

The Laws of Zambia

REPUBLIC OF ZAMBIA

**THE ZAMBIA SECURITY INTELLIGENCE SERVICE ACT**

**CHAPTER 109 OF THE LAWS OF ZAMBIA**

**CHAPTER 109 THE ZAMBIA SECURITY INTELLIGENCE SERVICE**

**THE ZAMBIA SECURITY INTELLIGENCE SERVICE ACT**

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**CHAPTER 109**

ZAMBIA SECURITY INTELLIGENCE SERVICE

43 of 1973

**An Act to provide for the establishment of the Zambia Security Intelligence Service, its functions and discipline; and to provide for matters incidental thereto or connected therewith.**

[1st October, 1974]

1. This Act may be cited as the Zambia Security Intelligence Service Act. Short title
2. In this Act, unless the context otherwise requires- Interpretation

"Director-General" means the person appointed under section *four*;

"espionage" means an act constituting the offence of espionage under the State Security Act; Cap. 111

"Intelligence Officer" means any officer of the Service other than persons in the clerical and supporting staff thereof;

"member" means a person for the time being holding or acting in any post or appointment in the Service, including any person in the clerical and supporting staff thereof;

"sabotage" means an act intended to cause damage with a view to assisting any State or organisation hostile to the Republic or furthering a subversive political aim;

"security" means a protection from espionage, subversion and sabotage;

"Service" means the Zambia Security Intelligence Service established and constituted under section *three*;

"subversion" means any act constituting an offence against public order under the Penal Code or any other written law. Cap. 87

3. There shall be established and constituted a service for the Republic to be known as the Zambia Security Intelligence Service, which shall consist of the Director-General, such number of Directors, Assistant Directors and other officers and members of staff as the President may determine.

4. (1) There shall be a Director-General of the Service who shall be appointed by the President on such terms and conditions as the President may determine.

Establishment and  
constitution of the  
ServiceAppointments

(2) Members of the Service of and above the rank of Director shall be appointed by the President or by such other person or authority as the President may designate in that behalf.

(3) Members of the Service below the rank of Director shall be appointed by the Director-General on the advice of the Staff Board established under section *eight*.

5. (1) The Director-General shall, subject to the orders and directions of the President or of a Minister appointed by the President in that behalf, have command, control, direction and supervision of the Service and, in particular, but without derogating from the generality of the foregoing, may issue orders and instructions for the general administration of the Service in relation to duties, distribution, inspection, transfer, training, arms, clothing and equipment, transport and places of residence, and may issue such other orders as he may deem necessary or desirable for promoting efficiency and discipline or preventing negligence in the Service.

Command and  
administration of the  
Service

(2) The command and control of the Service in any place or area shall vest in the Intelligence Officer who is appointed by the Director-General to be in charge of the Service in that place or area.

6. (1) The Service shall have such functions as the President may from time to time specify and, in particular, but without derogating from the generality of the foregoing, its functions shall be-

Functions of the  
Service

- (a) to collect, correlate and evaluate intelligence relevant to the security or interests of the Republic;
- (b) to disseminate such intelligence to Government institutions in such manner as the President may direct;
- (c) to advise Government, public bodies or institutions, and statutory bodies or corporations on the protection of vital installations and classified documents;
- (d) to vet all persons who may have access to classified information;
- (e) to co-ordinate and supervise the activities of any Ministry or department of Government, the armed forces and police force in so far as such activities relate to security intelligence, and to act as a channel for the dissemination of the intelligence obtained from such activities.

(2) For the purposes of this Act, the expressions "classified document" and "classified information" shall mean any document or, as the case may be, any information which is a classified matter within the meaning of the State Security Act. Cap. 111

7. (1) In the exercise of his functions and performance of his duties, an Intelligence Officer shall have all the powers conferred on a police officer by or under the Preservation of Public Security Act and the State Security Act; and an Intelligence Officer shall be deemed to be a police officer for the purposes of those Acts. Powers of Intelligence Officers. Cap. 112 Cap. 111

(2) Notwithstanding anything to the contrary contained in any other law, an Intelligence Officer, while on duty, shall be entitled to carry such small arms as may be prescribed by regulations made under this Act, and may, in the course of his duties, use such arms in circumstances where use of arms is necessary and justifiable.

