

**THE CRIMINAL PROCEDURE CODE (AMENDMENT)
BILL, 2023**

MEMORANDUM

The object of this Bill is to amend the Criminal Procedure Code so as to—

- (a) make the offence of stock theft non bailable;
- (b) empower all classes of the Subordinate Court to commit matters required to be committed for trial to the High Court;
- (c) enhance the powers of the Chief Justice relating to issuance of rules under the Act; and
- (d) provide for matters connected with, or incidental to, the foregoing.

M. D. KABESHA,
Attorney General

N.A.B. 19, 2023
31st August, 2023

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, 2023, and shall be read as one with the Criminal Procedure Code, in this Act referred to as the principal Act.

Short title
Cap. 88

5 2. Section 11 of the principal Act is amended by the deletion of subsection (1) and the substitution therefor of the following:

Amendment
of section
11

10 (1) The Chief Justice may, by statutory notice, order that any class of offence specified in such notice shall be tried by the High Court or committed to the High Court for trial by a subordinate court.

3. Section 123(1) of the principal Act is amended by the insertion of the following new paragraph immediately after paragraph (iv):

Amendment
of section
123

15 (v) stock theft, if the person has previously been convicted of the offence of stock theft.

4. The principal Act is amended by the insertion of the following new section immediately after Section 358.

Insertion of
section
358A

20 358A. (1) Despite the provisions of this Code, the Chief Justice may, by statutory instrument, make rules to provide for the procedure for the hearing and determination of any class of offence.

Procedure
for hearing
and
determination
of offence

N.A.B. 19, 2023

(2) The rules made under subsection (1), may provide for time frames relating to the—

(a) conduct of proceedings;

(b) taking of a step within the proceedings;

(c) conclusion of proceedings; 5

(d) trial; and

(e) rendering of a decision or judgment.
