

The Laws of Zambia

REPUBLIC OF ZAMBIA

THE JUVENILES ACT

CHAPTER 53 OF THE LAWS OF ZAMBIA

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THE JUVENILES ACT

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CHAPTER 53

JUVENILES

An Act to make provision for the custody and protection of juveniles in need of care; to provide for the correction of juvenile delinquents; and to provide for matters incidental to or connected with the foregoing.

[4th May, 1956]

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15 of 1957
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41 of 1960
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PART I PRELIMINARY

PRELIMINARY

1. (1) This Act may be cited as the Juveniles Act, and shall apply to such areas and to such extent as the Minister may, by statutory order, declare.

Short title and application

The Laws of Zambia

(2) In the application of this Act to juveniles, the provisions of African customary law shall be observed unless the observance of such customary law would not be in the interests of such juveniles.

(As amended by G.N. No. 276 of 1964)

2. (1) In this Act, unless the context otherwise requires-

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"approved school" means a school approved by the Minister under subsection (1) or deemed to be an approved school under subsection (2) of section *seventy-five*;

"approved school order" means an order made by a court requiring a juvenile to be sent to an approved school;

"child" means a person who has not attained the age of sixteen years;

"contribution order" has the meaning assigned to it by section *one hundred and ten*;

"foster child" has the meaning assigned to it by subsection (4) of section *thirty-two*;

"guardian", in relation to a juvenile includes any person who, in the opinion of any court having cognizance of a case in relation to the juvenile or in which he is concerned, has for the time being the charge of or control over such juvenile;

"in need of care" has the meaning assigned to it by section *nine*;

"intoxicating liquor" has the meaning assigned to it by section *two* of the Liquor Licensing Act;

"juvenile" means a person who has not attained the age of nineteen years; and includes a child and a young person;

"juvenile adult" means-

- (a) a person who has attained the age of nineteen years but has not attained the age of twenty-one years; and
- (b) a person who has attained the age of twenty-one years but has not attained the age of twenty-five years and whose classification as a juvenile adult has been expressly sanctioned by the Minister;

"juvenile adult reformatory" includes any division of a prison or juvenile reformatory established as a reformatory for juvenile adults;

"juvenile court" has the meaning assigned to it by section *sixty-three*;

"legal guardian", in relation to a juvenile, means a person appointed according to law to be his guardian by deed, will or order of a court;

"managers", in relation to an approved school or other institution, means the persons for the time being having the management or control thereof;

"place of safety" includes any institution, police station, or any hospital or surgery, or any other suitable place the occupier of which is willing temporarily to receive a juvenile, but does not include any remand prison, prison or detention camp;

"probation officer" means any person appointed under the Probation of Offenders Act;

"probation order" has the meaning assigned to it by section *three* of the Probation of Offenders Act;

"public place" includes any street and any building, place or conveyance to which for the time being the public are entitled or permitted to have access either with or without any condition or upon condition of making any payment, and any building or place which is for the time being used for any public or religious meeting or assembly or as an open court;

"receiving centre" means any reformatory or part thereof declared to be a receiving centre under section *ninety-one*;

"reformatory" means a reformatory established by the Minister under section *ninety-one*;

(2) Reference in this Act to findings of guilty and findings that an offence has been committed shall be construed as including references to pleas of guilty and admissions that an offence has been committed.

*(As amended by No. 53 of 1963, G.N. No. 276 of 1964
and No. 25 of 1969)*

PART II PROTECTION OF JUVENILES

PROTECTION OF JUVENILES

General Provisions

3. (1) The managing committee or governing body of any association of persons working for the care, protection or control of juveniles may apply to the Minister for the society to be approved by him for that purpose, and the Minister may, after making such inquiries as he may think fit, approve the society for that purpose and may issue a certificate of approval accordingly.

Approval of societies

(2) If the Minister considers that the continuance of such approval is unnecessary or undesirable, he may, by notice served on the managing committee or governing body of the society, withdraw the certificate of approval of the society as from a date to be specified in the notice, not being less than three months after the date of the notice, and upon the date so specified, unless the notice is previously withdrawn, the society shall cease to be an approved society.

