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**10.** (1) The officer in charge shall, without delay, investigate any contravention of the Act and of these Rules or of the Standing Orders whenever such contravention is reported to him or otherwise comes to his notice.

Investigation of irregularities

(2) The officer in charge shall report to the Commissioner any case of misconduct or neglect of duty by a prison officer.

(3) The officer in charge shall investigate any report alleging an offence against discipline by a prison officer not later than the following day, or if the following day be a Sunday or a public holiday, on the next following working day.

**11.** The officer in charge shall be responsible for seeing that proper records are kept of all circumstances and of all correspondence connected with such circumstances which affect the interests of prisoners under his control and shall bring such circumstances to the notice of the Commissioner at such times as may be proper in each case.

Maintenance of records concerning prisoners

**12.** The officer in charge shall be responsible for the safe custody of all prisoners' warrants.

Safe custody of warrants

**13.** The officer in charge shall-

Inspection of prison

- (a) inspect all parts of the prison frequently and never less than twice a day and shall see each prisoner once every twenty-four hours, unless the Commissioner directs otherwise;
- (b) visit all parts of the prison at an uncertain hour of the night at least once in every seven days; and
- (c) record such inspections and visits in his journal.

**14.** The officer in charge shall ensure that every prisoner is given opportunity and reasonable facilities therewith to-

Prisoners to have facilities to appeal

- (a) note and prosecute an appeal against conviction and, additionally or alternatively, sentence; or
- (b) submit a written statement as may be required under any written law relating to the review of his case.

**15.** The officer in charge shall ensure that prisoners who have complaints or applications to make are allowed to make them to him personally.

Prisoners' complaints and applications

**16.** The officer in charge shall pay special attention to those prisoners who are in hospital or are undergoing punishment for prison offences.

Special care for certain prisoners

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**17.** (1) The officer in charge shall, from time to time, and not less than twice in each week, visit the prisoners at their meals and shall inquire into any complaints that may be made by prisoners regarding the rations and shall take immediate action to remove the cause of any such complaints which are justified.

Inspection of prisoners' meals

(2) The officer in charge shall ensure that the rations supplied to prisoners are of good quality and that every prisoner receives the rations to which he is entitled in accordance with the First Schedule and, subject to rule 44, no deviation from the authorised scale of rations shall be permitted unless the medical officer or the Commissioner has given his written authority to do so.

**18.** The officer in charge shall-

Duties to be carried out in proper manner

- (a) ensure that all prison officers under him understand their duties and that they perform them properly; and
- (b) witness the performance of every duty in the prison so that he may be familiar with everything that is done therein and thus be enabled to make improvements or to suggest to the Commissioner improvements in the administration of the prison or in the control of prisoners.

**19.** The officer in charge shall interview all prisoners either individually or collectively as soon as is possible after their admission into a prison and shall again interview them before their discharge, release or removal to any other prison or place.

Interview of prisoners on admission and discharge

**20.** (1) The officer in charge shall search or cause to be searched frequently, and in any case not less than twice in every two weeks, the cells, wards, rooms, bedding and all other parts of the prison and shall, at the same time, inspect or cause to be inspected all locks, bolts and bars in the prison.

Search of prison

(2) Any prohibited article which may be found in the prison during any inspection or search shall be seized by the prison officer who finds it.

**21.** The officer in charge shall receive reports accounting for all prisoners in his custody at the time of opening the prison in the morning and at the time of closing the prison at night and on each occasion when prisoners return from labour inside or outside the prison.

Muster

**22.** If a prison officer is injured in the course of his duty or a prisoner is seriously injured at labour or otherwise, the officer in charge shall submit a report in writing to the Commissioner and shall give a full account of the circumstances in which such prison officer or prisoner sustained his injury.

Injury to prison officer or prisoner

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- 23.** The officer in charge shall, without delay, notify or cause to be notified, the medical officer of the name of any prisoner who-
- (a) is ill or injured; or
  - (b) complains of illness or injury.
- 24.** (1) The officer in charge of a prison shall maintain therein a properly secured prison hospital, clinic or sick bay and shall ensure that prisoners are in safe custody while they are attending such hospital, clinic or sick bay.
- (2) The officer in charge shall, where practicable, put into effect any lawful and reasonable recommendations of the medical officer.
- (3) If the officer in charge is of the opinion that it is not practicable to comply with any recommendations made to him by the medical officer or that the recommendations made by the medical officer to him are not lawful or reasonable, he shall refer the matter to the Commissioner for his decision.
- 25.** The officer in charge shall, upon the dangerous illness of a prisoner under his control, give immediate notice thereof to the most accessible known relative of the prisoner.
- 26.** (1) The officer in charge shall, upon the death of a prisoner under his control, give immediate notice thereof to the Commissioner and to the deceased's next of kin or his nearest accessible relative.
- (2) Where the interests of public health and the circumstances permit, the officer in charge shall, after complying with the provisions of section *twenty-three* of the Act, cause the body of a prisoner who has died otherwise than by lawful execution to be delivered to his relatives or friends for burial if they make a request for it.
- (3) If the relatives or friends of a deceased prisoner do not request his body to be delivered to them for the purpose of burial under sub-rule (2), the officer in charge shall cause the body to be decently interred.
- 27.** The officer in charge shall, without delay, report to the Commissioner and to the medical officer any case of mental disorder or apparent mental disorder in his prison.
- 28.** (1) The officer in charge shall not allow any person to enter and view a prison unless such person produces written authority of the Minister or of the Commissioner authorising him to do so.

Notification of prisoner's illness to medical officer

Prison hospital and medical officer's recommendations

Notification of dangerous illness of prisoner to relatives

Notification of death of prisoner to Commissioner and next of kin

Report to Commissioner of persons mentally unsound

Visitors to view a prison

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(2) Every visitor authorised to view a prison under this rule shall give his full name and address to the gatekeeper and shall sign his name in the visitors' book.

(3) The officer in charge shall ensure that no person who is authorised to view the prison makes a sketch or takes a photograph unless such person has written authority of the Minister or of the Commissioner to do so.

(4) Every visitor to a prison shall be accompanied throughout his visit by a prison officer.

(5) A public officer of the Government who is required to visit a prison in the course of his duties may do so with the permission of the officer in charge.

(6) The officer in charge may remove from the prison any visitor whose conduct is considered by him to be improper.

**29.** The officer in charge shall ensure that all machinery and all buildings connected with his prison are maintained in a proper state of repair and that all the necessary precautions against accidents to prisoners and prison officers are duly taken. Maintenance of buildings and machinery

**30.** The officer in charge shall, without prejudice to the provisions of section *fifty-nine* of the Act, take care to see that every precaution is taken to ensure the safe custody of prisoners' property in his custody and to prevent the loss or misappropriation of any such property. Prisoners' property

**31.** The officer in charge shall be responsible for checking and approving all demands made on the prison storekeeper for stores and clothing to be used in the prison of which he is in charge Requisitions on storekeeper

**32.** The officer in charge shall not be absent from his living quarters for a complete night without prior consent of the Senior Superintendent, or the officer who is in charge of the region in which the prison commanded by such officer in charge is situated or the Commissioner. Absence from prison for a complete night

**33.** The charge of the prison and of the prisoners lodged therein shall, during the temporary absence of the officer in charge of that prison, devolve on the next senior prison officer in that prison and such officer shall be competent to perform and shall perform any duty required to be performed by the officer in charge by any written law. Charge of prison in case of absence

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- 34.** Every officer in charge shall report to the Commissioner all serious assaults, outbreaks of disease or any occurrence of an unusual or serious nature in respect of a prison of which he is in charge. Special reports to Commissioner
- 35.** In cases of sudden emergency, the officer in charge shall take such action as may be necessary in such circumstances and shall enter an account of the emergency and the action taken in relation thereto in his journal and shall forward a report of the same to the Commissioner forthwith. Action to be taken in case of emergency
- 36.** The officer in charge shall refer to the Commissioner all questions of discipline or matters relating to the expenditure of funds of the prison with which he is not competent to deal. Special cases to be referred to Commissioner
- 37.** The officer in charge shall prepare annual estimates and statistics for the prison of which he is in charge and shall submit them to the Commissioner at such time or times as the Commissioner may direct. Annual estimates
- 38.** The officer in charge shall keep strict surveillance over the expenditure of such public money as may be allocated to his prison and shall ascertain that all moneys received by him are properly accounted for. Control of expenditure
- 39.** The officer in charge shall furnish to the Commissioner before the 31st January in each year a general report upon the prison under his charge in addition to such special or periodical reports which may be required. Annual report to Commissioner

*Medical Officers*

- 40.** (1) Every medical officer or his subordinate shall- Medical examination of prisoners
- (a) where practicable, examine every prisoner before the prisoner is made to do or carry out work;
- (b) examine every prisoner ordered to undergo punishment for a prison offence if such punishment involves confinement in a separate cell or a reduction of the prisoner's normal diet and shall certify in writing whether in his opinion such punishment may be inflicted without the probability of serious injury being caused thereby;
- (c) visit as often as may be necessary the prisoners who are sick;
- (d) where practicable, see every prisoner once a week and at uncertain times inspect the prisoners whilst they are at work; and

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- (e) direct such modifications of labour and diet of prisoners as in particular cases he may deem necessary.

(2) After every medical examination carried out under section *eighteen* of the Act, the medical officer shall enter in the prisoner's record-

- (a) the state of health of the prisoner;
- (b) whether or not the prisoner has been vaccinated for, or has had, smallpox;
- (c) any other information which he may consider desirable to record.

(3) The medical officer shall, after medical examination of a prisoner, enter in the prisoner's record whether or not the prisoner is fit for normal labour and whether there shall be any restriction or condition regarding the type of labour to which the prisoner may be put.

**41.** The medical officer shall enter or cause to be entered in a case book an account of the name, disease, state and treatment of every sick prisoner and such book shall be accessible to the officer in charge.

Keeping of case book

**42.** The medical officer shall report in writing to the officer in charge any case of a prisoner whose mind has been, or appears to him to be, injuriously affected or who is mentally disordered and shall give such written directions in such case as he may think proper:

Reports on prisoners mentally unsound

**43.** The medical officer shall report in writing to the officer in charge any case of a prisoner (other than a case to which rule 42 applies) which, in his opinion based on medical grounds, should be brought to the notice of the officer in charge and shall make such recommendations as he may think proper to the officer in charge as regards discipline or treatment of such prisoner or the supply of additional or alternative food or articles to such prisoner.

Reports on sick prisoners to officer in charge

**44.** Every prisoner who is admitted to a civil hospital shall receive the normal hospital diet.

Diet in civil hospital

**45.** Whenever the medical officer is of the opinion that-

Prisoners unfit for imprisonment

- (a) the life of a prisoner is likely to be endangered by his continued imprisonment; or
- (b) a sick prisoner will not survive his sentence; or
- (c) a prisoner is totally and permanently unfit for prison discipline;

he shall submit his opinion and the grounds thereof in writing to the officer in charge who shall forward the same to the Commissioner.

**46.** (1) For the purposes of section *nineteen* of the Act, the medical officer shall report in writing to the officer in charge on the mental condition of a prisoner under sentence of death as follows:

Reports on prisoners under sentence of death

- (a) within one week of the first medical examination of the prisoner;
- (b) if subsequently there is, in the opinion of the medical officer, a change in the mental condition of the prisoner, immediately on observation of such change;
- (c) immediately after the dismissal of any appeal lodged by the prisoner.

(2) The medical officer shall report in writing to the officer in charge on the physical condition of a prisoner under sentence of death at the same time as he reports on the mental condition of such prisoner under sub-rule (1).

(3) The officer in charge shall immediately submit any report made by the medical officer under this rule to the Commissioner.

**47.** At least once in every month the medical officer shall-

Inspection of prisons by medical officers

- (a) inspect every part of the prison and during such inspection he shall pay special attention to the sanitary state of the prison, the health of the prisoners, and the adequacy and proper cooking of the diets; and
- (b) review the weights of the prisoners.

**48.** (1) The medical officer shall visit every person in the prison who is committed for trial on a capital charge and shall make such observations and reports on the prisoner as may be requisite to enable him to give evidence as to the mental condition of such person, if required at the trial.

Visits to prisoners committed on capital charge

(2) If a prisoner who is committed for trial on a capital charge is transferred from one prison to another, it shall be the duty of the medical officer of the first prison to furnish to the officer in charge a report on such prisoner and the said officer in charge shall forward the report to the officer in charge of the second prison who shall bring such report to the notice of the medical officer of the second prison.

(3) The medical officer may, if he considers it necessary, request the officer in charge to procure for him a copy of the record of the preliminary inquiry concerning a prisoner on a capital charge.

**49.** The medical officer shall at least one week before the trial of a prisoner on a capital charge submit a report in writing to the Director of Public Prosecutions on the mental condition of the prisoner and shall state in the report if-

Reports on prisoners charged with capital offence

- (a) any indication of insanity has been exhibited by the prisoner;
- (b) the prisoner is fit to plead;
- (c) there is a distinct history of periodical attacks of insanity, followed by lucid intervals and whether the prisoner has enjoyed lucid intervals whilst under observation in prison.

**50.** Where a prisoner has been sentenced to death the medical officer of the prison where the prisoner is confined shall, within three weeks of such sentence, forward a report on the prisoner's mental condition to the Solicitor-General through the officer in charge.

Reports on condemned prisoners

**51.** (1) Where there is an outbreak of infectious or contagious disease in a prison the medical officer shall give directions in writing to the officer in charge for-

Infectious or contagious diseases in prison

- (a) separating prisoners having infectious or contagious diseases;
- (b) cleansing and disinfecting any room or cell occupied by any prisoner having an infectious or contagious disease; and
- (c) cleansing, disinfecting, or destroying any infected clothing or bedding, if necessary;

and the officer in charge shall carry such directions into effect forthwith.

