

The Laws of Zambia

REPUBLIC OF ZAMBIA

THE LOCAL COURTS ACT

CHAPTER 29 OF THE LAWS OF ZAMBIA

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THE LOCAL COURTS ACT

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CHAPTER 29

LOCAL COURTS

20 of 1966
47 of 1970
21 of 1976
8 of 1991
13 of 1994

An Act to provide for the recognition and establishment of local courts, previously known as native courts, to amend and consolidate the law relating to the jurisdiction of and procedure to be adopted by local courts; and to provide for matters incidental thereto.

[1st October, 1966]

PART I

PRELIMINARY

1. This Act may be cited as the Local Courts Act. Short title
2. (1) In this Act, unless the context otherwise requires-
- "Director" means the Director of Local Courts appointed under section *three*;
- "Deputy Director" means the Deputy Director of Local Courts appointed under section *three*;
- "authorised officer" means the Director of Local Courts, Deputy Director of Local Courts, local courts officer, principal resident magistrate, senior resident magistrate, resident magistrate and such other magistrates, as the Chief Justice may designate for the purpose of this Act."
- "president" means a presiding judge or senior presiding justice;
- "council" has the meaning assigned to it in section *two* of the Local Government Act;
- "court warrant" means a warrant issued under the provisions of subsection (1) of section *four* recognising or establishing a local court;
- "matrimonial case" means a case involving divorce, matrimonial disputes, adultery, violating the virginity of a girl, causing pregnancy, abduction of a married woman and polygamy;
- "juvenile" has the meaning assigned to it in section *two* of the Juveniles Act;
- "juvenile adult" has the meaning assigned to it in section *two* of the Juveniles Act;
- "local court" means a court recognised or established under the provisions of section *four*;
- "local courts officer" means senior local courts officer, local courts officer and assistant local courts officers appointed under section *three*.";
- "Local Court Messenger" includes a senior local court messenger;
- "Subordinate Court" means a Subordinate Court as constituted under the Subordinate Courts Act.
- "Commission" means the Judicial Service Commission established under the Constitution;
- Interpretation
Cap. 281
Cap. 53
Cap. 53
Cap. 28
Cap. 1

(2) In the exercise of the powers conferred upon it by this Act, the Judicial Service Commission shall act in accordance with the provisions of the Constitution. Cap. 1

(As amended by Act No. 8 of 1991)

3. (1) The Commission may appoint a Director of Local Courts, a Deputy Director of Local Courts and such number of local courts officers as it may consider necessary for the purposes of this Act. Appointment of officers

(2) The Director of Local Courts, the Deputy Director of Local Courts and local courts officers shall exercise such powers and perform such duties as are conferred or imposed upon them by or under the provisions of this Act.

(As amended by Acts No. 21 of 1976 and No. 8 of 1991)

PART II

RECOGNITION, ETC., OF LOCAL COURTS

4. (1) The Minister may, by court warrant under his hand, recognise or establish such local courts as he shall think fit, and any such court shall exercise such jurisdiction as may be conferred by or under the provisions of this Act within such territorial limits as may be defined by such warrant. Recognition or establishment of local courts

(2) A copy of a court warrant certified under the hand of the Registrar of the High Court shall be conclusive evidence for all purposes of the existence and contents of such court warrant.

(3) The Minister may at any time suspend or cancel any court warrant, and, upon any such cancellation, may issue a new court warrant in respect of the local court concerned.

5. (1) Local courts shall be of such different grades as may be prescribed, and local courts of each grade shall exercise jurisdiction only within the limits prescribed for such grade: Grades of local courts

Provided that no local court shall be given jurisdiction-

- (i) to determine civil claims, other than matrimonial or inheritance claims, of a value greater than one hundred and twenty fee units; or
- (ii) to impose fines exceeding forty penalty units; or
- (iii) to order probation or imprisonment for a period exceeding two years; or
- (iv) to order corporal punishment in excess of twelve strokes of the cane.

(2) The court warrant of any local court shall specify the grade to which such court belongs.

(As amended by Acts No. 8 of 1991 and No. 13 of 1994)

6. (1) A local court shall consist of a presiding justice either sitting alone or with such number of other members as may be prescribed by the Minister in the court warrant:

Constitution of local courts and appointment of members

Provided that a single local court justice shall constitute the court in the absence of the presiding justice.

(2) The president and other members of a local court shall be appointed by the Commission for a period of three years and shall be eligible for reappointment.

(3) A person sitting as a member of a local court shall be referred to as a local court justice.

(4) No person shall sit as a local court justice or as an assessor of a local court in the adjudication of any matter to which he is a party or in which he has a pecuniary or personal interest:

Provided that if any doubt arises as to whether a local court justice or assessor is a party to a matter before a local court or has any pecuniary or personal interest in such matter, the local court shall refer the matter to an authorised officer who shall issue such directions as he may deem fit.

(5) The Minister may, by statutory notice, delegate, to the Director, the powers conferred upon him by subsection (1).

7. Local courts shall hold sessions at such times and places as may be necessary for the convenient and speedy despatch of the business of such courts.

Sessions

(As amended by Acts No. 21 of 1976 and Act No. 8 of 1991)

PART III

JURISDICTION, ETC., OF LOCAL COURTS

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8. Subject to the provisions of this Act, a local court shall have and may exercise, within the territorial limits set out in its court warrant, such jurisdiction as may be prescribed for the grade of court to which it belongs, over the hearing, trial and determination of any civil cause or matter in which the defendant is ordinarily resident within the area of jurisdiction of such court or in which the cause of action has arisen within such area:

Civil jurisdiction of local courts

Provided that civil proceedings relating to real property shall be taken in the local court within the area of jurisdiction in which the property is situate.

(As amended by No. 21 of 1976)

9. Subject to the provisions of this Act, a local court shall have and may exercise jurisdiction, to such extent as may be prescribed for the grade of court to which it belongs, over the hearing, trial and determination of any criminal charge or matter in which the accused is charged with having wholly or in part within the area of jurisdiction of such court, committed, or been accessory to the commission of an offence.

Criminal jurisdiction of local courts

10. No local court shall be precluded from trying an offence under the Local Government Act by reason of the fact that such offence was a breach of a by-law or rule issued or made-

Preservation of jurisdiction.
Cap. 281

- (a) by a council, members of which are also members of such local court; or
- (b) by a member of such local court as a member of a council.

11. Subject to any express provision of any other written law conferring jurisdiction, no local court shall have jurisdiction to try any case in which a person is charged with an offence in consequence of which death is alleged to have occurred or which is punishable by death.

Cases excluded from jurisdiction

12. (1) Subject to the provisions of this Act, a local court shall administer-

Law to be administered

- (a) the African customary law applicable to any matter before it in so far as such law is not repugnant to natural justice or morality or incompatible with the provisions of any written law;
- (b) the provisions of all by-laws and regulations made under the provisions of the Local Government Act and in force in the area of jurisdiction of such local court; and
- (c) the provisions of any written law which such local court is authorised to administer under the provisions of section *thirteen*.

Cap. 281

(2) Any offence under African customary law, where such law is not repugnant to natural justice or morality, may be dealt with by a local court as an offence under such law notwithstanding that a similar offence may be constituted by the Penal Code or by any other written law: Cap. 87

Provided that such local court shall not impose any punishment for such offence in excess of the maximum permitted by the Penal Code or by such other written law for such similar offence. Cap. 87

13. The Minister may, by statutory order, confer upon all or any local courts jurisdiction to administer all or any of the provisions of any written law specified in such order, and may, subject to the limits referred to in subsection (1) of section *five*, specify restrictions and limitations on the impositions of penalties by such local courts on persons subject to their jurisdiction who offend against such provisions. Enforcement of specified laws

PART IV

PROCEDURE, ETC., OF LOCAL COURTS

14. The practice and procedure of local courts shall be regulated in accordance with such rules as may be made in that behalf by the Chief Justice under section *sixty-eight*. Practice and procedure

15. No legal practitioner, other than a practitioner who is a party and acting solely on his own behalf, may appear or act before a local court on behalf of any party to any proceedings therein save in respect of a criminal charge under any of the provisions of- Parties to appear in person

(a) by-laws and regulations made under the provisions of the Local Government Act; or Cap. 281

(b) any written law which such court is authorised to administer under section *thirteen*.

(2) Subject to the directions of the Director, a local courts officer may sit as an adviser in any local court in any proceedings in which a legal practitioner appears before such court under the provisions of subsection (1).

(3) Subject to the provisions of subsection (1), a local court may permit the spouse or guardian or a member of the household of any party before such court, where such person gives satisfactory proof to the court that he has authority in that behalf, to appear and act for such party.

(4) Where in any civil proceedings before a local court one or both of the parties to such proceedings is a company or other body corporate, such company or other body corporate may-

- (a) in the case of a company formed under the provisions of the Companies Act, appear in court- Cap. 388
- (i) by the secretary or any director or manager whose name appears on the list of directors or managers of such company sent to the Registrar of Companies under the provisions of the Companies Act; or
 - (ii) by leave of the court, by any other person or agent, not being a legal practitioner, authorised by such company to appear on its behalf;
- (b) in the case of a company which has not been formed under the provisions of the Companies Act, but has a place of business within Zambia, appear in court- Cap. 388
- (i) by any person whose name has been filed with the Registrar of Companies under the provisions of the Companies Act; or
 - (ii) by leave of the court, by any other person or agent, not being a legal practitioner, authorised by such company to appear on its behalf;
- (c) in the case of any other body corporate, appear in court by the secretary of or the holder of any office in such body corporate or, by leave of the court, by any other person or agent, not being a legal practitioner, authorised by such body corporate to appear on its behalf.

(As amended by Act No. 8 of 1991)

16. (1) Subject to the provisions of this section and save as may be expressly prescribed, no person shall be entitled as of right, at any time or for any purpose, to inspection of originals or copies of, or to any copy of, any summons, warrant, charge, pleadings, record of evidence, notes by the court, case record, ground of appeal, receipt or other document forming part of the papers in any case before a local court, or of any other record kept by any local court. Copies of records, etc.

(2) A party to any proceedings before a local court shall, on payment of such fee as may be prescribed, be entitled to a copy of any record of those proceedings made by or on behalf of such court.

17. (1) A local court shall have power to summon before such court any person who- Issue of summons

- (a) is charged with an offence before such court; or
- (b) is the defendant in any civil proceedings before such court; or

- (c) is required to give evidence before such court.

(2) The costs of serving or attempting to serve any summons issued by a local court relating to a civil cause or matter shall be borne by the party therein at whose instance such summons was issued, subject to any subsequent order as to costs made by the local court.

(3) Any person who, without reasonable excuse, fails to obey any summons issued under the provisions of this section and duly served, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding eight penalty units or to imprisonment for a period not exceeding one month, or to both.

(4) Any person who-

- (a) obstructs or in any way interferes with, or knowingly prevents, the service of any summons issued by a local court; or
- (b) in order to obstruct the due course of justice, dissuades, hinders or prevents or attempts to dissuade, hinder or prevent any person lawfully required to appear as a party, defendant or witness before a local court from so appearing;

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding four penalty units or to imprisonment for a period not exceeding three months, or to both.

(As amended by Acts No. 8 of 1991 and No. 13 of 1994)

18. (1) Subject to the provisions of this section, a local court may issue a warrant for the arrest of any person against whom criminal proceedings have been instituted-

Warrant of arrest

- (a) in lieu of the issue of a summons under the provisions of paragraph (a) of subsection (1) of section *seventeen*;
- (b) notwithstanding the issue of such a summons, at any time before the time appointed in such summons for the appearance of such person; or
- (c) if such person does not appear at the time appointed for him to do so in and by any summons.

(2) No warrant of arrest shall be issued under paragraph (a) or (b) of subsection (1) unless the court concerned has reasonable grounds to believe that the accused will not obey a summons or that, by reason of the gravity of the offence, it is desirable that the accused should be arrested, and no such warrant shall be issued under paragraph (c) of the said subsection unless the court is satisfied that the summons has been served on the person concerned.

(3) Every warrant of arrest issued under the provisions of this section shall-

- (a) be under the hand of a member of the local court by which it was issued; and
- (b) state shortly the offence with which the person against whom it is issued is charged, and shall name or otherwise describe such person; and
- (c) order the person or persons to whom it is directed to apprehend the person against whom it is directed and bring him before the local court which issued the warrant to answer the charge therein mentioned and to be further dealt with according to law; and
- (d) remain in force until it is executed or until it is cancelled by the local court by which it was issued.

(4) The person executing a warrant of arrest issued under the provisions of this section shall notify the substance thereof to the person to be arrested and, if so required, shall show him the warrant, and shall, without unnecessary delay, bring the person arrested before the local court by which such warrant was issued.

(5) Any irregularity in the substance or form of a warrant of arrest issued under the provisions of this section, and any variation between such warrant and the complaint in respect of which it was issued, or between such warrant or such complaint and the evidence produced against the accused, shall not effect the validity of any proceedings at or subsequent to the hearing of the case.