8. (1) There shall be a Staff Board which shall, subject to the directions of the Director-General, be responsible for the selection, appointments, termination of appointments, promotion and discipline of the members of the Service below the rank of Director, and the Staff Board shall advise the Director-General on matters affecting the welfare and efficiency of the Service. Staff Board

(2) The Staff Board shall consist of a chairman and five other members to be appointed by the President on the recommendation of the Director-General and they shall hold office at the pleasure of the President.

(3) The Director responsible for staff members shall, *ex officio*, be the secretary of the Staff Board, but he shall not have the right to vote unless he is a member of the Staff Board.

(4) The quorum for a meeting of the Staff Board shall be the chairman and three other members.

9. (1) At the time of joining and leaving the Service, every member shall make and sign before the Director-General or an officer appointed by him, in such manner as such member shall declare to be most binding on his conscience, such declarations as may be prescribed by regulations. Declarations and oath of allegiance

(2) In addition to the declarations referred to in subsection (1), officers of the rank above Assistant Director shall take an oath of allegiance before the President.

(3) Every member shall, before making the declarations referred to in subsection (1), answer truthfully all questions put to him as to his previous employment and as to whether he has at any time been convicted of or charged with any offence.

(4) Every person who is, at the commencement of this Act, a member of the Service shall be bound by the provisions of this Act and shall be deemed to have made the declarations referred to in subsection (1) unless, within three months of such commencement, he has signified in writing an objection to his being so bound.

**10.** The President may, by statutory instrument, make regulations for the better carrying out of the provisions of this Act and, without prejudice to the generality of the foregoing, such regulations may make provision with respect to all or any of the following matters, that is to say: Regulations

- (a) the appointment, resignation, removal and retirement of members;
- (b) the designation and grading of members and of appointments in the Service;
- (c) the pay, allowances, pensions, gratuities, benefits and other conditions of service of members;
- (d) the discipline of members;
- (e) declarations to be made by members at the time of joining and leaving the Service;
- (f) any other matter which may, in the opinion of the President, help the Service to operate efficiently.

## **SUBSIDIARY LEGISLATION**

### THE ZAMBIA SECURITY INTELLIGENCE SERVICE REGULATIONS

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APPOINTMENTS, CONDITIONS OF SERVICE (CONFIRMATION OF APPOINTMENTS, PROMOTIONS, PASSING OF PROMOTION BARS AND TRANSFERS) AND TERMINATION OF APPOINTMENTS

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MISCELLANEOUS

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94 of 1988

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PART I PRELIMINARYPART I

PRELIMINARY

1. These Regulations may be cited as the Zambia Security Intelligence Service Regulations. Title

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

Interpretation

"General Orders" means the General Orders of the Public Service;

"Officer-in-Charge" means the Director-General or any other officer appointed by the Director-General to be in control of a sector of the Service;

"responsible officer" means Officer-in-Charge;

"secretary" means secretary to the Staff Board established under section *eight* of the Zambia Security Intelligence Service Act;

"Service" means the Zambia Security Intelligence Service.

3. (1) These Regulations apply to all members of the Service appointed under section *four* of the Act, other than the Director-General, and the classes of persons specified in Part I of the Schedule.

Application

(2) Any part of the General Orders that may be necessary for application in the Service but are not provided for in these Regulations, shall be derived therefrom and applied as if the same were part of these Regulations and shall have the same force.

4. A contract of service entered into prior to commencement of the Act, between a member of the Service and the Service acting on behalf of the Public Service Commission, is deemed to have been made between such member and the Service, and the provisions of these Regulations shall apply to such contract:

Contracts of Service

Provided that any such member shall not be subject to any condition of service which is less favourable to him than any corresponding condition which applied to him immediately before the said date.

## PART II APPOINTMENTS, CONDITIONS OF SERVICE (CONFIRMATION OF APPOINTMENTS, PROMOTIONS, PASSING OF PROMOTION BARS AND TRPART II

### APPOINTMENTS, CONDITIONS OF SERVICE (CONFIRMATION OF APPOINTMENTS, PROMOTIONS, PASSING OF PROMOTION BARS AND TRANSFERS) AND TERMINATION OF APPOINTMENTS

5. The Director-General may, by orders or instructions, make conditions to govern the recruitment, interviews and staff selection of candidates for appointment to the Service.

