GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 55 OF 2017

The Preservation of Public Security Act
(Laws, Volume9, Cap. 112)

The Preservation of Public Security Regulations, 2017

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SCHEDULE

IN EXERCISE of the powers contained in sections 3, 4, and 5 of the Preservation of Public Security Act, the following Regulations are made:

Title

1. These Regulations may be cited as the Preservation of Public Security Regulations, 2017.

Application of regulations

2. These Regulations shall, except as provided, apply only to those parts of Zambia set out in the Schedule.

Interpretation

3. In these Regulations, unless the context otherwise requires—

"armed force" means any of the naval military or air forces;

"assembly" means any gathering of three or more people whether in public or in private;

"citizen"has the meaning assigned to the word in the Constitution; Cap. 1

"competent authority" means a person appointed in writing by the President, or by a person performing the functions of the President by virtue of regulation 27, for the purposes of all or any of the regulations in which the expression occurs;

"contravention", in relation to any provision or condition, includes a failure to comply with that provision or condition, and "contravene"

shall be construed accordingly;

"Defence Force"means the Defence Force established in Article 192 of the Constitution and includes any other military, naval or air units which may, with the approval of the President, for the time being be cooperating with the Defence Force;

"detention order"means an order made under the provisions of regulation 33 (1);

"District Messenger" means a District Messenger as defined in section 2 of the District Messengers Act; Cap. 288

"established resident" has the meaning assigned to the term in the Immigration and Deportation Act, 2010; Act No. 18 of 2010

"legal practitioner" means a person admitted to practice as an advocate in accordance with the Legal Practitioners Act; Cap. 30

"national security service" means a national security service established in accordance with Article 193 of the Constitution;

"necessary service" means— Cap. 1

(a) a service relating to the generation, supply or distribution of electricity;

(b) a fire brigade or fire service;

(c) a sewerage, rubbish disposal or other sanitation service;

(d) a health, hospital or ambulance service;

(e) a service relating to the supply or distribution of water;

(f) a service relating to the production, supply, delivery or distribution of food or fuel;

(g) mining, including a service required for the working of a mine;

(h) a communications service;

(i) a transport service, and a service relating to the repair and maintenance, or to the driving, loading and unloading of vehicles for use in a transport service;

(j) a road, railway, bridge, ferry, pontoon, airfield, harbour or dock;

(k) a service required for the working of a mine declared to be a necessary service by S.I. No. 55 of 1966;

(l) the transport of refugees from a country and the transport of essential goods declared to be a necessary service by S.I. No. 239 of 1966;

(m) the transport of goods and passengers by rail declared to be a necessary service by S.I. No. 238 of 1968; or

(n) any other service or facility, whether or not of a kind similar to the foregoing, declared by the President to be a necessary service for the purposes of these Regulations;

"officer in charge of police" has the meaning assigned to the term in the Zambia Police Act;

Cap. 107

"passport" has the meaning assigned to the word in the Passports Act, 2016;

Act No. 28 of 2016

"person" includes a company or association or body of persons, corporate or unincorporate;

"police officer" means a member of the Zambia Police Service or of the Zambia Police Reserve and includes a special constable;

"prescribed area" means an area of Zambia set out in the Schedule;

"restriction order" means an order made in accordance with regulation 19 (1);

"travel document" has the meaning assigned to the term in the Passports Act, 2016; Act No. 28 of 2016

"uniform" means a article or articles of wearing apparel being distinct in design and colour intended to be used by a member of the Defence Force, the Zambia Police Service or a national security service;

"undertaking" means a company, firm, trade,business, industry or any other kind of enterprise, statutory board, corporation, local or public authority or any branch or autonomous division thereof; and

"vehicle" has the meaning assigned to the word in the Road Traffic Act, 2002; Act No. 11 of 2002

Prohibition of meetings, processions

4. (1) A proper officer may by order prohibit the holding of any meeting in an area, place or building within the prescribed area, either generally or on a particular day or during a particular time, and if a meeting is held, or is proposed to be held, in contravention of that order, any proper officer may take or cause to be taken such steps as may be necessary to disperse such meeting or to prevent the holding thereof.

(2) An order made under subregulation (1) may relate to—

(a) all meetings;

(b) a specified class of meeting;

(c) a specified meeting; or

(d) any or all meetings organised, convened, held or attended by a specified person or group of persons.

(3) An order made under subregulation (1) may exempt from the provisions of that order meetings or classes of meetings that may be specified in the order, and that order may at any time be amended so as to provide for that exemption.

