an oath under the provisions of this section and-

(a) he has no religious belief; or

(b) the taking of an oath is contrary to his religious belief;

he may take a solemn affirmation in the form of an oath on appointment substituting the words "solemnly and sincerely declare and affirm" for word "swear" and omitting the words "So Help Me God".

(4) Every oath or affirmation taken by a Member shall be administered by the President and every oath or affirmation taken by the secretary or any other member of the staff of the Commission shall be administered by a Judge.

### PART III

#### POWER AND PROCEDURE

**8.** The Commission shall have jurisdiction to inquire into the conduct of any person to whom this Act applies in the exercise of his office or authority, or in abuse thereof- Jurisdiction

(a) whenever so directed by the President; and

(b) unless the President otherwise directs, in any case in which it considers that an allegation of maladministration or abuse of office or authority by any such person ought to be investigated.

**9.** (1) A complaint or allegation under this Act may be made by any individual, or by any body of persons whether incorporate or not. Provisions relating to  
complaints and  
allegations

(2) Any such complaint or allegations may be made orally or in writing and shall be addressed to the secretary who shall, in the case of an oral complaint or allegation, reduce the same to writing.

(3) Every complaint or allegation shall be signed or thumb printed by the person making it.

(4) No complaint or allegation shall be received by the Commission unless it is made within a period of two years from the date on which the facts giving rise to any such complaint or allegation became known to the person making the complaint or allegation:

Provided that the Commission may in its absolute discretion receive complaints or allegations not made within the said period.

**10.** (1) No investigations under this Act shall be conducted concerning any allegation or grievances where the complainant or the person aggrieved has, or has had at any material time, the right or opportunity of obtaining relief or seeking redress by means of:

No inquiry in certain cases

- (a) an application or representation to any executive authority; or
- (b) an application, appeal, reference or review to or before a tribunal established by or under any law; or
- (c) proceedings in a court of law.

Provided that the Commission may conduct an investigation where it is satisfied that, in the particular circumstances of the case, it would be unreasonable to expect the complaint or the person aggrieved to resort or to have resorted to any of the foregoing means without fear, or undue hardships, expense or delay.

(2) The Commission may refuse to conduct, or may decide to discontinue, an investigation where it is satisfied that-

- (a) the complaint is trivial, frivolous, vexatious or not made in good faith; or
- (b) the inquiry would be unnecessary, improper or fruitless.

(3) The Commission shall, in any case in which it decides not to conduct an investigation, or decides to discontinue an investigation, inform the complainant in writing accordingly but shall not be bound to give any reasons therefor.

**11.** Subject to the provisions of this Act, the Jurisdiction and powers conferred on the Commission may be exercised notwithstanding any provision in any written law to the effect that an act or omission shall be final, or that no appeal shall lie in respect thereof, or that no proceeding or decision shall be challenged, reviewed, quashed or called in question.

Commission to act not withstanding finality, etc.

**12.** Where it appears to the Commission that any inquiry under this Act is likely to be frustrated or prejudiced by an action taken or about to be taken by any person to whom the Act applies, the Commission may make such orders, issue such writs and give such directions as it may consider appropriate for the purpose of conducting any investigation, and any such order, writ or direction shall have the same force as an order, writ or direction of the Court.

Orders by Commission

**13.** (1) The Commission shall have the power to summon witnesses and to examine witnesses under oath and for such purposes all the Members are hereby authorised to administer oaths.

Power to summon witnesses

(2) A summons for the attendance of a witness or the production of documents shall be in 1-G Form 3 set out in the Second Schedule and shall be served in the same manner as if it were a subpoena for the attendance of a witness at a civil trial in the Court.

(3) The Commission may by warrant order the arrest of any person who, having reasonable notice of the time and place at which he is required to attend before the Commission, fails to do so and any such warrant shall be in 1-G Form 4 set out in the Second Schedule and shall be served as if it were a warrant issued by the Court.

**14.** Subject as hereinafter provided, the Commission may, for the purposes of an inquiry under this Act, require any person who in its opinion is able to furnish information or produce documents relevant to the investigation to furnish any such information or produce any such document, and no obligation to maintain secrecy or other restriction upon the disclosure of information, whether imposed by law or otherwise, shall apply to the disclosure of information for the purposes of an investigation under this Act; and the Republic shall not be entitled in relation to any such investigation to any such privilege in respect of the production of documents or the giving of evidence as is allowed by law in legal proceedings:

Productions of documents and furnishing information

Provided that where the President certified that the giving of any information, or the production of any document-

- (i) might prejudice the security, defence or international relations of the Republic or the investigation or detection of offences; or
- (ii) might involve the disclosure of the deliberations of the Cabinet or any sub-committee of the Cabinet relating to matters of a secret or confidential nature and would be injurious to the public interest;

the Commission shall not require the information to be given or, as the case may be, the document to be produced.