Recruitment interviews and staff selection



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**6.** Once in every year the Director-General shall publish by "Service Order" notice, a list of all posts. Notification of Service posts

**7.** (1) An application for establishment of a Service post, of and above the rank of Director, shall be made to the President or such other person or authority as the President may designate in that behalf, by the Director-General; and of any other rank below the rank of Director, to the Director-General, by the Director responsible for staff matters. Constitution of Service posts

(2) Every such application shall state-

- (a) the title of the post;
- (b) the salary scale to be attached to that post;
- (c) whether the proposed post is to be permanent;
- (d) the reason why that post is considered necessary or desirable;
- (e) the qualifications which will be required for any holder of the proposed post and the duties which that holder will be required to perform;
- (g) such other details as the President or the Director-General, as the case may be, may require.

**8.** (1) An application for the abolition of the post of Director and above shall be made to the President by the Director-General; and of any other post below Director to the Director-General by the Director responsible for staff matters. Abolition of Service posts

(2) Every application shall state-

- (a) the reason why it is considered desirable that the post should be abolished;
- (b) such other details as the President or the Director-General, as the case may be, may require.

**9.** Every application for appointment to the Service shall be addressed to the Director-General, on the prescribed form, through the office of the Director responsible for staff matters. Application for appointment

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- 10.** Appointments to the Service shall be made on one or the other of the following-
- (a) on probation with a view to admission to the permanent and pensionable establishment; or
  - (b) on agreement for temporary service.
- 11.** No person shall be appointed to the service who is of an age not permitted under the Employment Act.
- 12** (1) Where any person is appointed, otherwise than by promotion or transfer, to any post in the Service on permanent terms, he shall, before being confirmed in such post, serve on probation for a period of one year or for such other period as the appointing authority may determine for a particular post.
- (2) Where any person, who is required to serve on probation under sub-regulation (1), has previously been employed in the service of the Government or in such other service as the President may determine, the period or any part of the period of that previous service may, in the discretion of the appointing authority, be regarded as service on probation for purposes of sub-regulation (1).
- 13.** Any person on appointment to the Service shall be given a letter, in the prescribed form, indicating that appointment and such person shall notify his acceptance in writing agreeing to the terms and conditions before he is formally appointed.
- 14.** An appointment to the Service may not be made before the Director-General, acting on the advice of the Staff Board, has determined the suitability of the candidate concerned, unless the post is that of, and above, the rank of Director.
- 15.** Offer of permanent and pensionable appointment in the Service shall in all cases be restricted to citizens of Zambia.
- 16.** (1) Where an officer holds a probationary appointment, three months before the expiration of the period of such probationary appointment, the Officer-in-Charge of such officer shall consider-
- (a) whether such officer should, on such expiration, be confirmed in a pensionable post;
  - (b) whether a further period of probationary service is necessary to determine whether such officer should be confirmed; or
  - (c) whether such officer should not remain in the Service.

Appointments to the Service

Age of appointment  
Cap. 268

Probation

Person appointed to the Service to be given a letter

Director-General to determine suitability of candidate

Offer of permanent and pensionable appointment

Procedure where an officer holds a probationary appointment

(2) If, after consideration of the matters referred to in sub-regulation (1), the Officer-in-Charge is of the opinion that an officer in a probationary appointment should be confirmed in a pensionable appointment, and if that officer has passed examinations that are required for confirmation in his appointment, the Officer-in-Charge, as soon as may be before the expiration of the period of probationary appointment, shall forward a recommendation to the Staff Board that the officer be confirmed and, the Staff Board will refer it, with comments, to the Director-General.

(3) If, after consideration of the matters referred to in sub-regulation (1), the Officer-in-Charge is of the opinion that the work and conduct of an officer under his charge, in probationary appointment, have been of a standard to justify confirmation in a pensionable office, but the officer has not completed the examinations required for his appointment, he shall as soon as may be, before the expiration of that officer's probationary appointment, forward a report together with his recommendations as to the period of further probationary service which the officer should be granted in order to pass the required examinations to the Staff Board, which shall refer it, with its comments, to the Director-General.

(4) If, after consideration of the matters referred to in sub-regulation (1), the Officer-in-Charge is of the opinion that the work or conduct of an officer under his charge, in a probationary appointment, has not been in all respects satisfactory, he shall inform the officer concerned in writing indicating whether he proposes to recommend-

- (a) an extension of the officer's probationary service to show whether he can overcome the defects noted; or
- (b) that the officer's probationary appointment should be terminated.