(2) The medical officer shall, in the case of any epidemic or highly infectious or contagious disease, or any other circumstances affecting the health of the prisoners requiring unusual measures, report the same immediately to the officer in charge.

**52.** The medical officer shall report in writing to the officer in charge any irregularity in the prison hospital, clinic or sick bay which may come to his knowledge and shall report any difficulty or obstruction which he may meet in the performance of his duties.

Medical officer's reports on prison hospital

**53.** (1) The medical officer shall in writing notify the officer in charge of any woman prisoner who is found by him to be pregnant.

Pregnant prisoners to be reported to officer in charge



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(2) Where the officer in charge has received a report under this rule in respect of an unconvicted woman prisoner, the officer in charge shall report the same to the court in which proceedings against her have been, or may be, instituted.

**54.** (1) The medical officer shall, where practicable, examine every prisoner who is to be transferred to another prison and shall report to the officer in charge on his fitness to be transferred. Examination of prisoners on transfer

(2) No transfer of a prisoner shall be made otherwise than in accordance with such instructions in regard to his health during transfer as the medical officer may give.

**55.** The medical officer shall examine, or cause to be examined, every candidate for employment as a warder and shall report, or cause a report to be made, as to whether such candidate possesses the necessary qualifications as to health and strength. Examination of candidates for the Service

**56.** Every medical officer shall make himself conversant with the provisions of these Rules and shall conform to them and shall support the officer in charge in the maintenance of discipline and order and the safe custody of prisoners in so far as the medical officer's duties affect these matters. Medical officer to be conversant with Rules

*Chief Officer*

**57.** In a prison where a Senior Superintendent, Superintendent or Assistant Superintendent of Prisons has been appointed as officer in charge, the next senior officer of the rank of Chief Prison Officer or below shall be the chief officer for the purposes of these Rules and, where no such officer has been appointed officer in charge, the officer in charge of the prison shall, at the same time, be the chief officer for the purposes of these Rules. Chief officer

**58.** (1) The chief officer shall, subject to the directions of the officer in charge, be the principal discipline officer of the prison and shall ensure that the provisions of the Act and of these Rules and the Standing Orders are strictly observed in the prison to which he is appointed and shall assist the officer in charge in maintaining discipline in the prison. During the temporary absence of the chief officer, the next senior prison officer shall act as the chief officer. Duties of chief officer

(2) The chief officer shall carry out any duties that may be specially assigned to him by the Commissioner or the officer in charge.

**59.** (1) The chief officer shall visit and inspect the whole prison and shall see every prisoner at least twice in every twenty-four hours and, in default of such daily visits and inspections, the chief officer shall record in his journal how far he has omitted them and the cause of such omission. Inspection of prison by chief officer

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(2) The chief officer shall be responsible for seeing that everything in the prison is clean and in good order and that all means of security are effective.

**60.** The chief officer shall visit every party of prisoners while at work, whether such party of prisoners is working inside or outside the prison, and shall ensure that discipline and order are maintained among them and shall report thereon as may be directed by the officer in charge.

Visits to working parties by chief officer

**61.** (1) The chief officer shall-

Details of officers' duties

- (a) attend and take charge of the parade of prison officers at the unlocking of the prison each morning;
- (b) supervise the issue of keys to prison officers;
- (c) detail all prison officers under his control for their duties;
- (d) satisfy himself that the duties of the prison officers are properly carried out;
- (e) read to the parade of prison officers any new orders from the order book of the officer in charge.

(2) The chief officer shall check all keys at the time when the prison is locked up for the night and shall satisfy himself that the prison officers on night shift are properly posted and that they are conversant with their duties.

**62.** The chief officer shall inspect every part of the prison at least twice a week between the hours of 11 p.m. and 5 a.m. and shall record in his journal in red ink the time of such visit and the condition of the prison.

Night visits to prison by chief officer

**63.** The chief officer shall-

Prisoners' complaints and applications

- (a) ensure that every prisoner having a complaint or application to make is given an opportunity for doing so;
- (b) ensure that every prisoner is able to record a complaint or to make an application in the prisoners' complaint book and shall bring such book to the notice of the officer in charge daily.

**64.** The chief officer shall inspect and superintend the issuing of prisoners' rations and whenever possible shall weigh the rations supplied to the prisoners. A record shall be made of such weighing of rations in a book to be kept for the purpose.

Inspection of issue of rations

**65.** (1) The chief officer shall be responsible for ensuring that every article of food supplied to the prisoners is sound and of good quality and shall take such measures as may be necessary to have unsatisfactory food exchanged by the supplier.

Inspection of raw rations

(2) The chief officer shall take special care to see that the rations issued to prisoners are issued in strict accordance with the prescribed scales of diets and that every prisoner receives the diet to which he is entitled.

(3) The chief officer shall take all necessary steps to ensure that the scales, weights and measures used for the weighing of prisoners' rations are in good order and that they are in accurate condition.

**66.** The chief officer shall see that prisoners' clothing and bedding are in good order and repair and that prisoners keep themselves clean and have their hair cut as may be necessary.

Prisoners' clothing, bedding and haircutting

**67.** The chief officer shall specially attend to the carrying into effect of the orders of the officer in charge as to punishments to be inflicted on prisoners and shall see that prisoners undergoing separate confinement are given opportunities of taking such exercise as they may be required to take.

Punishment of prisoners

**68.** The chief officer shall ensure that every prisoner is searched on admission and that all prohibited articles are taken from the prisoner. The chief officer may, with the written approval of the officer in charge, cause any dangerous or objectionable article found on the prisoner to be taken from him or her.

Search of prisoners on admission

**69.** The following categories of prisoners and the cells allocated to them shall be searched each morning and evening:

Search of special categories of prisoners

- (a) prisoners undergoing punishment for prison offences;
- (b) prisoners awaiting trial for prison offences;
- (c) prisoners who are mentally disordered or defective;
- (d) prisoners under observation.

**70.** (1) All working parties of prisoners leaving the prison for labour outside the prison shall be searched in order to ensure that no property is being unlawfully taken out of the prison.

Search of working parties of prisoners

(2) All working parties of prisoners shall be searched on their return to prison from labour.

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**71.** A search of a prisoner shall, if circumstances permit, be carried out by more than two prison officers. Search of prisoner by more than two officers

**72.** The chief officer shall-

(a) report immediately to the officer in charge any case of apparent mental disorder or mental illness of any prisoner; and

(b) deliver to the medical officer daily-

(i) a list of prisoners who are ill or complain of illness; and

(ii) a list of prisoners detained in separate confinement.

Mental disorder of prisoner

**73.** The chief officer shall carry into effect all written directions of the medical officer respecting alterations in the diet or treatment of any prisoner.

Application of medical officer's directions

**74.** The chief officer may temporarily relieve any subordinate officer from duty and may exclude him from the prison in case of misconduct and shall report the matter without delay to the officer in charge.

Temporary suspension of subordinate officers

**75.** (1) The chief officer shall not be absent from his living quarters during the hours when the prison is locked up for the night without permission from the officer in charge.

Absence from prison quarters by night

(2) Every absence from living quarters on the part of the chief officer as mentioned in sub-rule (1) shall be entered in his journal and the chief officer shall, if absent at night due to unavoidable circumstances, report such absence and its circumstances to the officer in charge as soon as possible.

**76.** The chief officer shall report to the officer in charge-

(a) every circumstance which may come to his knowledge and which is likely to affect the security, health or discipline of the prisoners, or the efficiency of the prison officers; and

(b) any other matter which may come to his knowledge which in his opinion may require the attention of the officer in charge.

Reports to officer in charge

*Prison Officers*

**77.** (1) A person shall, on joining the Service as a warder, make and sign a declaration before the officer in charge.

Attestation of subordinate officers

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(2) The form of attestation is set out in the Second Schedule.

**78.** (1) Every prison officer shall reside in such living quarters as the officer in charge may assign to him. A prison officer shall not sleep out of such quarters without prior permission of the officer in charge. Prison quarters

(2) No prison officer shall permit any person, other than a regular member of his household, to remain for the night in his living quarters without prior permission of the officer in charge.

**79.** Any prison officer who is disabled from the regular performance of his duties by illness shall report or cause to be reported the same to the chief officer or to the officer in charge and shall obey such instructions as may be issued regarding his medical treatment. Illness of prison officers

**80.** Every subordinate officer shall, before leaving the prison at any time, deposit his keys, arms and books in the place appointed for the purpose. Absence from duty

**81.** A prison officer shall, on the termination of his service, deliver up his arms, ammunition, accoutrements, uniforms and other equipment which may have been issued to him by, and which are the property of, the Government- Arms, accoutrements, etc., to be delivered up on discharge

- (a) if he is an officer in charge, to his relieving officer; or
- (b) if he is not an officer in charge, to the officer in charge.

**82.** (1) No search of a prison officer shall be made in the presence of prisoners or otherwise than- Search of prison officers and prison quarters

- (a) by a prison officer who is of like sex; and
- (b) in the presence of another prison officer of like sex.

(2) No search of a prison officer's living quarters shall be made in the presence of a prisoner or prisoners.

**83.** No subordinate officer shall receive private visitors in the prison. Visitors to subordinate officers prohibited

**84.** No prison officer shall give a certificate or testimonial to, or in respect of, any prisoner as regards the prisoner's conduct in prison or elsewhere. Testimonial to prisoners prohibited

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**85.** No prison officer shall use or smoke tobacco, dagga or hemp, or drink intoxicating liquors within a prison or while he is on duty. Prohibition of tobacco and liquors

**86.** (1) No subordinate officer shall enter a prisoner's cell at night without being accompanied by another officer except in cases of imperative necessity and, in such circumstances, he shall make an immediate report to the officer who is in charge of the prison at the time. Night visits to cells by subordinate officers

(2) No male prison officer shall enter any part of a prison in which female prisoners are confined unless he is accompanied by a woman prison officer.

**87.** No prison officer shall- Familiarity with prisoners forbidden

- (a) allow any familiarity on the part of any prisoner towards himself or any other prison officer;
- (b) on any account speak of his duties, prison arrangements or any matters of discipline within the hearing of a prisoner or prisoners.

**88.** Every subordinate prison officer shall inform the chief officer without delay of the name of any prisoner who desires to see the chief officer or who desires to make a complaint or application. Prisoners' complaints and applications

**89.** All subordinate officers shall be responsible for the safe custody of prisoners under their charge and, for the purpose of giving effect to this rule, they shall count the prisoners under their charge at least once every half hour, and shall do so- Safe custody of prisoners

- (a) on receiving charge of a party of prisoners;
- (b) on handing over the charge of the prisoners; and
- (c) on leaving any building or work whilst in charge of prisoners.

**90.** All prison officers shall make themselves familiar with the provisions of section *twenty-nine* of the Act and shall use firearms strictly in conformity with such provisions. Use of firearms

**91.** (1) All prison officers shall check all prison keys when handing or taking them over and shall report immediately any defect or loss of such keys to the officer in charge. Keeping of prison keys

(2) A prison officer shall under no circumstances allow a prison key to pass into possession of a prisoner or any other unauthorised person.

**92.** No prison officer who is in charge of prisoners shall under any pretext whatsoever leave such prisoners unless he is properly relieved of his charge by another prison officer. Prison officers in charge of prisoners

**93.** (1) The gatekeeper shall not allow any person, other than a prison officer or a prisoner, to enter a prison without the sanction of the chief officer or the officer in charge. Duties of gatekeeper

(2) The provisions of sub-rule (1) shall not apply to-

- (a) any Justice of Appeal or Judge;
- (b) the Minister or Parliamentary Secretary to the Minister responsible for home affairs;
- (c) any magistrate having jurisdiction in the place where the prison is situated;  
or
- (d) any visiting justice or official visitor to the prison.

(3) The gatekeeper shall keep a record in the gate-book of all persons, other than prison officers on regular shifts, entering or leaving the prison and shall require all such persons to enter their particulars in a book provided for the purpose.

(4) The gatekeeper shall not allow any person, other than a prison officer, to enter the prison unless that person is to be accompanied whilst in the prison by a prison officer.

(5) The gatekeeper shall not allow any prisoner to leave the prison unaccompanied by a prison officer unless he has received orders to the contrary from the officer in charge personally.

(6) The gatekeeper shall carefully examine the passes for the admission of prisoners' visitors to the prison and shall check their names and identification with the name on the pass, and, if he is not satisfied that the pass relates to the person tendering the same, he shall immediately report the matter to the chief officer for his instructions.

(7) The gatekeeper shall ascertain the names of all workmen who may be admitted to work in the prison and shall warn such workmen not to speak or give anything to any prisoner without proper authority, and shall satisfy himself that the number of workmen leaving the prison corresponds to those who entered the prison in the first instance.

(8) The gatekeeper shall take charge of any article, food or letter brought to the prison for a prisoner and deliver such article, food or letter to the chief officer or the officer detailed by the chief officer to receive them.

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(9) The gatekeeper shall examine all articles brought into the prison and shall examine every vehicle entering or leaving the prison.

(10) The gatekeeper shall not allow any articles whatever to be taken out of the prison without the permission of the chief officer or the production of a gate-pass duly signed by the chief officer or the officer in charge.