(3) The managing committee or governing body of any approved society may, on giving not less than three months' notice to the Minister in that behalf, surrender the certificate of approval of the society, and at the expiration of the said notice, unless previously withdrawn, the society shall cease to be an approved society.

(4) No juvenile shall be committed or received into the care of an approved society under the provisions of this Act after the date of the receipt of any notice given under subsections (2) and (3), but the obligations of the approved society with respect to juveniles under their care at such date shall continue until the withdrawal or surrender of the certificate of approval takes effect when the Commissioner for Juvenile Welfare shall make application under subsection (1) of section *twenty-six* in respect of any juvenile who was at the time of such withdrawal or surrender under the control of the society, so that such juvenile may be suitably dealt with.

(5) The Minister shall, within one month of the date thereof, cause any grant of a certificate of approval or any notice of withdrawal or intention to surrender given in respect of any such certificate to be published in the *Gazette*.

(As amended by G.N. No. 276 of 1964)

4. For the purposes of the provisions of this Act relating to the making of orders committing juveniles to the care of fit persons- Fit person

- (a) the Commissioner for Juvenile Welfare; or
- (b) an approved society; or
- (c) a person appointed for this purpose by the court;

shall be deemed to be a fit person and accordingly orders may be made committing juveniles to the care of the said Commissioner, or to the care of any such society or person willing to undertake the care of such juveniles.

(No. 35 of 1959)

5. The President may, by *Gazette* notice, appoint a Commissioner for Juvenile Welfare. Appointment of Commissioner for Juvenile Welfare

6. (1) The President may, by *Gazette* notice, appoint as juveniles inspectors such persons as he may think fit. Appointment of juveniles inspectors

(2) In any District in which no juveniles inspector appointed under the provisions of subsection (1) is stationed, the District Secretary of the District shall, for the time being, be a juveniles inspector.

(G.N. No. 503 of 1964)

7. (1) The Commissioner for Juvenile Welfare and a juveniles inspector shall perform such duties as may be entrusted to them by this or any other Act. Duties of Commissioner for Juvenile Welfare and juveniles inspectors

(2) The Commissioner for Juvenile Welfare may authorise a juveniles inspector to exercise or perform all or any of the powers and duties which are entrusted to the said Commissioner under the provisions of this or any other Act.

(As amended by No. 1 of 1961)

8. (1) The Commissioner for Juvenile Welfare and a juveniles inspector may, at any reasonable time and for the proper performance of their duties, enter- Powers of Commissioner for Juvenile Welfare and juveniles inspectors

- (a) any institution or dwelling of any person, society or body in whose custody a juvenile has been placed under this Act; or
- (b) any dwelling in which a foster child is kept; or

(c) any voluntary home;
and make such examination into the state and management thereof as he thinks requisite.

(2) Any person who obstructs the Commissioner for Juvenile Welfare or a juveniles inspector in the execution of his duties shall be liable to a fine not exceeding seven hundred and fifty penalty units.

(3) Any refusal to allow the Commissioner for Juvenile Welfare or a juveniles inspector to enter any such institution, dwelling or voluntary home in the execution of his duties shall, for the purposes of section *sixteen* (which relates to search warrants), be deemed to be a reasonable cause to suspect that a juvenile therein is in need of care.

(As amended by Act No. 13 of 1994)

Juveniles in Need of Care

9. (1) For the purposes of this Act, a juvenile in need of care means a person who-

Definition of "in need of care"

(a) is a juvenile who, having no parent or guardian or a parent or guardian unfit to exercise care and guardianship or not exercising proper care and guardianship, is either falling into bad associations or is exposed to moral or physical danger or beyond control; or

(b) is a juvenile who-

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- (i) being a person in respect of whom any scheduled offence has been committed; or
- (ii) being a member of the same household as a juvenile in respect of whom such an offence has been committed; or
- (iii) being a member of the same household as a person who has been convicted of such an offence against a juvenile; or
- (iv) being a female member of a household whereof a member has committed an offence under section *one hundred and fifty-nine* of the Penal Code in respect of another female member of that household; or
- (v) frequenting the company of any reputed thief or prostitute; or
- (vi) lodging or residing in a house or the part of a house used by any prostitute for the purposes of prostitution, or is otherwise living in circumstances calculated to cause, encourage, or favour the seduction of the juvenile;

requires care, control or protection.