19. A local court shall carry into execution any decrees or orders of the High Court or of any Subordinate Court, or any local court, directed to such court, and shall execute all warrants and serve all process issued by any such courts as aforesaid and directed to such local court for execution or service, and shall generally give such assistance to any of the aforesaid courts as may be required.

Execution of orders,
etc., of other courts

20. A local court before which a person arrested is brought shall, without unnecessary delay-

Disposal of persons
arrested

- (a) proceed to the trial of such person for the offence for which he was arrested if it has jurisdiction to deal with the said offence; or
- (b) send such person in custody to another local court, or to the nearest Subordinate Court having jurisdiction, if the local court before which the person arrested was brought has no jurisdiction to deal with the said offence.

21. (1) When any person appears before or is brought before a local court, he may, at any stage of the proceedings before such court, be admitted to bail upon providing a surety or sureties sufficient, in the opinion of the court, to secure his appearance, or released upon his own recognizances if the court thinks fit.

Bail

(2) Subject to the provisions of section *twenty-four*, before any person is admitted to bail or released on his own recognizance, a bond (hereinafter referred to as a bail bond), for such sum as the court thinks sufficient, shall be executed by such person and by the surety or sureties, or by such person alone, as the case may be, conditioned that such person shall attend at the time and place mentioned in such bond and at every time and place to which during the course of the proceedings the hearing may from time to time be adjourned.

(3) A Subordinate Court may at any time, on the application of an accused person, order him, whether or not he has been committed for trial before a local court, to be admitted to bail or released on his own recognizance, and the bail bond in any such case may, if the order so directs, be executed before any magistrate or any president or other member of a local court.

(4) The principles and considerations taken into account by magistrates in Subordinate Courts when exercising their discretion about admitting to bail shall be taken into account by local courts when considering an application for bail under this section.

22. In addition to the condition mentioned in subsection (2) of section *twenty-one*, the local court before whom a bail bond is executed may impose such further conditions upon such bond as may seem reasonable and necessary in any particular case.

Additional conditions
of bail bonds

23. (1) As soon as a bail bond has been executed, the person for whose appearance it has been executed shall be released and, when he is in prison, the local court admitting him to bail shall issue an order of release to the officer in charge of the prison, and such officer, on receipt of the order, shall release him.

Release from custody

(2) Nothing in this section or in section *twenty-one* shall be deemed to require the release of any person liable to be detained for some matter other than that in respect of which a bail bond was executed.

24. (1) The amount of bail shall, in every case, be fixed with due regard to the circumstances of the case, but shall not be excessive.

Amount of bail and
deposits

(2) The local court admitting a person to bail or releasing him on his own recognizance may, in lieu of a bail bond, accept a deposit of money, or a deposit of property, from any person who would otherwise have had to execute a bail bond under the provisions of section *twenty-one* and may attach to such deposit such conditions as might have been attached to a bail bond, and, on any breach of any such condition, such deposit shall be forfeited.

(3) A Subordinate Court may, in any case, direct that the bail or deposit required by a local court be reduced, or may vary or add to any conditions imposed under the provisions of section *twenty-one*.

25. If, through mistake, fraud or otherwise, insufficient sureties have been accepted, or if afterwards they become insufficient, the local court may issue a warrant of arrest directing that the person released on bail be brought before it and may order him to find sufficient sureties, and, on his failing so to do, may commit him to prison.

Power to order sufficient bail when that first taken is insufficient

26. (1) All or any of the sureties for the appearance and attendance of a person released on bail may, at any time, apply to a local court to discharge the bail bond either wholly or so far as it relates to the applicant or applicants.

Discharge of sureties

(2) On such application being made, the local court shall issue a warrant of arrest directing that the person so released be brought before the court.

(3) On the appearance of such person pursuant to the warrant or on his voluntary surrender, the local court shall direct the bail bond to be discharged either wholly or so far as it relates to the applicant or applicants, and shall call upon such person to find other sufficient sureties, and, if he fails so to do, may commit him to prison.

27. Where a surety to a bail bond dies before the bond is forfeited, his estates shall be discharged from all liability in respect of the bond, but the party who gave the bond may be required to find a new surety.

Death of surety

28. If it is made to appear to a local court, by information on oath, that any person bound by recognizance is about to leave Zambia, the court may cause him to be arrested, and may commit him to prison until the trial, unless the court shall see fit to admit him to bail upon further recognizance.

Person bound by recognizance absconding may be committed

29. (1) Whenever any person shall not appear at the time and place mentioned in any recognizance entered into by him, the local court may, by order, endorse such recognizance and declare the same to be forfeited.

Forfeiture of recognizance

(2) On the forfeiture of any recognizance, the local court may issue its warrant of distress for the amount mentioned in such recognizance, or for the imprisonment of such person and his surety or sureties, for any term not exceeding six months, unless the amount mentioned in such recognizance be sooner paid or levied.

(3) A warrant of distress under this section may be executed within the local limits of the jurisdiction of the local court which issued it, and it shall authorise the distress and sale of any property belonging to such person and his surety or sureties, and without such limits, when endorsed by the president of the local court within the local limits of whose jurisdiction such property is found.

30. All orders passed by a local court under sections *twenty-one* to *twenty-nine* inclusive shall be appealable to and may be revised by a Subordinate Court.

Appeal from and revision of orders

31. Where it is proved on oath to the local court that, in fact or according to reasonable suspicion, anything upon, by or in respect of which an offence has been committed or anything which is necessary to the conduct of an investigation into any offence is in any building, vessel, carriage, box, receptacle or place, the local court may, by warrant (called a search warrant), authorise any officer of such local court or other person, not being a member of the local court, named therein, to search such building, vessel, carriage, box, receptacle or place (which shall be named or described in the warrant) for any such thing, and if anything searched for be found, to seize it and carry it before the local court issuing the warrant or some other local court, to be dealt with according to law.

Power to issue search warrant

32. Every search warrant may be issued and executed on a Sunday and shall be executed between the hours of sunrise and sunset, but a local court may, by the warrant, in its discretion, authorise the person to whom it is addressed to execute it at any hour.

Execution of search warrant

33. (1) Whenever any building or other place liable to be searched is closed, any person residing in or being in charge of such building or place shall, on demand of the person executing the search warrant, and on production of the warrant, allow him free ingress thereto and egress therefrom, and afford all reasonable facilities for a search therein.

Persons in charge of closed place to allow ingress thereto and egress therefrom

(2) If ingress to or egress from such building or other place cannot be so obtained, it shall be lawful for the person executing the search warrant to enter such building or place and search therein, and, in order to effect an entrance into such building or place, to break down any outer or inner door or window of any building or place, or otherwise effect entry into such building or place, if, after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance.

(3) Where any person in or about such building or other place is reasonably suspected of concealing about his person any article for which search should be made, such person may be searched. Whenever it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

34. (1) When any article is seized and brought before a local court, it may be detained until the conclusion of the case or the investigation, reasonable care being taken for its preservation.

Detention of property seized

(2) If any appeal is made, or if any person is committed for trial, the local court may order the article to be further detained for the purpose of the appeal or trial.

(3) If no appeal is made, or if no person is committed for trial, the local court shall direct that such thing be restored to the person from whom it was taken, unless the court sees fit or is authorised or required by law to dispose of it otherwise.

35. (1) Subject to the provisions of this Act or of any other written law, and to the limitations imposed by its court warrant, a local court, in cases of a civil nature, may- Awards in civil cases

- (a) order the award of compensation, which may include an amount for costs and expenses necessarily or reasonably incurred by a successful party or his witnesses;
- (b) order the specific performance of a contract;
- (c) order the restitution of any property;
- (d) make an order for the payment of such monthly sum for the maintenance of a divorced spouse as the court may consider just and reasonable having regard to the means and circumstances of the parties for a period not exceeding three years from the date of divorce or until re-marriage whichever is the earlier;
- (e) make an order for the maintenance of any child below the age of eighteen years whether born in or out of marriage:

Provided that where the child is born out of marriage an order under this paragraph shall be made with the consent of the parent against whom the order is to be made when that parent is not the natural parent of the child;

- (f) make any other order which the justice of the case may require; and may make any combination of the above orders.

(2) Where a local court has decided any case is of a civil nature and is of the opinion that an order should be made therein which is in excess of its jurisdiction, such local court may, for reasons to be recorded in writing on the record of the case, transmit such case to another local court, or a Subordinate Court, of competent jurisdiction, and the court to which such case is transmitted may make any order which it could have made had such case been tried therein.

(As amended by Act No. 8 of 1991)

36. (1) Subject to the provisions of section *thirty-eight*, a local court, may, on the application of any interested person, grant letters of administration of the estate of a person who has died intestate and whose estate fails to be administered and distributed in accordance with the Interstate Succession Act or under customary law.

Appointment of administrator and making of orders relating to intestate estates to be administered under Cap. 59 Interstate Succession Act or under African customary law

The Laws of Zambia

(2) Whenever a local court has made an order under subsection (1) appointing an administrator of a deceased's estate, the court may-

- (a) revoke the appointment of such administrator for good and sufficient cause;
- (b) make orders as to the administration of the estate, and in particular, but without prejudice to the generality of the foregoing, as to the appropriate African customary law to be applied on the distribution of the estate and as to the advertising for creditors;
- (c) require an administrator to sign an undertaking to administer the estate faithfully;
- (d) require an administrator to give security for the due administration of the estate;
- (e) make orders as to the payment of the share in the estate of any minor or other person under a disability to a relative or other suitable person for the maintenance or otherwise for the use of such minor or person under a disability.

(3) Where any appointment of an administrator is revoked by a local court-

- (a) all payments *bona fide* made to the administrator before the revocation thereof shall, notwithstanding such revocation, be a legal discharge to the person making the same;
- (b) an administrator who shall have acted may retain and reimburse himself out of the assets of the deceased's estate in respect of any payments made by him which an administrator may lawfully make.

(4) Where any administrator administers contrary to customary law, the estate of any person who has died intestate and to whom subsection (2) of section two of the Intestate Succession Act applies- Cap. 59

- (a) he shall be guilty of an offence and liable upon conviction to a fine not exceeding eighty penalty units or imprisonment for a term not exceeding six months, or to both;
- (b) in addition to any penalty which may be imposed under this subsection, the court may order the restitution to any beneficiary of the property which he has been deprived of and shall revoke the appointment of the administrator.

(As amended by Acts No. 8 of 1991 and No. 13 of 1994)

37. (1) An administrator appointed by a local court under subsection (1) of section *thirty-six* (hereinafter referred to as an administrator), shall, with reasonable diligence collect the property of the deceased and the debts that were due to him, pay the debts of the deceased and costs of the administration and shall thereafter distribute the estate of the deceased to the persons or for the purposes entitled thereto under the appropriate African customary law and, in carrying out his duties, shall give effect to any orders or directions given by the local court.

Powers and duties of administrators appointed by local courts

(2) An administrator may bring and defend proceedings in a local court on behalf of the estate.

(3) The receipt of an administrator shall constitute a good discharge to all debtors paying their debts and to all persons delivering the property of the deceased to such administrator.

(4) An administrator who misapplies the estate of the deceased or subjects it to loss or damage shall be liable to make good such loss or damage, and an administrator who occasions loss to the estate by neglecting to get in any part of the property of the deceased shall be liable to make good the amount of such loss.

(5) An administrator who distributes the assets of the deceased's estate in discharge of such lawful claims as he knows of and who, after not less than three months after the death of the deceased, distributes the remaining assets among the persons or for the purposes entitled thereto, and who gives effect or complies with any order or direction of a local court, shall not be liable for those assets to any person of whose claim he had no notice at the time of such distribution.

(6) After completing the administration of the deceased's estate, an administrator shall account for his administration of the estate to the local court which made the order under subsection (1) of section *thirty-six* appointing him administrator.

38. (1) A local court to which application is made for an order under subsection (1) of section *thirty-six* relating to the administration or distribution of the estate of any person who has died intestate, shall transfer such application to the High Court if-

Transfer of applications for orders relating to intestate estates to High Court

- (a) the local court is satisfied that a properly interested party has made application to the High Court for an order relating to the administration or distribution of such deceased's estate; or
- (b) a properly interested party or the Administrator-General has made application to the local court claiming that the deceased's estate should not be administered in terms of African customary law; or

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- (c) the local court is satisfied that it is in the interests of justice to transfer such application to the High Court or that it is otherwise necessary to seek directions from the High Court as to the correctness or legality of such application or order to be made thereunder; or
- (d) the local court is so ordered or directed by the High Court.

(2) Where an application is transferred to the High Court under subsection (1), the High Court shall make such order or give such directions in relation thereto as it shall think fit.

39. Subject to the provisions of this Act or of any other written law, and to any limitations imposed by its court warrant, a local court in cases of a criminal nature may-

Orders in criminal cases

- (a) order the imposition of a fine;
- (b) order the infliction of a term of imprisonment;
- (c) order the administration of corporal punishment;
- (d) order the operation of the whole or any part of a sentence of imprisonment passed upon a person by the court to be suspended for a period not exceeding three years on such conditions, relating to compensation to be made by the offender for damage or pecuniary loss, or to good conduct, or to any other matter whatsoever, as the court may specify in that order;
- (e) make any other order, including an order for compensation or restitution of property, which the justice of the case may require;

and may make any combination of the above orders.