(4) A proper officer may by order prohibit a person or class of persons specified in that order from addressing a meeting or assembly in an area, place or building within the prescribed area, either generally or during a specified period.

(5) A proper officer may by order prohibit the use of any public address system, loud hailer, or other method or means of amplifying speech or sound as may be specified in that order, either generally or on a particular day or during a particular period.

(6) An order made in accordance with sub-regulation (5) may exempt from the provisions of that order persons or classes of persons that are specified in that order.

(7) A person who convenes, attends or takes part in a meeting, the holding of which has been prohibited under subregulation (1), or who contravenes an order made under subregulation (4) or (5), commits an offence.

(8) For the purposes of this Regulation—

"meeting" means a meeting, procession, sporting event or entertainment of any description; and

"proper officer"means a police officer at or above the rank of Assistant Superintendent.

Power to prohibit certain activities at dwellings, buildings and in public places

5. (1) The President may, where it appears to the President that for the purpose of preserving public security it is strictly required by the exigencies of the situation in Zambia to do so, by order prohibit throughout Zambia or in an area specified in that order

(a) a person from entering without the express consent of the occupants for the time being thereof, any dwelling or the curtilage thereof or any building and soliciting or advocating adherence to, or disseminating the teachings of, any religion, organisation or society specified in that order, whether by words or conduct; or

(b) a person in a public place from soliciting or advocating adherence to, or disseminating the teachings of, a religion, organisation or society specified in that order, whether by words or conduct, by which a breach of the peace is likely to be occasioned.

(2) An order made under this regulation may contain such incidental supplementary provisions as appear to the President to be necessary or expedient for the purposes of such order.

(3) This regulation does not apply to a political party or trade union.

(4) A person who contravenes an order made under this regulation commits an offence.

(5) For the purposes of this regulation and any order made in accordance with this regulation, "public place" has the meaning assigned to the term in regulation 6 (5).

Control of assemblies

6. (1) A proper officer may, by order in writing, prohibit during the period specified in that order assemblies between the hours specified in that order in a public place in an area specified in that order.

(2) A person who, between the hours specified in an order made in accordance with subregulation (1) during any period specified in that order, is in the company of two or more persons in a public place in an area specified in that order commits an offence.

(3) An order made under this regulation may exempt from the operation thereof any person or class of persons, either generally or for a period that may be specified in that order, and the provisions of this regulation shall not apply to any member of a Police Service acting in the course of that member's duty.

(4) An order made under this regulation shall come into operation immediately on the making thereof but shall be published in the *Gazette* as soon as is reasonably practicable thereafter.

(5) For the purposes of this regulation—

"member of a Police Service" includes a police officer, mine police officer, municipal police officer, District Messenger and member of the Defence Force or a national security service who is present within the prescribed area;

"proper officer"means an officer in charge of police; and

"public place" includes a highway, market place, square, road, street, bridge or other way which is lawfully used by the public, and any place, other than a building, to which the public are for the time being entitled or permitted to have access, without any condition or upon the condition of making any payment.

Dangerous weapons and unlawful conduct at assemblies

7. (1) A person who attends, takes part in or is found at an assembly and who has in that person's possession at that assembly a firearm, ammunition, dangerous weapon, explosive substance or a stick, stone or other dangerous missile commits an offence and is liable, on conviction, to imprisonment for a period not exceeding five years.

(2) A person shall not, at any assembly—

(a) injure, or threaten or attempt to injure, another person, or damage, or threaten or attempt to damage, property of any description, whether real or personal; or

(b) behave in a manner that causes a breach of the peace or that causes persons in the neighbourhood reasonably to fear that the person will commit a breach of the peace or will provoke other persons to commit a breach of the peace.

(3) A person who contravenes subregulation (2) commits an offence and is liable, on conviction, to imprisonment for a period not exceeding ten years.

(4) A person charged with an offence under the this regulation shall not be granted bail.

(5) This Regulation does not apply to—

(a) a member of a Police Service acting in the course of that member's duty;

(b) a person employed by the Government, a local authority, a mining company, or a building or construction company, while acting in the course of that person=s employment; or

(c) a person exempted from such provisions by a police officer of or above the rank of SubInspector, or any class of persons so exempted by the Inspector-General of Police by notification in the *Gazette*.

(6) An exemption under sub-regulation (5) is subject to such conditions, if any, as may be imposed by the authority granting that exemption.

