

CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 2022

MEMORANDUM

The object of this Bill is to amend the Criminal Procedure Code so as to replace the penalty of death with life imprisonment and repeal the penalty of defamation of the President.

M. MUCHENDE,
Solicitor-General

N.A.B 24, 2022
14th October, 2022

A BILL

ENTITLED

An Act to amend the Criminal Procedure Code.

ENACTED by the Parliament of Zambia

Enactment

1. This Act may be cited as the Criminal Procedure Code (Amendment) Act, 2022 and shall be read as one with the Criminal Procedure Code, in this Act referred to as the principal Act.

Short title

Cap.88

2. Section 9 (6) of the principal Act is amended by the deletion of the word “death” and the substitution therefor of the words “life imprisonment”.

Amendment of section 9

3. Section 33 (1) of the principal Act is amended by the deletion of the word “death” and the substitution therefor of the words “life imprisonment”.

Amendment of section 33

4. Section 160 of the principal Act is amended by the deletion of the words “death or” immediately after the words “punishable by”.

Amendment of section 160

5. Section 175 (1) of the principal Act is amended by the deletion of the word “death” and the substitution therefor of the words “life imprisonment”.

Amendment of section 175

6. The principal Act is amended by the repeal of sections 303, 304, 305 and 306.

Repeal of sections 303, 304, 305 and 306

7. Section 307 of the principal Act is amended by the deletion of the words “not being a sentence of death”.

Amendment of section 307

8. The First Schedule to the principal Act is amended—

Amendment of First Schedule

(a) under Division I relating to section 43, in the fourth column, by the deletion of the word “death” and the substitution therefor of the words “imprisonment for life”;

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- (b) under Division I relating to section 58E, in the second, third and fourth column, by the deletion of the words “Defamation of President”, “Ditto” and “Imprisonment for three years”.
- (c) under Division I relating to section 69, in the second, third and fourth column, by the deletion of the words “Defamation of President”, “Ditto” and “Imprisonment for two years”. 5
- (d) under Division I relating to section 71, in the second, third and fourth column, by the deletion of the words “Defamation of foreign princes” “shall not arrest without warrant” and “Imprisonment for two years”; 10
- (e) under Division II relating to section 118 (1), in the first column, by the deletion of paragraph (a) and the substitution therefor of the following: 15
- (a) if person rescued is under sentence of imprisonment for life or charged with offence punishable with imprisonment for life;;
- (f) under Division IV relating to section 201, in the fourth column, by the deletion of the word “death” and the substitution therefor of the words “imprisonment for life”; and 20
- (g) under Division IX relating to section 391, in the first column, by the deletion of the word “death” and the substitution therefor of words “life imprisonment”. 25

Amendment
of Fifth
Schedule

9. The Fifth Schedule to the principal Act is amended by the deletion of the words “Any offence punishable by death” and the substitution therefor of the words “Any offence punishable with imprisonment for life”.