40. Where a person is convicted by a local court at one trial of two or more distinct offences, such court may sentence him for such offences to the several punishments prescribed therefor which such court is competent to impose.

Sentences in cases of conviction for several offences at one trial

41. (1) Where, on the trial by a local court of an offence, any person is convicted of such offence and such court is of opinion that a greater punishment should be inflicted on such person for such offence than such court has power to inflict, the court may, for reasons to be recorded in writing on the record of the case and instead of dealing with the offender in any other manner, commit him in custody to a Subordinate Court of the first or second class within whose area of jurisdiction the local court is situate for sentence.

Committal to Subordinate Court for sentence

(2) Where a person is committed for sentence under the provisions of subsection (1)-

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- (a) the local court by which he is committed shall forthwith send a copy of the record of the case to the court to which such person is committed;
- (b) such person shall be brought before the court to which he is committed at the first convenient opportunity;
- (c) the court before which such person is so brought shall inquire into the circumstances of the case and shall thereafter proceed as if such person had pleaded guilty before it to the offence in respect of which he has been so committed.

(3) Where any court, under the provisions of subsections (1) and (2), passes any sentence upon any person, such person shall be deemed to have been tried and convicted of the offence concerned by such court.

42. (1) Where a local court orders the payment of a fine, it shall have the power to direct by its sentence that in default of the payment of such fine the offender shall suffer such period of imprisonment as will satisfy the justice of the case: Fines

Provided that-

- (i) no such period of imprisonment shall be in excess of the maximum period which such court is by or under the provisions of this Act competent to impose; and
- (ii) subject to the express provisions of this or any other written law, in no case shall the imprisonment exceed the maximum fixed by the following scale:

<i>Amount of fine in penalty units</i>	<i>Maximum period of imprisonment in default</i>
Not exceeding 8	14 days
Exceeding 8 but not exceeding 40	1 month
Exceeding 40 but not exceeding 80	3 months
Exceeding 80 but not exceeding 160	6 months
Exceeding 160	9 months

(2) Any imprisonment which is imposed by a local court in default of the payment of a fine shall terminate whenever such fine is either paid or levied by process of law.

(3) Where a term of imprisonment is imposed by a local court in default of the payment of a fine, such term shall, on the payment or levy of part of such fine, be proportionately reduced.

(As amended by Act No. 8 of 1991 and Act No. 13 of 1994)

43. (1) Subject to the provisions of subsection (5), where a local court has convicted any juvenile or juvenile adult of any offence, it may substitute for any sentence of imprisonment or other punishment which it may lawfully impose for such offence a sentence of such corporal punishment as it shall think fit, not exceeding the amount which it is empowered to order under the provisions of this Act or any other written law. Corporal punishment

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(2) No corporal punishment shall be ordered by a local court for any female or for any male other than a juvenile or a juvenile adult.

(3) No corporal punishment shall be ordered by a local court for any juvenile or juvenile adult except in accordance with the provisions of subsections (4) and (5).

(4) A local court may, subject to the provisions of sub-sections (2) and (3) and to any limitations imposed under this Act or any local court rules made under the provisions of this Act, or by its court warrant, order corporal punishment in accordance with the provisions of-

- (a) this Act and any local court rules and any rules made under section *sixty-nine*, and the provisions of any other written law relating to the jurisdiction of local courts; and
- (b) any written law administered by such local court relating to the care and protection of juveniles and the attendance of juveniles at school; and
- (c) any written law administered by such local court relating to the prevention of cruelty to animals.

(5) Subject to the provisions of subsections (2) and (3), a local court may order corporal punishment for any male juvenile or juvenile adult for any offence which is punishable by imprisonment for three months or more, not being imprisonment which may be ordered solely in default of payment of a fine.

(6) Every sentence of corporal punishment imposed by a local court shall be for the person sentenced to be caned, and to be caned once only, and to be caned with a specified number of strokes not exceeding twelve or such less number as may be the maximum prescribed under the provisions of this Act or any other written law.

(7) A sentence of corporal punishment imposed by a local court under the provisions of this Act or any other written law shall not be carried into effect-

- (a) if a notice of appeal has been entered, until after the determination of the appeal; or
- (b) if no appeal has been entered, until the sentence has been confirmed by an authorised officer.

44. (1) When a local court has ordered compensation to be paid under the provisions of section *thirty-nine* to any person injured or aggrieved by the act or omission in respect of which such compensation has been ordered, such person, if he shall accept such compensation without stipulating to the court that he accepts it only as a partial satisfaction of his claim, shall not have or maintain thereafter any suit for the recovery of damages for the loss or injury sustained by him by reason of such act or omission.

Compensation

(2) Compensation ordered to be paid under the provisions of section *thirty-nine* shall be paid into the court which shall transmit the compensation to the owner as soon as possible.

(As amended by Act No. 8 of 1991)

45. (1) Whenever the operation of a sentence of imprisonment has been suspended by a local court under paragraph (a) of section *thirty-nine* and the offender has, during the period of suspension, observed all the conditions specified in the order, the sentence shall not be enforced.

Suspended sentences

(2) If the conditions of any order made under paragraph (a) of section *thirty-nine* suspending the operation of a sentence of imprisonment are not fulfilled, the offender may, upon the order of any local court justice, authorised officer or Judge, be arrested without warrant and brought before the court which suspended the operation of his sentence, and such court may direct that the sentence shall be executed forthwith or after the expiration of any other sentence which such offender is liable to serve:

Provided that the court which suspended the operation of the sentence may, in its discretion, if it be proved to its satisfaction by the offender that he has been unable through circumstances beyond his control to perform any condition of such suspension, grant an order further suspending the operation of the sentence subject to such conditions as might have been imposed at the time of the passing of the sentence.

(3) In the alternative, where a local court justice, authorised officer or Judge is satisfied that any person convicted by him of an offence has, by reason of such conviction, failed to fulfil the conditions of an order made under paragraph (a) of section *thirty-nine* suspending the operation of a sentence of imprisonment, the local court justice, authorised officer or Judge, as the case may be, may direct that the sentence of imprisonment suspended by reason of the said order be either executed forthwith or after the expiration of any other sentence of imprisonment which such person is liable to serve.

46. A local court may order that any fine which it may impose or compensation which it may award shall be paid at such time or times or by such instalments as it shall think fit, and may order that in default of the payment of any instalment the whole of the unpaid balance of such fine or compensation shall become due, and that on the default of the payment of any fine, compensation or instalment thereof when due, the amount of such fine, compensation or instalment, as the case may be, shall, together with the costs of such levy, be levied by the attachment and sale of any property belonging to the person ordered to pay such fine, compensation or instalment:

Payment of fines and compensation

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Provided that such levy shall not be made by the sale of the following forms of property without the consent of the owner thereof:

- (a) personal clothing, bedding and household utensils;
- (b) implements of husbandry and trade tools;
- (c) foodstuffs grown by such person and required for the feeding of such person, his spouse or his dependants;
- (d) property which is claimed by a third party or in which it is alleged that any other person has an interest, if the local court, after hearing the same, shall find such claim or allegation to be well founded.

PART V

OFFENCES RELATING TO THE ADMINISTRATION OF JUSTICE

47. (1) Any person subject to the jurisdiction of a local court, who, without lawful excuse- Contempt of court

- (a) threatens, intimidates or intentionally insults such court or any member or assessor thereof in his capacity as such; or
- (b) intentionally interrupts the proceedings of such court or otherwise behaves in a disorderly manner before such court; or
- (c) omits to deliver up any document or thing in accordance with the order of such court; or
- (d) not being a person who, in the case before the court is accused of an offence, refuses to answer any question asked by such court which does not tend to incriminate him; or
- (e) while any proceedings are pending in such court, makes use of any speech or writing misrepresenting such proceedings, or capable of prejudicing any person in favour of or against any party to such proceedings; or
- (f) refuses to sign any statement made by him which such court lawfully requires him to sign; or
- (g) having the means to pay any compensation awarded against him, refuses or wilfully fails to make such payment after due notice; or

(h) wilfully disobeys or fails to comply with any other lawful order of such court; shall be guilty of an offence and shall be liable on conviction, in the case of an offence under paragraph (a), to a fine not exceeding eight penalty units or to imprisonment for a period not exceeding twelve months, or to both, and in any other case, to a fine not exceeding four penalty units or to imprisonment for a period not exceeding three months, or to both.

(2) When any offence under subsection (1) is committed in view of the court, the court may cause the offender to be detained in custody, and at any time before the rising of the court on the day on which the offence is committed may take cognizance of the offence and sentence the offender to a fine not exceeding three penalty units.

(As amended by Act No. 13 of 1994)

48. Any person who-

Corrupt influence

- (a) receives or obtains, or agrees or attempts to receive or obtain, or asks for, any property or benefit of any kind for himself or for any other person; or
- (b) gives, confers or procures, or promises or offers to give, confer or procure, to, upon or for any person any property or benefit of any kind;

in consideration of the inducement or purported inducement, by corrupt or illegal means or by improper, personal influence, of any local court or any member or assessor thereof to do or forbear to do any act which such local court or member or assessor is authorised or required to do in the exercise of lawful jurisdiction, or to show favour or disfavour to any person, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding eight penalty units or to imprisonment for a period not exceeding twelve months, or to both.

(As amended by Act No. 13 of 1994)

49. Any person who-

Corrupt practice

- (a) being, or claiming to be, a member or assessor of a local court or claiming to be a prospective member or assessor of such court, corruptly receives or obtains, or asks for, any property or benefit of any kind for himself or for any other person in consideration of anything already done or omitted to be done, or to be afterwards done or omitted to be done, by him in the discharge of the duties of a member or assessor of such court, or for showing, as such member or assessor, favour or disfavour to any person; or
- (b) corruptly gives, confers or procures, or promises to give, confer or procure or attempts to procure, to, upon or for any member or assessor of a local court or to, upon or for any other person, any property or benefit of any kind in consideration of any such act or omission as is described in paragraph (a) on the part of any such member or assessor, or in consideration of any such favour or disfavour as is described in the said paragraph shown by such member or assessor;

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

(As amended by Act No. 13 of 1994)

50. (1) Any person who, not being duly authorised under this Act or any other written law, for the time being in force, purports to exercise judicial functions as a local court justice, or falsely holds himself out to be a local court justice, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding eight penalty units, or to imprisonment for a period not exceeding twelve months, or to both.

Adjudication without authority

Provided that nothing in this subsection shall be deemed to prohibit any African customary arbitration or settlement in any matter with the consent of the parties thereto if such arbitration or settlement is conducted in the manner recognised by the appropriate African customary law.

(2) No prosecution for an offence under the provisions of this section shall be instituted without the written consent of the Director of Public Prosecutions.

(As amended by Act No. 13 of 1994)

PART VI

TRANSFER OF CASES, REVISION AND APPEALS

51. In this Part, unless the context otherwise requires-

Interpretation

"adverse award" means a judgment, order or decision against a party which is not a sentence of fine, imprisonment or corporal punishment;

"appellate court" means a court to which an appeal is made under the provisions of this Part;

"interested party" means any person subject to the jurisdiction of a local court who has been either a party to a case in such court or concerned otherwise in such a case as a person claiming to have suffered loss or damage from any act or omission alleged in such a case, or against whom an order has been made in such a case;

"lower court" means a court whose judgment, order or decision is the subject of an appeal under the provisions of this Part or whose judgment, order or decision is, or is to be, revised;

"revised", in relation to any judgment, order or decision, means revised under the provisions of section *fifty-four*.

52. Every local court shall, when so required by an authorised officer, submit to such authorised officer a report of any cases or classes of cases tried in such court and such report shall be made at such times and in such form, including the submission of case records, as the authorised officer shall direct. Reports on cases

53. (1) Where any proceedings, civil or criminal, have been commenced in a local court, such local court, or an authorised officer within whose area of jurisdiction such local court is situate, may at any time before judgment, either with or without an application from any interested party in that behalf, by order, and for reasons which shall be recorded in writing on the record of the case, stay such proceedings and, on such terms as may be just, transfer such proceedings for hearing and determination by some other local court or to a Subordinate Court of the first or second class within whose area of jurisdiction the local court wherein such proceedings have been commenced is situate. Transfer of cases

(2) Where any proceedings are transferred in accordance with the provisions of subsection (1), the hearing shall be commenced *de novo* before such other local court or Subordinate Court of the first or second class, as the case may be, upon payment of the prescribed fees.

(3) Any interested party who is aggrieved by any order of transfer made by a local court under the provisions of subsection (1) in the case in which he is concerned, or by the refusal of such court to make such order, may appeal therefrom to a Subordinate Court of the first or second class within whose area of jurisdiction the local court is situate.

(4) Any interested party who is aggrieved by any order of transfer made by an authorised officer under the provisions of subsection (1) in the case in which he is concerned, or by the refusal of such authorised officer to make such order, may appeal therefrom to the High Court.