(2) For the purposes of this section, the fact that a juvenile-

- (a) is found destitute; or
- (b) is found wandering without any settled place of abode and without visible means of subsistence; or
- (c) is found begging or receiving alms (whether or not there is any pretence of singing, playing, performing or offering anything for sale); or
- (d) is found loitering for the purpose of so begging or receiving alms;

shall, without prejudice to the generality of the provisions of paragraph (a) of subsection (1), be evidence that he is exposed to moral danger.

10. (1) Any police officer or juveniles inspector having reasonable grounds for believing that a juvenile is in need of care may bring him before a juvenile court, and it shall be the duty of a juveniles inspector to bring before a juvenile court any juvenile who appears to be in need of care unless he is satisfied that the taking of proceedings is undesirable in the interests of such juvenile, or that proceedings are about to be taken by some other person.

Powers of juvenile courts in respect of juveniles in need of care

(2) If a juvenile court is satisfied that any person brought before the court under this section is a juvenile in need of care, the court may-

- (a) order his parents or guardian to enter into recognizances to exercise proper care and guardianship; or
- (b) commit him to the care of any fit person, whether a relative or not, who is willing to undertake the care of him; or
- (c) without making any other order, or in addition to making an order under either of the last two foregoing paragraphs, make an order placing him for a specified period, not exceeding three years, under the supervision of a probation officer or some other person appointed for the purpose by the court; or
- (d) order him to be sent to an approved school.

(3) The provisions of section *one hundred and thirty-one* of the Criminal Procedure Code shall apply in relation to recognizances under paragraph (a) of subsection (2) as they apply in relation to recognizances to be of good behaviour:

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Provided that where a recognizance under the said paragraph is adjudged to be forfeited, the court, if it thinks fit, instead of adjudging the person bound thereby to pay the sum for which he is bound, may adjudge him to pay part only of the said sum or may remit payment of the whole thereof.

(As amended by No. 15 of 1957 and No. 53 of 1963)

11. Any order made by a juvenile court may be varied or revoked at any time by the court making the order or by any other juvenile court acting for the same District.

Power of juvenile court to vary or revoke order

12. Where a juvenile court finds a juvenile to be in need of care within the meaning of section *nine*, and the juvenile has his home or usually resides in an area within the jurisdiction of another juvenile court, the court may transfer the case to that other court to be dealt with.

Power to transfer case from one juvenile court to another

13. (1) Any court by which a person has been-

Disposal of juveniles in respect of whom a scheduled offence has been committed

(a) convicted of committing a scheduled offence against a juvenile; or

(b) committed for trial for any such offence; or

(c) bound over to keep the peace towards a juvenile;

may direct that the juvenile be brought before a juvenile court with a view to that court making such order under section *ten* as may be proper:

Provided that, if the juvenile has a parent or legal guardian, no order shall be made under this section unless the parent or guardian has been convicted of or committed for trial for the offence, or is under committal for having been, or has been proved to the satisfaction of the court to have been, party or privy to the offence, or has been bound over to keep the peace towards the juvenile, or cannot be found.

(2) Where any court has, under this section, directed that a juvenile be brought before a juvenile court, it shall notify forthwith a juveniles inspector of that area of such direction and the juveniles inspector shall take all steps necessary to bring the juvenile before a juvenile court.

(3) Where a direction is made under this section and any order is subsequently made under section *ten* in respect of a person who has been committed for trial, then, if that person is acquitted of the charge, or if the charge is dismissed for want of prosecution, the direction and order shall forthwith be void, except with regard to anything that may have lawfully been done under it.

14. Where the parent or guardian of a juvenile proves to a juvenile court that he is unable to control the juvenile, the court, if satisfied-

Refractory juveniles

- (a) that it is expedient so to deal with the juvenile; and
- (b) that the parent or guardian understands the results which will follow from and consents to the making of the order;

may order that the juvenile be sent to an approved school or may place him under the supervision of a probation officer, for a period not exceeding three years, or may commit him to the care of a fit person, whether a relative or not, who is willing to undertake the care of him.

15. (1) Any juveniles inspector or police officer having obtained an order from a magistrate may take to a place of safety any juvenile who is about to be brought before a juvenile court as being in need of care.