**15.** For the purposes of this Act, the Commission may by warrant in 1-G Form 7 set out in the Second Schedule enter upon any premises and thereon carry out any inspection for the purposes of an investigation:

Power to enter premises

Provided that where the President certifies that entry upon or inspection of any premises-

- (i) might prejudice the security, defence or international relations of the Republic, or the investigation or detection of offences; or

- (ii) might involve the disclosure of the deliberations of the Cabinet or any sub-committee of the Cabinet relating to matters of a secret or confidential nature, and would be injurious to the public interest;

the Commission shall not enter upon or inspect any such premises.

**16.** Every investigation shall be conducted in camera.

Investigations to be in camera

**17.** (1) The procedure for conducting an investigation shall be such as the Investigator-General considers appropriate in the circumstances of the case, and without prejudice to the generality of the foregoing provisions-

Evidence and procedure

- (a) the Investigator-General may authorise any member of the Commission to exercise any of the powers of the Commission for the purposes of an investigation, and
- (b) the Commission may obtain information from such persons in such manner, and make such investigations, as it thinks fit.

(2) No person shall as of right be entitled to be represented by a legal practitioner or to be heard:

Provided that where the Commission proposes to conduct an investigation pursuant to a complaint or allegation under this Act, it shall afford to the principal Officer of any department or authority concerned, and to any other person who is alleged to have taken or authorised the action complained of, an opportunity to comment on any allegations made to the Commission, and no comment that is adverse to any person, department or authority shall be contained in a report to the President unless such person, department or authority has been afforded the opportunity aforesaid.

**18.** A person summoned as a witness under this Act may, on the order of the Commission, be paid from moneys appropriated by Parliament for the purpose of such allowances as may be prescribed by the Commission.

Witness allowance

**19.** (1) If any person-

Offences relating to witnesses, etc.

- (a) being a witness before the Commission without lawful excuse refuses to be sworn or affirmed, or having been sworn or affirmed refuses to answer fully and satisfactorily any question lawfully put to him; or
- (b) having been sworn or affirmed knowingly gives false testimony touching any matter which is material to any question under investigation;

(c) wilfully insults, interrupts or otherwise obstructs any member or any member of the staff of the Commission in the performance of his functions under this Act;

(d) wilfully disobeys any order made under section *thirteen*;

he shall be guilty of an offence and the Commission may certify such offence to the Court and may by warrant in I-G Form 10 set out in the Second Schedule order the arrest of any such person.

(2) Where any person is arrested pursuant to an order of the Commission or an offence is certified under this section, the Court may inquire into the matter and deal with the person charged in any manner in which the Court could deal with him if he had committed the like offence in relation to the Court

#### PART IV

#### REPORTS AND ENFORCEMENT

##### *Submission of reports to the President*

**20.** The Commission shall submit to the President a report of every investigation it has conducted which shall contain-

Submission of reports to President and National Assembly

- (a) a summary of the evidence taken together with the conclusions and recommendations of the Commission;
- (b) a statement of any action that has been taken by any person whose conduct is under investigation or by the department or authority of which such person is a member or in which he is employed, to correct or ameliorate any conduct, procedure, act or omission that is adversely commented on in the report;
- (c) where any person has suffered loss or injury as a result of any alleged misconduct, maladministration or abuse of office or authority by any person whose conduct is under investigations, and the Commission has found allegations to be true, the Commission may in its recommendations state that compensation should be paid to the person who has suffered such loss of injury or to any dependent of such person, and shall determine the sum which it recommends as compensation.

**21.** (1) The President may, on receipt of the report of the Commission on any investigation conducted by it, or during the continuance of any such investigation, take such decision in respect of the matter investigated or being investigated into by the Commission as he thinks fit.

Enforcement and notification of result

(2) When the commission receives such decision, it shall, as soon as may be-

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- (a) notify the complaint in I-G Form 8 set out in the Second Schedule of the result of the investigation into his complaint or allegation;
- (b) inform in I-G Form 9 set out in the Second Schedule the person against whom the complaint or allegation was made of the effect of the President's decision, in so far as the same may be known to the Commission.

