

**THE DEFENCE (AMENDMENT) BILL, 2023**

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MEMORANDUM

The object of this Bill is to amend the Defence Act so as to—

- (a) replace the death penalty with life imprisonment; and
- (b) provide for matters connected with, or incidental to, the foregoing.

M. D. KABESHA,  
*Attorney-General*



# A BILL

ENTITLED

## An Act to amend the Defence Act.

ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the Defence (Amendment) Act, 2023, and shall be read as one with the Defence Act, in this Act referred to as the principal Act.

Short title

Cap. 106

5 2. Section 29 (1) of the principal Act is amended by the deletion of the words “suffer death” and the substitution therefor of the words “life imprisonment”.

Amendment  
of section 29

3. Section 30 (1) of the principal Act is amended by the deletion of the words “suffer death” and the substitution therefor of the words “life imprisonment”.

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Amendment  
of section 30

4. Section 36(1) of the principal Act is amended by the deletion of the words “suffer death” and the substitution therefor of the words “life imprisonment”.

Amendment  
of section 36

5. Section 37(b)(i) of the principal Act is amended by the deletion of the words “suffer death” and the substitution therefor of the words “life imprisonment”.

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Amendment  
of section 37

6. The principal Act is amended by the repeal of section 71 and the substitution therefor of the following:

Repeal and  
replacement  
of section  
71

20 71. A person subject to military law under this Act who attempts to commit an offence against any of the foregoing provisions of this Part is liable, on conviction by a court martial, to the like punishment as for that offence.

Attempt to  
commit  
military  
offences

Amendment of section 73	7. Section 73(3)(a) of the principal Act is amended by the deletion of the words “suffer death” and the substitution therefor of the words “life imprisonment”.	
Amendment of section 74	8. Section 74 (2) of the principal Act is amended by the— (a) deletion of paragraph (a); and (b) renumbering of paragraphs (b), (c), (d), (e), (f), (g) and (h) as paragraphs (a), (b), (c), (d), (e), (f) and (g), respectively.	5
Amendment of section 75	9. Section 75(2) of the principal Act is amended by the— (a) deletion of paragraph (a); and (b) renumbering of paragraphs (b), (c), (d), (e), (f), (g), (h), (i), (j), (k) and (l) as paragraphs (a), (b), (c), (d), (e), (f), (g), (h), (i), (j) and (k), respectively.	10
Amendment of section 88	10. Section 88(1) of the principal Act is amended by the deletion of the word “death” and the substitution therefor of the words “life imprisonment”.	15
Amendment of section 95	11. Section 95 of the principal Act is amended by the deletion of the word “death”, wherever the word appears, and the substitution therefor of the words “life imprisonment”.	
Repeal of section 107	12. The principal Act is amended by the repeal of section 107.	20
Amendment of section 116	13. Section 116 of the principal Act is amended by the deletion of the words “death or”.	
Amendment of section 117	14. Section 117 of the principal Act is amended by the deletion of the word “death” and the substitution therefor of the words “life imprisonment”.	25
Amendment of section 134	15. Section 134 of the principal Act is amended by the— (a) deletion of paragraph (a); and (b) renumbering of paragraphs (b), (c) and (d) as paragraphs (a), (b) and (c), respectively.	
Amendment of section 136	16. Section 136 of the principal Act is amended by the deletion of the word “death” and the substitution therefor of the words “life imprisonment”.	30

**17.** Section 137(2) 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 137

**18.** The principal Act is amended by the repeal of section 145. Repeal of section 145

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