(5) The Officer-in-Charge shall, when giving to an officer under his charge the information mentioned in sub-regulation (4), ask the officer whether he wishes to make, within a period to be appointed by the Officer-in-Charge, any representations to the recommendations proposed; and on the expiration of the period allowed to the officer to make any representations, the Officer-in-Charge shall forward a report on the officer, together with a copy of the letter to the officer and of the officer's representations, if any, his comments thereon and a recommendation either that the period of probationary service should be extended or that the officer should not remain in the service, to the Staff Board, which shall refer them, with its comments, to the Director-General.

(6) Where an officer holds a probationary appointment and the Officer-in-Charge, at any time during the period of such probationary appointment is of the opinion that such appointment should be terminated forthwith on the grounds of general unsuitability which renders the officer unlikely to justify confirmation in a pensionable office, the procedure prescribed in sub-regulations (4) and (5) shall be followed.

(7) A disciplinary offence committed by an officer to whom this regulation applies; or the conviction of such an officer on a criminal charge, shall be dealt with in accordance with Part III.

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- 17.** The Director-General may, from time to time, issue instructions relating to procedures and qualifications for promoting of officers. Promotions
- 18.** An officer may be transferred to any station where his services are required, provided that adequate accommodation is available for him and, where appropriate, for his family, unless he indicates that he is in a position to provide his own accommodation. Transfer within the Service
- 19.** An officer may on his own request be transferred from the Service to any Government Department: Transfer from the Service
- Provided that the Director-General may, on the advice of the Staff Board and when it is found desirable in the interests of the Service, and in consultation with the Public Service Commission, transfer an officer to any Government Department.
- 20.** The Director-General may, in consultation with the Staff Board, terminate the appointment of an officer on probation by giving him three months' salary in lieu of notice. Termination of probationary appointments
- 21.** An officer on the permanent and pensionable establishment may resign at any time by giving the Service three months' notice, in writing or by paying one month's salary in lieu of notice. Resignation by an officer on permanent and pensionable establishment
- 22.** An officer on probation may resign at any time by giving the Service three months' notice, in writing or by paying one month's salary in lieu of notice. Resignation by an officer on probation
- 23.** Qualifications for retirement of officers in the Service shall be as those stipulated in the Civil Service (Local Conditions) Pensions Act. Qualification for retirement. Cap. 260

PART III DISCIPLINEPART III

DISCIPLINE

- 24.** (1) Whenever it comes to the notice of an Officer-in-Charge that a criminal offence, likely to warrant disciplinary proceedings, has been committed by an officer under his command, it shall be the duty of that Officer-in-Charge to inform the secretary who shall in turn inform the Director-General. Procedure when criminal offence has been committed

(2) Whenever it comes to the notice of the Director-General that a criminal offence, likely to warrant disciplinary proceedings, has been committed by an officer; or whenever the Director-General is so informed under sub-regulation (1), he shall instruct the secretary to consult the Director of Public Prosecutions as to whether criminal proceedings against such officer have been instituted.

(3) Where, after consultation with the Director of Public Prosecutions, the Director-General is informed that criminal proceedings have been instituted, it shall be his duty to decide whether disciplinary proceedings should be instituted against the officer concerned, and to give directions accordingly.

(4) Whenever criminal proceedings are instituted against a member of the Service, the secretary shall forthwith submit a report to the Director-General, setting out the facts of the case, together with a statement as to whether criminal proceedings have been instituted against the officer.

**25.** (1) If criminal proceedings are instituted; or if disciplinary proceedings are instituted or are about to be instituted against an officer, the Director-General may interdict that officer from the exercise of the powers and functions of his office if he is satisfied that the interest of the Service so requires.

Interdiction of officer

(2) An officer who is interdicted under sub-regulation (1) shall, during the period of his interdiction, receive such portion, being not less than half, of his salary as the Director-General may decide.

(3) Where criminal or disciplinary proceedings have been instituted against an officer under interdiction and such officer-

(a) is not convicted as a result of any such criminal proceedings; and

(b) is not subjected to any punishment under these Regulations as a result of any such disciplinary proceedings, the whole amount of his salary withheld under sub-regulation (2) shall, upon the ending of his interdiction, be paid to him.

(4) Where criminal or disciplinary proceedings have been instituted against an officer under interdiction and such officer-

(a) is or is not convicted as a result of any such criminal proceedings; or

(b) is subjected to any punishment under these Regulations, other than dismissal, as a result of any such disciplinary proceedings, he shall, upon the ending of his interdiction, be paid such portion of his salary withheld under sub-regulation (2) as the Director-General may direct.