**94.** Every prison officer shall direct the attention of the officer in charge or the chief officer to any prisoner who appears to him not to be in good health or whose state of mind appears to him to deserve special notice and care. Duty to report prisoners in ill health

**95.** Every prison officer shall be liable for discipline duty if required to do so at any time. Discipline duty

**96.** In a women's prison, the senior woman prison officer shall perform all the duties of the chief officer as defined in this Part. Duties of a senior woman prison officer

PART III ADMISSION AND CONTROL OF PRISONERSPART III

ADMISSION AND CONTROL OF PRISONERS

**97.** No prisoner shall be entitled to exercise any right or claim any privilege which is not a right or privilege conferred on such prisoner by or under the Act or these Rules or any other written law. Prisoners' privileges

**98.** No prisoner shall be admitted to a prison between the hours of 7 o'clock in the evening and 7 o'clock in the morning: Hours of admittance to prisons

Provided that, at the discretion of the Commissioner, an officer in charge may be authorised to admit prisoners to prison between the hours of 7 o'clock in the evening and 7 o'clock in the morning.

**99.** Upon admission to a prison, and from time to time as may be required, every prisoner may, where practicable, be photographed and his name, age, height, particular marks and general appearance shall be recorded in the prisoner's record. Photographs and particulars of prisoners

**100.** The searching of a prisoner shall be conducted with due regard to decency and self-respect and in as seemly a manner as is consistent with the necessity of discovering any concealed article. No prisoner shall be stripped and searched in the presence of another prisoner. Search of prisoners



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**101.** The release of a prisoner by the court upon appeal or review of his conviction for an offence shall not necessitate the destruction of photographs, fingerprints or other prints or casts taken of the prisoner under section *thirty-one* of the Act in connection with any other offence of which he has been convicted.

Photographs and prints taken under section 31 of the Act

**102.** (1) All private clothing and all other articles whatever in possession of, or sent in to, a prisoner, not expressly allowed by these Rules or by the Standing Orders shall be taken from such prisoner and shall be inventoried in the prisoners' property book and the officer in charge and the prisoner shall sign their names in such book.

Custody and disposal of prisoners' property

(2) Any money or movable property in possession of, or sent in to, a prisoner shall be taken from him and shall be inventoried in the prisoners' property book which shall be signed by the prisoner and the officer in charge.

(3) Any money or movable property in the custody of the officer in charge belonging to a prisoner who has escaped and who has been at large for six months shall be treated as if the prisoner had been discharged and subsections (5), (6), (7) and (8) of section *fifty-nine* of the Act shall apply.

**103.** (1) Every prisoner shall take or be made to take a bath on admission to a prison and at such times subsequently as may be ordered.

Bathing and weighing of prisoners

(2) The officer in charge shall, if circumstances permit, cause every prisoner to be weighed immediately on his admission to a prison and once every month thereafter.

(3) The weight of a prisoner determined at each weighing referred to in sub-rule (2) shall be recorded in the prisoner's record and in such books as the Commissioner may determine.

(4) The officer in charge shall notify the medical officer of any substantial change in the weight of any prisoner.

**104.** Subject to the provisions of rules 116 and 163, every prisoner shall be dressed in appropriate prison clothing and such clothing shall be in accordance with such classifications as may be laid down in the Standing Orders.

Prisoners to be dressed in prison clothing

**105.** (1) Unless the medical officer otherwise directs and subject to sub-rule (3), the hair of male prisoners shall be cut short and their beards, if any, shall be shaved as often as may be necessary to preserve clean and decent appearance of such prisoners.

Haircutting of prisoners

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(2) The hair of female prisoners shall not be cut unless the medical officer considers it to be necessary for reasons of health or cleanliness or where a female prisoner so desires.

(3) The hair of a prisoner awaiting trial shall be kept, as far as cleanliness permits, in the same state as it was on his admission to prison.

**106.** A prisoner who is due for discharge from prison and who is suffering from any acute or dangerous illness shall, subject to the provisions of section *one hundred and eleven* of the Act, be transferred to a Government hospital.

Removal to Government hospital on discharge

**107.** A prisoner may be vaccinated or re-vaccinated at the direction of the medical officer.

Vaccination of prisoners

**108.** If a prisoner-

- (a) is found to be suffering from any infectious or contagious disease; or
- (b) is in a verminous condition;

Prisoners with infectious or contagious diseases

the officer in charge shall take steps to place such prisoner under treatment and to prevent such disease or condition from spreading to other prisoners.

**109.** (1) At every prison there shall be established a board, to be known as "the reception board" consisting of the officer in charge and such other persons as the Commissioner may appoint.

Establishment of reception boards

(2) The reception board shall, as soon as possible after a prisoner's admission to a prison and not later than the day following his admission (unless such day be a Sunday or public holiday), interview the prisoner and shall consider and make arrangements for his training.

(3) The reception board shall, as soon as may be after a prisoner's admission to prison, classify him.

**110.** (1) Every prisoner shall, on admission to a prison, be provided with full information about so much of these Rules as concern the treatment of prisoners of his class, earnings and privileges, the proper method of submitting petitions and of making complaints, food, clothing, bedding and other necessities and the disciplinary requirements of the prison.

Information to prisoners on admission

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(2) A printed abstract of these Rules in the English language (including full diet scales) and approved by the Commissioner with translations in Bemba, Nyanja, Lozi and Tonga, relating to the treatment and conduct of prisoners shall be kept posted in every prison in places accessible to all prisoners and shall be read out to a prisoner within twenty-four hours of his admission to prison.

**111.** A prisoner who is committed to prison in default of payment of a fine, compensation, debt or costs or for want of surety shall, on admission, be informed of the means whereby he may obtain his release from prison.

Prisoners committed in default of payment

**112.** (1) The officer in charge shall, at least once a month, check the release dates of all prisoners who are due for discharge in the ensuing month.

Checking of release dates of prisoners

(2) The officer in charge shall, one month before the discharge of any prisoner, notify the police of such discharge as may be required by Standing Orders.

**113.** The full amount of savings which a prisoner may accumulate under the earnings scheme shall be paid to the prisoner on discharge or release by the officer in charge and both the officer in charge and the prisoner shall sign their names in the prisoners' earnings account book to certify the correctness of the payment and its receipt by the prisoner.

Savings to be paid on discharge

**114.** (1) There shall be established at every prison a board to be known as "the discharge board" which shall consist of the officer in charge and such other persons as the Commissioner may appoint.

Establishment of discharge boards

(2) The discharge board shall, at least one month before the prisoner's discharge or release, determine the action to be taken as regards the prisoner's welfare and after care after his discharge or release from prison.

(3) The officer in charge shall enter details of the discharge board's determinations made under this rule in the prisoner's record.

**115.** All sentences shall be computed as follows:

Computation of sentences

- (a) a term of imprisonment shall be deemed to run from the first moment of the day on which the sentence begins;
- (b) a prisoner who is sentenced to a term of imprisonment shall not be entitled to a discharge until the end of the last day of his sentence and due provision shall be made for any remission to which the prisoner may be entitled; and
- (c) a sentence of imprisonment expressed in terms of one month or so many months, or one year or so many years, shall run to the date in the month or year in which it expires preceding that on which it commenced whatever be the number of days in the month or months or year or years.

**116.** (1) A prisoner shall not appear in court whilst in prison clothing.

Special clothing for  
appearance in court

(2) If the private clothing of a prisoner is not suitable or sufficient for the purpose of his appearance in court, he shall be provided with garments which are not of a prison pattern.

#### PART IV PROGRESSIVE STAGE SYSTEM

##### PROGRESSIVE STAGE SYSTEM

**117.** (1) There shall be established at every prison a system of progressive stages to be known as "the Progressive Stage System" hereinafter referred to as the "system":

Establishment of  
progressive stage  
system

Provided that the provisions of this Part shall not apply to inmates in a youth corrective centre and to unconvicted and civil prisoners.

(2) There shall be five stages of the system, namely: "first stage", "second stage", "third stage", "fourth stage" and "special stage".

(3) Subject to sub-rule (1) of rule 118, promotions from one stage to another shall depend upon good conduct, industry and length of service of a prisoner in each stage of the system.

(4) The whole term of imprisonment which a prisoner is liable to serve under consecutive or overlapping sentences shall be treated as one sentence for the purpose of the system.

**118.** (1) The first stage of the system shall consist of short sentence prisoners and there shall be no promotion from the first stage to any other stage.

First stage of system

(2) A prisoner in the first stage shall-

(a) wear a white band on the right arm; and

(b) be eligible to participate in the earnings scheme provided that he is of good conduct and is industrious.

**119.** (1) Upon admission to prison, a long sentence prisoner shall be placed in the second stage and shall remain therein for a period of three months and shall not be promoted to the third stage or any other stage until he has served in that stage for a period of not less than one month without being found guilty of a prison offence. Second stage of system

(2) A prisoner in the second stage shall-

- (a) wear a yellow band on the right arm; and
- (b) be eligible to participate in the earnings scheme provided that he is of good conduct and is industrious.

**120.** (1) A long sentence prisoner shall, after serving for a period of three months in the second stage or such longer period as he may be required to serve therein, enter the third stage and shall remain in that stage for a period of twelve months and shall not be promoted to the fourth stage or special stage until he has served in that stage for a period of not less than three months without being found guilty of a prison offence. Third stage of system

(2) A prisoner in the third stage shall-

- (a) wear a red band on the right arm; and
- (b) be eligible to participate in the earnings scheme provided that he is of good conduct and is industrious.

**121.** (1) A long sentence prisoner shall, after serving for a period of twelve months in the third stage or such longer period as he may be required to serve therein, enter the fourth stage and shall not become eligible for promotion to the special stage until he has served in that stage for a period of at least six months without being found guilty of a prison offence. Promotion to the special stage shall only be given to specially selected prisoners who merit promotion by reason of their exemplary character and industry. Fourth stage of system

(2) A prisoner in the fourth stage shall-

- (a) wear a blue band on the right arm; and
- (b) be eligible to participate in the earnings scheme provided that he is of good character and is industrious.

**122.** (1) A long sentence prisoner may, after serving for a period of fifteen months in the fourth stage or such longer period as he may be required to serve therein and who is of exemplary character and is industrious, be promoted to the special stage. Special stage of system

(2) A prisoner in the special stage shall-

- (a) wear a special blue suit; and
- (b) be eligible to participate in the earnings scheme, and
- (c) be known as an "honour prisoner" and if-
  - (i) his conduct has been excellent continuously from the time he entered the fourth stage; and
  - (ii) he has been in the special stage for a period of at least two years;

he may be discharged from prison seven days earlier than his normal date for discharge if the Commissioner so directs.

**123.** (1) A prisoner who has been found guilty of a prison offence may be reduced to a lower stage by the Commissioner or the officer in charge: Reduction in stage as punishment

Provided that a long sentence prisoner shall not be reduced to the first stage.

(2) A prisoner who has been reduced to a lower stage shall not be entitled to re-enter his previous stage, and shall not be promoted to any stage, unless-

- (a) in the case of reduction from the third or fourth stage, he has served for a period of three months without being found guilty of a prison offence; or
- (b) in the case of a first reduction from the special stage, he has served for a period of six months without being found guilty of a prison offence; or
- (c) in the case of a second reduction from the special stage, he has served for a period of twelve months without being found guilty of a prison offence.

**124.** Privileges shall be afforded to prisoners as follows: Privileges of prisoners

- (a) prisoners in the first and second stages shall-
  - (i) be allowed to have library books and to exchange them as often as may be practicable;
  - (ii) receive such other privileges as the officer in charge may direct: and
  - (iii) be entitled to send and receive one letter every four weeks and to receive one visit of twenty minutes' duration every four weeks or to write and receive one letter in lieu;

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- (b) prisoners in the third stage shall-
- (i) be allowed to attend concerts, cinema shows, lectures and handicraft and school classes;
  - (ii) be allowed to have library books and to exchange them as often as may be practicable; and
  - (iii) be entitled to write and receive one letter every three weeks and to receive a visit of twenty minutes' duration every four weeks or to write and receive one letter in lieu;
- (c) prisoners in the fourth and special stages-
- (i) may be allowed to attend concerts, cinema shows, lectures and school and handicraft classes and to partake in other evening activities which may be arranged;
  - (ii) may have approved means of recreation in their cells;
  - (iii) may be permitted to leave a prison under escort in order to take part in competitive games approved by the officer in charge;
  - (iv) shall be allowed to have library books and to exchange them during the hours the library is open; and
  - (v) in the case of fourth stage prisoners, shall be entitled to write and receive one letter every two weeks and to receive a visit of twenty minutes' duration every three weeks or write and receive a letter in lieu;
- (d) prisoners in the special stage, in addition to the privileges hereinbefore mentioned-
- (i) shall receive letters without restriction and shall be allowed to write one letter every week and to receive a visit of thirty minutes' duration every two weeks or write a letter in lieu;
  - (ii) shall be permitted whenever possible to occupy separate dormitory accommodation and, where this is not possible, their cells may be provided with special furniture and extra bedding;
  - (iii) shall not be locked in their cells or dormitory at midday or until one hour after the normal hour of lock up and similar facilities may be provided at weekends; and
  - (iv) may be permitted to move about the prison without escort.

**125.** The officer in charge may permit a special stage prisoner to lead other prisoners in the vicinity of the prison or in small working parties.

Special stage prisoners may lead parties

**126.** The Commissioner may, subject to the provisions of sub-rule (1) of rule 118, authorise the promotion of a prisoner to a higher stage or to the special stage for any act or conduct on the part of the prisoner concerned which is considered particularly deserving of reward.

Commissioner may make special promotions

**127.** (1) The Commissioner may direct that prisoners in any stage shall be eligible to receive additional privileges, including additional visits and letters, but they shall be liable to forfeit such privileges as punishment or part of punishment for a prison offence.

Commissioner may grant additional privileges

(2) Prisoners in all stages shall be eligible to receive suitable books or periodicals of an educational nature subject to such directions as the Commissioner may from time to time give.