(7) For the purposes of this regulation—

"dangerous weapon" means an article made or adapted for use for causing or threatening injury to a person, or intended by the person having it for that use, and includes a knife, spear, arrow, stone, axe, axe handle, stick or similar weapon; and

"member of a Police Service" means a police officer, District Messenger, a member of the Defence

Force or a national security service who is present within the prescribed area.

Closing of premises

8. (1) The President may, where the President is satisfied that for the purpose of maintaining public order it is necessary to do so, by statutory order, direct that any premises specified in that order be closed.

(2) A person who enters the premises in respect of which an order has been made under sub-regulation (1) commits an offence.

(3) It is a sufficient defence in any prosecution under this regulation if the accused person satisfies the court that the accused person entered the premises concerned for the purpose of protecting them or maintaining them in a proper state.

(4) reference in an order to "premises" includes a reference to all land, adjacent to those premises, which persons using the premises are permitted or entitled to use.

Prohibition of threats calculated to intimidate or cause alarm

9. (1) A person who, without lawful cause or excuse, uses words, whether written or spoken, or signs reasonably likely to intimidate another person or class of persons, commits an offence and is liable, on conviction, to imprisonment for a period not exceeding three years.

(2) For the purposes of this regulation, "intimidate" means to put a person in fear of injury or damage to that person or to a member of that person's family, or to that person's dependants, or in fear of injury or loss to that person's property, business, employment or means of living.

Prohibition of threatening violence

10. (1) A person shall not, without lawful cause or excuse, make any statement indicating or implying that it would be incumbent or desirable to—

(a) do any act or acts calculated to bring death or physical injury to a person or a class or community of persons;

(b) do any act or acts calculated to lead to destruction or damage to any property; or

(c) commit an offence against any written law in force in Zambia or in any part of Zambia.

(2) A person who contravenes sub-regulation (1) commits an offence and is liable, on conviction, to imprisonment for a period not exceeding seven years.

(3) A statement which expresses mere disapproval of a written law shall, to that extent only, be held not to be a statement which indicates or implies that it would be incumbent or desirable to commit an offence against that law.

Prohibition of entry into Zambia without passport or travel document

11. (1) A person who enters Zambia without a passport or travel document commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a period not exceeding five years, or to both.

(2) Subregulation (1) does not apply to—

(a) a person duly accredited to Zambia by or under the authority of the Government of a sovereign State;

(b) a person who, under a written law, is entitled to any diplomatic immunities and privileges by reason of that person's association with an organisation of which the Republic or the Government and one or more other States or the government or governments thereof are members;

(c) a member of the official staff or of the household of a person described in paragraph (a) or (b);

(d) a citizen or established resident; or

(e) a spouse or minor child of a person described in paragraph *(a)*, *(b)*, *(c)* or *(d)*.

(3) A prosecution shall not be instituted against any person for an offence under subregulation (1) without the sanction, fiat or written consent of the Director of Public Prosecutions.

Prohibition of wearing or possession of certain uniforms

12. (1) A person who is found in Zambia wearing, or in possession of a uniform of an armed force or police service of a country other than Zambia commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a period not exceeding five years, or to both.

(2) The President may exempt any person from the provisions of subregulation (1).

(3) A prosecution shall not be instituted against a person for an offence under subregulation (1) without the sanction, fiat or written consent of the Director of Public Prosecutions.

Duty to attend meetings

13. (1) A District Commissioner may, by written or verbal notice delivered by a District Messenger, require a Chief or Headman resident within the District for which that person is appointed District Commissioner to attend such meetings as appear to the District Commissioner to be desirable in the interest of public security, at the place and time specified in that notice.

(2) A Chief may, by written or verbal noticedelivered by a retainer require a Headman resident within the area of the Chief to attend such meetings as appear to the Chief to be desirable in the interest of public security, at the place and time notified to the Headman.

(3) A Chief or Headman who, without lawful excuse, the proof of which lies on that Chief or Headman, fails to attend a meeting which the Chief or Headman is required to attend under this regulation commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand penalty units or to imprisonment for a period not exceeding six months, or to both.

Cap. 287

(4) For the purposes of this regulation—

"Chief"has the meaning assigned to it in the Chiefs Act; and

"Headman" means a person holding the office of Headman under customary law.

Control of movement on roads

14. (1) An authorised officer may by order prohibit the entry, either generally or on a particular day or during a particular period, of any vehicle to, or the presence of any vehicle on, such road or part of a road within a prescribed area as may be described in the order.