(5) The interdiction of an officer shall have effect during such period and in accordance with such conditions as the Director-General may specify by notice in writing to that officer:

Provided that, where it appears expedient, the Director-General may, at any time during that period, abridge or extend the same by further notice in writing to that officer.

(6) Without derogating from the generality of sub-regulation (5), an officer who is interdicted under this regulation, shall comply in particular with all orders of an Officer-in-Charge relating to his residence and movements.

(7) In this regulation "salary" includes any personal allowance, inducement allowance or direct payment made under an assistance scheme.

**26.** Where criminal proceedings are instituted against an officer, no disciplinary proceedings shall be instituted against him upon any ground which is the subject of such criminal proceedings; and if such disciplinary proceedings have been instituted, they shall be suspended until the conclusion of such criminal proceedings and the determination of any appeal therefrom.

Suspension of disciplinary proceedings pending final determination of criminal proceeding

**27.** (1) Where as a result of criminal proceedings, an officer is convicted of a disciplinary offence likely to warrant his dismissal, the Director-General shall, by notice in writing to that officer, suspend him from the exercise of the powers and functions of his office.

Suspension following criminal conviction

(2) Where disciplinary proceedings are instituted against an officer suspended under sub-regulation (1) the Director-General shall direct that the salary of that officer be withheld, as from the date of his suspension, pending the determination of disciplinary proceedings.

(3) Where disciplinary proceedings instituted against an officer suspended under this regulation do not result in his dismissal, that officer shall be paid such portion of his salary withheld under sub-regulation (2) as the Director-General may direct.

(4) Subject to the provisions of this regulation, the suspension of an officer shall have effect during such period, and in accordance with such conditions, as the Director-General may specify by notice in writing to that officer:

Provided that where it appears expedient the Director-General may, at any time during that period, abridge or extend the period by further notice in writing to the officer.

**28.** An officer acquitted of a criminal charge in any court shall not be dismissed or otherwise punished for any charges of which he has been so acquitted, but nothing in this regulation shall prevent his being dismissed or otherwise punished for any other charges arising out of his conduct in the matter.

Proceedings after  
acquittal of criminal  
charge

**29. (1)** An officer commits an offence against discipline if he is guilty of-

Offences against  
discipline

- (a) mutiny, sedition or desertion, that is, if he-
  - (i) being cognisant of any mutiny or sedition in the Service, does not use his utmost endeavours to suppress such mutiny or sedition;
  - (ii) being cognisant of any mutiny or sedition in the Service does not, without delay, give information thereof to his superior officer;
  - (iii) deserts;
  - (iv) persuades, procures, assists or attempts to persuade, procure or assist any officer to desert;
  - (v) knowing that any officer has deserted or intends to desert, does not, without delay, give information to his superior officer;
  - (vi) strikes or threatens violence to his superior officer, while that superior officer is in the execution of his duty;
  
- (b) disobedience to orders, that is, if without good and sufficient cause, he disobeys or fails to comply with any lawful order, written or otherwise;
  
- (c) insubordination or oppressive conduct, that is, if he-
  - (i) is disrespectful in word, act or demeanour or uses threatening or insubordinate language, to a superior officer;
  - (ii) uses obscene, abusive or insulting language to any other officer;
  - (iii) is oppressive or tyrannical in conduct towards an officer of inferior rank;
  - (iv) wilfully or negligently makes any false complaint against any other officer;
  - (v) fails to report any complaint or report made against any officer; or
  - (vi) assaults any officer;
  
- (d) drunkenness, that is, if he-
  - (i) while on or off duty, renders himself unfit through the consumption of intoxicating liquor or drugs to carry out his duties properly; or
  - (ii) drinks intoxicating liquor, except in circumstances or on occasions approved by an Officer-in-Charge;

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- (e) neglect of duty, that is, if he, without good and sufficient cause-
  - (i) neglects promptly and diligently to attend to or carry out anything which it is his duty to attend to or carry out;
  - (ii) when on duty, sleeps or idles or gossips or sits or lies down;
  - (iii) fails to work in his patrol area in accordance with orders, or leaves his patrol area or other place of duty, or fails to appear at any place or on any occasion appointed by a superior officer;
  - (iv) fails to report anything which it is his duty to report;
  - (v) fails, to make or send any report or return which it is his duty to make or send;
  - (vi) omits to make any necessary entry in any official document, book or paper;
  