## PART V LETTERS AND VISITSPART V

### LETTERS AND VISITS

**128.** (1) All prisoners shall be entitled to send and receive letters and to receive visits as provided in these Rules, subject to such restrictions as may be necessary for the maintenance of discipline and order in prisons and the prevention of crime.

Authorised  
communications to  
prisoners

(2) Except as provided in the Act or these Rules, no visits to a prisoner shall be permitted without a pass issued by the officer in charge.

(3) The sending and receiving of letters and the receiving of visits by any prisoner may, at the discretion of the officer in charge, be deferred at any time in case of misconduct on the part of a prisoner but shall not be subject to forfeiture.

(4) When a prisoner who becomes entitled to a letter or a visit under these Rules is, at the time of such entitlement, undergoing punishment in separate confinement, such letter or visit shall be deferred at the discretion of the officer in charge.

**129.** (1) The Commissioner may allow additional letters and visits to any prisoner or prisoners.

Commissioner may  
impose restrictions

(2) Subject to the provisions of the Act and these Rules, the Commissioner may impose such restrictions upon, and supervision over, letters and visits as he deems necessary for securing discipline and good order, for the prevention of crime and the association of criminals and for the welfare of prisoners.

**130.** (1) The Commissioner may, subject to any directions which may be issued by the Minister, authorise that the costs or a portion of the costs of a visit to a prisoner made by indigent relatives of the prisoner who has served three years of his sentence without being visited by his relatives shall be paid to the visiting relatives.

Costs of visits by  
relatives of certain  
prisoners

(2) The officer in charge shall recommend to the Commissioner any case in which, in his opinion, the costs or a portion of the costs of a visit to a prisoner made by indigent relatives of the prisoner who has served three years of his sentence without being visited by his relatives should be paid to the visiting relatives.



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**131.** (1) The officer in charge may allow a prisoner to send a special letter and to receive a reply or special visit in any of the following circumstances, that is to say: Special letters, visits and communications

- (a) at the death or sudden illness of a near relative of the prisoner;
- (b) in order to attend to business or family affairs of an urgent nature; or
- (c) in order to make arrangements for obtaining employment or assistance from friends when the prisoner is released.

(2) The officer in charge may at any time communicate to a prisoner, or to his relatives or friends, any matter of importance relating to a prisoner where a prisoner is not entitled to write or receive a letter or a visit.

**132.** (1) No prisoner shall be allowed more than three visitors at any one time. Restriction and supervision of visits

(2) All visits to prisoners shall take place during such hours as the officer in charge may direct and, subject to the provisions of the Act or these Rules, such visits shall be in the sight and hearing of a prison officer.

**133.** No communication shall be allowed between an ex-prisoner and a prisoner except by authority of the officer in charge. Communication with ex-prisoners

**134.** (1) Subject to sub-rule (6), every letter or document written in a prison by or on behalf of a prisoner shall be delivered to the officer in charge and shall be endorsed in accordance with the provisions of subsection (1) of section *seventy-nine* of the Act. Censoring of letters

(2) The officer in charge or a prison officer to whom he has delegated the duty shall read every letter to and from a prisoner in his custody:

Provided that all letters written or received by a prisoner charged with a capital offence shall be carefully examined by the officer in charge personally.

(3) The officer in charge may stop any letter or document referred to in sub-rules (1) and (2) if, in his opinion, its contents are objectionable or it is of inordinate length.

(4) A prisoner whose letter or document is stopped under sub-rule (3) shall be advised that the letter or document has been so stopped.

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(5) A prisoner to whom a letter or document is sent which has been stopped under sub-rule (3) may elect, after he has been advised in accordance with sub-rule (4), to have the letter or document returned to the sender or to have it placed with his property which may be in the custody of the officer in charge and such letter or document shall be delivered to the prisoner when he is released or discharged.

(6) There shall be exempt from the provisions of subsection (1) of section *seventy-nine* of the Act a letter or document written or prepared by a prisoner or by a legal adviser on his behalf-

- (a) for the purpose of, or in connection with, proceedings in any court or tribunal established under the provisions of any written law;
- (b) purporting to be a power of attorney, agreement, deed, conveyance, transfer, mortgage, bond assignment, cession, lease, promissory note, bill of exchange, will or other legal document of a like nature;
- (c) purporting to be a note, memorandum or instruction authorising a legal adviser acting on behalf of a prisoner to prepare any of the documents referred to in paragraph (b);
- (d) purporting to be a notice, application, certificate, return, statutory declaration or other like document prescribed or required in terms of any written law.

(7) The expenses incurred in despatching letters written by or on behalf of prisoners under these Rules shall be defrayed out of moneys provided for the purpose.

**135.** The officer in charge shall permit a legal adviser of a prisoner who is a party to legal proceedings to interview him in connection with such proceedings in the sight but not in the hearing of a prison officer.

Visits by legal advisers

**136.** Any public officer with a valid warrant, writ, order or any other legal document to be served on a prisoner shall be admitted to the prison at any reasonable time for the purpose.

Service of writs on prisoners

**137.** Every civil prisoner shall be subject to the same provisions as regards receiving visits and letters as a convicted criminal prisoner in the first stage of the Progressive Stage System.

Letters and visits to civil prisoners

**138.** (1) An unconvicted prisoner shall have facilities-

Letters and visits to unconvicted prisoners

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- (a) for seeing his relatives and friends and his legal advisers, and, if he is not a Zambian, his consular representative; and
- (b) for sending and receiving letters consistent with the discipline of the prison.

(2) A person who is committed to prison in default of payment of a fine, compensation, debt or costs or in default of finding a surety, shall be allowed to communicate to or to have an interview with, any of his relatives or friends at any reasonable time for the *bona fide* purpose of providing for the payment of such fine, compensation, debt or costs or for the purpose of finding the necessary surety.

**139.** If a prisoner who is dangerously sick desires to be visited by a near relative or friend, the officer in charge may give permission for such relative or friend to visit the prisoner.

Visitors to dangerously sick prisoners

PART VI PETITIONS AND COMPLAINTS

PART VI  
PETITIONS AND COMPLAINTS

**140.** (1) Any prisoner may, through the officer in charge, submit a petition under this rule but, subject to sub-rule (5), no prisoner shall be permitted to submit a petition under this rule regarding his conviction or sentence unless and until the expiration of the period within which such prisoner is legally entitled to appeal against such conviction or sentence.

Petitions by prisoners

(2) Any prisoner may submit a petition regarding his conviction or sentence to the President as follows:

- (a) after serving at least one year of his sentence; and
- (b) after serving at least three years of his sentence; and
- (c) subsequently at two-yearly intervals or at such times as in the opinion of the officer in charge there are special circumstances which should be brought to the notice of the President.

(3) A prisoner may submit a petition to the President on any matter other than his conviction or sentence at any time:

Provided that no petition shall be permitted if the reply to a previous petition made by such prisoner on the same subject is still outstanding.

(4) A prisoner may submit a petition to the Commissioner in respect of any matter affecting his imprisonment at any time.

(5) A prisoner under sentence of death may petition the President on any matter while the prisoner is under such sentence.

(6) The officer in charge shall, without delay, submit to the Commissioner any petition submitted by a prisoner under this rule.

**141.** (1) A prisoner may make any complaint or application to a visiting justice, an official visitor, the Commissioner, the officer in charge or the chief officer, and, in the case of a female prisoner, to the senior woman prison officer, but no complaint shall be made to any subordinate officer except to report sickness.

Prisoners' complaints and applications

(2) The officer in charge shall make arrangements to ensure that any request made by a prisoner to see the Commissioner, an official visitor or a visiting justice is recorded by the officer to whom it is made and that such request is conveyed without delay to the officer in charge who shall inform the Commissioner, official visitor or visiting justice when such person next visits the prison of such request.

(3) All complaints and applications made by prisoners shall be heard or attended to by the officer in charge every day except Sundays or public holidays, and the officer in charge shall record in a book kept for the purpose the action taken in each case.

## PART VII EMPLOYMENT OF PRISONERSPART VII

### EMPLOYMENT OF PRISONERS

**142.** (1) The Commissioner may authorise the introduction of an earnings scheme for prisoners in any prison or any part of a prison.

Earnings scheme

(2) A prisoner under sentence of death shall not be subject to employment and the provisions of this Part shall not apply to such prisoner.

**143.** Every prisoner shall, on admission to a prison to which an earnings scheme has been introduced, be eligible to receive such payments as are prescribed in the Third Schedule:

Rates of payment

Provided that no prisoner shall be eligible to be paid for days spent in a hospital or for days spent in separate confinement as a punishment for a prison offence.

**144.** (1) The Commissioner may, on the recommendation of the officer in charge, vary the rate of payment in respect of any prisoner or class of prisoners. Commissioner may vary rates of payment

(2) Any variations in the rate of payment made to any prisoner under sub-rule (1) shall be recorded in the prisoner's record.

**145.** (1) All prisoners who are eligible to participate in the earnings scheme shall be graded as follows: Grading of prisoners

- (a) first stage prisoners and inmates;
- (b) Grade C prisoners who shall be all long sentence prisoners other than Grade B and Grade A prisoners;
- (c) Grade B prisoners who shall be all long sentence prisoners who, in the opinion of the officer in charge, are of good conduct and are skilled or semi-skilled in their trade, or have an output and effort at work which is above average and are placed in this grade by the officer in charge;
- (d) Grade A prisoners who shall be-
  - (i) all long sentence prisoners who, in the opinion of the Commissioner, are of exemplary conduct and are skilled in their trade and are placed in this grade by the Commissioner; and
  - (ii) all long sentence prisoners who have, under sub-rule (1) of rule 122, been promoted to the special stage.

(2) Grade C prisoners engaged in collective work may receive payment for work completed in excess of a fixed task in accordance with such instructions as may be issued by the Commissioner:

Provided that such a prisoner shall not receive more than a Grade A prisoner.

**146.** The Commissioner may, by Standing Orders, or otherwise in writing, prescribe the method of accounting to be adopted in the administration of the earnings scheme. Method of accounting

**147.** (1) A prisoner who is certified as unfit for normal prison labour by the medical officer shall not be put to any form of labour until the medical officer has certified him fit for the particular labour to which it is intended to put him. Prisoners unfit for normal labour

(2) A prisoner who has been classified as unfit for any type of labour shall be permitted to exercise for one hour each day if he is fit enough to do so.

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- 148.** All prisoners who are not employed in association with one another or who are employed on sedentary work, such as tailoring or mat-making, shall, if circumstances permit, be permitted to exercise in the open air for one hour each day. Exercise for special prisoners
- 149.** The officer in charge shall ensure that- Type and record of prisoners' labour
- (a) all convicted criminal prisoners are properly and usefully employed;
  - (b) prisoners are not employed on work which is dangerous;
  - (c) a note of each type of work on which a prisoner is employed is entered in the prisoner's record.
- 150.** The hours of labour for prisoners shall be prescribed by the Commissioner and different hours may be prescribed for different classes of prisoners. Commissioner to prescribe hours of labour
- 151.** At each prison a record of the daily work of the prisoners shall be kept by the officer in charge in such form as the Commissioner may direct. Entries in employment book
- 152.** The officer in charge shall personally assign to each criminal prisoner the type of work or labour to which he is best suited, but before doing so the officer in charge shall give consideration to the necessity of affording each prisoner the best training which his sentence, his capacity and the resources of the prison allow and to the recommendations, if any, of the medical officer. Allocation of labour to prisoners
- 153.** The officer in charge shall decide, with particular regard to security, the proportion of prison officers to prisoners in working parties of more than four prisoners where such working parties are employed outside the precincts of the prison. Ratio of escorts to working parties
- 154** (1) Subject to the provisions of this rule, no prisoner shall be hired out to or placed at the disposal of- Restriction on hire of prisoners
- (a) another prisoner;
  - (b) a prison officer or other person employed in the prison;  
or
  - (c) any private person, company or association
- (2) With the concout of the Commissioner, a prisoner may be hired out or placed at the disposal of a parastatal organisation, a public company, a statutory corporation or a public institution:

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Provided that such prisoner shall work under the supervision or control of a prison officer or other public officer.

(3) Where a prisoner is hired out in exercise of the powers contained in this rule, the hirer shall pay to the Government the wages specified in the Eighth Schedule.

*(As amended by S.I. No. 123 of 1982)*

**154A.** Revoked by S.I. No. 123 of 1982

**155.** No prisoner shall be employed in any disciplinary capacity.

Employment of  
prisoners in  
disciplinary capacity

**156.** (1) Subject to sub-rule (3), no prisoner shall be required to do any labour on Sundays or public holidays except such labour as may be necessary for keeping the prison premises clean and for cooking prisoners' rations.

Work on Sundays and  
public holidays

(2) The officer in charge shall ensure that on public holidays properly organised recreation and exercise are arranged for the prisoners.

(3) Criminal prisoners of the Jewish faith shall not be compelled to work on Saturdays if they make a claim for such exemption, but any such prisoners who claim this exemption shall be liable to work on Sundays.

(4) Prisoners of the Orthodox Muslim faith shall be allowed to observe the fast of Ramadan and during such fast those who are criminal prisoners shall be required to work at such reduced task as the officer in charge may order.

(5) The Commissioner may issue such other orders as may, in his opinion, be necessary in regard to the days on which prisoners who are members of religious communities not specifically mentioned in sub-rules (3) and (4) shall not be required to engage in labour.

PART VIII ESCAPES, PROHIBITED ARTICLES AND AREASPART VIII

ESCAPES, PROHIBITED ARTICLES AND AREAS

**157.** It shall be the duty of all prison officers at all times to prevent the escape of prisoners and, for the purpose of giving effect to this rule, no ladders, planks, ropes, chains or anything fit to facilitate the escape of prisoners shall be left unsecured in a prison.