(2) An authorised officer may take or cause to be taken such steps as are reasonably necessary to prevent the entry of any vehicle to any road or part of a road in contravention of an order made in accordance with subregulation (1), or to remove any person in or on any vehicle found on any road or part of a road in contravention of that order.

(3) A person in or on a vehicle found on a road or part of a road in contravention of an order made under sub-regulation (1), commits an offence.

(4) A person who enters, in or on a vehicle, a road or part of a road, entry to which is prohibited by order under subregulation (1), commits an offence.

(5) An order made under this regulation does not apply to a person exempted from that order by a police officer of or above the rank of Inspector or any class of persons exempted by an authorised officer.

(6) An exemption referred to in sub-regulation (5) is subject to such conditions, if any, that may be imposed by the authority granting that exemption.

(7) For the purposes of this regulation, "authorised officer" means a police officer at or above the rank of Inspector, or a commissioned officer of the Defence Force when acting in aid of the civil power.

Curfews

15. (1) The President may, whenever the President is satisfied that for the purpose of maintaining public order it is necessary to do so, by an order referred to as a curfew order, prohibit, in respect of the whole or any part of the prescribed area, all or any class of persons from being out of doors between the hours that may be specified in that order except with the authority of a written permit granted by such authority or person as may be sospecified.

(2) The President may, in an order made under subregulation (1), exempt a person or class of persons from the operation of that order either absolutely or in such circumstances or subject to such conditions as may be specified in that order.

(3) A person commits an offence if that person is out of doors in an area specified in a curfew order within the hours specified in that order and—

(a) fails to stop when called upon to do so by an authorised officer; or

(b) being a person to whom the curfew order applies, is not in possession of a written permit authorising that person to be so out of doors.

(4) A person convicted of an offence under sub-regulation (3) is liable to a fine not exceeding twenty-five thousand penalty units or to imprisonment for a period not exceeding three months, or to both.

(5) This regulation does not apply to an authorised officer.

(6) For the purposes of this regulation, "authorised officer" means a magistrate, police officer, District Messenger, or member of the Defence Force when acting in aid of the civil power.

Blackouts

16. (1) The President may, where the President is satisfied that in the interests of security or for the purpose of maintaining public order it is necessary to do so, by order direct, in respect of the whole or any part of the prescribed area that lights shall be kept extinguished between the hours that are specified in that order.

(2) A person who contravenes an order made under subregulation (1), commits an offence and is liable, on conviction, to a fine not exceeding twenty-five thousand penalty units or to imprisonment for a period not exceeding three months, or to both.

(3) This regulation does not apply to a vehicle being used on duty by an authorised officer.

(4) For the purposes of this regulation, "authorised officer" has the meaning assigned to the term in regulation 15(5).

Controlling electricity

17. The President may, where the President is satisfied that in the interest of public security it is necessary to do so, issue a direction that the supply of electricity from all or any electricity stations in Zambia shall be wholly or partially cut off during such period and between such hours as the President may specify.

Power to withdraw passport or travel document

18. (1) A competent authority may, where the competent authority is satisfied that it is in the interest of the preservation of public security, direct the Chief Passports and Citizenship Officer or a public officer above the rank of Superintendent to withdraw the passport or travel document of a person and to retain it, except that a passport or travel document shall not be retained for a period exceeding the period during which this regulation remains in force.

(2) A person aggrieved by the retention of a passport or travel document under this regulation may make an objection to the Minister responsible for home affairs, who shall consider the objection.

Restriction orders

19. (1) The President may, if satisfied that for the purpose of preserving public security within the prescribed area it is necessary to do so, make an order referred to as a restriction order in respect of a person for any or all of the purposes mentioned in sub regulation (2), and a person in respect of whom a restriction order is in force is referred to as a restricted person.

(2) A restriction order may be made for any or all of the following purposes:

(a) for securing that, except in so far as may be permitted by the restriction order or by a written permit issued by a competent authority, the restricted person shall not be in the prescribed area or in any such place or area within the prescribed area as may be specified in the restriction order;

(b) for securing that, except in so far as may be permitted by the restriction order or by a written permit issued by such person as may be specified in the restriction order, the restricted person shall remain in such place or area within Zambia as may be so specified; or

(c) for requiring the restricted person to notify that person=s movements in such manner, at such times and to such authority or person in such place as may be specified in the restriction order

(3) Despite any other provision of these Regulations, a restriction order may be made under sub-regulation (2)*(a)* in respect of a person who is outside the prescribed area.