(5) For the purposes of this section and section *fifty-four*, the area of jurisdiction of an authorised officer shall be-

- (a) in the case of an authorised officer who is a senior resident magistrate, a resident magistrate or such other magistrate as the Chief Justice may have designated as an authorised officer, the territorial limits within which the Subordinate Court of which he is a magistrate ordinarily exercises jurisdiction; and
- (b) in the case of an authorised officer who is a local courts officer, such territorial limit as may be prescribed by the Chief Justice under the provisions of this Act.

54. (1) Every authorised officer shall at all times have access to the records of local courts within the area of his jurisdiction, and may send for and inspect the record of any proceedings before such court and require the production to him of such other evidence as he may deem necessary for the purpose of satisfying himself as to the correctness, legality or propriety of any judgment, order, decision or sentence recorded, made or imposed by such court, or as to the regularity of such proceedings.

Powers of inspection and revision

(2) An authorised officer shall, before exercising the powers conferred by subsection (3), carry out such inspection and other action under the provisions of subsection (1) as shall to him appear necessary and, if he considers that undue delay would not be caused, he may, before exercising such powers, also hear submissions by the interested parties on the matters in issue between them in the local court concerned, and on the judgment, order or decision of such court thereon, as if he were hearing an appeal from the same, and a hearing of submissions shall be deemed to have been carried out if the said parties have been given reasonable notice thereof and have either failed, without giving good reason therefor, to attend for the purpose, or have offered, in lieu of such attendance, written submissions for the purpose which have been given due consideration by the authorised officer.

(3) Subject to the provisions of subsection (4), an authorised officer may, after complying with the provisions of subsection (2) and for reasons which he shall record in writing-

- (a) revise any judgment, order or decision of a local court within the area of his jurisdiction in respect of which no appeal has been validly entered, or no application for leave to appeal out of time is pending, or any appeal, if entered, has been withdrawn by reversing, amending or varying in any manner such judgment, order or decision:

Provided that no award of a civil nature shall be varied to the prejudice of any party without an opportunity being first given to the party prejudiced of being heard;

- (b) quash any proceedings and, where he considers it desirable, order the case to be heard *de novo* either before the same local court or some other local court or a Subordinate Court of the first or second class situate within the area of jurisdiction of the authorised officer:

Provided that-

- (i) where proceedings are quashed and an order for rehearing is made as aforesaid, no plea of *autrefois acquit* or *autrefois convict* or *estoppel* by *res judicata* shall be deemed to arise out of the proceedings so quashed;
- (ii) when, as aforesaid, any proceedings are quashed and the case is ordered to be reheard *de novo* before a Subordinate Court of the first or second class, the authorised officer shall be competent to hear such proceedings himself if the proceedings are otherwise within his jurisdiction;
- (iii) an authorised officer who is a local courts officer shall not exercise revisory powers under this subsection in cases where he has already sat in an advisory capacity under section *fifteen*.

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(4) In the exercise of his powers under subsection (3), an authorised officer may, in any criminal matter where he is of opinion that a punishment should be inflicted for the offence greater than the punishment which either the local court or the authorised officer has power to inflict, and for reasons which he shall record in writing on the record of the case, refer the case to a Subordinate Court of the first or second class within whose area of jurisdiction the local court is situate.

(5) Whenever an authorised officer refers a case to a Subordinate Court of the first or second class for the purposes of subsection (4), he shall send a copy of the record of the case to the Subordinate Court.

(6) A Subordinate Court to whom a case is referred under the provisions of subsection (4) shall-

- (a) if it thinks that a different sentence should have been passed, quash the sentence passed by the local court and order the imposition of such other sentence within its jurisdiction, whether more or less severe, in substitution therefor as it may think ought to have been passed; or
- (b) if it thinks that a sentence different from the sentence imposed by the local court should not be passed, order that the case be referred back to the authorised officer who shall forthwith determine the matter under the provisions of subsection (3):

Provided that no sentence in any criminal matter shall be enhanced upon revision without an opportunity being first given to the accused of being heard.

(7) Any judgment, order or decision, including any order on review, made in the exercise of the powers conferred by subsection (3) shall be deemed to be a judgment, order or decision of the authorised officer who made the same, and any appeal therefrom shall lie in accordance with the provisions of subsection (2) of section *fifty-six*.

55. The Director shall at all times have access to all local courts and to all records thereof and, subject to the provisions of this Act, the Director may exercise all the powers of an authorised officer in relation to any local court.

Powers of Director

(As amended by Act No. 8 of 1991)

56. (1) Subject to the provisions of subsection (2), any interested party who is aggrieved by any judgment, order or decision of a local court given or made in the case in which he was concerned, and which has not been revised, may appeal therefrom to a Subordinate Court of the first or second class within whose area of jurisdiction such local court is situate.

Appeals

(2) Any interested party who is aggrieved by any judgment, order or decision, including any order on review made with or without submissions under section *fifty-four*, in the case in which he was concerned, given or made-

- (a) by an authorised officer in the exercise of his powers under section *fifty-four*, may appeal therefrom-
 - (i) in the case of an authorised officer who is a local courts officer or a magistrate empowered to hold a Subordinate Court of the third class, to a Subordinate Court of the first or second class within whose jurisdiction the local court which heard the original proceedings is situate; or
 - (ii) in the case of any other authorised officer, to the High Court; or
- (b) by the Director in the exercise of his powers under sections *fifty-four* and *fifty-five*, may appeal therefrom to the High Court; or
- (c) by a Subordinate Court of the first or second class in the exercise of its appellate jurisdiction under this section, may appeal therefrom to the High Court; or
- (d) by the High Court in the exercise of its appellate jurisdiction under this section, may appeal therefrom to the Supreme Court with the leave of a Judge or, when such leave is refused, with the leave of the Supreme Court.

(3) Any appeal under the provisions of this section shall be entered within thirty days of the judgment, order or decision appealed against.

(As amended by Act No. 8 of 1991)

57. *(Repealed by No. 47 of 1970)*

58. (1) Any court exercising appellate jurisdiction under the provisions of this Act may exercise any of the following powers: Powers on appeal

- (a) to grant leave to appeal out of time;
- (b) to take, or cause to be taken, additional evidence for reasons to be recorded;
- (c) to dismiss the appeal if, in the opinion of the appellate court, there has been no substantial miscarriage of justice, notwithstanding that the point raised in the appeal could be decided in favour of the appellant;
- (d) to set aside the proceedings of the lower court and order the case to be retried in any court of competent jurisdiction:

Provided that a Subordinate Court shall not order a retrial in the High Court;

- (e) to enhance, suspend, reduce or otherwise modify the effect of the sentence or order of the lower court:

Provided that the provisions of subsections (1) and (2) of section *forty-five* shall apply to any order made under this paragraph suspending the operation of any sentence of imprisonment;

- (f) to squash, or annul the verdict, order or sentence of the lower court, or any part thereof, with or without substitution of another verdict, order or sentence;
- (g) to permit the release on bail of a person who is in custody by an order made in the case by the lower court and whose sentence has been suspended.

(2) An appeal from a local court shall be dealt with by way of rehearing unless the appellate court, in its discretion, shall see fit to dispense with all, or part, of such rehearing.

59. (1) The entering of an appeal in any case in which an adverse award has been made or a fine imposed by a local court shall not operate as a stay of execution of proceedings under such award or in respect of such fine except in so far as such court, upon the application of the person against whom such award was made or upon whom such fine was imposed, may order.

Effect of entry of appeal on order, sentence, etc.

(2) After the entering of an appeal by a person who has been sentenced by a local court to a period of imprisonment, the appellate court, or the lower court may, upon the application of such person, order that such person be released on bail with or without sureties pending the hearing of the appeal, and if, upon such hearing, the original sentence is confirmed or some other sentence of imprisonment is substituted therefor, the time during which the appellant has been released on bail shall be excluded in computing the term of imprisonment to which he is finally sentenced.

60. When, under the provisions of section *fifty-three*, *fifty-four*, *fifty-five* or *fifty-six* or under the provisions of any other written law, a case which has been before a local court is sent for trial or retrial before another local court or a Subordinate Court, the local court from which such case has been sent shall report the proceedings in it to the court to which such case is sent, which shall thereupon proceed to the trial or retrial of such case, in criminal matters as though a complaint of facts constituting the offence had been made to the court, and in civil proceedings as though a complaint therein had been made to the court, and if fees for any purpose of the case have been paid to the court from which the case was sent, such fees shall be refunded to the person by whom they were paid and the said other court shall require the payment to itself of such fees as would be due if the proceedings had been commenced before it in the first instance.

Procedure in transferred cases

61. (1) Any local court, or any other court before which a case from a local court has been ordered to be tried or retried, or which has before it for revision a case from a local court, or to which an appeal has been made from a local court, or any authorised officer in the exercise of his powers under section *fifty-four*, may, in dealing with any such matters, require the assistance of assessors and make such use of such assessors as advisers on matters of African customary law as may be necessary:

Use of assessors

Provided that no person shall sit as an assessor in any court during the hearing of a case in which he has a personal or pecuniary interest or which was dealt with at any stage by a court of which he was then a member or assessor.

(2) Any advice given by an assessor on matters of African customary law shall, except where such advice is given to an authorised officer, be given in open court and any party to the case shall be entitled to give or bring evidence on such matters after such advice has been given.

62. No proceedings in a local court, and no warrant, process, order or decree issued or made thereby, shall be varied or declared void on appeal or revision solely by reason of defect of procedure or want of form, but every appellate court or person exercising powers of revision shall decide all matters according to substantial justice without undue regard to technicalities.

Decisions to be in accordance substantial justice

63. Every president or other local court justice and every proceeding before such president or other local court justice shall be subject to the orders and directions of the High Court.

Local court justices to be subject to directions of High Court

PART VII

GENERAL

64. (1) The registrar, clerks, messengers, or other officers of a local court shall have the functions, duties and powers allotted to them by or under the provisions of this Act and by the court.

Officers of local courts

(2) Any person who obstructs, or fails to assist if called upon so to do, any officer of a local court, or other person bound to execute lawful warrants or orders issued or made in the exercise of jurisdiction conferred by this Act, in the execution of his duty or the exercise of his powers shall be guilty of an offence and shall be liable on conviction to a fine not exceeding four penalty units or to imprisonment for a period not exceeding three months, or to both.

(As amended by Act No. 13 of 1994)

65. (1) No person shall be liable to any civil action in respect of any act done, or ordered by him to be done, in a judicial capacity in the exercise of jurisdiction conferred by this Act, whether or not within the limits of his jurisdiction, if, at the time of such act or order, he believed in good faith that he had jurisdiction to do such act or make such order, and no officer of any court, or other person bound to execute lawful warrants or orders issued or made in the exercise of jurisdiction conferred by this Act, shall be liable in any civil action in respect of the execution of any warrant or order which he would be bound to execute if the person issuing the same had been acting in the exercise of lawful authority.

Indemnities

(2) Immunity from criminal liability for any act mentioned in subsection (1) shall be determined in accordance with the provisions of the Penal Code.

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66. (1) Subject to the provisions of any other written law, where anything which has been tendered or put in evidence in any criminal proceedings before a local court has not been claimed by any person who appears to the court to be entitled thereto within a period of twelve months after the final disposal of such proceedings, or of any appeal entered in respect thereof, such thing may be sold, destroyed or otherwise disposed of in such manner as the court may by order direct, and the proceeds of any such sale shall be paid into the general revenues of the Republic.

Disposal of exhibits

(2) If anything which has been tendered or put in evidence in any criminal proceedings before a local court is subject to speedy and natural decay and the person entitled thereto is not present in court or cannot otherwise conveniently be found, the court may, at any stage of the proceedings or at any time after the final disposal of such proceedings, order that it be sold or otherwise disposed of but shall hold the proceeds of any such sale and, if such proceeds are unclaimed at the expiration of a period of twelve months after the final disposal of such proceedings, or of any appeal entered in respect thereof, shall pay such proceeds into the general revenues of the Republic.

(3) Notwithstanding the provisions of subsection (1), a local court may, if it is satisfied that it would be just and equitable so to do, order that anything tendered or put in evidence in criminal proceedings before it, should be returned at any stage of the proceedings or at any time after the final disposal of such proceedings to the person who appears to be entitled thereto, subject to such conditions as the court may see fit to impose.

(4) An order of a local court made under the provisions of subsection (1) or (2) shall be final and shall operate as a bar to any claim by or on behalf of any person claiming ownership of, or any interest in, such thing by virtue of any title arising prior to the date of such order.

67. (1) The ⁽¹⁾Minister responsible for home affairs may authorise places for the detention or imprisonment, as the case may be, of persons taken in the execution of the process of local courts or sentenced by such courts to imprisonment.

Places of imprisonment

* All existing lock-ups declared to be places of detention or imprisonment by G.N. No. 196 of 1967

(2) Any person who is taken in the execution of the process of a local court or who is sentenced by a local court to imprisonment may be detained or imprisoned, as the case may be, in any place authorised for the purpose under the provisions of subsection (1), notwithstanding that such a place is not a prison as defined in the Prisons Act or in any other written law: Cap. 97

Provided that no person shall be imprisoned in any such place which is not a prison as so defined for a period exceeding three months.