Duty of officers to  
prevent escape of  
prisoners

**158.** (1) Upon receiving a report of an escape of a prisoner, the officer in charge shall- Action in event of escape of prisoner

- (a) order the prison and its neighbourhood to be searched at once;
- (b) circulate notification of the escape and the prisoner's particulars and description to the officer in charge of police of the nearest police station; and
- (c) notify the Commissioner.

(2) The officer in charge shall, as soon as may be after receiving a report of an escape of a prisoner, hold an inquiry about such escape and shall submit a full report to the Commissioner.

**159.** (1) A prisoner who, during a previous detention in lawful custody, has escaped or attempted to escape, shall be considered and treated as a potential security risk unless excluded personally by the officer in charge for any reason. Potential escapees

(2) A prisoner to whom sub-rule (1) applies shall be required to wear clothing with a distinctive mark.

**160.** The period during which a prisoner is at large shall not be counted as part of the sentence he was undergoing at the time of his escape. Period at large not to count as served

**161.** (1) No prisoner shall, save as is provided in the Act, these Rules or Standing Orders, have in his possession money, food, clothing, liquor, tobacco, cigarettes, letters, papers, books, stupefying drinks, drugs or any other prohibited article. Prohibited articles

(2) If a prison officer has reason to suspect that a prisoner is in possession of a prohibited article, he shall, subject to the provisions of section *fifty-eight* of the Act and rule 71, carry out a special search of-

- (a) such prisoner and may remove his clothing out of sight of other prisoners and the prison staff;
- (b) the cell occupied by such prisoner if he considers it necessary.

## PART IX CIVIL AND UNCONVICTED PRISONERSPART IX

### CIVIL AND UNCONVICTED PRISONERS



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**162.** (1) No civil prisoner or unconvicted prisoner shall be confined in association with convicted prisoners. Unconvicted prisoners to be segregated

(2) Civil prisoners and unconvicted prisoners may be permitted during their periods of exercise to associate together in an orderly manner and to smoke under such conditions as the Commissioner may prescribe.

**163.** (1) A civil prisoner or an unconvicted prisoner may be permitted to wear his own clothing and may be permitted to procure for himself or to receive such articles of clothing at such times as the officer in charge may approve: Private clothing

Provided that any such prisoner not having proper clothing of his own shall be provided with prison clothing.

(2) Bedding shall be provided for all civil prisoners and unconvicted prisoners on the same scale as convicted prisoners in the first stage.

(3) The officer in charge may require any civil prisoner or unconvicted prisoner who attempts to escape to wear prison clothing.

**164.** The officer in charge or the medical officer may, for the purposes of preventing the introduction or spread of infectious disease in a prison, order that any clothing permitted to be worn by a prisoner under sub-rule (1) of rule 163 be disinfected and during the process of disinfection the prisoner may be required to wear prison clothing. Disinfection of prisoner's clothing

**165.** A prisoner charged with a capital offence shall be kept under special observation at all times. Persons charged with capital offence

**166.** A prisoner who is on remand or awaiting trial shall, if necessary for the purposes of his defence, be allowed to see a registered medical practitioner of his own choice, at any reasonable time, in the sight but not in the hearing of the officer in charge or any prison officer detailed by the officer in charge for the purpose. Private medical advice

**167.** (1) The officer in charge may modify the routine of the prison in regard to any civil prisoner or unconvicted prisoner so as to dispense with any practice which, in the opinion of the officer in charge, is clearly unnecessary or unsuitable in respect of such particular prisoner. Modification of prison routine and withdrawal of privileges

(2) Any privilege allowed under this Part may at any time be withdrawn by the officer in charge if he is satisfied that there has been abuse thereof.

**168.** (1) The amount of money to be paid for the daily maintenance of a judgment debtor shall be prescribed by the Minister and shall be paid weekly in advance. Maintenance of judgment debtors

(2) The officer in charge shall not admit to his prison any person as a judgment debtor unless he has received from the judgment creditor payment of one week's maintenance in advance.

(3) For the purpose of payment for maintenance of a judgment debtor under this rule, a period of detention of a judgment debtor shall be treated as commencing at twelve noon on the day of his admission to prison.

(4) If the money for the maintenance of a judgment debtor has not been paid by twelve noon on the day it is due, the officer in charge shall forthwith discharge the judgment debtor.

(5) The officer in charge shall discharge a judgment debtor immediately-

- (a) upon payment of the amount of the debt and costs mentioned in the prisoner's warrant of commitment; or
- (b) upon the giving up by the judgment creditor of his written consent to the discharge; or
- (c) upon an order of the court which committed him to prison.

#### PART X DISCIPLINE OF PRISONERSPART X

##### DISCIPLINE OF PRISONERS

**169.** Every offence against prison discipline committed by a prisoner which comes to the notice of a prison officer shall be reported to the officer in charge and the officer in charge shall investigate such report not later than the following day unless that day be a Sunday or a public holiday. Offences by prisoners to be dealt with promptly

**170.** (1) Every prisoner sentenced to penal or reduced diet as a punishment for a prison offence shall, before undergoing such punishment, be examined by the medical officer who shall certify the prisoner's fitness to undergo such punishment. Medical examination of certain prisoners

(2) A prisoner shall not be made to undergo a punishment of penal or reduced diet within a period of twenty-four hours immediately preceding the day of his discharge or, if circumstances permit, on the day preceding his appearance before a court.

**171.** (1) A prisoner sentenced to separate confinement shall not be entitled to receive visits other than visits by prison officers on duty, a minister of religion or the medical officer, and such prisoner shall have only such outdoor exercise as the medical officer may certify to be absolutely necessary for his health.

Visits to prisoner in separate confinement

(2) Every prisoner who is in separate confinement or who is subjected to a penal or reduced diet as a punishment for a prison offence shall be visited at least once a day by the officer in charge.

(3) The medical officer shall visit a prisoner who is in separate confinement as often as is practicable.

**172.** The medical officer shall, at the infliction of every sentence of corporal punishment on a prisoner, give such instructions as may be necessary for preventing injury to the health of the prisoner and the officer in charge shall carry such instructions into effect.

Prevention of injury when corporal punishment is inflicted

**173.** (1) For the purpose of subsection (5) of section *one hundred and two* of the Act-

Type of cane and corporal punishment

- (a) the type of cane with which corporal punishment shall be inflicted shall be-
- (i) in the case of a prisoner under the age of nineteen years, a rattan cane, three feet long and not more than three-eighths of an inch in diameter;
  - (ii) in the case of a prisoner who is nineteen years of age or over, a rattan cane, four feet long and not more than half an inch in diameter;
- (b) the manner in which corporal punishment shall be inflicted shall be as follows:
- (i) a blanket or similar form of protection shall be placed across the small of the prisoner's back above the buttocks;
  - (ii) a small square of thin calico shall be dipped in water, wrung out and tied over the prisoner's buttocks;
  - (iii) strokes shall be administered from one side upon the buttocks of the prisoner and on no account on the back.

(2) No corporal punishment shall be inflicted on a prisoner in the presence of another prisoner or prisoners.

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- 174.** The officer in charge shall enter in the corporal punishment book the time at which corporal punishment has been inflicted, the number of strokes inflicted and any order which the medical officer may have given as to the prohibition of corporal punishment. Corporal punishment book
- 175.** A return of all corporal punishments ordered and all such punishments inflicted shall be submitted by the officer in charge to the Commissioner monthly. Returns of punishments to Commissioner
- 176.** The officer in charge shall-
- (a) enter in the prisoners' punishment book a record of every prisoner punished under the Act or these Rules, showing the date, nature of the offence and punishment, the name of the prisoner, and the authority dealing with the case;
  - (b) enter in the prisoner's record a record of punishment of the prisoner.
- Entries in prisoners' punishment book
- 177.** (1) When a prisoner is placed in separate confinement as a punishment for a prison offence and when a prisoner is awaiting the hearing of a charge against him for a prison offence, the bedding, accessories and clothing which he is not wearing at the time and all the cell equipment, other than the latrine equipment, may be removed from his cell. Certain prisoners may be denied privileges
- (2) A prisoner in separate confinement may be supplied with a book of a religious nature.
- (3) A prisoner in separate confinement shall be exercised for one hour each day and during such period he shall be required to bathe himself.
- 178.** The officer in charge shall ensure that every prisoner placed in separate confinement shall-
- (a) be visited by the chief officer not less than twice a day;
  - (b) be visited by any prison officer other than the chief officer at intervals of not less than thirty minutes.
- Visits to prisoners in separate confinement
- 179.** The Commissioner may review any punishment imposed under paragraph (b) of subsection (1) of section *ninety-three* of the Act upon a prisoner found guilty of a prison offence and may vary or remit such punishment. Commissioner may vary punishment
- 180.** (1) No prisoner shall be placed under mechanical restraint as a punishment. Use of mechanical restraints

(2) No prisoner shall be placed in fetters except as means of restraint or to prevent escape of a prisoner and only fetters of a pattern which has been approved by the Commissioner may be used.

(3) The officer in charge may order the use of handcuffs for prisoners who are in course of transfer from one prison to another:

Provided that it shall not be permitted under any circumstances to place prisoners in leg irons who are in course of transfer from one prison to another.

(4) The officer in charge may place a prisoner under mechanical restraint if he considers it necessary for the safe custody of the prisoner, and the particulars of every such case shall be recorded in the journal of the officer in charge and of the chief officer and in the restraint book, and notice thereof shall be given immediately to the medical officer and the Commissioner:

Provided that any mechanical restraint applied under this sub-rule shall not be continued for more than twenty-four hours unless the Commissioner has given his consent and the Commissioner's consent shall be confirmed in writing.

(5) Where a prisoner is kept under mechanical restraint beyond the period of twenty-four hours, the officer in charge shall obtain from the medical officer a certificate as to the fitness of the prisoner to undergo such restraint. The consent referred to in sub-rule (4) and the medical certificate issued under this sub-rule shall be preserved by the officer in charge and shall be regarded as his authority for applying such mechanical restraint beyond twenty-four hours.

## PART XI REMISSION OF SENTENCEPART XI

### REMISSION OF SENTENCE

**181.** (1) Where one term of imprisonment is consecutive to another term, such terms shall be treated as one term for the purpose of remission of sentence.

Calculation of sentences for remission

(2) Where one sentence is partly concurrent with, but overlaps another sentence, the latter sentence shall be added to the period of the former sentence actually served when the latter commenced and remission of sentence shall be calculated on the total period.

(3) Where a court orders a fresh sentence "to commence at the expiration of the sentence the prisoner is now serving" or other words to the like effect, the order of the court shall be interpreted literally.

(4) Where a prisoner is sentenced to two or more terms of imprisonment on different counts, such sentences shall be consecutive unless the court orders otherwise.

(5) Where a prisoner is sentenced to several terms of imprisonment on several warrants at the same time, or is sentenced to a further term or terms of imprisonment before the expiration of his first sentence, his several sentences on all the warrants shall be consecutive unless otherwise ordered by the court and the aggregate term shall run from the date of the first warrant.

(6) Any doubt or difficulty regarding the computation of sentences and remission shall be referred to the Commissioner for a ruling.

**182.** (1) Any remission of sentence due to a prisoner shall be computed upon the prisoner's admission to prison and thereafter as may be necessary.

Record of remission to be kept

(2) The earliest possible date of discharge and the latest possible date of discharge shall be recorded by the officer in charge-

(a) in the prisoner's record;

(b) in the discharge diary; and

(c) on the warrant slip;

and such dates shall be amended by the officer in charge from time to time as may be necessary.

**183.** The operation of the remission of sentences shall be explained to every prisoner on admission and when, for any reason, remission due to a prisoner is forfeited the officer in charge shall ensure that the prisoner is made fully aware of such forfeiture.

Operation of remission of sentences to be explained

**184.** A prisoner who is transferred to a mental hospital or leprosarium shall be entitled to remission of sentence under section *one hundred and nine* of the Act.

Prisoners in mental hospital or leprosarium

**185.** The period of remission, calculated in days, to which a prisoner shall not be entitled under subsection (4) of section *one hundred and nine* of the Act, shall be one-third of the number of days spent by the prisoner in hospital or separate confinement.

Calculation of forfeited remission

**186.** A prisoner who is entitled to remission of sentence under the Act or these Rules shall be entitled to be discharged on the day after he has completed earning his remission.

Release on day after earning total remission

**187.** (1) When a prisoner avails himself of the right to obtain his earlier release by part payment of a fine, he shall be allowed to earn full remission of sentence on the full period of his sentence, less than part for which he has paid, if the balance of the term of imprisonment is more than one calendar month.

Remission in regard to part payment of fines

(2) If part of a fine imposed on a prisoner is paid before the expiration of a period of imprisonment imposed on him in default of payment of such fine, a proportionate reduction in the period of his imprisonment shall be made.

(3) No payment of an amount of fine which may have the effect of reducing a period of imprisonment imposed in default of payment of such fine by part of a day shall be accepted.

(4) The payment of part of a fine shall be made between the hours of 8.00 a.m. and 4.00 p.m. Monday to Friday inclusive and between the hours of 8.00 a.m. and 12.30 p.m. on Saturday. The payment of a fine imposed on a prisoner or part thereof shall be made to the officer in charge of the prison where the prisoner is confined or the clerk of the court which imposed the fine:

Provided that-

- (i) the payment of part of a fine shall not be accepted between the hours of 12.30 p.m. on Saturday and 8.00 a.m. on Monday, nor on a public holiday;
- (ii) the payment of a fine in full shall be accepted at any time.

## PART XII DISCHARGE AND PAROLEPART XII

### DISCHARGE AND PAROLE

**188.** Where the Minister permits a young prisoner to be temporarily absent from the prison under the provisions of section *one hundred and fifteen* of the Act, the Minister shall issue to such young prisoner a permit in the form set out in the Fourth Schedule.