(4) A permit issued under subregulation (2)*(a)* or *(b)* may be issued subject to such terms and conditions as appear expedient to the authority or person issuing the permit, and any person who contravenes any term or condition commits an offence.

(5) A restriction order shall come into force immediately on the service of a copy of that order on the restricted person, and, if at the time of that service the restricted person

(a) in the case of a restriction order made under subregulation (2)*(a)*, is within a place or area specified in that order, that person may be removed therefrom; or

(b) in the case of a restriction order made under sub-regulation (2)*(b)*, is outside a place or area specified in such order, that person may be removed thereto;

by a police officer or a person acting on behalf of the President, and shall, whilst being so removed, be deemed to be in lawful custody.

(6) A person commits an offence who in contravention of a restriction order—

(a) enters or is found in any place or area;

(b) leaves any place or area; or

(c) fails to notify that person's movements.

(7) Without prejudice to any proceedings which may be taken against a restricted person under these Regulations, a restricted person who is at any time within or outside any place or area in contravention of a restriction order or of the terms or conditions of a permit issued under subregulation (2) may be removed from or to such place or area, as the case may be, by any police officer or person acting on behalf of the President, and shall, whilst being so removed, be deemed to be in lawful custody.

Retention of articles in connection with restriction orders

20. (1) Where an article has come into the possession of an executive authority whether in consequence of the seizure of that article under any of these Regulations or otherwise, and it appears to the executive authority that the article is or may be relevant to

the making of a restriction order, the executive authority may retain that article for so long only as may be necessary to investigate or inquire whether or not a restriction order should be made.

(2) An article referred to in sub-regulation (1) may

be retained for a period exceeding the period for which this Regulation is in force.

(3) A person aggrieved by the retention of an article under this regulation may make that person's objection to the Inspector-General of Police who shall consider that objection.

(4) For the purposes of this regulation, an authority, officer or other person having functions in connection with the execution of these Regulations is an executive authority.

Power to direct persons to proceed to and remain in any part of Zambia

21. (1) For the purpose of controlling citizens returning to Zambia from a foreign country, the President, or any competent authority, where it appears to the President to be strictly required by the exigencies of the situation in the Republic, may, by order, direct a citizen described by name in that order to proceed to and remain in any part of or place in Zambia named in that order.

(2) A person who, without lawful excuse, fails or neglects to comply with any order made in accordance with subregulation (1) or prevents or obstructs or interferes with another person in the execution of that order commits an offence.

Power of arrest

22. (1) A magistrate, police officer, member of the Defence Force or national security service when acting in aid of the civil power or District Messenger may arrest without warrant a person who is suspected of committing or being about to commit an offence in contravention of these Regulations.

(2)A magistrate, member of the Defence Force or national security service when acting in aid of the civil power or District Messenger has the powers of arrest of a police officer.

Powers of entry, inspection and search

23. A member of the Defence Force not below the rank of warrant officer or a member of a national security service when acting in aid of the civil power or a police officer not below the rank of Assistant Inspector may, without a warrant, by day or by night, enter and inspect any premises or place wherein the member or officer has reasonable grounds for believing that there is evidence relevant to the making of a detention or restriction order, or that an offence under these Regulations has been, is being or is about to be committed, and to search any part of such premises or place and then and there to take all necessary measures for the retention and preservation of such evidence or for the effectual prevention or detection of that offence.

Power to stop and search vehicles

24. (1) An authorised officer may, without warrant, by day or by night, stop and search any vehicle which is in motion or search any vehicle which is stationary which the officer has reasonable grounds to believe—

(a) may contain any person who has committed or is about to commit an offence under these Regulations or any other written law; or

(b) contains evidence relevant to

(i) the making of a detention or restriction order; or

(ii) an offence under these Regulations or any other written law.

(2) A person who, without reasonable excuse, fails or refuses to comply with a request or signal made to that person by an authorised officer in the exercise of the powers conferred upon that officer by sub-regulation (1), commits an offence and is liable, on conviction, to a fine not exceeding twenty-five thousand penalty units or to imprisonment for a period not exceeding three months, or to both.

(3) For the purposes of this regulation, "authorised officer" means a police officer, District Messenger, or a member of the Defence Force or national secuirty service when acting in aid of the civil power.