68. (1) The Chief Justice may, by statutory instrument, make rules for carrying this Act into effect, and in particular and without prejudice to the generality of such power, such rules may- Rules

* All existing lock-ups declared to be places of detention or imprisonment by G.N. No. 196 of 1967.

- (a) regulate the practice and procedure of local courts and the taking of evidence therein, including procedure on appeal and the enforcement of orders and sentences;
- (b) prescribe the fees to be charged in local courts;
- (c) prescribe the records to be kept by local courts;
- (d) prescribe the forms to be used for any of the purposes of this Act;
- (e) prescribe the procedure relating to execution and attachment in civil and criminal cases in local courts;
- (f) prescribe the form of, and conditions which may be attached to, bonds to be entered into by sureties for persons admitted to bail under the provisions of this Act, or by persons released upon their own recognizances under the said provisions, or for deposits which may be made in lieu of such bonds;
- (g) provide for the variation by other local courts or by Subordinate Courts of the conditions of bonds imposed, or bail or deposits required, by local courts admitting persons to bail or releasing them on their own recognizances;
- (h) prescribe the allowances and expenses which may be paid to witnesses and assessors in cases in local courts;
- (i) prescribe the costs which may be allowed in local courts in civil and criminal cases and in appeals;

The Laws of Zambia

- (j) prescribe the duties of officers of local courts;
- (k) regulate the practice governing the imposition and administration of corporal punishment, including provisions as to the confirmation of any sentence of such punishment;
- (l) regulate the disposal of items ordered to be forfeited, confiscated or surrendered by a local court under the provisions of this Act or any other written law;
- (m) prescribe anything to be prescribed under the provisions of this Act.

(2) Rules made under the provisions of subsection (1) may make different provisions in respect of different local courts and grades of local courts.

69. The Minister responsible for home affairs may, by statutory instrument, make rules providing for the management and government of places authorised under the provisions of section *sixty-seven* for the detention or imprisonment of persons on remand and of persons convicted and awaiting transmission to other custody and for the custody, detention or imprisonment of such persons therein.

Detention and imprisonment rules

70. Obsolete.

71. Has had its effect.

SUBSIDIARY LEGISLATION

LOCAL COURTS

SECTION 13-THE LOCAL COURTS (JURISDICTION) ORDER

Order by the Minister

Statutory Instruments
353 of 1966
422 of 1966
378 of 1967
22 of 1972
95 of 1976

1. This Order may be cited as the Local Courts (Jurisdiction) Order.

Title

The Laws of Zambia

2. Subject to the provisions of the Act, all local courts shall have jurisdiction to administer the provisions of- Enforcement of specified laws

- (a) the written laws specified in the Schedule to the extent indicated in the second column thereof; and
- (b) any statutory instrument made and in force under the provisions of any written law which such courts have jurisdiction to administer.

SCHEDULE

(Paragraph 2)

SPECIFIED LAWS

<i>Written law</i>	<i>Provisions which local courts have jurisdiction to administer</i>
The Brands Act (Chapter 244) .. .. .	.. All provisions
The Zambia National Broadcasting Act (Chapter 154) ..	.. Section 14 (1)
The Cattle Cleansing Act (Chapter 248) .. .. .	.. All provisions
The Control of Dogs Act (Chapter 247) .. .. .	.. All provisions
The Cotton Act (Chapter 277) .. .. .	.. All provisions
The Education Act (Chapter 134) .. .. .	.. All provisions
The Firearms Act (Chapter 110) .. .. .	.. All provisions
The Fisheries Act (Chapter 200) .. .. .	.. All provisions
The Forests Act (Chapter 199) .. .. .	.. All provisions
The Local Courts Act (Chapter 29) .. .. .	.. All provisions
The Markets Act (Chapter 290) .. .. .	.. All provisions
The Penal Code (Chapter 87) .. .. .	.. Sections 41, 88, 102, 103, 118, 119, 120, 121, 178, 179, 180, 181, 182, 210, 211, 212, 213, 214, 227, 247, 248, 250, 260, 272, 276, 277, 278, 281, 286, 293, 301, 302, 304, 305, 306, 311, 315, 318, 320, 330, 334, 335 (1), 378, 380, 381, 382, 383, 389 and 390
The Personal Levy Act (Chapter 329) .. .. .	.. All provisions
The Prevention of Cruelty to Animals Act (Chapter 245)	All provisions
The Public Pounds and Trespass Act (Chapter 253)	.. All provisions
The Public Order Act (Chapter 113) .. .. .	.. Sections 6, 7, 10, 11 and 15 (2)
The Roads and Road Traffic Act (Chapter 464) .. .. .	.. All provisions relating to offences other than- (a) those by persons responsible for motor vehicles and trailers and their servants or agents; (b) those relating to driving licenses.
The Societies Act (Chapter 119) .. .. .	.. All provisions
The Stock Diseases Act (Chapter 252) .. .. .	.. All provisions
The Traditional Beer Act (Chapter 168) .. .. .	.. All provisions
The Tsetse Control Act (Chapter 249) .. .. .	.. All provisions
The Witchcraft Act (Chapter 90) .. .. .	.. All provisions
The Registration and Development of Villages Act (Chapter 289) .. .. .	.. All provisions

(As amended by Act No. 422 of 1966, No. 378 of 1967 No. 22 of 1972 and No. 95 of 1976)

THE LOCAL COURTS RULES

ARRANGEMENT OF RULES

PART I

PRELIMINARY

Rule

1. Title
2. Procedure

PART II

GRADES OF COURTS

3. Grades
4. Jurisdiction of grades

PART III

RECORDS, RETURNS AND FORMS

5. Records and returns
6. Prescribed forms
7. Custody of records and property

PART IV

FEEES AND REVENUE

8. Prescribed fees
9. Liability for fees
10. Receipts and repayments
11. Disposal of court revenue

PART V

COMMITTAL TO PRISON

The Laws of Zambia

12. Committal to prison
13. Confirmation of sentence of imprisonment

PART VI
CORPORAL PUNISHMENT

Rule

14. Confirmation of sentence of corporal punishment
15. Place of administration of corporal punishment
16. Caning of physically unfit person
17. Administration of corporal punishment
18. Substitution of other penalty for physically unfit person

PART VII
SERVICE OF PROCESS

19. Preparation and service of summons
20. Service by other methods
21. Execution of process
22. Affidavits of service
23. Date for hearing

PART VIII
APPEALS

24. Notifying rights of appeal
25. Notice of appeal
26. Convicted person in prison
27. Procedure on appeal
28. Obsolete

PART IX
MISCELLANEOUS PROVISIONS

The Laws of Zambia

29. Arrests without warrant
30. Enhancing or varying decisions in criminal cases
31. Allowances and expenses payable to witnesses and assessors
32. Cases transferred

FIRST SCHEDULE-Fees payable in local courts

SECOND SCHEDULE-Forms and records for use in local courts

SECTION 68-THE LOCAL COURTS RULES

Statutory Instruments
293 of 1966
40 of 1969
97 of 1986
170 of 1990
4 of 1992
13 of 1994
46 of 1995

Rules by the Chief Justice

PART I

PRELIMINARY

1. These Rules may be cited as the Local Courts Rules. Title
2. The practice and procedure of local courts shall be regulated in accordance with these Rules, and in default thereof, in substantial conformity with the law and practice for the time being observed in a Subordinate Court. Procedure

PART II

GRADES OF COURTS

3. There shall be two grades of local courts for purposes of jurisdiction entitled Grade A and Grade B and the court warrant of every local court shall specify to which of the said grades such court belongs. Grades

4. Local courts of either grade shall have the jurisdiction conferred on local courts by the Act, to the extent permitted to each respective grade by the following limitations, and by any limitations imposed under the Act: Jurisdiction of grades

(a) in the exercise of jurisdiction under sections *eight* and *thirty-five* of the Act-

(i) no local court of either grade shall determine any matrimonial or inheritance claim which is not based on African customary law; and

(ii) no local court of either grade shall determine any civil claim, other than a matrimonial or inheritance claim based upon African customary law, which is greater in value than the amount set out hereunder for the grade to which such court belongs:

Grade A 60 fee units

Grade B 48 fee units

(b) in the exercise of jurisdiction under sections *nine* and *thirty-nine* of the Act-

(i) no local court of either grade shall impose a fine exceeding the amount set out hereunder for the grade to which such court belongs:

Grade A 20 penalty units

Grade B 12 penalty units

(ii) no local court of either grade shall order infliction of a term of imprisonment or period of probation exceeding the period set out hereunder for the grade to which such court belongs:

Grade A 2 years

Grade B 18 months;

(iii) no local court of either grade shall order the infliction of corporal punishment in excess of the number of strokes with a cane set out hereunder for the grade to which such court belongs:

Grade A 12 strokes

Grade B 6 strokes

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and every such order shall be made in accordance with rules 14 to 18.

(As amended by S.I. No. 4 of 1992
and Act No. 13 of 1994)

PART III

RECORDS, RETURNS AND FORMS

5. Every local court shall cause a written record to be made of the proceedings of every case determined by it in the exercise of its civil and criminal jurisdiction, and shall cause a monthly return listing all cases determined by or brought before such court during that month to be forwarded to the Registrar of the High Court, or to an authorised officer, as may be directed by the Registrar of the High Court.

Records and returns

6. The forms and records appearing in the Second Schedule, with such variations as the circumstances of each case may require, shall be used for the respective purposes therein mentioned, and when so used shall be sufficient for such purpose.

Prescribed forms

7. The clerk of every local court shall be responsible for the making and submission of such records and returns as may be required from such court under section *fifty-two* of the Act and rule 5, and for the safe keeping of all books, forms and other documents and records belonging to such court, and of all money and other property which may come into such court's possession, and for the production of the same for inspection at any time by the Director, an authorised officer or any other officer, including an official of the Audit Department of the Government, who is permitted by an authorised officer to inspect the same, or for any other lawful purpose and shall observe all directions given by an authorised officer concerning such safe keeping and production.

Custody of records and property

(As amended by Act No. 8 of 1991)

PART IV

FEES AND REVENUE

8. (1) The fees payable in local courts shall be as specified in the First Schedule, and shall be paid in cash. The fee for a summons or for a copy of a document shall be paid before the issue of such summons or the making of such copy, as the case may be, a hearing fee or a fee on appeal upon the hearing of the case concerned or the entering of such appeal, as the case may be, and the fee on execution upon the levying of such execution:

Prescribed fees

The Laws of Zambia

Provided that a local court may in its discretion remit all or part of any fees payable when satisfied that the person liable for them is by reason of poverty unable to pay such fees or part thereof, as the case may be, or that there is other good cause for such remission.

(2) A fee of two units shall be paid to a local court by parties to a customary law marriage for the issue of a marriage certificate.

(3) A fee of two units shall be paid to a local court by parties to a customary law marriage upon dissolution of their marriage for the issue of a divorce certificate.

*(As amended by S.I. No. 4 of 1992
and Act No. 13 of 1994)*

9. The fee for any summons or on any appeal or for any copy of a document shall be paid by the party applying for such summons or copy or entering such appeal, as the case may be; a hearing fee shall be paid by such party to the case as the court may direct or, failing such direction, by the plaintiff, and the fee on execution by the party against whom such execution is levied:

Liability for fees

Provided that where a party who is successful in a case has paid any fees to a local court in respect of such case then, unless the court shall have ordered otherwise, the other party or such other party as the court may direct shall pay the amount of fees to the said successful party.

10. (1) The clerk of every local court, or other officer thereof detailed for the purpose, shall issue or cause to be issued a receipt for every fee paid to such court, and for every fine paid and for every deposit accepted for release on bail and for every amount received as the result of forfeiture of a bail bond, and for every payment into such court of money for any other purpose.

Receipts and repayments

(2) When any fee or fine is refunded, or any fine paid out as compensation or damages or any deposit accepted for release on bail is refunded, or any payment into court of money for any other purpose is paid out or delivered to any person, the person receiving the same shall provide the court making such refund or payment or delivery with a written acknowledgment of having received the money concerned.

11. All fines and fees except such as are to be refunded or paid as compensation under these Rules or by order of court, and all proceeds of any order of forfeiture made by any court shall, if lawfully received by a court, be paid into the general revenues of the Republic.

Disposal of court revenue

PART V

COMMITTAL TO PRISON

12. (1) Whenever a local court, pending or during or at the conclusion of any proceedings against any person before it, remands such person in custody and does not release him on bail, it shall-

Committal to prison

- (a) if he can be kept during the period of such remand in the precincts of the court or in a place of detention authorized under section *sixty-seven* of the Act, remand him to be kept therein for the period of such remand or for three clear days, whichever period is the shorter; or
- (b) if he cannot be so kept, issue a warrant of commitment on remand signed by a member of such court committing such person to prison for the period of such remand or for fifteen clear days, whichever period is the shorter;

and on the expiration of such period shall have him brought before it to proceed with the hearing of his case, or for further remand as hereinbefore provided, which further remand shall be endorsed by a member of the court on any warrant that was issued for the original remand.

(2) A sentence of imprisonment imposed by a local court under the provisions of the Act, or any other written law, shall not be carried into effect until the sentence has been confirmed by an authorised officer.