Permit to be at large by Minister

**189.** Where the Commissioner permits a prisoner to be absent from prison under sections *one hundred and fourteen* and *one hundred and forty-two* of the Act, the Commissioner shall issue to the prisoner a permit in the form set out in the Fifth Schedule.

Permit to be at large by Commissioner

**190.** Upon a temporary release from prison of a prisoner by the Minister or the Commissioner, the officer in charge shall explain to the prisoner the conditions subject to which he is permitted to be absent from prison.

Conditions of temporary release

**191.** Where the officer in charge considers that a prisoner should be permitted to be absent from prison under the provisions of section *one hundred and fourteen, one hundred and fifteen* or *one hundred and forty-two* of the Act, he shall send the necessary recommendation to the Commissioner immediately and shall give particulars, of the prisoner with full and detailed reasons for his recommendations.

Recommendations by officer in charge

#### PART XIII COMPULSORY AFTER CARE ORDERSPART XIII

##### COMPULSORY AFTER CARE ORDERS

**192.** In this Part- Interpretation

"holder" means a person in respect of whom a compulsory after care order has been made;

"order" means a compulsory after care order.

**193.** The order shall be in the form set out in the Sixth Schedule. Form of order

**194.** Upon the discharge of a holder from prison, the officer in charge shall explain to him the conditions contained in the order. Conditions of release to be explained

**195.** The person named in the order as being responsible for the after care of the holder shall notify the Commissioner immediately it comes to his knowledge that the holder has failed to comply with any condition of the order. Contravention of order to be reported to Commissioner

**196.** In every case where a prisoner is serving a sentence of imprisonment for a period of three years or more, and where such prisoner has been sentenced to a term of imprisonment on not less than two previous occasions, the officer in charge shall forward particulars of such prisoner to the Commissioner at least two months before the earliest possible date of his release. Report of prisoners liable to order

#### PART XIV PRISONERS UNDER SENTENCE OF DEATHPART XIV

##### PRISONERS UNDER SENTENCE OF DEATH

**197.** (1) The Commissioner shall cause a prisoner who has been sentenced to death to be transferred immediately under sufficient escort to the prison in the Republic where the sentence of death is to be carried out, unless such prisoner is already in such prison. Transfer of condemned prisoners



(2) The officer in charge shall report to the Commissioner the admission of his prison of a prisoner under sentence of death who has been transferred under sub-rule (1) and shall state the date of the sentence, the court imposing the sentence and the offence.

**198.** (1) Every prisoner under sentence of death shall be thoroughly searched and all prohibited articles found on him shall be removed from him as soon as may be after his sentence has been delivered.

Search of condemned prisoners

(2) The officer in charge shall cause a prisoner under sentence of death to be searched twice daily by a responsible prison officer and shall take every precaution to ensure that he does not obtain any article with which he may do himself harm or injury.

(3) A cell or room which is allocated to a prisoner under sentence of death shall be inspected as follows:

- (a) immediately before it is occupied by such prisoner; and
- (b) subsequently, on every occasion when such prisoner leaves his cell or room and before he re-occupies such cell or room, and the officer in charge shall satisfy himself as to the fitness and safety of such room or cell and shall record the fact of inspections in his journal.

(4) The cell or room in which a prisoner under sentence of death is confined shall not be unlocked save in the presence of at least two prison officers and it shall be thoroughly examined and searched daily while occupied by the condemned prisoner.

**199.** The officer in charge shall-

Appeals by condemned prisoners

- (a) inform every prisoner under sentence of death of his right of appeal;
- (b) report to the Commissioner if-
  - (i) a prisoner under sentence of death lodges an appeal;
  - (ii) the period within which a prisoner under sentence of death may lodge an appeal as of right has lapsed.

**200.** A prisoner under sentence of death shall be asked if he wishes to see a minister of religion and if he so desires arrangements shall be made for a minister of religion to have access to such prisoner.

Visits by ministers of religion

**201.** A prisoner under sentence of death shall be provided with the same kind of clothing, food and bedding as convicted prisoners undergoing imprisonment and may be provided with such other articles as may be approved by the officer in charge

Clothing and bedding

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**202.** All visits made to a prisoner under sentence of death under section *one hundred and twenty-one* of the Act shall take place in the sight and hearing of a prison officer.

Visits to condemned prisoners

**203.** (1) A prisoner under sentence of death who becomes sick shall not be removed from the cell set aside for his detention without the authority of the Commissioner.

Illness of condemned prisoners

(2) The medical officer shall not treat any sick prisoner under sentence of death in any place other than the cell set aside for his detention without the authority of the Commissioner.

**204.** (1) Any prison officer who notices anything in the demeanour or behaviour of a prisoner under sentence of death indicating to him that the prisoner has become mentally disordered shall immediately report in writing to the officer in charge.

Mental disorder of condemned prisoners

(2) The officer in charge shall forward any report made to him under sub-rule (1) to the medical officer and the Commissioner.

**205.** If the officer in charge is satisfied that the relatives or friends of a prisoner under sentence of death have not the means to pay the costs of their transport to the prison where such prisoner is confined, he may recommend to the Commissioner that the whole or part of the costs be paid to the visiting relatives or friends and the Commissioner may thereupon authorise the necessary expenditure:

Expenses of visits by certain relatives

Provided that the cost of transport authorised under this rule shall be limited to the cost of transport of not more than three relatives or friends of the prisoner.

**206.** A prisoner under sentence of death may be issued with tobacco, cigarettes, snuff and such other luxuries as the Commissioner may direct.

Issue of special luxuries

**207.** (1) Upon receipt of a warrant of execution of a prisoner, the officer in charge shall give the prisoner concerned three days' notice of his impending execution.

Notice of execution

(2) A prisoner under sentence of death who has been informed of his impending execution-

- (a) may be given a special diet and such other privileges as the Commissioner may authorise in writing;

- (b) shall be given an opportunity and reasonable facilities therewith to dispose of his property, if any.

**208.** The body of an executed prisoner shall be disposed of in accordance with the written instructions of the Commissioner. Disposal of body of executed prisoner

**209.** Such allowance as the Minister may approve shall be paid to the executioner, assistant executioner and prison officers attending an execution. Expenses of executioners

PART XV VISITING JUSTICES, OFFICIAL VISITORS, MINISTERS OF RELIGION AND PRISONERS' AID SOCIETIESPART XV

VISITING JUSTICES, OFFICIAL VISITORS, MINISTERS OF RELIGION AND PRISONERS' AID SOCIETIES

**210.** (1) During a visit of inspection by a visiting justice or official visitor, neither the officer in charge nor the next senior prison officer shall accompany him, but the officer in charge or next senior officer shall inform such visiting justice or official visitor of any prisoner who has expressed an intention to see him and shall afford him every assistance in his inspection and shall detail a prison officer to accompany him. Visits to prison by visiting justices, etc.

(2) No person other than a prison officer or a prison employee shall be permitted to accompany a visiting justice or official visitor during the course of his inspection.

(3) A copy of the visiting justice's remarks, together with any comments by the officer in charge, shall be forwarded to the resident magistrate in whose jurisdiction the prison is situated and to the Commissioner immediately after the inspection has taken place.

(4) A copy of the official visitor's remarks, together with any comments by the officer in charge, shall be forwarded to the Commissioner immediately after the inspection has taken place.

**211.** (1) Every prisoner shall be required on admission to a prison to state his religious denomination, if any, and every such prisoner shall be treated as a member of such denomination during his whole term of imprisonment. Religious denominations

(2) No prisoner shall be allowed to change his religion except in special cases in which the officer in charge is satisfied, after due inquiry, that such change is proposed from conscientious motives and that it is not sought from any idle whim or caprice or from a desire to escape from prison discipline.

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**212.** Religious services in prisons shall be in accordance with the provisions of section *one hundred and thirty-one* of the Act. Religious services in prisons

**213.** There shall, so far as practicable, be available for the use of prisoners such of the Scriptures and books of a religious nature as the Commissioner may direct. Supply of religious books

**214.** Prisoners shall be permitted to retain in their possession articles and publications of a religious nature approved by the minister of the prisoner's religious denomination. Retention of religious objects by prisoners

**215.** The Minister may authorise payment of travelling and subsistence allowances to official visitors, duly recognised ministers of religion and authorised representatives of a prisoners' aid society in respect of their functions under the Act or these Rules. Payment of travelling expenses

PART XVI STAFF WELFARE FUNDPART XVI

STAFF WELFARE FUND

**216.** (1) The Prison Service Staff Welfare Fund shall continue in force and shall be deemed to be established under these Rules and shall be administered by the Commissioner. Establishment of Fund

(2) The income of the Prison Service Staff Welfare Fund, hereinafter referred to as "the Fund", shall be provided from moneys appropriated by Parliament for the purpose.

**217.** (1) The Commissioner shall administer the Fund and such Fund shall be expended for the following objects: Administration of Fund

- (a) rewards for outstanding acts of initiative and resource on the part of prison officers or for special skill in the performance of any prison duty requiring tact or ability on the part of prison officers;
- (b) rewards for any meritorious act of bravery whereby life has been saved or property has been secured from loss or destruction;
- (c) entertainment for prison officers on Christmas Day or on any special occasion as may be approved by the Commissioner;
- (d) prizes for marksmanship or proficiency in any examination held at the termination of a training course for prison officers;
- (e) providing and furnishing recreation rooms for the use of prison officers; and

- (i) purchase of sports and recreation equipment for prison officers and prison employees.

(2) An account book of the Fund shall be kept in the office of the Commissioner in which there shall be entered all amounts of money received, the source from which such amounts of money are received and all payments made therefrom, and the Commissioner shall, at the end of each quarter, furnish copies of the account to the Auditor-General.

## PART XVII EXTRA-MURAL PENAL EMPLOYMENTPART XVII

### EXTRA-MURAL PENAL EMPLOYMENT

**218.** (1) Every person appointed as an authorised officer for the purpose of Part XXI of the Act shall maintain a record of offenders ordered to perform public work under his supervision. Records to be kept

(2) The record mentioned in sub-rule (1) shall contain the following particulars in respect of every offender so employed:

- (a) his name;
- (b) his place of birth or origin;
- (c) the length of his sentence;
- (d) the date of commencement of his sentence;
- (e) the date he is due for release; and
- (f) the work to which he has been directed.

(3) The warrant of commitment to undergo extra-mural penal employment to be issued by a court to a prisoner in pursuance of an order made under section *one hundred and thirty-five* of the Act shall be in the form set out in the Seventh Schedule. Form of warrant

*(As amended by No. 243 of 1968)*

**219.** Any prisoner who while employed on public work becomes sick shall be medically examined by a medical officer. Admission to hospital

**220.** The scale of diet for persons performing work under an order made under section *one hundred and thirty-five* of the Act shall be in accordance with Part IV of the First Schedule. Diet

## PART XVIII YOUTH CORRECTIVE CENTRESPART XVIII

### YOUTH CORRECTIVE CENTRES

**221.** (1) Every inmate shall be detained in one of the following youth corrective centres, hereinafter referred to as "centres", appropriate to his or her age and sex, namely: Youth corrective centres

- (a) junior centre for males under the age of eighteen years;
- (b) junior centre for females under the age of eighteen years;
- (c) senior centre for males who have attained the age of eighteen years;
- (d) senior centre for females who have attained the age of eighteen years:

Provided that an inmate under the age of eighteen years may be detained in a senior centre and an inmate aged eighteen years or over may be detained in a junior centre if in either case the Commissioner, having regard to the inmate's mental or physical development, so directs.

(2) A senior and a junior centre for inmates of the same sex may be provided in the same building.

(3) An inmate who has escaped from lawful custody and who has been recaptured shall be transferred immediately to a prison other than a youth corrective centre.

**222.** (1) Upon admission to a centre an inmate shall be placed in Grade I. Grading of inmates

(2) Subject to any general directions by the Commissioner, an inmate may be promoted from Grade I to Grade II-

- (a) after being not less than four weeks in Grade I; and
- (b) if in the opinion of the officer in charge his conduct justifies the promotion.

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(3) Inmates promoted to Grade II shall be given such privileges as the Commissioner may from time to time determine.

**223.** No room or cell shall be used for the separate confinement of an inmate in pursuance of a disciplinary award under Part XIII of the Act, or for the confinement of a refractory or violent inmate, unless it is certified by the Commissioner to be suitable for the purpose and to be furnished with the means of enabling the inmate so confined to communicate at any time with a prison officer.

Separate confinement of inmates

**224.** An inmate who has been found guilty of a prison offence under Part XIII of the Act may be reduced to Grade I and shall not be promoted to Grade II until he has satisfied the officer in charge as to his conduct.

Punishment of inmates

**225.** No mechanical restraint shall be used in a junior centre.

Mechanical restraints

**226.** No inmate in junior centre shall be allowed to smoke or have in his possession any tobacco or cigarettes.

Prohibition of tobacco

**227.** Arrangements shall be made for the part-time education of inmates either within the normal working hours or outside such hours.

Education

**228.** At least one hour a day shall be devoted to physical training or to organised games for inmates and such periods shall be deemed to form part of the normal working hours.

Recreation of inmates

**229.** A library shall be provided in every centre and, subject to such conditions as the Commissioner may determine, every inmate shall be allowed to have library books and to exchange them as often as practicable.

Supply of books

**230.** (1) Special attention shall be paid to the maintenance of such relations between inmates and their families as are judged by an officer in charge to be desirable in the best interests of the inmates.

Social relations and after care

(2) So far as is practicable and in the opinion of an officer in charge desirable, an inmate shall be encouraged and assisted to maintain and establish relations with persons or agencies outside the centre as may promote his social rehabilitation.

