

**THE PROBATION OF OFFENDERS (AMENDMENT)
BILL, 2022**

MEMORANDUM

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

- (a) revise the provisions relating to the probation of children in conflict with the law; 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 Probation of Offenders Act.

ENACTED by the Parliament of Zambia.

Enactment

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

Short title

Cap 93

5 2. Section 2 of the principal Act is amended by the insertion of the following definitions in the appropriate places:

Amendment of section 2

“child” has the meaning assigned to the word in the Constitution; and

Cap. 1

10 “child in conflict with the law” has the meaning assigned to the words in the Children’s Code Act, 2022;.

Act No. of 2022

3. Section 3 of the principal Act is amended by the—

Amendment of section 3

(a) deletion of subsection (2) and the substitution therefor of the following:

15 (2) The court shall, before making a probation order, satisfy itself that the offender understands

(a) the effects of the order and any additional requirements under this Act; and

20 (b) that where the offender fails to comply with the probation order or commits a subsequent offence during the probation period, the offender shall be liable to be sentenced for the original offence.;

(b) insertion of the following new subsection immediately after subsection (2):

25 (3) The court shall make a probation order under this section if the offender expresses a willingness to comply with the requirements of the probation order.

N.A.B. 14, 2022

No. of 2022] *Probation of Offenders (Amendment)*

Insertion of section 3A	4. The principal Act is amended by the insertion of the following new section immediately after section 3:	
Non application of Act	3A This Act does not apply to the probation of a child in conflict with the law.	
Amendment of section 10	5. Section 10 of the principal Act is amended by the deletion of subsection (1) and the substitution therefor of the following:	5
	(1) A conviction for an offence for which a probation order is made is considered not to be a conviction for any purpose other than the purposes of the proceedings in which the order is made and of any subsequent proceedings which may be taken against the offender under the provisions of this Act, except that where an offender is subsequently sentenced under this Act, the provisions of this subsection shall cease to apply to the conviction.	10
Amendment of section 11	6. Section 11(4) of the principal Act is amended by the deletion of the words “if the probationer is not less than nineteen years of age,”.	15
Amendment of section 17	7. Section 17 of the principal Act is amended by the insertion of the following new subsection immediately after subsection (2):	
Act No. of 2022	(3) This section shall not apply to a Probation Committee established under the Children’s Code Act, 2022, for the purposes of advising the minister responsible for child development and welfare on matters of policy relating to the probation of a child in conflict with the law.	20