13. (1) Every person convicted and sentenced to a term of imprisonment without the option of a fine by a local court, shall be remanded in custody on the day of his conviction pending confirmation of such sentence by an authorised officer.

Confirmation of sentence of imprisonment

(2) Every person sentenced to imprisonment by a local court shall immediately be sent to an authorised officer together with the court's record of the case in which he was so sentenced and a warrant of commitment to undergo such sentence signed by a member of such court, and if such officer shall certify on such warrant that he has confirmed the sentence of imprisonment ordered by it or has varied it to a period specified in such certificate, the said warrant, amended by him to conform to any variation so made, shall take effect and the date of commencement of the said imprisonment, as so confirmed or varied, shall be the date on which the said sentence of imprisonment was confirmed, or if it was ordered as an alternative to payment within a specified period of a fine or compensation, which payment has not been made, the date of expiration of such period.

(3) If the local court concerned shall not have produced a warrant of commitment in accordance with this rule, the said authorised officer, on being satisfied that such court has made an order for such commitment, may issue a warrant therefor in pursuance of such order which shall be deemed to be the warrant which such local court was required to produce.

PART VI

CORPORAL PUNISHMENT

14. (1) Every person convicted and sentenced to corporal punishment by a local court shall be remanded in custody on the day of his conviction pending confirmation of such sentence by an authorised officer, and administration of the corporal punishment.

Confirmation of sentence of corporal punishment

(2) Every person sentenced to corporal punishment by a local court shall immediately be sent to an authorised officer together with the court's record of the case in which he was so sentenced and a warrant of commitment to undergo such sentence signed by a member of such court, and if such officer shall certify on such warrant that he has, under section *forty-three (7) (b)* of the Act, confirmed the sentence of corporal punishment ordered by it or has varied it to an amount specified on such certificate, the said warrant amended by him to conform to any variation so made shall take effect subject to the provisions of section *forty-three (7)* of the Act.

(3) If the local court shall not have produced a warrant of commitment in accordance with this rule, the authorised officer, on being satisfied that such court has made an order for such commitment, may issue a warrant therefor in pursuance of such order which shall be deemed to be the warrant which such local court was required to produce.

15. No corporal punishment ordered by a local court shall be administered except in a lawfully established prison or in the presence of an authorised officer, and if possible in the presence of a medical officer, and no such punishment shall be administered in public.

Place of administration of corporal punishment

16. No corporal punishment ordered by a local court shall be administered unless, in the opinion of a medical officer, if one is available, or of an authorised officer if no medical officer is available, the person to whom it is to be administered is physically fit to undergo it; and no such punishment shall be continued if, in the opinion of such officer, such person is not physically fit to undergo the remainder thereof.

Caning of physically unfit person

17. (1) Corporal punishment shall be administered with a rattan cane which shall be-

Administration of corporal punishment

(a) for the caning of a male juvenile under the apparent age of nineteen years, of length ninety-two centimetres and diameter not more than one centimetre;

(b) for the caning of a male juvenile adult between the apparent ages of nineteen and twenty-one years, of length one thousand two hundred and twenty millimetres and diameter not more than twelve point five millimetres.

(2) Corporal punishment shall be administered on the buttocks of the person sentenced thereto, from the side, and during such administration a blanket folded at least three times, or equivalent form of protection, shall be placed and kept across the small of the back immediately next to the buttocks of such person and a piece of thin cotton cloth soaked in water and wrung out shall be kept spread over the buttocks of such person.

(3) No sentence of corporal punishment shall be administered by instalments, and if more such sentences than one have been imposed on one day by the same local court on the same person, they shall be administered as if they together constituted one sentence, to be caned once only, with the total number of strokes specified in such sentences up to but not exceeding the limit for any one such sentence mentioned in section *forty-three* (6) of the Act.

18. When any corporal punishment ordered by a local court, as duly confirmed or varied under rule 14, fails to be administered by reason of the operation of rule 16, the authorised officer who confirmed or varied the order for such punishment, on being duly informed of such non-administration and acting in exercise of his powers under section *fifty-four* of the Act, may substitute such other penalty as he considers appropriate.

Substitution of other penalty for physically unfit person

PART VII

SERVICE OF PROCESS

19. Every summons issued by a local court under the provisions of section *seventeen* of the Act shall-

Preparation and service of summons

- (a) be in writing, in duplicate, and signed by the registrar or clerk of such court or by a member thereof; and
- (b) be directed to the person summoned, requiring him to appear, at a time and place to be therein specified before such court; and
- (c) state shortly the offence charged, the cause of action or any other reason for which such person is summoned; and
- (d) be served by an officer of a local by which it is issued or to which it is sent under the provisions of rule 21, as the case may be, or by a police officer or other public officer, or by any other person specially appointed thereto by the court issuing the same; and
- (e) be served personally on the person summoned by delivery or tender to him of the summons or its duplicate:

Provided that where personal service of such summons is not practicable, it may be served in such manner as may be prescribed under the provisions of rule 20.

20. Where it appears to a member of a local court (either after or without an attempt at personal service) that, for any reason, personal service cannot conveniently be effected, he may order that service be effected, either-

Service by other methods

- (a) by delivery of the document to some adult person at the usual or last known place of abode or place of business or village of the person to be served; or
- (b) by placing the document in an envelope and addressing and posting the same by prepaid registered post to the person to be served at his last known address.

21. (1) In this rule, unless the context otherwise requires-

Execution of process

"issuing court" means the local court by which any process is issued;

"process" means any summons, warrant or other process issued by a local court;

"receiving court" means the local court to which any process is sent in accordance with the provisions of this rule.

(2) Any process issued by a local court may be served or executed at any place within the area of jurisdiction of the authorised officer within whose area of jurisdiction the issuing court is situate.

(3) Where any process is to be served or executed outside the area of jurisdiction of the authorised officer within whose area of jurisdiction the issuing court is situate, such court shall send the process to such authorised officer, and upon receipt thereof the authorised officer shall, if satisfied that the process was lawfully issued, endorse the same and send it to the local court whose jurisdiction includes the place where the process is to be served or executed, and the receiving court shall endorse such process and shall cause it to be served or executed as if it had been issued by the receiving court.

22. An affidavit that a summons, warrant or other process has been served or executed under the provisions of these Rules, or an endorsement that such summons, warrant or other process has not or cannot be so served or executed, or a certificate of posting by registered post shall be made or produced by the person by whom such service or execution was effected or attempted:

Affidavits of service

Provided that no such affidavit shall be required when the person who served or executed any summons, warrant or other process gives evidence to that effect in the court concerned.

23. On fixing the date for hearing any case, the registrar or clerk of the local court shall take account of the necessity for service of process to be effected on the defendant or on any witnesses to be summoned not less than seven clear days before the date of hearing; and every summons to a defendant or witness shall be served not less than seven clear days before the date of hearing.

Date for hearing

PART VIII

APPEALS

24. At the conclusion of every case in a local court, the court shall inform the parties of their rights of appeal.

Notifying rights of appeal

The Laws of Zambia

- 25.** Any interested party who is aggrieved by any judgment, order or decision of a local court given or made in the case in which he was concerned, and which has not been revised, and who desires to appeal, shall give notice of appeal in the prescribed form to the clerk of the local court who shall transmit to the appellate court such notice of appeal together with the record of the case and the judgment or order therein. Notice of appeal
- 26.** If a convicted person in prison desires to appeal, he shall inform the officer in charge of the prison, who shall thereupon take immediate steps to transmit notice of the appeal to the clerk of the local court by which he was convicted. Convicted person in prison
- 27.** Every appellant shall be entitled, if he so desires, to be present at the hearing of his appeal and to be heard either personally or by a legal practitioner. If he does not desire to be present or to be heard either personally or by a legal practitioner, then the appellate court shall decide the appeal without hearing argument, unless it sees fit to direct otherwise, on the documents forwarded to it in accordance with the provisions of rule 25. Procedure on appeal
- 28.** Obsolete.

PART IX

MISCELLANEOUS PROVISIONS

- 29.** In the event of the arrest without warrant of any person by an officer of a local court, such officer shall notify the person being arrested of the reason for his arrest and, unless he shall sooner release such person, shall, without unnecessary delay, bring the person arrested before a local court, or a Subordinate Court, having jurisdiction over the place where the arrest was effected, to be further dealt with according to law. Arrests without warrant
- 30.** In any case in which an authorised officer proposes, in exercise of his powers under section *fifty-four* of the Act, to revise any judgment in a criminal case heard in a local court by enhancing, quashing or otherwise varying such judgment to the prejudice of the accused, an opportunity must be given to the accused of being heard. Enhancing or varying decisions in criminal cases
- 31.** The allowances and expenses which may be paid to witnesses and assessors in cases heard in local courts shall be the same as those paid in a Subordinate Court. Allowances and expenses payable to witnesses and assessors
- 32.** When any case is transferred from the High Court or a Subordinate Court to a local court for trial or retrial, the procedure described in section *sixty* of the Act shall, *mutatis mutandis*, be followed. Cases transferred

FIRST SCHEDULE

The Laws of Zambia

(Rule 8)

FEES PAYABLE IN LOCAL COURTS

1. For the issue of a summons to a defendant in a civil case, on application by a party thereto	Fee units 2
2. For the issue of a summons to a witness in a civil case on application by a party thereto	2
3. As hearing fee in respect of a civil case	Not less than 10 and not more than 15 as the court may direct
4. On execution of a warrant of distress	150 or such less sum as the court may direct
5. On entering appeal to a Subordinate court	15
6. For each copy of any records of a case supplied for other than official use	3 per page or part thereof
7. For the issue of a marriage certificate to parties to a customary law marriage	2 per page or part thereof
8. For the issue of a divorce certificate to parties to a customary law marriage upon dissolution of their marriage	2

(As amended by S.I. No. 97 of 1997, No. 170 of 1990, No. 46 of 1995 and Act No. 13 of 1994)

SECOND SCHEDULE

FORMS AND RECORDS FOR USE IN LOCAL COURTS

REPUBLIC OF ZAMBIA
THE LOCAL COURTS ACT
SUMMONS TO DEFENDANT IN CIVIL CASE

IN THE LOCAL COURT DIVISION
To of

You are hereby commanded in the name of the President to appear before this Court on the day of
....., 19....., atm. or any later time at which the hearing of your case may begin, to answer a claim
made by (plaintiff) of
(address)

The plaintiff claims.....
(give details enough to show defendant what he has to answer,
e.g. state "divorce", "compensation", "refund", or as the case may be, and amount
claimed if applicable, with reason for such claim mentioning names concerned and place
and date, and state any amount or thing offered in return)
together with the costs of this case incurred by him.

Date Stamp of Court
Court Registrar or Clerk

(NOTE.-If the Court approves, Form L.C.2 (for Consent to Judgment) may be made out and attached to the original of
this Summons before it is sent for service.)

ENDORSEMENT OF SERVICE (ON DUPLICATE) OR NON-SERVICE

*The original of this Summons was served by me on the said..... on the
....., 19....., at
(place)

*This Summons has not been served because
Date, 19....
Signature of person required to
serve Summons

(ON SUBSEQUENT SERVICE)

The original of this Summons was served by me on the said on
the19....., at
(place)
Date, 19....
Signature of person required to
serve Summons

* Delete item not applicable.
(See Reverse for Other Endorsements)

[On reverse]

The Laws of Zambia

ENDORSEMENTS

If person summoned is in different District, outside area of jurisdiction of the authorised officer within whose area of jurisdiction the issuing court is situated, endorsement by authorised officer.

Date Stamp

Endorsed:

Signature

Endorsement by Local Court within whose area of jurisdiction Summons is to be served.

Date Stamp

Endorsed:

Local Court Justice

REPUBLIC OF ZAMBIA

THE LOCAL COURTS ACT
NOTICE AND FORM FOR CONSENT TO JUDGMENT

(for attachment to Original of Summons to Defendant)

IN THE..... LOCAL COURT, DIVISION.
To of

Whereas Summons No. dated the, 19....., has been issued and served upon you, ordering you to appear before this Court on the 19....., to answer the claim made against you by which is set forth therein;

Take notice that if you do not wish to appear in person to answer the said claim, you will be excused from appearing on the date ordered in the said Summons if you sign (before a witness) and detach the *Consent to Judgment hereunder and have it sent to reach this Court before the said date, whereupon the Court may agree to give judgment in your absence for payment by you of the total amount stated in such Consent, or it may adjourn the case and order you to appear for the hearing thereof at a specified later date. If you do not use the Consent to Judgment as aforesaid, you must appear in person on the date ordered by the said Summons.

If you sign and send the Consent to Judgment as aforesaid, you must pay into Court the total amount stated therein not later than the date for payment stated therein, and if you do not do so by such date you may be ordered to pay extra costs in addition to such amount.

Date Stamp of Court

.....
Local Court Justice

* To be completed as fully as possible, by court issuing Summons.

(To detach Consent to Judgment, cut along dotted line)

.....