(3) A report required to be submitted to the National Assembly shall not disclose the identity or contain any statement which may point to the identity of any person into whose conduct an investigation has been or is about to be made.

(4) Failure on the part of any person, body or authority to comply with any order given by the Commission under subsection (2) may be investigated by the Commission and reported to the President, as if it were an investigation conducted under the provisions of this Act.

(5) Any sum of money directed by the President to be paid as compensation following a recommendation made in accordance with paragraph (c) of section *twenty* shall be a charge on the general revenues of the Republic.

**22.** (1) The Commission shall, as soon as may be after the 31st December in each year submit a report on its operations to the National Assembly. Report to Parliament

(2) A report under this section shall not disclose the identity or contain any statement which may point to the identity of any person into whose conduct an investigation has been or is about to be made.

PART V

IMMUNITIES OF THE COMMISSION

**23.** No investigation, proceeding, process or report of the Commission shall be held bad for any error or irregularity of form or be challenged, reviewed, quashed or called in question in any court save on the ground of lack of jurisdiction. Finality of Commissions acts

**24.** (1) No proceedings, civil, or criminal, shall lie against any member or member of the staff of the Commission, for anything done in good faith in the course of the exercise of his functions under this Act. Immunity of members and staff of Commission and other persons

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(2) Subject to the provisions of this Act, no member or any such person as aforesaid shall be called to give evidence before any court or tribunal in respect of anything coming to his knowledge in the exercise of his functions under this Act.

PART VI

RULES

**25.** The Commission may, by statutory instrument, make rules prescribing anything which under this Act may be prescribed. Rules

**26.** Obsolete.

FIRST SCHEDULE

PART I

(Section 7 (1))

OATH OF MEMBER OF COMMISSION

I, .....  
having been appointed as Investigator-General/Commissioner of the Commission for Investigations, do swear that I will, without fear or favour, affection or ill-will, discharge the functions of the office of Investigator-General/Commissioner of the Commission for Investigations, and that I will not, directly or indirectly, reveal any matters relating to such functions to any unauthorised persons or otherwise than in the course of duty.

SO HELP ME GOD

Sworn/Declared before me this ..... day of ..... 19.....

.....  
*President*

PART II  
(Section 7 (2))  
OATH OF SECRETARY OR STAFF OF COMMISSION

I, ..... having been appointed to exercise the functions of secretary of the Commission/a member of the staff of the Commission, do swear that I will not, directly or indirectly, reveal to any unauthorised person or otherwise than in the course of duty the contents or any part of the contents of any document, communication or information whatsoever which may come to my knowledge in the course of my duties as such.

SO HELP ME GOD

Sworn/Declared before me this ..... day of .....  
19 .....

.....  
*Judge*

SECOND SCHEDULE  
PRESCRIBED FORMS  
REPUBLIC OF ZAMBIA  
COMMISSION FOR INVESTIGATIONS  
COMMISSION FOR INVESTIGATIONS ACT  
(Section 13 and 14)  
SUMMONS TO WITNESS

Inquiry No. .... 19.....

To ..... (full name)  
of .....  
..... (full address)

You are commanded in the President's name to attend before this Commission at .....  
..... (place) on the ..... of day ....., 19.....,  
at ..... hours and so from day to day until your attendance is dispensed  
with, to give evidence in the said inquiry; and also to bring with you and to produce at the said time and place the following  
documents:

.....  
.....  
.....  
.....  
.....

Dated the ..... day of ....., 19.....

.....  
Chairman/Member

REPUBLIC OF ZAMBIA  
COMMISSION FOR INVESTIGATIONS  
COMMISSION FOR INVESTIGATIONS ACT  
(Section 13 (3))  
WARRANT OF ARREST

Inquiry No. .... 19.....

To ..... (Police Officer and other Officers)

Whereas Mr/Mrs/Miss ..... (full name  
of ..... (address  
was commanded to appear before the Commission at .....  
(place) on the ..... day of ....., 19.....  
and subsequent days to testify what he/she knew and/or to produce specified documents in relation to the above stated  
inquiry and the said Mr/Mrs/Miss ..... has not appeared according to the summons issued in that regard and has not  
excused his/her failure;

NOW THEREFORE, you are hereby commanded in the name of the President to apprehend, bring and have the  
said .....  
before this Commission at .....  
(place) on the ..... day of ..... 19..... .