Proceedings in respect of juveniles in need of care

(2) No juvenile may be kept in a place of safety for longer than fourteen days without a renewal of the order.

(3) Where an application is to be made to a juvenile court for an order under section *ten* and the juvenile in respect of whom the application is to be made has not been removed to a place of safety, a summons may be issued requiring him to attend before the court.

(4) Where under the provisions of this section a juvenile is taken to a place of safety, the person who so takes him shall forthwith send a notice to the juvenile court specifying the grounds upon which the juvenile is to be brought before the court, and shall also send the particulars to the parent or guardian of the juvenile warning him to attend at the court on the date and at the time of the hearing.

(5) Where an application is to be made to a juvenile court under section *ten*, the person intending to make the application shall forthwith notify a juveniles inspector for that area of the name and address of the juvenile, the day and the hour when and the nature of the grounds on which he is to be brought before the court.

(6) A juveniles inspector having received a notice under subsection (5) shall make such investigations and render available to the court such information as to the home circumstances, health, age, character, and general antecedents of the juvenile as are likely to assist the court.

16. (1) If it appears to a magistrate on information on oath laid by any person who, in the opinion of the magistrate, is acting in the interests of a juvenile, that there is reasonable cause to suspect-

Warrant to search for and remove juvenile

- (a) that the juvenile has been or is being assaulted, illtreated, or neglected in any place within the jurisdiction of the magistrate in a manner likely to cause him unnecessary suffering or injury to health; or

(b) that any scheduled offence has been or is being committed in respect of the juvenile; or

(c) that the juvenile is otherwise in need of care;

the magistrate may issue a warrant authorising any police officer named therein to search for the juvenile, and, if it is found that he has been or is being assaulted, ill-treated or neglected in manner aforesaid, or that any scheduled offence has been or is being committed in respect of him, or that he is in need of care, to take him and detain him in a place of safety, until he can be brought before a juvenile court, or authorising any police officer to remove him with or without search to a place of safety and detain him there until he can be brought before a juvenile court.

(2) A magistrate issuing a warrant under this section may, by the same warrant, cause any person accused of any offence in respect of the juvenile to be apprehended and brought before a subordinate court, and proceedings brought against him according to law.

(3) Any police officer authorised by warrant under this section to search for any juvenile, or to remove any juvenile with or without search, may enter (if need be by force) any house, building, or other place specified in the warrant, and may remove him therefrom.

(4) Every warrant issued under this section shall be addressed to and executed by a police officer, who shall be accompanied by the person laying the information, if that person so desires, unless the magistrate by whom the warrant is issued otherwise directs, and may also, if the said magistrate so directs, be accompanied by a duly qualified medical practitioner.

(5) It shall not be necessary in any information or warrant under this section to name the juvenile.

17. (1) Where a juvenile is brought before a juvenile court on an application for an order on the grounds that he is in need of care, the court shall allow his parent or guardian to be heard, if they so wish, in opposition to the application for an order, either personally or by a barrister or solicitor.

Power of parent to oppose application

(2) Where the parent or guardian cannot be found or cannot, in the opinion of the court, be reasonably required to attend, the court may allow any relative or other responsible person to take the place of the parent or guardian for the purpose of this section.

18. If a juvenile court is not in a position to decide what order, or whether any order, ought to be made in respect of a juvenile, the court may make such interim order as it thinks fit for the detention or continued detention of the juvenile in a place of safety:

Interim orders to place of safety

Provided that any interim order made under this section shall not remain in force for more than fourteen days, but if, at the expiration of that period, the court deems it expedient so to do, it may make a further interim order.

Fit Persons

19. (1) Before making an order under this Act committing a juvenile to the care of a fit person, the court shall endeavour to ascertain the religious persuasion of the juvenile, and in selecting the person to whose care the juvenile is to be committed the court shall, if possible, select a person who is of the same religious persuasion as the juvenile or who gives an undertaking that he will be brought up in accordance with that religious persuasion.

Provisions as to orders of committal to fit persons

(2) The provisions of subsection (1) relating to the selection of a fit person shall not apply where the court orders committal to the Commissioner for Juvenile Welfare, but the said Commissioner shall take all reasonable steps to ensure that the juvenile is brought up in accordance with his religious persuasion.