- (f) absence without leave or being late for duty, that is, if he, without reasonable cause or excuse-
  - (i) is absent without leave from, or is late for duty; or
  - (ii) leaves, or is absent from any service, camp or quarters;
  
- (g) malingering, that is, if he-
  - (i) feigns or exaggerates any sickness or injury with a view to avoiding duty; or
  - (ii) while absent from duty on account of sickness, without good and sufficient cause neglects or omits to carry out any instructions of a medical officer or of a member of a hospital staff, or acts or conducts himself in a manner calculated to retard his return to duty;
  
- (h) discreditable conduct, that is, if he-
  - (i) acts in a disorderly manner or in any manner prejudicial to discipline or likely to bring discredit on the reputation of the Service;
  - (ii) reports for duty dirty or untidy in his personal appearance, arms, equipment or clothing;
  - (iii) causes a disturbance in any place of duty or in any public place;
  - (iv) lends money to any officer superior to him;
  - (v) accepts a bribe or graft;
  - (vi) incurs debt in or out of the Service without any reasonable prospect or intention of repaying the same, or having incurred any debt, makes no reasonable effort to repay the same; or
  - (vii) if called upon by the Officer-in-Charge to furnish a full and true statement of his financial position, fails to do so;



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- (i) falsehood, prevarication or breach of confidence, that is, if he-
  - (i) knowingly makes or signs any false statement in any official book or document;
  - (ii) wilfully or negligently makes any false or misleading statement, whether written or verbal;
  - (iii) without good and sufficient cause destroys or mutilates any official document or record or alters or erases entry therein;
  - (iv) prevaricates before any court or at any inquiry;
  - (v) divulges any matter which it is his duty to keep secret;
  - (vi) without due authority discloses or conveys any information concerning an investigation or other security or departmental matter to any unauthorised person;
  - (vii) makes or joins in making any anonymous communication to a superior officer;
  - (viii) makes a false statement on joining the Service; or
  - (ix) engages without authority in any office or employment other than this Service duties;
  
- (j) causing damage to property, that is, if he-
  - (i) wilfully or by carelessness causes any waste, loss or damage to any firearm, ammunition, vehicle, book, document, equipment, uniform or other clothing, or other property of the Service issued to him or used by him or entrusted to his care; or
  - (ii) fails to report any such loss or damage as aforesaid, however caused;
  
- (k) being in unlawful possession of any property belonging to the Service or to any officer;
  
- (l) discharging without orders or just cause any firearm issued to him;
  
- (m) failing without good and sufficient cause to obey or comply with any regulation or order of the Service;
  
- (n) conniving at, or knowingly being an accessory to any offence against discipline under these regulations; or
  
- (o) any other act, conduct, disorder or neglect to the prejudice of good order or discipline within the Service, or in violation of duty in his office, not specified in these Regulations.

(2) An offence against discipline under this regulation may be inquired into, tried and determined, and the offender shall be liable to suffer punishment according to the degree and nature of the offence, in accordance with the provisions of these Regulations.

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(3) Nothing in these Regulations shall preclude the institution of criminal proceedings or proceedings under the General Orders against any officer:

Provided that, no officer shall be punished twice in respect of the same conduct.

**30.** (1) Subject to sub-regulation (2), the Director-General may impose any one or more of the following punishments under these Regulations- Punishments which may be imposed

- (a) dismissal;
- (b) discharge by due notice or on payment of salary in lieu of notice;
- (c) reduction in rank;
- (d) reduction in salary;
- (e) deferment of increment;
- (f) stoppage of increment;
- (g) withholding of increment;
- (h) a fine not exceeding one half of one month's salary;
- (i) severe reprimand;
- (j) reprimand.

(2) In the case of a Director, the Director-General may impose one or other of the following punishments-

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

(3) A Director may impose any one or more of the following punishments-

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- (a) deferment of increment;
- (b) stoppage of increment;
- (c) withholding of increment;
- (d) a fine not exceeding one half of one month's salary;
- (e) severe reprimand; or
- (j) reprimand.

(4) An officer in charge below the rank of Director may impose such of the following punishments as he may from time to time be authorised by the Director-

- (a) a fine not exceeding one half of one month's salary;
- (b) a severe reprimand; or
- (c) reprimand.