Publicity for orders

25. (1) When an order, direction or notice is made or given under the provisions of these Regulations, the person making that order, direction or notice shall cause notice thereof to be given in a manner that the person thinks necessary for bringing it to the notice of a person who in that person's opinion ought to have notice of the order, direction or notice.

(2) Without limiting the generality of sub-regulation (1), an order, direction or notice is sufficiently notified if it published in the *Gazette* or, in the case of an order, direction or notice addressed to an individual, if it is brought to that individual's notice by service, by post or otherwise.

Obstruction of officers

26. A person who obstructs, knowingly misleads, or otherwise interferes with or impedes, or withholds any information in that person=s possession which that person may reasonably be required to furnish from, any officer or other person who is carrying out the orders of the President or who is otherwise acting in accordance with that officer=s or other person=s duty under these Regulations, commits an offence.

Delegation of functions

27. The President may, by writing under the President=s hand, and either generally or specially, delegate to any person or persons, either by name or office, all or any of the functions conferred upon the President by these Regulations, subject to such conditions, if any, as the President may specify, and any person to whom functions are delegated shall have and may perform such functions accordingly, but that delegation shall not prevent the President from acting in person under these Regulations.

Effect of regulations on contracts

28. If the fulfilment by any person of a contract is interfered with by the necessity on the part of that person

or of any other person of complying with these Regulations or any rule, order, notice, scheme or direction made

thereunder, that necessity shall be a good defence to any action or proceedings taken against that person in respect of the nonfulfilment of that contract so far as it is due to that interference.

Attempt to commit offences

29. (1) Without limiting to the operation of any other written law, a person who attempts to commit, conspires with any other person to commit, or does any act preparatory to the commission of an offence under any provision of these Regulations commits an offence against that provision and is liable, on conviction, to the punishment provided in respect of the actual offence.

(2) Any person who does any act preparatory to the commission of an offence against any written law relating to injury to the person or damage to property, whether real or personal, commits an offence.

Jurisdiction of subordinate courts

30. (1) Despite the provisions of any other written law, a subordinate court of the first or second class may try an offence under these Regulations and impose a sentence provided for in these Regulations.

(2) A subordinate court of the third class may try any offence under these Regulations in respect of which the penalty is provided under regulation 42 and may impose any penalty provided for in such regulation. Cap. 88

(3) The provisions of the Criminal Procedure Code relating to the confirmation of sentences and fines imposed by subordinate courts apply to any sentence or fine imposed in respect of an offence under these Regulations. Cap. 87

(4) Despite the provisions of any other written law to the contrary, a subordinate court may inquire into or try any offence which it has jurisdiction to try under the Penal Code, these Regulations or any other written law, whether or not the offence was committed within the district in which such subordinate court has jurisdiction. Cap. 88

(5) For the purposes of this regulation, "district" has the meaning assigned to the word in section 2 of the Criminal Procedure Code.

Jurisdiction of local courts

31. (1) Despite the provisions of any written law to the contrary, a local court has and may exercise jurisdiction to try any offence under regulations 13 and 37 and accordingly such local court

(a) shall administer the provisions of regulations 13 and 37; and

(b) may impose any sentence provided for in those regulations.

(2) Nothing in sub-regulation (1) confers jurisdiction on a local court to try any offence under regulation 13 where the person charged with the offence is a Chief.

(3) For the purposes of this regulation, "local court" has the meaning assigned to the term in the Local Courts Act. Cap. 29

Contravention of condition

32. A person who contravenes a condition contained in an exemption granted in terms of these Regulations commits an offence.

Detention orders

33. (1) The President may, whenever the President is satisfied that for the purpose of preserving public security it is necessary to exercise control over any person, make an order in respect of that person, directing that the person be detained and thereupon that person shall be arrested, whether in or outside the prescribed area, and detained.

(2) The President may at any time vary or revoke a detention order or may direct that the operation of that order be suspended subject to such conditions, if any, as the President considers necessary, and may at any time revoke that order of suspension or vary any such conditions.

(3) Without limiting the generality of sub-regulation (2), where a detention order is suspended, the person in respect of whom that order is made may be subjected to conditions

(a) imposing on that person restrictions as to place of residence, business or employment, or association or communication with other persons, as the President considers necessary;

(b) prohibiting that person from being out of doors between the specified hours except with the authority of a written permit granted by a competent authority;

(c) requiring that person to notify that person's movements in a manner, at such times and to such authority or person as may be specified;

(d) prohibiting or restricting the possession or use by that person of any specified article; or

(e) prohibiting that person from travelling except in accordance with permission given to that person by a competent authority.