**231.** (1) Every inmate shall be entitled to send and receive a letter on admission to a centre and thereafter once in four weeks and to receive a visit once in four weeks:

Letters and visits

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Provided that the officer in charge may allow an inmate to send a letter and receive a reply in lieu of a visit.

(2) The officer in charge may for special reasons allow an inmate to write or receive additional letters or receive additional visits.

(3) The degree of supervision to be exercised during visits to inmates shall, subject to any express provision of these Rules, be in the discretion of the officer in charge.

**232.** Except as may be determined by the medical officer or the Commissioner, or as provided under Part VII, no inmates shall be allowed to have any food other than the normal diet provided by prison authorities. Diet

**233.** All inmates shall wear special clothing as may be determined by the Commissioner. Clothing

PART XIX MISCELLANEOUSPART XIX

MISCELLANEOUS

**234.** No person who is authorised to visit a prison or work in prison shall, without the authority of the Commissioner, divulge to any person, otherwise than in the course of his duties, any information concerning the administration of prisons and the condition and treatment and affairs of prisoners. Persons not to divulge information without authority



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FIRST SCHEDULE

THE PRISONS RULES

(Rule 17)

PRISON RATIONS

PART I

ORDINARY DIET: DAILY ISSUE

|  |    |    |    |    |    |    |    |    |    |            |
|--|----|----|----|----|----|----|----|----|----|------------|
| <i>Group A</i>                           |    |    |    |    |    |    |    |    |    |            |
| Fresh meat                               | .. | .. | .. | .. | .. | .. | .. | .. | .. | 113 grams  |
| or Fresh fish                            | .. | .. | .. | .. | .. | .. | .. | .. | .. | 170 grams  |
| or Dried fish                            | .. | .. | .. | .. | .. | .. | .. | .. | .. | 85 grams   |
| <i>Group B</i>                           |    |    |    |    |    |    |    |    |    |            |
| Maize meal                               | .. | .. | .. | .. | .. | .. | .. | .. | .. | 454 grams  |
| or Millet meal                           | .. | .. | .. | .. | .. | .. | .. | .. | .. | 454 grams  |
| or Rice (unpolished) (see Note 1)        | .. | .. | .. | .. | .. | .. | .. | .. | .. | 340 grams  |
| or Bread (see Note 1)                    | .. | .. | .. | .. | .. | .. | .. | .. | .. | 454 grams  |
| <i>Group C</i>                           |    |    |    |    |    |    |    |    |    |            |
| Bread                                    | .. | .. | .. | .. | .. | .. | .. | .. | .. | 226 grams  |
| or Porridge, flour and rice (see Note 2) | .. | .. | .. | .. | .. | .. | .. | .. | .. | 226 grams  |
| <i>Group D</i>                           |    |    |    |    |    |    |    |    |    |            |
| Protone soup powder                      | .. | .. | .. | .. | .. | .. | .. | .. | .. | 11 grams   |
| or Milk non-fat skimmed                  | .. | .. | .. | .. | .. | .. | .. | .. | .. | 0.2 litres |
| or non-fat powder                        | .. | .. | .. | .. | .. | .. | .. | .. | .. | 14 grams   |
| <i>Group E</i>                           |    |    |    |    |    |    |    |    |    |            |
| Fresh vegetables                         | .. | .. | .. | .. | .. | .. | .. | .. | .. | 113 grams  |
| or Potatoes or sweet potatoes            | .. | .. | .. | .. | .. | .. | .. | .. | .. | 226 grams  |
| <i>Group F</i>                           |    |    |    |    |    |    |    |    |    |            |
| Beans or peas                            | .. | .. | .. | .. | .. | .. | .. | .. | .. | 113 grams  |
| or Lentils                               | .. | .. | .. | .. | .. | .. | .. | .. | .. | 113 grams  |
| or Dhal                                  | .. | .. | .. | .. | .. | .. | .. | .. | .. | 113 grams  |
| or Groundnuts (see Note 2)               | .. | .. | .. | .. | .. | .. | .. | .. | .. | 113 grams  |
| <i>Group G</i>                           |    |    |    |    |    |    |    |    |    |            |
| Fresh fruits (in season)                 | .. | .. | .. | .. | .. | .. | .. | .. | .. | 113 grams  |
| <i>Group H</i>                           |    |    |    |    |    |    |    |    |    |            |
| Dripping                                 | .. | .. | .. | .. | .. | .. | .. | .. | .. | 28 grams   |
| or Margarine                             | .. | .. | .. | .. | .. | .. | .. | .. | .. | 28 grams   |
| or Vegetable cooking oil                 | .. | .. | .. | .. | .. | .. | .. | .. | .. | 14 grams   |
| or Red palm oil                          | .. | .. | .. | .. | .. | .. | .. | .. | .. | 4 grams    |
| <i>Group I</i>                           |    |    |    |    |    |    |    |    |    |            |
| Salt (iodised if possible)               | .. | .. | .. | .. | .. | .. | .. | .. | .. | 7 grams    |
| <i>Group J</i>                           |    |    |    |    |    |    |    |    |    |            |
| Sugar                                    | .. | .. | .. | .. | .. | .. | .. | .. | .. | 14 grams   |
| <i>Group K</i>                           |    |    |    |    |    |    |    |    |    |            |
| Cocoa                                    | .. | .. | .. | .. | .. | .. | .. | .. | .. | 14 grams   |
| <i>Group L</i>                           |    |    |    |    |    |    |    |    |    |            |
| Chillies or peppers                      | .. | .. | .. | .. | .. | .. | .. | .. | .. | 4 grams    |

One item of each of the above groups to constitute the daily diet.

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PART II

PENAL DIET: DAILY ISSUE

|                                    |           |
|------------------------------------|-----------|
| Maize meal .. .. .                 | 454 grams |
| or Millet meal .. .. .             | 454 grams |
| or Bread .. .. .                   | 454 grams |
| Salt (iodised if possible) .. .. . | 7 grams   |
| Unlimited water                    |           |

PART III

REDUCED DIET: DAILY ISSUE

|   |           |
|---|-----------|
| Maize meal .. .. .  | 340 grams |
| or Millet meal .. .. .  | 340 grams |
| or Bread .. .. .  | 340 grams |
| or Porridge, flour and rice .. .. .                               | 340 grams |
| Fresh vegetables .. .. .  | 170 grams |
| or Potatoes or sweet potatoes .. .. .                             | 226 grams |
| Beans or peas or lentils or dhal or groundnuts .. .. .            | 56 grams  |
| or Cheese (if bread supplied in place of maize or millet) .. .. . | 56 grams  |
| Dripping .. .. .  | 28 grams  |
| or Margarine .. .. .  | 28 grams  |
| or Cooking oil .. .. .  | 14 grams  |
| or Red palm oil .. .. .   | 4 grams   |
| Salt (iodised if possible) .. .. .                                | 7 grams   |
| Unlimited water   |           |

PART IV  
(Rule 220)

DIET FOR PERSONS UNDERGOING A SENTENCE OF EXTRA-MURAL PENAL EMPLOYMENT

*To be issued on each working day*

|  |           |
|--|-----------|
| Fresh meat .. .. .                               | 113 grams |
| or Fresh fish .. .. .                            | 170 grams |
| or Dried fish .. .. .                            | 85 grams  |
| Maize meal .. .. .                               | 454 grams |
| or Millet meal .. .. .                           | 454 grams |
| Fresh vegetables .. .. .                         | 113 grams |
| or Potatoes or sweet potatoes .. .. .            | 226 grams |
| Beans or peas or lentils or groundnuts .. .. .   | 113 grams |
| Cooking fat, or cooking oil or margarine .. .. . | 28 grams  |
| Salt (iodised if possible) .. .. .               | 7 grams   |

NOTES

1. Rice or bread may be substituted for maize meal or millet meal on the recommendation of the medical officer or the Prison Reception Board.

2. Where bread is supplied in place of maize meal or millet meal (see Note 1), 56 grams of cheese or syrup or jam may be substituted for 56 of the 113 grams of any of the items in Group F.

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GENERAL OBSERVATIONS

- (i) All quantities shown in this Schedule are raw weights.
- (ii) Fish should not be issued more than two days per week.
- (iii) In Group C, 113 grams of maize or millet may be substituted for bread (226 g) in rural areas where regular supplies of bread are unobtainable.
- (iv) Soup powder should be added to the water used for cooking vegetables or meat.
- (v) Groundnuts should be issued on at least two days per week.
- (vi) Vegetables include spinach, cabbage, tomatoes, kale, pumpkin, turnip, kohlrabi, lettuce, onions, beetroot, carrots, peas, beans.
- (vii) Fruit includes lemons, limes, pawpaw, bananas, mangoes, guava, grenadillas, mulberries.
- (viii) Tea or coffee may be substituted for cocoa if necessary.
- (ix) Expenditure may be incurred at such rates as the Minister may approve from time to time for the purpose of purchasing additional rations for issue on Christmas Day and on such days as may be approved by the Minister.

*(As amended by S.I. No. 79 of 1973)*

The Laws of Zambia  
SECOND SCHEDULE

THE PRISONS RULES

(Rule 77)

ATTESTATION

I, ..... do most solemnly and sincerely declare and affirm that I will be faithful and bear true allegiance to the President of the Republic of Zambia, and will obey all orders of the officers placed over me, and subject myself to all written laws relating to the Prison Service now in force or which may, from time to time, be in force, during my service. And I hereby declare that I have not been convicted of any criminal offence.

Signature or mark of recruit .....

Declared at ..... this ..... day of .....  
Before me.

.....  
*Officer in Charge*

The Laws of Zambia  
THIRD SCHEDULE

The following scales of pay may be earned by Prisoners in accordance with Part VII.

|   |    |    |    |    |    |    |    |    |  |
|---|----|----|----|----|----|----|----|----|--|
| First Stage   | .. | .. | .. | .. | .. | .. | .. | .. | K1.00 per day                            |
| Grade C Prisoners                                     | .. | .. | .. | .. | .. | .. | .. | .. | K1.00 per day                            |
| Grade B Prisoners                                     | .. | .. | .. | .. | .. | .. | .. | .. | K2.00 per day                            |
| Grade A Prisoners (other than special stage Prisoners | .. | .. | .. | .. | .. | .. | .. | .. | K3.00 per day                            |
| Special Stage Prisoners                               | .. | .. | .. | .. | .. | .. | .. | .. | K3.00 per day<br>plus per month gratuity |

(As amended by S.I. No. 137 of 1990)

The Laws of Zambia  
FOURTH SCHEDULE

REPUBLIC OF ZAMBIA

THE PRISONS ACT  
(Section 115)

THE PRISONS RULES  
(Rule 188)

PERMIT FOR TEMPORARY ABSENCE OF A YOUNG PRISONER

Ref .....  
Ministry of .....  
Date .....

To: .....  
.....

In accordance with subsection (1) of section 115 of the Act and on the recommendations of the Commissioner of Prisons:

You are hereby permitted to be absent from the ..... Prison from ..... until ..... inclusive, on the undermentioned conditions:

(1) You shall proceed to ..... and shall not without my consent remove from that place.

(2) On arrival at ..... you will report to ..... and shall remain under the supervision of ..... until the ..... 19.....

(3) You shall obey any instruction given to you by .....

(4) You shall abstain from any violation of the law and not associate with persons of bad character.

.....  
*Minister of* .....

The conditions relating to my temporary absence from Prison have been read to me and I have understood them.

.....  
*Prisoner*

Witness .....

Officer in charge of ..... Prison

NOTE

Prisons Act, section 115 (2). If any prisoner fails to perform and observe any condition imposed under the provisions of this section, he may be arrested and recommitted to any prison by warrant under the hand of a magistrate and shall be detained in a prison as if he had not been so absent from prison for a period equal to the portion of the sentence which was unexpired at the date of his release.

(3) If a prisoner does not contravene during the period of his absence from prison under the provisions of this section any condition attached to his absence, he shall no longer be liable for any punishment in respect of the conviction upon which he was sentenced.

One copy of this Order to be retained by the Minister.

One copy to be retained by the Commissioner.

One copy to be retained by the Officer in Charge of the prison from which the prisoner is temporarily released.

Original copy to be handed to the prisoner.

The Laws of Zambia  
FIFTH SCHEDULE

REPUBLIC OF ZAMBIA

THE PRISONS ACT  
(Sections 114 and 142)

THE PRISONS RULES  
(Rule 189)

PERMIT FOR TEMPORARY ABSENCE OF A PRISONER

To: .....

In accordance with \*(1)section 114 or section 142 of the Prisons Act:

You are hereby permitted to be absent from the ..... Prison for a period of ..... days, with effect from ..... on the undermentioned conditions:

- (1) You shall proceed to ..... and shall not without my consent remove from that place.
- (2) You shall abstain from any violation of the law and will not associate with persons of bad character.
- (3) You shall report back to the officer in charge of ..... Prison by ..... hours, on the .....
- (4) No extension of absence will be granted.
- (5) You shall carry this permit during the period you are absent from prison and shall produce it whenever you are required to do so by any prison or police officer.
- (6) You shall report to the officer in charge of the Prison at ..... any circumstances in which you may require assistance or advice.

.....  
*Commissioner of Prisons*

Date: .....

The conditions relating to my temporary absence from Prison have been read and explained to me and I have understood them.

.....  
*Prisoner*

Witness .....

Officer in charge of ..... Prison

\* Delete whichever is inapplicable.

NOTE

Prisons Act, section 114 (3). Any prisoner when released on parole who contravenes or fails to comply with the conditions imposed upon him under this section shall be guilty of an offence and shall be liable on conviction to imprisonment for a period not exceeding six months.

*One copy* of this Order is to be retained by the Commissioner.