CONSENT TO JUDGMENT

I,, apply to be excused from appearing in person on the, 19....., to answer the claim made against me by as ordered by Summons No. issued on the 19....., by the Local Court; and hereby agree to accept the said Court's judgment on the said claim although given against me in my absence to the extent of the total amount herein stated, and I undertake to pay into Court not later than the, 19....., in satisfaction of such claim, the sum of fee units plus the cost of serving the said Summons, made up as follows:

Amount claimed
Summons fee 3 fee units
Hearing fee
.....
Witness



fee units , plus cost
of serving Summons:*
=Total amount in fee units*
.....
Defendant

Date, 19.....

* To be inserted by court serving Summons.

(As amended by Act No. 13 of 1994)

REPUBLIC OF ZAMBIA
THE LOCAL COURTS ACT
SUMMONS TO ACCUSED

IN THE LOCAL COURT, DIVISION.
To of
You are hereby commanded in the name of the President to appear before this Court on the day of
....., 19....., atm. or any later time at which the hearing of your case may begin, to
answer a charge that you committed the offence of.....
.....

(state offence, with time and place and law contravened)

Date Stamp of Court (NO FEE)
Court Registrar or Clerk

ENDORSEMENT OF SERVICE (ON DUPLICATE) OR NON-SERVICE

* The original of this Summons was served by me on the said..... on the
....., 19....., at
(place)

* This Summons has not been served because
Date, 19....
Signature of person required to
serve Summons

(ON SUBSEQUENT SERVICE)

The original of this Summons was served by me on the said
..... on the, 19....., at
place
Date, 19....
Signature of person required to
serve Summons

* Delete item not applicable.

(See Reverse for Other Endorsements)

[On reverse]

ENDORSEMENTS

If person summoned is in different District, outside area of jurisdiction of the authorised officer within whose area of
jurisdiction the issuing court is situated, endorsement by authorised officer.

Date Stamp Endorsed:
Signature

Endorsement by Local Court within whose area of jurisdiction Summons is to be served.
Date Stamp Endorsed:
Local Court Justice

REPUBLIC OF ZAMBIA

THE LOCAL COURTS ACT

WARRANT TO ARREST ACCUSED

IN THE LOCAL COURT, DIVISION.

To, Local Court Messenger, and other Officers:

Whereas of is charged with the offence of..... (state offence, with time and place and law contravened)

*and following his release on bail the Court is of the opinion that *the security for his due appearance is insufficient, *by reason of imminent departure by him from Zambia, it is unlikely that he will make due appearance or comply with all other conditions of his release on bail.

You are hereby ordered to apprehend the said person and produce him without unnecessary delay before this Court to answer the said charge or be committed for trial thereon and be further dealt with according to law.

Date Stamp of Court Local Court Justice

* Delete this paragraph if not applicable or item thereof which is not applicable.

ENDORSEMENT OF EXECUTION OR NON-EXECUTION

*This Warrant was executed by me on the, 19.....at (place)

*This Warrant has not been executed because Date, 19..... Signature of person required to execute Warrant

(ON SUBSEQUENT EXECUTION)

*This Warrant was executed by me on the....., 19....., at (place)

Date, 19..... Signature of person required to execute Warrant

*Delete item not applicable.

(See Reverse for Other Endorsements)

[On reverse]

ENDORSEMENTS

If person to be apprehended is in different District, outside area of jurisdiction of the authorised officer within whose area of jurisdiction the issuing court is situated, endorsement by authorised officer.

Date Stamp Endorsed: Signature

Endorsement by Local Court within whose area of jurisdiction warrant of arrest is to be executed. Date Stamp Endorsed: Local Court Justice

THE LOCAL COURTS ACT

SUMMONS TO WITNESS IN CIVIL CASE ON APPLICATION BY PARTY

IN THE LOCAL COURT, DIVISION.

To of

You are hereby commanded in the name of the President to appear before this Court on the day of, 19, at or any later time at which the hearing of the case concerned may begin, to give evidence in the case of versus, which relates to a claim for

(state briefly nature of claim)

Date Stamp of Court Court Registrar or Clerk

ENDORSEMENT OF SERVICE (ON DUPLICATE) OR NON-SERVICE

*The original of this Summons was served by me on the said..... on the, 19....., at (place)

*This Summons has not been served because Date, 19.....

Signature of person required to serve Summons

(ON SUBSEQUENT SERVICE)

The original of this Summons was served by me on the said..... on the, 19....., at (place)

Date, 19..... Signature of person required to serve Summons

*Delete item not applicable.

(See Reverse for Other Endorsements)

[On reverse]

ENDORSEMENTS

If person summoned is in different District, outside area of jurisdiction of the authorised officer within whose area of jurisdiction the issuing court is situated, endorsement by authorised officer.

Date Stamp Endorsed: Signature

Endorsement by Local Court within whose area of jurisdiction Summons is to be served. Date Stamp Endorsed: Local Court Justice

REPUBLIC OF ZAMBIA

THE LOCAL COURTS ACT

SUMMONS TO WITNESS, IN CIVIL CASE AT COURT'S INSTANCE, OR IN CRIMINAL CASE, TO ATTEND HEARING

IN THE..... LOCAL COURT, DIVISION.

To of

You are hereby commanded in the name of the President to appear before

*the..... Local Court on the day of.....,

*this

19....., at m. or any later time at which the hearing of the case concerned may begin,

to give evidence in the case of..... versus.....

which relates to a *claim for

*charge of (state briefly nature of claim or offence)

(NO FEE)

Date Stamp of Court

Court Registrar or Clerk

*Delete words not applicable.

ENDORSEMENT OF SERVICE (ON DUPLICATE) OR NON-SERVICE

*The original of this Summons was served by me on the said.....

on the 19....., at

(place)

*This Summons has not been served because

.....

Date 19.....

Signature of person required to serve Summons

(ON SUBSEQUENT SERVICE)

The original of this Summons was served by me on the said.....

on the 19....., at

(place)

Date 19.....

Signature of person required to serve Summons

* Delete item not applicable.

(See Reverse for Other Endorsements)

[On reverse]

ENDORSEMENTS

If person summoned is in different District, outside area of jurisdiction of the authorised officer within whose area of jurisdiction the issuing court is situated, endorsement by authorised officer.

Date Stamp Endorsed:

Signature

Endorsement by Local Court within whose area of jurisdiction Summons is to be served.

Date Stamp Endorsed:

Local Court Justice

REPUBLIC OF ZAMBIA

THE LOCAL COURTS ACT

SEARCH WARRANT

IN THE LOCAL COURT, DIVISION.

To, Local Court Messenger, and other Officers:

Whereas this Court has been satisfied by evidence given to it by..... that the following articles alleged by him to have been

(e.g. "used in assault on.....", "stolen from.....", or as the case may be) may be in at

(specify building, etc., or place)

which is under the control of

You are hereby authorised and ordered to search without unnecessary delay the said (building, etc., or place)

* in the day time* for the said articles, and on finding any of them to seize them and produce them to the Court to be dealt with according to law.

Date Stamp of Court Local Court Justice

* Delete and substitute "during either the day or the night" if Court authorises night search.

ENDORSEMENT OF EXECUTION OR NON-EXECUTION

*This Warrant was executed by me by searching as aforesaid on the, 19, and making seizure and production as required thereby.

*This Warrant has not been executed because Date, 19.....

Signature of person required to execute Warrant

(ON SUBSEQUENT EXECUTION)

*This Warrant was executed by me by searching as aforesaid on the, 19, and making seizure and production as required thereby.

Date, 19.....

Signature of person required to execute Warrant

* Delete item not applicable.

(See Reverse for Other Endorsements)

[On reverse]

ENDORSEMENTS

If place, etc., to be searched is outside area of jurisdiction of the authorised officer, within whose area of jurisdiction the issuing court is situated, endorsement by authorised officer.

Date Stamp Endorsed: Signature

Endorsement by Local Court within whose area of jurisdiction search warrant is to be executed.

Date Stamp Endorsed: Local Court Justice

REPUBLIC OF ZAMBIA

THE LOCAL COURTS ACT

NOTICE OF HEARING OF CASE

IN THE LOCAL COURT, DIVISION.
To of
plaintiff
complainant in the case of versus
for

(state briefly nature of claim or offence)

Take notice that the said case is set down for hearing by this Court on the
day of, 19....., and you are required to appear before it on that day,
at..... m. or any later time at which the hearing of the said case may begin, together with your witnesses
and any articles or papers to be produced as evidence, for the purpose of such hearing.

If, without having shown good reason, you do not so appear, the Court may dismiss your
claim
complaint.

If for good reason you wish the said hearing date to be changed, you must apply as soon as possible to this Court for
such change to be made.

Date Stamp of Court
Court Registrar or Clerk

ACKNOWLEDGMENT (ON DUPLICATE)

I have received the original of the above Notice and

*will appear as required.

*apply for the date to be changed to the, 19....., because
.....

Date, 19.....
Signature

* Delete words not applicable.

REPUBLIC OF ZAMBIA

THE LOCAL COURTS ACT

WARRANT OF COMMITMENT ON REMAND

IN THE..... LOCAL COURT, DIVISION.

To, Local Court Messenger, and other Officers, and the Officer in charge of the Government Prison at

You are hereby required to lodge..... of, apparent age years, who is accused of the offence of

(state offence, with time and place and law contravened)

..... in the said prison, together with this Warrant, in which prison the said person shall be kept in custody (subject to any release on bail that may be ordered) until the *..... day of, 19, whereupon the said person shall be brought before the Court at to be dealt with according to law.

(place)

Date Stamp of Court Local Court Justice

* Not more than fifteen days after date of Warrant.

ENDORSEMENTS

The Court, on production before it of the said person, orders the extension of the said period of custody until the *..... day of....., 19.....

Date Stamp of Court Local Court Justice

* Not more than fifteen days after date of order.

The Court, as above, orders the said period to be further extended to the *....., 19..... Date Stamp of Court Local Court Justice

* Not more than fifteen days after date of order.

THE LOCAL COURTS ACT

CASE-RECORD-CIVIL CASES: LOCAL COURT

IN THE..... LOCAL COURT, DIVISION.
 commencing on the, 19..... Case No of 19
 Plaintiff
 Defendant(s) (*state ages of those aged 21 or less*)

 Act complained of, with time and place
 What is claimed

[RECORD OF PROCEEDINGS OVERLEAF]

JUDGMENT (Verdict and Order):
 (*reasons at end of Record*).....

 Fees paid Receipt Nos

Date, 19 .....	.....	}	Local
Court Registrar or Clerk.....	.....		Court
	.....		Justices
Inspected.	Date Stamp	.....	<i>Signature and Title of Authorised Officer</i>
On Revision.....		.....
Date, 19.....		.....	<i>Signature and Title of Authorised Officer</i>

REPUBLIC OF ZAMBIA

THE LOCAL COURTS ACT

CERTIFICATE OF JUDGMENT

IN THE..... LOCAL COURT, DIVISION.

This is to certify that, in the case of *versus*

..... for

(state briefly nature of claim or offence)

Case No. of 19....., which was decided by this Court on the

....., 19, the Judgment of the Court was as follows:

Verdict *(state names concerned)*

Order *(state names concerned)*

Date Stamp of Court

Court Registrar or Clerk

REPUBLIC OF ZAMBIA

THE LOCAL COURTS ACT

WARRANT OF DISTRESS

IN THE..... LOCAL COURT, DIVISION.
To, Local Court Messenger, and other Officers:

Whereas of
was on the day of, 19, ordered by this Court, in Case No
..... of 19, to pay the sum of *and the sum of as costs*, by the
..... day of, 19, and has not made such payment as ordered;

You are hereby ordered to seize and sell, without unnecessary delay, the property of the said person to the extent of
obtaining thereby the sum of being the amount due from him at this date under the said order to pay,
together with the sum of †, being the fee for execution of this Warrant, and to deliver the said sums, together with
this Warrant and a list of the articles sold in executing it showing the amount received for each article by such sale, to this
Court to be dealt with according to law.

If, before or during such sale, the amount which is or remains due from the said person as aforesaid is paid to you, the
sale shall not be proceeded with.

The following forms of property shall not be sold without the consent of the owner:

- (a) personal clothing, bedding or household utensils;
- (b) tools for cultivation or trade tools;
- (c) food grown by the said person which is needed for feeding himself, his spouse or his dependants;
- (d) Property said to belong partly or wholly to another person, if the Court agrees that it so belongs.

Date Stamp of Court
Local Court Justice

ENDORSEMENT OF EXECUTION OR NON-EXECUTION

*This Warrant was executed by me on the, 19, at
(place)

and a list of articles sold and amounts received thereby is attached.

*This Warrant has not been executed because

Date, 19.....
*Signature of person required to
execute Warrant*

(ON SUBSEQUENT EXECUTION)

This Warrant was executed by me on the, 19, at
(place)

and a list of articles sold and amounts received thereby is attached.

Date, 19.....
*Signature of person required to
execute Warrant*

*Delete item not applicable.

†15 fee units or such less sum as the Court may specify.

(See Reverse for Other Endorsements)

[On reverse]

ENDORSEMENTS

If property to be sold is outside area of jurisdiction of the authorised officer within whose area of jurisdiction the issuing
court is situated, endorsement by authorised officer.