(4) A person who contravenes a condition attached to the suspension of a detention order whether or not the suspension is revoked or the order varied in consequence of such contravention, commits an offence.

(5) A person detained in accordance with this regulation shall be deemed to be in lawful custody and shall be detained in such place within or outside the prescribed area as may be authorised by the President and in accordance with such instructions as the President may issue in that behalf.

(6) Where the President authorises the detention of any person in any place declared to be a prison under the Prisons Act, nothing in this sub-regulation shall be to the prejudice of any power under the said Act to direct the removal of such person from such prison to any other prison within Zambia.

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(7) A police officer of or above the rank of Superintendent may, without warrant, arrest a person in respect of whom that officer has reason to believe that there are grounds which would justify that person's detention under this regulation, and may order that the person be detained for a period not exceeding seven days pending a decision whether a detention order should be made against that person, and the provision of subregulation (5) shall apply in respect of that person's detention during that period.

(8) A person arrested under sub-regulation (7) shall be released where, before a decision is reached as to whether or not a detention order should be made against that person, the police officer who arrested that person finds, on further inquiry, that there are no grounds which would justify that person's detention under this regulation.

Tribunals in respect of detention orders

34. (1) The President shall, for purposes of regulation 32, constitute a Tribunal or such number of Tribunals as the President considers necessary or expedient.

(2) A Tribunal shall consist of —

(a) a legal practitioner appointed by the Chief Justice, who shall be the chairperson; and

(b) such other persons as the President may appoint.

(3) Where a person is lawfully detained under regulation 33, that person's case shall be reviewed by the Tribunal constituted under sub-regulation (1) not more than one month after the commencement of that person;s detention and thereafter during that person's detention at intervals of not more than six months.

(4) A Tribunal constituted under subregulation (1) may exclude from proceedings before it persons other than the parties to the proceedings and their legal representatives to such extent as the Tribunal may consider necessary or expedient in the interests of defence, public safety, public order, public morality or the protection of the private lives of persons concerned in the proceedings.

(5) On any review by a Tribunal in pursuance of this regulation of the case of a detained person, the Attorney General, or such public officer or class of public officers as may be specified by the Attorney-General or a legal practitioner instructed in that behalf by the AttorneyGeneral, shall have a right of audience before the Tribunal for the purpose of presenting the case and may make representations to the Tribunal.

(6) On any review by a Tribunal in pursuance of this regulation, of the case of a detained person, the Tribunal may make recommendations concerning the necessity or expediency of continuing a person's detention to the President, but the President is not obliged to act in accordance with that recommendation.

Retention of possession of articles

35. (1) Where an article has come into the possession of an executive authority, whether in consequence of the seizure of the article under these Regulations or otherwise, and it appears to the executive authority that the article is or may be relevant to the making of a detention order, the executive authority may retain such article for so long only as may be necessary to investigate or inquire whether or not a detention order should be made.

(2) An article may not be retained for any period exceeding the period for which this regulation is in force.

(3) Any person aggrieved by the retention of an article under this regulation may make that person's objection to a Tribunal constituted under regulation 33, and the Tribunal shall consider that objection.

(4) For the purposes of this regulation, an authority, officer or other person whatsoever having functions in connection with the execution of these Regulations shall be an executive authority.

Power to detain suspected persons

36. (1) If a person, upon being questioned by a police officer, fails to satisfy that officer as to that person's identity or as to the purpose for which that person is in the place in which that person is found, the police officer may, if that officer reasonably suspects that the person has committed an offence, or when that officer reasonably considers it necessary to prevent that person committing an offence, arrest, detain or order that person to be detained.

(2) A person shall not be detained under the powers conferred by this Regulation for a period exceeding twentyfour hours except with the authority of a magistrate or of a police officer not below the rank of Assistant Superintendent, on whose direction that person may be detained for a further period of fortyeight hours.

(3) If a magistrate is satisfied that the necessary inquiries cannot be completed within the further period of fortyeight hours referred to in sub-regulation (2), the magistrate may direct that such person may be detained for a further period not exceeding seven days.

(4) A person detained under the powersconferred by this Regulation is deemed to be in lawful custody and may be detained in any prison or police station or in any place authorised under regulation 33(5).