Issued at ..... the ..... day  
of ..... 19..... .

.....  
*Chairman/Member*

REPUBLIC OF ZAMBIA  
COMMISSION FOR INVESTIGATIONS  
COMMISSION FOR INVESTIGATIONS ACT  
(Section 15)

WARRANT OF ENTRY AND INSPECTION

Inquiry No. .... 19.....

To .....  
(Member(s) of the Commission or member(s) of the staff of the Commission)

WHEREAS a complaint has been lodged with the Commission for Investigations;

AND WHEREAS the Commission has decided to conduct an investigation into the alleged complaint;

NOW THEREFORE, you are hereby authorised and commanded in the name of the President with proper assistance, to enter the premises of .....

(name of place or person)

(in the day time), and there diligently carry out any inspection and collect any oral and documentary evidence concerning the said inquiry from the said premises and bring it before the Commission for Investigations to be used for the purpose of the said investigation.

Issued at ..... the ..... day of ..... 19.....

.....  
*Chairman/Member*

REPUBLIC OF ZAMBIA  
COMMISSION FOR INVESTIGATIONS  
COMMISSION FOR INVESTIGATIONS ACT  
(Section 21)

In the Matter of:

In the matter of section 21 of the Commission for Investigations Act.

RESULT OF COMPLAINT

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WHEREAS a complaint/allegation in terms of the aforesaid matter was made on the ..... day of ..... , 19..... ,

AND WHEREAS at the conclusion of the investigation a report on the proceedings thereof was submitted to His Excellency the President in accordance with section 20 of the Act:

AND WHEREAS his Excellency the President did on the day of ..... , 19 ..... , make known to the Commission his decision in the matter aforesaid:

NOW THEREFORE, in accordance with section 21 of the Commission for Investigations Act, you are hereby notified that the following is the result of the aforesaid investigation:

.....  
*Chairman*  
.....  
*Member*  
.....  
*Member*

Signed at Lusaka  
this  
day of  
19

I-G Form 9

REPUBLIC OF ZAMBIA  
COMMISSION FOR INVESTIGATIONS  
COMMISSION FOR INVESTIGATIONS ACT

(Section 21)

In the matter of:

In the matter of section 21 of the Commission for Investigation Act:

DECISION BY THE PRESIDENT

WHEREAS an investigation was conducted by the Commission into the aforesaid matter and concluded on the .....day of ..... , 19..... :

AND WHEREAS at the conclusion of the investigation a report on the proceedings thereof was submitted to His Excellency the President in accordance with section 21 of the Act.

AND WHEREAS His Excellency the President did on the day of ..... , 19..... , make known to the Commission his decision in the matter aforesaid:

NOW THEREFORE, in accordance with section 21 of the Commission for Investigations Act, you are hereby informed that His Excellency the President's decision in the aforesaid matter is as follows:

.....  
*Chairman*  
.....  
*Member*  
.....  
*Member*  
.....  
*Member*

Signed at Lusaka  
this  
day of  
19

REPUBLIC OF ZAMBIA  
COMMISSION FOR INVESTIGATIONS  
COMMISSION FOR INVESTIGATIONS ACT, 1991  
(Section 19 (1))

WARRANT OF ARREST

Inquiry No. .... 19.....

To ..... (police officer or other officers)

WHEREAS ..... (full name)  
of ..... (address)  
is accused of (state the offence with time and place) .....

NOW THEREFORE, you are hereby commanded in the name of the President forthwith to apprehend the said .....  
and produce him before the Commission for Investigations at .....  
..... (place) on the .....day of .....19.....

Issued at ..... the .....day of .....19.....

.....  
*Chairman/Member*

**SUBSIDIARY LEGISLATION**

THE COMMISSION FOR INVESTIGATIONS RULES

ARRANGEMENT OF RULES

PART I

PRELIMINARY

*Rules*

1. Title
2. Interpretation

PART II

GENERAL

3. Procedure
4. Investigations

PART III

COMPLAINTS AND ALLEGATIONS

5. Making a complaint or allegation
6. Complaints and allegations to be referred to the Chairman
7. Complaints and allegations to be in confidence
8. Decision to conduct investigation

PART IV

CONDUCT OF INVESTIGATIONS

9. Summoning parties and witnesses
10. Chairman to preside
11. Summary of proceedings
12. Communication of result to complainant
13. Report to President

COMMISSION FOR INVESTIGATIONS RULES

*Statutory Instrument*  
151 of 1974  
*Act*  
13 of 1994

*Rules by the Commission*

PART I

PRELIMINARY

1. These Rules may be cited as the Commission for Investigations Rules. Title
2. In these Rules, unless the context otherwise requires- Interpretation  
  
"Chairman" means the Investigator-General;  
  
"Commission" means the Commission for Investigations established by Article 117 of the Constitution;  
  
"Commissioner" means a Member of the Commission other than the Investigator-General;  
  
"Secretary" means the person appointed to be the Secretary of the Commission.