(5) The Officer-in-Charge imposing punishment shall give notice in writing to the accused officer of any punishment imposed on him under these Regulations, and such notice shall, except in the case of a severe reprimand or a reprimand or any punishment imposed by the Director-General, inform the accused officer of his right to appeal under regulation 32.

**31.** (1) An Officer-in-Charge shall make a report to his immediate superior Officer-in-Charge of all disciplinary proceedings instituted and determined by him, including disciplinary proceedings where no punishment is imposed.

Report and review of disciplinary proceedings

(2) Such superior Officer-in-Charge shall review the proceedings reported to him and may, if he considers that the punishment imposed was too severe or too lenient or that no punishment should have been imposed, where punishment was imposed, refer the matter to the Officer-in-Charge mentioned in sub-regulation (1) for further report.

(3) All disciplinary proceedings shall be reported to the Director-General.

**32.** (1) An officer may appeal to the Director-General against any punishment, other than a severe reprimand or a reprimand, imposed on him under these Regulations.

Appeals

(2) An appeal made by an officer under this regulation shall be in writing, addressed to the Officer-in-Charge by whom the punishment is imposed, and shall set out clearly the grounds of the appeal, and that appeal shall be delivered to the Officer-in-Charge as aforesaid not later than twenty-one days from the date of the notice given to the officer under regulation 30 (5) informing him of the punishment imposed.

(3) The Officer-in-Charge shall submit an appeal received under sub-regulation (2) to the Director-General.

**33.** (1) There shall be an Appeals Tribunal which shall be the Staff Board Appeals Tribunal constituted under section *eight* of the Act.

(2) The Director-General shall, before making his decision on an appeal submitted to him, under regulation 32, forward the appeal to the Appeals Tribunal for consideration.

(3) The Appeals Tribunal may call upon the officer making the appeal to appear before it during consideration of an appeal.

(4) After considering the appeal the secretary of the Appeals Tribunal shall submit to the Director-General, a written report summarising the facts and issues raised by the appeal and the findings and recommendations of the tribunal, and that report shall include-

- (a) a statement whether in the opinion of the majority of the members of the tribunal the accused officer committed the offence with which he was charged;
  - (b) a brief statement of the reasons for that opinion;
  - (c) particulars of any matters which in the opinion of a majority of the members of the tribunal tend to aggravate or mitigate the gravity of the offence;
  - (d) in the case of dissent among the members of the tribunal, a report of the minority on the foregoing lines.
- (5) The Director-General shall not be bound to accept the recommendations of the Appeals Tribunal, but shall consider such recommendations and the report of the Tribunal, and shall determine the appeal and make such order as may appear to him appropriate.

**34.** (1) Notwithstanding anything in this Part, where disciplinary proceedings are instituted against an officer of and above the rank of Director, and the Director-General is of the opinion that the offence, if proved, might warrant a more severe punishment than a fine, he shall refer the matter to the Special Disciplinary Tribunal for consideration and determination.

Disciplinary proceedings against, and appeal by Directors

(2) The Special Disciplinary Tribunal shall consist of the Secretary to the Cabinet as Chairman, the Chairman of the Public Service Commission and at least one other member appointed by the Chairman.

(3) An officer of the rank of Director and above found guilty of a disciplinary offence by the Special Disciplinary Tribunal shall, unless the punishment was a fine have the right to appeal to the President.

(4) Except as aforesaid in this regulation and the Director-General is bound by any decision of the Disciplinary Tribunal, and the provisions of this Part shall apply *mutatis mutandis* to disciplinary proceedings against, and appeals by, an officer of and above the rank of Director.

**35.** Notwithstanding anything in these Regulations, where, in the case of an offence by a Director, the Special Disciplinary Tribunal or, in any other case, the President, is satisfied that the interests of the Service so require, an officer may be dismissed notwithstanding that criminal proceedings against him are pending.

Dismissal notwithstanding pending criminal proceedings

**36.** Where under the provisions of these Regulations it is necessary-

Service of documents

- (i) to deliver or serve any notice, charge or other document to or upon any officer; or
- (ii) to communicate any information to any officer by reason of such officer having absented himself from duty; or
- (iii) it is not possible to effect delivery or service, or to communicate information to the officer personally;

it shall be sufficient if the notice, charge or other documents, or a letter containing that information, be served upon the officer by post to his last known address.

