

GOVERNMENT OF ZAMBIA

# ACT

No. 13 of 2000

Date of Assent: 25th August, 2000.

**An Act to amend the Criminal Procedure Code Act**

[1st September, 2000

ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the Criminal Procedure Code (Amendment) Act, 2000 and shall be read as one with the Criminal Procedure Code act, in this Act referred to as the principal Act.

Title

Cap. 88

2. The principal Act is amended by the insertion after the heading " Other sentences " and before section *three hundred and seven* of the following new sections:

Insertion of new sections 306A, 306B, 306C, 306D and 306E

**306A.** (1) A court may make an order for community service where in the case of an adult, the offence is misdemeanour and is punishable with imprisonment.

Court to make community service order

(2) Before making an order for community service, the court shall consider the report submitted by a superior police officer or other person or institution as the court may consider appropriate as regards the character, antecedents, home surroundings, health or mental condition of the offender, or to the nature of the offence, or to any extenuating circumstances in which the offence was committed.

(3) Before making an order for community service, the court shall explain to the offender in the language the offender understands, the effect of the order and shall obtain the consent of the offender to perform community service and explain that where the offender fails to comply with the order the offender shall be liable to the term of imprisonment the court has imposed in respect of that offence.

*Criminal Procedure Code*  
(Amendment)

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Contents of  
community  
service order

**306B.** 1. An order for community service shall specify—

- (a) the number of hours to be worked;
- (b) the days on which the work is to be performed;
- (c) the period of community service;
- (d) the place where the offender is to perform community service;
- (e) that the offender shall, during the period of the community service, be under the supervision of an authorised officer; and
- (f) any other special terms and conditions of the order.

(2) For the purposes of section *three hundred and six A*, this section and of section *three hundred and six C*—

“ authorised officer ” has the meaning assigned to it in the Prisons act; and

Cap. 97

“ superior police officer ” has the meaning assigned to it in the Zambia Police Act.

Cap. 107

Offender to  
report to an  
authorised  
officer

**306C.** Upon making an order for community service, the court shall order the offender in respect of whom the order is made to report forthwith to an authorised officer in the area community service will be performed.

Failure of  
offender to  
comply with  
community  
service order

**306D.** (1) If at any time during the community service period it appears to the court that the offender has failed to comply with the requirements of the community service order, the court may issue summons requiring the offender to appear at the place and time specified therein or may issue a warrant of arrest.

(2) A summons or warrant shall direct the offender to appear or to be brought before the court by which the community service order was made.

(3) If it is proved to the satisfaction of the court that the offender has failed to comply with any of the requirements of the community service order, the court may—

- (a) vary the order to suit the circumstances of the case;
- (b) impose on the offender a fine not exceeding three hundred penalty units; or
- (c) cancel the order and send the offender to prison for the term the offender is liable, subject nevertheless

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to a reduction of the number of days, if any, for which community service has already been performed.

**306E.** Where an offender has been ordered to undergo community service on conviction by an original court but has been sentenced to imprisonment by a subsequent court for another offence committed during the period of community service, the following shall apply:

Commission  
of further  
offence

- (a) the subsequent court may add to the sentence imposed a further term of imprisonment which might have been passed by the original court and cancel the order of community service;
  - (b) in making the sentence the subsequent court may take into account the period of community service served in reduction of the additional imprisonment;
  - (c) where the original court was the High Court and the subsequent court is the subordinate court, the subordinate court shall send the copy of the proceedings to the High Court and on receipt, the High Court shall proceed under paragraphs (a) and (b) of this section;
  - (d) where the original court was a subordinate court, and the subsequent court is the High Court dealing with the matter at first instance or on appeal or otherwise, the High Court shall proceed under paragraphs (a) and (b) of this section;
  - (e) where both the original court and the subsequent court are subordinate courts, the subsequent court shall proceed under paragraphs (a) and (b) of this section;
  - (f) where a subsequent court has convicted the offender of an offence, that court may pass the sentence other than imprisonment and order the offender to continue undergoing community service.
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