*One copy* to be retained by the Officer in Charge of the prison from which the prisoner is temporarily released.

*Original copy* to be handed to the prisoner.

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SIXTH SCHEDULE

REPUBLIC OF ZAMBIA

THE PRISONS ACT  
(Sections 117 and 118)

THE PRISONS RULES  
(Rule 193)

COMPULSORY AFTER CARE ORDER

To: .....

IN EXERCISE of the powers conferred upon the Commissioner of Prisons by subsection (1) of section 117 of the Prisons Act, I hereby order that you shall undergo compulsory after care for the period commencing ..... until ..... inclusive, on the undermentioned conditions:

- (1)
- (2)
- (3)

.....  
*Commissioner of Prisons*

Date: .....

The conditions relating to this order have been read to me in my own language and I understand them.

.....  
*Prisoner*

Witness .....

Officer in charge of ..... Prison

NOTE

Prisons Act, section 118 (1). If a person in respect of whom a compulsory after care order is in force-

- (a) is convicted of an offence; or
- (b) contravenes or fails to comply with any term or condition of the order;

he shall be guilty of an offence and shall on conviction be sentenced to imprisonment for a period of three months or for the period of remission of sentence earned by that person while he was a prisoner under section 109 immediately prior to the making of the order, whichever is the greater.

(2) A sentence of imprisonment imposed on a person under subsection (1) shall commence on the expiration of any other sentence of imprisonment which that person is liable to serve.

*Original* to be handed to the prisoner named in the Order.

*Duplicate* to be sent to the person named in the Order as being responsible for the after care of the prisoner.

*Triplicate* to be retained by the Commissioner.



The Laws of Zambia  
SEVENTH SCHEDULE

REPUBLIC OF ZAMBIA

THE PRISONS ACT  
(Section 135)

THE PRISONS RULES  
(Rule 218 (3))

IN THE SUBORDINATE COURT OF THE..... CLASS FOR THE .....  
DISTRICT HOLDEN AT ..... Case No. ....

ORDER TO A MALE PRISONER TO PERFORM PUBLIC WORK

To (name of prisoner): .....

WHEREAS you, being a male prisoner, were on the ..... day of ....., 19.....,  
at ..... (being a declared area) \*sentenced to imprisonment for a term of  
..... \*committed to imprisonment for a term of ..... for non-payment of  
.....

AND WHEREAS you have consented to the making of this Order.

NOW THEREFORE IT IS HEREBY ORDERED that you perform public work, in accordance with Part XXI of the Prisons Act, outside a prison for the duration of such imprisonment.

AND IT IS FURTHER ORDERED that you report forthwith to .....

Made at ..... the ..... day of ....., 19.....

.....  
*Magistrate*

\*Delete as appropriate.  
Insert name of authorised officer or of other specified officer.

(No. 243 of 1968)

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EIGHTH SCHEDULE

(Rule 154)

|                                |    |    |    |    |    |    |    |    | K             |
|--------------------------------|----|----|----|----|----|----|----|----|---------------|
| 1. For a skilled prisoner . .  | .. | .. | .. | .. | .. | .. | .. | .. | 1.00 per diem |
| 2. For a semi-skilled prisoner | .. | .. | .. | .. | .. | .. | .. | .. | 0.60 per diem |
| 3. For an unskilled prisoner   | .. | .. | .. | .. | .. | .. | .. | .. | 0.40 per diem |

(No. 123 of 1982)

THE ZAMBIA PRISON OFFICERS' STAFF ASSOCIATION RULES

ARRANGEMENT OF RULES

*Rule*

1. Title
2. Interpretation
3. Establishment of Association
4. Objects of Association
5. Membership of Association
6. Resignation from Association
7. Representative Board
8. Elected representatives
9. Election of representatives
10. Standing Committee
11. Meetings of Board
12. Procedure at meetings of Board
13. Meetings by representatives
14. Permission to attend meetings
15. Funds of Association
16. Inspection of books by members

SECTION 146-THE ZAMBIA PRISON OFFICERS' STAFF  
ASSOCIATION RULES

*Statutory Instrument*  
389 of 1966

*Rules by the Minister*

1. These Rules may be cited as the Zambia Prison Officers' Staff Association Rules. Title

2. In these Rules, unless the context otherwise requires- Interpretation

"Association" means the Zambia Prison Officers' Staff Association established under rule 3;

"Board" means the Representative Board constituted in terms of rule 7;

"representative" means a representative elected under rules 8 and 9.

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3. There is hereby established a body to be known as the Zambia Prison Officers' Staff Association. Establishment of Association

4. The objects of the Association shall be to enable members thereof to consider and to bring to the attention of the Commissioner and the Minister matters affecting the welfare and efficiency of the Service, including pay, pensions and conditions of service: Objects of Association

Provided that discussion of promotion or discipline shall be limited to the general aspects and principles of these matters and in no case shall individual cases be considered.

5. All persons appointed to or deemed under the Act to have been appointed to any of the ranks set out in the First Schedule to the Act shall be members of the Association: Membership of Association

Provided that this rule shall not apply to the Commissioner, Deputy Commissioner, Assistant Commissioner and persons acting in these posts.

6. A prison officer may resign from the Association within one month of the commencement of these Rules or within one month from the date on which such prison officer became a member of the Association: Resignation from Association

Provided that a prison officer who has resigned from the Association may at any time rejoin the Association by notifying the secretary of the Board of his intention to do so.

7. (1) The executive body of the Association shall be a Board to be known as the Representative Board. Representative Board

(2) The Board which shall be responsible for the management of the Association shall consist of the chairman, secretary, treasurer and representatives of the members elected under the provisions of rules 8 and 9.

(3) The Board shall elect annually in July a chairman, secretary and treasurer from among its own members.

8. (1) The number of representatives to the Board shall be as follows: Elected representatives

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|  |    |    |    | <i>Number of<br/>Representatives</i> |
|--|----|----|----|--------------------------------------|
| (a) Senior superintendents, superintendents,<br>assistant superintendents, senior technical officers                 | .. | .. | .. | 1                                    |
| (b) Chief prison officers, prison officers,<br>assistant prison officers matrons, male<br>nurses, technical officers | .. | .. | .. | 3                                    |
| (c) Chief warders and principal warders  | .. |    | .. | 2                                    |
| (d) Warders in grades I, II and III  | .. | .. | .. | 12                                   |
| (e) Woman prison officers of the rank of<br>warder grade I, II and III   | .. | .. | .. | 1                                    |
| (f) Instructors  | .. | .. | .. | 1                                    |

(2) Warders in grades I, II and III of the prisons in the undermentioned regions shall elect representatives according to the following scale:

|   |    |    |    |    |    |
|---|----|----|----|----|----|
| Central region (excluding Lusaka and Feira) | .. | .. | .. | .. | 1  |
| Southern region (excluding Livingstone)     |    | .. | .. | .. | 2  |
| Western region                              | .. | .. | .. | .. | 1  |
| Copperbelt and North-Western region         | .. | .. | .. | .. | 2  |
| Northern and Luapula region                 | .. | .. | .. | .. | 2  |
| Lusaka (including Feira)                    | .. | .. | .. | .. | 1  |
| Eastern region                              | .. | .. | .. | .. | 1  |
| Katombora                                   | .. | .. | .. | .. | 1  |
| Livingstone                                 | .. | .. | .. | .. | 1  |
|   |    |    |    |    | -  |
|   |    |    |    |    | 12 |
|   |    |    |    |    | :  |

(3) The grade from which the secretary of the Board is elected under sub-rule (3) of rule 7 shall elect an additional representative to the Board.

(4) It shall be the function of the regional representative to bring to the notice of the officer superintending the region any matter affecting the welfare and efficiency of the members he represents.

9. (1) The election of representatives shall take place not later than the second week in May, and in every second year thereafter and the officers so elected shall hold office for two years. Election of representatives

(2) If before the 1st February in the second year of his term of office any representative-

- (a) ceases to be a member of the Association; or
- (b) ceases to be a prison officer; or
- (c) is appointed to a grade other than that which he has been elected to represent;

such representative shall forthwith cease to be a member of the Board and a fresh representative shall be elected to hold office during the remainder of the term of office of such representative.

(3) The election of representatives shall be by ballot. In the event of there being an equality of votes between any two or more candidates, the matter shall be decided by lot in the presence of the officer superintending the region concerned and in such manner as he shall determine.

(4) A representative who has ceased to be a member of the Board shall be eligible for re-election.

**10.** The Board shall elect annually in July a Standing Committee consisting of six of its members and such Standing Committee shall meet in the months of January, April, July and October in each year. Standing Committee

**11. (1)** The Board shall meet twice a year in January and July and may meet at any other time with the approval of the Commissioner. Meetings of Board

(2) All items for the agenda shall be forwarded to the secretary by the representatives not later than one month before the date of each meeting. If any member of the Association wishes a matter to be discussed by the Board, he shall request his elected representative to forward such matter to the secretary.

(3) At every meeting, the Board shall discuss and consider all matters submitted to it in accordance with these Rules and, at the discretion of the chairman, the Board may also discuss other matters which are not included in the agenda.

(4) The Board may make representations in writing to the Minister, through the Commissioner, and shall forward to the Minister, through the Commissioner, any representations made by the Standing Committee which such Standing Committee requires to be so forwarded, together with comments, if any, of the Board thereon.

(5) The Board or the Standing Committee may make representations in writing to the Commissioner.

**12.** (1) The quorum at every meeting of the Board shall be eight members of the Board. Procedure at meetings of Board

(2) The chairman shall preside at all meetings of the Board at which he shall be present. In the absence of the chairman, the members present shall elect one of their number to act as chairman of the meeting.

(3) At meetings of the Board, a resolution or any question put to the vote on any matter shall be decided by a majority of members present and voting; each member shall have one vote and if the votes are equally divided the chairman or a person acting as such shall have a deliberative and a second or casting vote.

(4) All resolutions passed by the Board shall be signed by the chairman and secretary and shall be forwarded by the secretary to the Commissioner for consideration.

(5) In the event of the Board being dissatisfied with the result of action taken regarding resolutions passed at the previous meeting of the Board, the Commissioner shall, at the request of the Board, refer the matter in dispute to the Minister for consideration.

(6) The secretary of the Board shall keep minutes of the meetings of the Board and shall forward a copy thereof to the Commissioner within thirty days after the meeting of the Board to which such minutes relate.

(7) The treasurer shall keep proper books of account and shall submit to the Board an annual report on the administration of accounts of the Association.

**13.** A representative may, under the auspices of the Board, hold a general meeting of the members of the grade he represents at any prison: Meetings by representatives

Provided that-

- (i) attendance at such meeting shall be confined to members of the grade to which the representative belongs;
- (ii) members attending such meetings shall do so at their own expense and in their own time;
- (iii) such meetings shall not be open to the public or press;

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- (iv) such meetings shall have no authority whatsoever to pass resolutions for submission to the officer in charge of a prison, the Commissioner or the Minister, but may pass resolutions for the consideration or guidance of the Standing Committee or the Board which shall in acting upon them follow the procedure prescribed in rule 11 for making representations; and
- (v) application to hold such a meeting shall be made to the Commissioner at least fourteen days before the meeting is held and a copy of the agenda to be placed before such meeting shall be forwarded to the Commissioner with such application.

**14.** Permission shall be given for a representative to attend any meeting of the Board or Standing Committee established under these Rules on which he sits and attendance at the following meetings shall, for the purpose of the payment of allowances and expenses, be deemed to be an occasion of prison duty:

Permission to attend meetings

- (a) meetings of the Standing Committee held in the months of January, April, July and October under rule 10;
- (b) meetings of the Board held not more than twice annually under sub-rule (1) of rule 11;
- (c) any meetings of the Board with the approval of the Commissioner:

Provided that-

- (i) allowances and expenses shall not be payable in respect of any period in excess of one day (excluding reasonable time spent in travelling) in the case of meetings of the Standing Committee and any period in excess of two days (excluding reasonable time spent in travelling) in the case of a meeting of the Board;
- (ii) allowances and expenses shall not be payable in respect of more than two meetings of the Board in any one year.

**15. (1)** The Association shall raise funds by subscriptions from among its members and the representatives may collect such subscriptions from the members of the grades they represent and forward them to the treasurer of the Board. No subscriptions or donations shall be accepted from individuals or organisations outside the Service.

Funds of Association

(2) The Board shall fix the amount of subscriptions payable by the members of the Association and shall keep detailed accounts and shall have them audited by an independent auditor. Annual statements of accounts shall be made available to all members of the Association and to the Commissioner.

(3) The funds of the Association shall not be used for contributing directly or indirectly to-

- (a) the funds of any trade union;



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- (b) the funds of any political party;
- (c) the election expenses of a candidate at any election to a council, or the National Assembly;
- (d) the funds of any body or organisation outside the Service.

(4) The funds of the Association shall not be used-

- (a) for any benevolent or charitable purposes outside the Service;
- (b) to defray the expenses incurred by or on behalf of any member of the Association in respect of criminal or disciplinary proceedings brought against such member.

(5) The funds of the Association may be used-

- (a) to pay the expenses incurred in connection with meetings of the Board, Standing Committee or any meeting of the members of the Association approved by the Commissioner;
- (b) to pay for the advice of any medical, legal or other expert, where such consultations have been approved by the Commissioner; and
- (c) for such other purposes as the Commissioner may approve.

**16.** (1) It shall be open to any member of the Association to inspect the books of the Association by giving reasonable notice to the secretary.

Inspection of books by members

(2) A copy of all circulars affecting prison officers and their conditions of service shall be handed on receipt by the officer in charge of a prison to each representative officer.

**Endnotes**

**1 (Popup - Popup)**

Delete whichever is inapplicable