Harbouring suspected persons

37. A person who harbours or conceals another person whom that person knows or has reason to believe to be a person whose presence, activities or movements constitute a threat to the preservation of public security commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand penalty units or to imprisonment for a period not exceeding six months, or to both.

Prohibited areas

38. (1) If, in respect of any prescribed area or part thereof, it appears to the President that persons are or may be resorting thereto or concealing themselves or residing therein in circumstances in which the presence, activities or movement of such persons in, into or out of such area constitutes a threat to the maintenance of public order, the President may by order declare that area to be a prohibited area for the purposes of these Regulations.

(2) An order made under this regulation shall come into force on the date that may be specified therein, and so long as that order is in force, subject to any exemptions for which provisions may be made by the same or any subsequent order, a person shall not enter or reenter or remain in or be within any part of the prohibited area unless that person is in possession of a permit issued by a competent authority.

(3) A permit issued under subregulation (2)—

(a) shall be in such form as the authority issuing it may determine;

(b) shall be subject to such conditions as may be contained therein or be endorsed thereon; and

(c) may be revoked at any time by any authority empowered to issue such permits.

(4) A person claiming to be the holder of a permit issued in accordance with sub-regulation (2) shall, on demand made in that behalf by an authorised officer, produce the permit to that officer.

(5) A person who is unlawfully in any prohibited area, or who fails to comply with or contravenes the terms of any direction, order or permit given or issued under the provisions of this Regulation, commits an offence.

(6) Without prejudice to any proceedings which may be taken under these Regulations, a person who is unlawfully in a prohibited area or who contravenes the terms of a direction, order or permit given or issued under this Regulation may be removed from that place or area by an authorised officer, who may use necessary force to effect that removal.

(7) A person whilst being so removed shall be deemed to be in lawful custody.

(8) A person who is removed from a prohibited area under subregulation (6) may be removed to any part of Zambia.

(9) Whenever a person has been removed to an area under sub-regulation (8), that person shall immediately on that person's arrival report to the nearest officer in charge of police in the District, and shall thereafter report at the intervals that the officer in charge of police may determine, and a person who fails to comply with the provisions of this sub-regulation commits an offence.

(10) For the purposes of this Regulation,"authorised officer" means magistrate, police officer or member of the Defence Force or national security service.

Harbouring of petroleum product

39. (1) A person shall not export from Zambia a petroleum product—

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(a) otherwise than in accordance with the Customs and Excise Act; or

(b) in contravention of any written law or order prohibiting, restricting or regulating the export of a petroleum product.

(2) A person who contravenes sub-regulation (1) commits an offence and is liable, on conviction, to imprisonment for a period not exceeding fifteen years.

(3) Where the amount of a petroleum product involved in the commission of an offence exceeds fifty litres, a sentence of not less than three years shall be imposed on the person convicted of that offence.

(4) For the purposes of this regulation, "petroleum product" means refined petroleum capable of being used as a motor spirit or diesel fuel or power paraffin or aviation spirit, but does not include illuminating paraffin.

Possession of petroleum product

40. (1) A person who, without lawful authority, is in possession of a petroleum product, commits an offence and is liable, on conviction, to imprisonment for a period not exceeding five years.

(2) Where the amount of a petroleum product involved in the commission of an offence exceeds four hundred and fortyfive litres, a sentence of not less than one year shall be imposed on the person convicted of that offence.

(3) For the purposes of this regulation, "petroleum product" has the meaning assigned to the term in regulation 39(4).

Persons influencing employees in necessary services

41. A person who incites, instigates, or in any way encourages or persuades, any person or class of persons employed in a necessary service to be absent from such employment or otherwise to fail to perform that person's or class of persons' work or duties in or about that necessary service, knowing or having reasonable cause to believe that the probable consequence of such absence or failure, either alone or in combination with others, would be to deprive the public wholly or to any extent of that service commits an offence.

Penalties

42. (1) A person who commits an offence under these Regulations for which no other penalty is provided is liable, on conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a period not exceeding two years, or to both.

(2) Where the person that commits an offence under these Regulations is a corporation, company or society, any director, officer or trustee or other person concerned with the management thereof commits the like offence, unless that person proves that the offence was committed without that person's knowledge or consent.

43. The Preservation of Public Security Regulations, 1964, are revoked. Revocation of G. N. No. of 375 of 1964

SCHEDULE
(*Regulations* 2 and 3)

PRESCRIBED AREAS
All Provinces.

EDGAR C. LUNGU,
President

LUSAKA
14th July, 2017
[ ]