#### PART IV MISCELLANEOUSPART IV

##### MISCELLANEOUS

**37.** (1) An officer who is aggrieved by any decision by a superior officer on any matter other than matters of misconduct, may appeal to the Director-General through his supervising officers and the Director-General's decision shall be final.

Grievances

The Laws of Zambia

(2) Notwithstanding sub-regulation (1), an officer who has made an appeal to the Director-General for a review of an order under these Regulations, shall carry out the order pending the review and decision of the Director-General, except that where the order relates to transfer involving the exchange of officers, the officer aggrieved by such an order shall not assume his duties on transfer pending the review of the order and decision by the Director-General.

**38.** (1) The Director-General may, at any time, appoint a Board of Inquiry for the purpose of collecting and recording evidence and to make a report of its findings and recommendations on any matter that may be referred to it.

Boards of Inquiry

(2) Any Board of Inquiry appointed under sub-regulation (1) shall consist of the Chairman and any number of members that may be appointed by the Director-General:

Provided that the number of members so appointed shall be an odd number.

**39.** The Director-General may, establish any committees within the Service which shall perform such duties as he may determine.

Committees

**40.** (1) Every head of a Department of the Service shall prepare and submit to the Director-General a report relating to the operations of his department over the preceding calendar year and those submissions shall be made not later than the 31st day of March in the year following the period under review.

Annual Reports

**41.** Every Officer-in-Charge shall be responsible for all public stores, equipment and moneys issued and delivered to him for the use of the members of the Service under his command and shall account for the same to the Director-General.

Responsibility for stores etc.

**42.** (1) Every officer shall perform all lawful duties imposed on him and shall obey all lawful instructions relating to the performance of his duties which he may, from time to time, receive from his superior officers.

Every officer to perform all lawful duties and obey all lawful instructions

(2) Every officer shall be deemed to be on duty at all times and may at any time be detailed for duty outside the Republic.

**43.** No member of the Service shall, without the approval of the Director-General, engage in any employment or office directly or indirectly otherwise than in accordance with his duties.

Member of Service not to engage in any other employment

The Laws of Zambia

**44.** (1) Every officer shall, on joining the Service, make and sign before the Director-General or an Officer-in-Charge appointed by the Director-General, in such manner as he shall declare to be most binding on his conscience, the declarations set out in Form OP/I and OP/II of Part II of the Schedule.

Declarations on joining the Service

(2) Every officer shall, before making the declarations referred to in sub-regulation (1) answer truthfully all questions put to him as to his previous service in any military, naval, airforce, police force, security or intelligence service or similar force or service, and as to whether at any time he has been convicted of or charged with any criminal offence.

**45.** Notwithstanding anything to the contrary in these Regulations, the provisions of the Civil Service (Local Conditions) Pensions Act shall apply to officers in the Service and, reference to the term "Civil Servant" contained therein shall, unless the context otherwise requires, refer to "Officers" of the Zambia Security Intelligence Service.

Provisions of the Civil Service (Local Conditions) Pensions Act Cap. 260 to apply to officers in the service

SCHEDULE

*(Regulations 3 and 44)*

PART I

CLASSIFIED EMPLOYEES

- (a) Labourer
- (b) Classified employees—Classes (i), (ii), (iii) and Special Grade
- (c) Trade-Tested workers (all grades)
- (d) Industrial employees (Grades (1), (2) and (3)).

PART II

ZAMBIA SECURITY INTELLIGENCE SERVICE

DECLARATION ON JOINING THE SERVICE

I, (full name) .....  
of (address).....

do solemnly and sincerely declare that I will be faithful and bear true allegiance to the President of the Republic of Zambia, and, during service with the Zambia Security Intelligence Service, I will preserve, protect and defend the Constitution of Zambia and, will obey all lawful orders of the President and of all officers placed over me and, will subject myself to all Ordinances, Acts, Orders and Regulations relating to the said Service.

Declared at ..... this .....  
day of ....., 19.....

.....  
*Signature of Officer*

Before me, .....  
*to be signed by or on behalf of the Director-General*

ZAMBIA SECURITY INTELLIGENCE SERVICE

STATE SECURITY ACT, CAP. 111

My attention has been drawn to the provisions of the above Act, and I am fully aware of the serious consequences which may follow any breach of such provisions. I understand also that these provisions apply not only during the period of my employment but also after my employment with the Government has ceased.

*Signed* .....

*Name*.....  
(BLOCK CAPITALS)

*Date* .....

*Witnessed* .....