(As amended by No. 35 of 1959)

20. (1) Every order committing a juvenile to the care of a fit person shall contain a declaration

Contents of order of committal to care of fit person

(a) as to the age or apparent age; and

(b) as to the religious persuasion;
of the juvenile with respect to whom it is made.

(2) The court which makes an order committing a juvenile to the care of a fit person shall cause a record in the prescribed form, embodying all such information in the possession of the court as is, in the opinion of the court, material to be known by such fit person, to be prepared and transmitted to the fit person.

21. Every order made committing a juvenile to the care of a fit person shall, subject to the provisions of this Act, remain in force until the juvenile attains the age of nineteen years.

Duration of order

22. (1) The person to whose care a juvenile is committed by any such order as aforesaid shall, while the order is in force, have the same rights and powers and be subject to the same liabilities in respect of his maintenance as if he were the parent of the juvenile, and the juvenile so committed shall continue in his care notwithstanding any claim by a parent or any other person:

Power of fit person over juvenile committed to his care

Provided that the authority and control shall not include power to give consent to the marriage of the juvenile or to deal with the property of the juvenile.

(2) The Commissioner for Juvenile Welfare may, when he is satisfied that it is in the interest of the juvenile and on such conditions as he may deem fit, authorise the temporary absence from Zambia of any juvenile committed to his care or to the care of any other fit person.

(3) Nothing in subsection (1) shall be deemed to make the Commissioner for Juvenile Welfare personally liable for the maintenance of a juvenile committed to his care.

(As amended by No. 35 of 1959 and No. 1 of 1961)

23. Where a juvenile is committed to the care of the Commissioner for Juvenile Welfare as a fit person, he may-

Powers of
Commissioner for
Juvenile Welfare to
board out juveniles

- (a) board out the juvenile with persons whom he considers suitable to undertake the care of the juvenile and who are willing to do so;
- (b) place the juvenile in any home or institution within Zambia which he considers suitable for the juvenile and the managers of which are willing to undertake the care of such juvenile;
- (c) place the juvenile in a home or institution in Southern Rhodesia or the Republic of South Africa which he considers suitable for the juvenile and the managers of which are willing to undertake the care of such juvenile:

Provided that no juvenile shall be placed in a home or institution outside Zambia without the written authority of the court which made the order committing the juvenile to the care of the Commissioner for Juvenile Welfare as a fit person.

(No. 35 of 1959)

24. A fit person, other than the Commissioner for Juvenile Welfare, may board out juveniles committed to his care for such periods and on such terms as to payment and otherwise as the Commissioner for Juvenile Welfare may approve:

Juveniles may be
boarded out by fit
persons

Provided that, in selecting the person or institute with whom any juvenile is to be boarded out, care shall be taken to select, if possible, a person or institute of the same religious persuasion as the juvenile, or a person or institute which will give an undertaking that he will be brought up in accordance with that religious persuasion.

(As amended by No. 35 of 1959)

25. The Minister, in any case where it appears to him to be for the benefit of a juvenile, may empower the person to whose care the juvenile has been committed to arrange for his emigration, but except with the authority of the Minister no person to whose care a juvenile has been committed shall arrange for his emigration:

Power to arrange
emigration

Provided that the Minister shall not empower such a person to arrange for the emigration of a juvenile unless he is satisfied that the juvenile consents or, being too young to form or express a proper opinion on the matter, is to emigrate in company with a parent, guardian, relative or friend, and also that his parents have been consulted or that it is not practicable to consult them.

(As amended by G.N. No. 276 of 1964)

26. (1) An order committing a juvenile to the care of a fit person may, on the application of any person, be varied or revoked by a juvenile court acting for the District or place within which the juvenile is residing, and the court by which any such order is revoked may, upon the application of any person, substitute for that order an order placing the juvenile for a specified period not exceeding three years under the supervision of a probation officer or of some other person appointed by the court for that purpose:

Application for order of committal to be varied or revoked

Provided that an order under this subsection placing a juvenile under supervision as aforesaid shall be of no effect after the time at which the juvenile attains the age of nineteen years.