Date Stamp Endorsed:
Signature

Endorsement by Local Court within whose area of jurisdiction warrant of distress is to be executed.

Date Stamp Endorsed:
Local Court Justice
(As amended by Act No. 13 of 1994)

REPUBLIC OF ZAMBIA

THE LOCAL COURTS ACT

WARRANT OF COMMITMENT ON DEFAULT OF PAYMENT

IN THE..... LOCAL COURT, DIVISION.

To, Local Court Messenger, and other Officers, and the Officer in charge of the Government Prison at

Whereas of, apparent age years, was convicted by this Court in Case No. of 19..... of the offence of

(state offence, with time and place and law contravened)

and was ordered therein on the day of, 19....., to pay the sum of * forthwith*/*by the, 19..... * or in default

to be imprisoned *with hard labour for and whereas *without (period)

of the said sum has not been paid as so ordered;

You are hereby required to lodge the said person in the said prison, together with this Warrant, in which prison the said person shall be imprisoned *with hard labour (subject to any release on bail that may

*without be ordered pending appeal) for the period of from the, 19....., or until within the said period the said sum of is paid.

Upon the payment within such period of any part of the said sum of, the said period shall be proportionately reduced.

Date Stamp of Court

Local Court Justice

* Delete words not applicable.

Delete if not applicable.

CERTIFICATE BY AUTHORISED OFFICER

I certify that I have, under the Local Courts Rules, confirmed the conviction in the above-mentioned case, and have-

confirmed the imprisonment ordered therein as shown in this Warrant.

*varied the imprisonment ordered therein to..... (period)

I.H.L./*S.I. from the, 19....., and have amended the Warrant accordingly.*

Date Stamp

Signature and Title of Officer

*Delete words not applicable.

REPUBLIC OF ZAMBIA

THE LOCAL COURTS ACT

WARRANT OF COMMITMENT FOR IMPRISONMENT OR CANING

IN THE..... LOCAL COURT, DIVISION.

To, Local Court Messenger, and other Officers, and the Officer in charge of the Government Prison at

Whereas of, apparent age years, was convicted by this Court in Case No. of 19..... of the offence of (state offence, with time and place and law contravened)

and was ordered therein on the day of, 19....., to be

{ *imprisoned with/*without hard labour for from the (period) 19* *caned with strokes.* }

†IMPRISONMENT. You are hereby required to lodge the said person in the said prison, together with this Warrant, in which prison the said person shall be imprisoned *with hard labour (subject to any release on *without bail that may be ordered pending appeal) for the period of from the, 19..... †CANING. You are hereby required to lodge the said person, being-

{ ‡under the apparent age of 18 years, in the lock-up of the at ‡ } †over the apparent age of 18 years, in the said prison,

in the precincts whereof the said person shall be kept in custody and in due course shall, subject to the law regarding appeals (section 56 of the Local Courts Act), §and in the presence of an officer empowered to revise Local Court decisions and not in public,¶ have strokes of a cane administered to him according to law.

Date Stamp of Court Local Court Justice

- * Delete words not applicable. ‡ Delete item not applicable. † Delete paragraph not applicable. § Delete if to be caned in prison.

CERTIFICATE BY AUTHORISED OFFICER

I certify that I have, under *the Local Courts Rules/*section 43 of the Local Courts Act, confirmed the conviction in the above-mentioned case and have- *confirmed the imprisonment/*caning ordered therein as shown in this Warrant.* *varied the imprisonment/*caning ordered therein.

to* { *.....I.H.L./*S.I. from the, 19.....* (perioa) *.....strokes of a cane,* }

and have amended the Warrant accordingly.*

Date Stamp Signature and Title of Officer

*Delete words not applicable.

The Laws of Zambia

REPUBLIC OF ZAMBIA

THE LOCAL COURTS ACT

BAIL BOND (RECOGNIZANCE)

IN THE..... LOCAL COURT, DIVISION.

Whereas of is in custody upon a charge of on the, 19....., at contrary to, and is required to appear before the Court to answer the said charge at o'clock in the noon on the day of, 19....., at, and to attend before such court until the hearing of this case shall be completed or adjourned, and if it be adjourned to appear and attend as aforesaid at every time and place to which during the course of the proceedings such hearing may from time to time be adjourned;

The undersigned principal party to this recognizance, being the person in custody aforesaid, hereby binds himself to perform the following obligations if now released, namely:

To appear and attend before the Court as aforesaid *and to comply with the following conditions until the said attendance be completed:

- (a)
- and (b)
- and (c)

And the said principal party *and the undersigned sureties* hereby *acknowledges himself/severally acknowledge themselves* bound to forfeit to the Court before which such principal party is bound as aforesaid to appear the sums following, namely: the said principal party the sum of fee units, *and the said sureties the sum of fee units each,* in case the said principal party fails to perform *any of* the above obligations or any part thereof.

Signed { Principal Party
 *
 } Sureties*

Taken before the undersigned at on the day of, 19.....

In consideration of the above bond, the said principal party, being the person in custody aforesaid, is now released.
Date Stamp of Court

Local Court Justice

*Delete words not applicable.

(Endorsements on Reverse)

[On reverse]

The Laws of Zambia

ENDORSEMENT ON PERFORMANCE OR NON-PERFORMANCE OF OBLIGATION

A. The above bail bond stands discharged with effect from the, 19.....
Date Stamp of Court
Local Court Justice

B. I certify that the aforesaid principal party has not performed the following obligation:
*to appear and attend at Court as aforesaid.
*to comply with the condition that he should

The Court accordingly declares the above bail bond to be forfeited and is instituting legal proceedings for recovery of the amounts due thereunder, which will be taken into the revenue of the Court, and has issued a warrant for the arrest and production before it of the aforesaid principal party.
Date Stamp of Court
Local Court Justice

The Court on the appearance before it of the said principal party has issued a warrant for his commitment for trial on the charge mentioned in the above bail bond.
Date Stamp of Court
Local Court Justice

*Delete words not applicable.

REPUBLIC OF ZAMBIA

THE LOCAL COURTS ACT

NOTICE OF HEARING OF APPEAL, TO APPELLANT

IN THE SUBORDINATE COURT of the class, for District, holden at before To of Appellant in the Case of versus for (Case No.)

(state briefly nature of claim or offence)

of 19..... of the Local Court):

Take notice that your appeal in the said case is set down for hearing by the Subordinate Court of the class, at (place)

on the day of, 19....., and you are required to appear before it on that day, atm. or any later time at which the hearing of the said appeal may begin, together with your witnesses and any articles or papers that may be required as evidence, for the purpose of such hearing.

If, without having shown good reason, you do not so appear, the Court may dismiss your appeal.

If for good reason you wish the said hearing date to be changed, you must apply, as soon as possible, to this Court or to the Court above mentioned which is to hear your appeal, for such change to be made.

Date Stamp of Court Clerk of the Court

ACKNOWLEDGEMENT (ON DUPLICATE)

I have received the original of the above Notice and

*will appear as required.

*apply for the date to be changed to the, 19..... because

Date, 19..... Signature

REPUBLIC OF ZAMBIA

THE LOCAL COURTS ACT

NOTICE OF HEARING OF APPEAL, TO RESPONDENT

IN THE SUBORDINATE COURT of the class for District, holden at before To of

Take notice that has entered an appeal against the decision of the Local Court in the case of versus for (Case No. of

(state briefly nature of claim or offence)

19..... of such Court), and that the said appeal is set down for hearing by the Subordinate Court of the class at on the..... day of, 19....., (place) and you are required to appear before it on that day, atm. or any later time at which the hearing of the said appeal may begin, together with your witnesses and any articles or papers that may be required as evidence, for the purpose of such hearing.

If, without having shown good reason, you do not so appear, the Court may if it thinks fit give judgment in your absence after noting the evidence given to it during such hearing, which may be judgment against you.

If for good reason you wish the said hearing date to be changed, you must apply, as soon as possible, to this Court or to the Court above mentioned which is to hear the appeal, for such change to be made.

Date Stamp of Court Clerk of Court

ACKNOWLEDGEMENT (ON DUPLICATE)

I have received the original of the above Notice and

*will appear as required.

*apply for the date to be changed to the 19..... because

Date, 19.....

Signature

* Delete words not applicable.

The Laws of Zambia

{ RECORD OF CRIMINAL CASES
 RETURN OF CRIMINAL CASES DISPOSED OF DURING

LOCAL COURT OF

Before

Case No.	Defendant, stating Tribe, and whether villager, employed (stating nature of work, and pay if disclosed), or unemployed	Sex and Age	Prosecutor	Date of Summons or Arrest (state "S" or "A") If released on bail add "R" and date	Date of first appearance and adjournments, if any	Charge, quoting Act and section, etc., contravened

To: The Registrar of the High Court, P.O. Box RW.67, Lusaka. Where more than one form is required for the

The Laws of Zambia

REPUBLIC OF ZAMBIA

THE LOCAL COURTS ACT

REGISTER AND RETURN OF CIVIL CASES-LOCAL COURTS

In the Local Court, division Cases Disposed

No.	Date	Name of plaintiff	Age if 21 of less	Name of defendant	Age if 21 or less	C

The Laws of Zambia

REPUBLIC OF ZAMBIA

THE LOCAL COURTS ACT
OUTSTANDING FINES REGISTER

In the Local Court,

Date Fine Ordered	Case No.	To be Paid by (Name and address)	Total to be paid	Date(s) to pay		Date and Amount of each actual payment	
				Total or Instalments Date	Amount	Date	Amount

REPUBLIC OF ZAMBIA

THE LOCAL COURTS ACT

NOTICE OF APPEAL IN CIVIL CASES

- 1. To the Clerk of the Court of the Subordinate Court of the Class for the District, holden at
- 2. Name of Appellant
- 3. Name of Respondent
- 4. Appeal against *order/decision by the Local Court.
- 5. Nature of claim
- 6. *Order/decision of Court
- 7. Date of order/decision
- 8. Address of Appellant

I, the above-named Appellant, hereby give you notice that I desire to appeal to the Subordinate Court of the Class for the District, holden at against the said *order
*decision

on the following grounds.

GROUND OF APPEAL †

Signature/thumbprint

Appellant

.....
Witness

.....
Local Court Clerk

Dated thisday of, 19.....

* Delete word not applicable.

† If space is insufficient, continue overleaf.

SECTION 68-THE LOCAL COURTS (ADMINISTRATION OF ESTATES) RULES

Statutory Instrument
297 of 1969

Rules by the Chief Justice

1. These Rules may be cited as the Local Courts (Administration of Estates) Rules. Title

2. Before making an order under section *thirty-six* (1) of the Act, a local court shall determine whether the deceased person died intestate and whether he was a person whose estate falls to be administered or distributed in terms of African customary law. Order

3. (1) When a local court appoints an administrator of an estate under the provisions of section *thirty-six* (1) of the Act, the court shall at the time consider what, if any, provisions should be made for the purposes of paragraphs (b), (c) and (d) of section *thirty-six* (2) and may incorporate any such provisions in the order. Administrator

- (2) Nothing in sub-rule (1) shall prohibit a local court from making further orders for the purposes of section *thirty-six* (2) of the Act.

4. An order appointing an administrator under section *thirty-six* (1) of the Act shall be substantially in the form in the Schedule. Prescribed form

5. An administrator appointed under section *thirty-six* (1) of the Act shall, before making any payment in respect of the share in an estate of a minor or other person under a disability, inform the local court of the circumstances and shall ascertain from the court what, if any, orders it wishes to make in this respect under the provisions of paragraph (e) of section *thirty-six* (2) of the Act. Estate of minor, etc.

6. An administrator shall, as soon as may be after completing the administration of an estate, furnish to the local court a statement of the assets of the estate and how they have been distributed or otherwise dealt with. Statement

SCHEDULE

(Rule 4)

ORDER OF APPOINTMENT OF ADMINISTRATOR

The Laws of Zambia

Case Record Number
In the Local Court.
Before Court Justices.....

In the matter of the estate of the late.....
..... [A B]
who resided at

NOW WHEREAS the Court is satisfied that the late.....
..... [A B]
died on the day of 19.....,
and that he died intestate and was a person whose estate falls to be administered or distributed in
terms of African customary law.

AND WHEREAS [CD]
being a person properly interested in the estate of
..... [A B]
has made a request to the Court under the provisions of section 36 (1) of the Local Courts Act.

NOW THEREFORE this Court, by virtue of the powers vested in it under section 36 of the Local
Courts Act, hereby appoints [C D or E F (as the
case may be)]
of
to be administrator of the estate of the said
..... [A B]

AND ALL PERSONS wishing to make claims on the said estate must submit them in writing, to the
said administrator, not later than the day of
19....., and similarly all persons who are indebted to the deceased must make payment of such debts
to the said administrator by the same date.

In the administration of the said estate the administrator shall comply with the following matters:

[Here insert such orders or requirements (if any) as the Court thinks fit in respect of the
matters
provided for in section 36 (2) of the Local Courts Act.]

Given under our hand this day of
19.....

.....
.....
.....
Local Court Justices

Endnotes

1 (Popup - Popup)

All existing lock-ups declared to be places of detention or imprisonment by G.N. No. 196 of 1967