PART II

GENERAL

3. (1) The procedure for conducting an investigation shall be such as the Chairman considers appropriate in the circumstances of the case. Procedure

(2) Without prejudice to the generality of sub-rule (1), the Commission shall in conducting investigations be guided by these Rules.

4. If the Commission considers that an investigation ought to be held in any matter it may, at its own instance or on the application of any aggrieved person, hold an investigation and shall do so whenever so directed by the President. Investigations

### PART III

#### COMPLAINTS AND ALLEGATIONS

5. (1) A complaint or allegation may be made in any of the ways and by any of the persons following, that is to say- Making a complaint or allegation

(a) orally by an aggrieved person or his authorised representative; or

(b) in writing by an aggrieved person or his authorised representative.

(2) An oral complaint or allegation shall be made to the Secretary who shall thereupon reduce the same to writing.

(3) All written complaints or allegations shall be addressed to the Secretary.

(4) Every complaint or allegation shall be signed or thumb-printed by, and shall bear the full name and address of, the person making it.

(5) No fee shall be payable in respect of any complaint or allegation filed with the Commission.

6. The Secretary shall, as soon as may be after the receipt of any complaint or allegation, refer the same to the Chairman together with all the documents submitted therewith. Complaints and allegations to be referred to Chairman

7. (1) All complaints and allegations made to the Commission shall be marked "Confidential" and no complaint or allegation or the contents thereof or any document submitted therewith shall be disclosed to any person or authority and no person or authority shall in any way demand, request or solicit to be informed of any matter which has been or is about to be submitted to the Commission: Complaints and allegations to be in confidence

Provided that nothing herein contained shall apply to any report or disclosure which the Commission is lawfully required to make.

(2) Any person who contravenes the provisions of this rule shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred penalty units or to imprisonment for a period not exceeding three months or to both.

(3) The Commission may, in its discretion, decline to entertain any complaint or allegation which is known to have been disclosed to any person or authority.

*(As amended by Act No. 13 of 1994)*

8. (1) The Chairman shall, on receipt from the Secretary of all the documents relating to a complaint or allegation into which the Commission has discretion to inquire, consult with the Commissioners as to whether or not an investigation should be conducted.

Decision to conduct an investigation

(2) Where the Commission considers that an investigation should not be conducted, it shall direct the Secretary to inform the complainant in writing and no reason shall be given for the refusal by the Commission to conduct any investigation.

(3) Where the Commission is directed by the President to conduct an investigation, and in any case in which the Commission considers that an investigation should be conducted, the Chairman shall give directions relating to the manner in which the investigation shall be conducted.

#### PART IV

#### CONDUCT OF INVESTIGATIONS

9. (1) The Commission may, if it thinks fit, summon the parties to an investigation and their witnesses, if any, to appear and give evidence at the Commission's premises in Lusaka or at such other place or places as the Commission may determine.

Summoning parties and witnesses

(2) The Commission may, if it thinks fit, dispense with the personal attendance of any witness or any party to an investigation and may receive affidavits or require any such witness or party to tender evidence on affidavit instead of or in addition to any oral testimony.

(3) All persons appearing before the Commission as parties to an investigation, or as witnesses or interpreters shall, before tendering evidence or entering upon their duties, as the case may be, take an oath or make a solemn declaration or affirmation in such form and in such manner as the Chairman may direct.

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(4) No person shall as of right claim to be present or to be represented when any witness or any party to an investigation is giving evidence.

(5) Unless the Chairman otherwise directs, no person other than a Member shall put questions to or in any way examine any witness or party to an investigation.

(6) The rules of evidence applying to the conduct of proceedings before a court of law shall apply to an investigation only to such extent and with such modifications as the Chairman may determine.

**10.** (1) The Chairman shall preside at all the investigations conducted by the Commission. Chairman to preside

(2) The quorum for the conduct of any investigations shall be three Members.

**11.** As soon as may be after the determination of an investigation, the Chairman may direct the Secretary to prepare a report containing a summary of the evidence heard and the Commission's conclusions, observations and recommendations in relation thereto. Summary of proceedings

**12.** The Secretary shall inform the complainant of the result of an investigation at such time and in such manner as the Chairman may direct. Communication of result to complainant

**13.** As soon as may be after the conclusion of an investigation, the Chairman shall personally present to His Excellency the President a report in respect thereof, and shall as soon as practicable after the 31st December in each year cause a report to be presented to the National Assembly. Report to President

THE COMMISSION FOR INVESTIGATIONS (WITNESSES' ALLOWANCES AND EXPENSES) RULES.

*Rules made by the Commission*

*Statutory Instrument  
152 of 1974  
Act  
13 of 1994*

**1.** These Rules may be cited as the Commission for Investigations (Witnesses' Allowances and Expenses) Rules. Title

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

"Chairman" means the Investigator-General;

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"Commission" means the Commission for Investigations established by Article 117 of the Constitution;

"Commissioner" means a Member of the Commission other than the Investigator-General;

"Secretary" means the person appointed to be the Secretary of the Commission;

"witness" includes an interpreter.

- 3.** These Rules shall apply to all witnesses summoned to appear before the Commission but shall not apply to any witness who is a public officer. Application
- 4.** A witness who has attended at or for the investigation at the instance of a party or the Commission shall be entitled to allowances unless the Commission shall for sufficient reason disallow the allowances of any such witness. Persons entitled to allowance
- 5.** Subject as hereinafter provided, there shall be paid to any witness entitled thereto allowances calculated in accordance with the Schedule hereto. Allowances
- 6.** (1) The payment of allowances to any witness described in Class A of the Schedule hereto shall be subject to the provisions of this rule. Payment of allowances to witnesses in Class A
- (2) Where a witness has lost no wages, earnings or other income by reason of attending at or for an investigation, the sum payable to any such witness shall not, unless otherwise ordered by the Chairman, exceed ten fee units per day.
- (3) Where a witness has lost wages, earnings or other income by reason of attending at or for an investigation but the period in respect of which such loss has been incurred does not exceed four hours, the sum payable to any such witness shall not, unless otherwise ordered by the Chairman, exceed sixty fee units per day.
- (As amended by Act No. 13 of 1994)*
- 7.** There shall be taken into account in calculating allowances payable to a witness any time during which such witness is necessarily detained for the purposes of an investigation, and any time reasonably occupied in travelling to the venue of an investigation. Matters to be taken into account
- 8.** No additional allowance will be paid merely because the witness attends in respect of more than one investigation on the same day. No additional allowance

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9. If in the opinion of the Chairman a strict adherence to these Rules would result in hardship, he may in his discretion increase the amounts payable, and if in his opinion a reduction in any of the allowances provided for by these Rules is justified in any particular case, he may in his discretion reduce or disallow the amounts payable.

Increases and reductions

10. (1) In addition to any sum to which a witness may be entitled under these Rules, all witnesses shall also be entitled to be reimbursed in respect of any expenses actually and reasonably incurred in travelling to and from the venue of an investigation, and for necessary accommodation and subsistence.

Travelling expenses

(2) If in the opinion of the Chairman the sums expended and claimed exceed what is reasonable, he may in his discretion reduce or disallow the amounts payable.

(3) If any witness travels by his motor vehicle or motor cycle he may claim travelling expenses at the rate of one fee unit per kilometre and one fee unit per kilometre, respectively.

(As amended by Act No. 13 of 1994)

11. All claims for payment of allowances and expenses shall be submitted to the Secretary.

Claims to be submitted to Secretary

12. In the absence of the Chairman the powers and responsibilities vested in him by these Rules may be exercised or performed by a Commissioner.

Commissioner to act in absence of Chairman

SCHEDULE

(Rule 4)

WITNESSES' ALLOWANCES

<i>Class of Person</i>	<i>Minimum Sum Payable Per Day Fee units</i>	<i>Maximum Sum Payable Per Day Fee units</i>
A. Professional persons, owners, directors or managers of businesses and expert witnesses; clerks, artisans and persons of similar status. . . . .	60	160
B. Peasants, labourers and persons of similar status . . . . .	3	15

(As amended by Act No. 13 of 1994)