(2) If on the application of the parent or guardian or any near relative of a juvenile committed by any such order as aforesaid, any court having power to vary or revoke the order is satisfied that he is not being brought up in accordance with his religious persuasion, the court shall, unless a satisfactory undertaking is offered by the person to whose care the child has been committed, either revoke the order or vary it in such manner as the court thinks best calculated to secure that he is henceforth brought up in accordance with that persuasion.

27. Where a fit person is of opinion that any juvenile who has been committed to his care and who is under nineteen years of age should be sent to an approved school, he may apply to a juvenile court, and that court may, if it thinks that it is in his interests so to do, order him to be sent to such a school.

Application by fit person for transfer of juvenile to approved school

28. (1) Any juvenile who runs away from a person to whose care he has been committed under this Act may be apprehended without a warrant and brought back to that person, if he is willing to receive him, and if he is not willing to receive him, he may be brought before a juvenile court having jurisdiction in the place where he was residing immediately before he ran away, and that court may make any order in respect to him which the court might have made if he had been brought before it as being a juvenile who, having no parent or guardian, was beyond control.

Escapes from care of fit person

(2) A juvenile who runs away from a person or institution with whom he has been boarded out under section *twenty-four* may be apprehended without a warrant and brought back to that person or institution, or to such other person or institution as the Commissioner for Juvenile Welfare may direct.

(3) Any person who knowingly-

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- (a) assists, or persistently attempts to induce, or induces a juvenile to run away from a person or institution to whose care he has been committed or with whom he has been boarded out under this Act; or
- (b) harbours or conceals a juvenile who has so run away, or prevents him from returning;

shall be liable to a fine not exceeding one thousand five hundred penalty units or to imprisonment for any term not exceeding six months, or to both.

(As amended by Act No. 13 of 1994)

29. The Minister may, at any time in his discretion, discharge a juvenile from the care of the person to whose care he has been committed or from an approved school and any such discharge may be granted either absolutely or subject to conditions.

Power to discharge

(As amended by G.N. No. 276 of 1964)

30. The Minister may, by statutory instrument, if he thinks fit, make rules as to the manner in which juveniles committed to the care of fit persons are to be dealt with and as to the duties of the persons to whose care they are committed, and may cause any juvenile committed to the care of a fit person to be visited from time to time.

Rules

(As amended by G.N. No. 276 of 1964)

Custody of Juveniles

31. (1) Where the parent of a juvenile applies to any court for the custody of the juvenile and the court is of the opinion that the parent has abandoned or deserted the juvenile, or that he has so conducted himself that the court should refuse to enforce his right to the custody of the juvenile, the court may in its discretion refuse to award the custody of the juvenile to the parent.

Application for custody of juvenile

(2) Where the parent of a juvenile has allowed him to be brought up by another person at that person's expense for such length of time and under such circumstances as to satisfy the court that the parent was unmindful of his parental duties, the court shall not make an order for the delivery of the juvenile to the parent unless the parent has satisfied the court that, having regard to all the circumstances, it is more advantageous to the juvenile to make the order.

(3) If at the time of an application by a parent for an order for the custody of a juvenile, the juvenile is being brought up by a person other than the parent, the court may in its discretion, if it orders the juvenile to be given up to the parent, further order that the parent shall pay to such other person the whole of the cost properly incurred by such person in bringing up the juvenile, or such proportion thereof as shall seem to the court to be just and reasonable having regard to all the circumstances of the case.

Receiving Children for Reward

32. (1) A person who undertakes for reward the care and maintenance of a child apart from his parents, or having no parents, for a longer period than thirty days shall give notice thereof to the juveniles inspector of the area within which the child is to be maintained-

Notices to be given by persons receiving children for reward

- (a) in the case of a child not already in his care, being the first child proposed to be received by him for reward in the premises occupied, or proposed to be occupied, for the purpose, not less than seven days before he receives the child;
- (b) in the case of any other child not already in his care, not less than forty-eight hours before he receives the child;
- (c) in the case of a child already in his care without reward, within forty-eight hours after entering into the undertaking; and
- (d) in the case of a child who is being cared for and maintained for reward at the commencement of this Act, and in respect of whom no notice has been given to the juveniles inspector, within one month of the commencement of this Act:

Provided that, in proceedings in respect of failure to give any such notice as aforesaid, it shall be a defence for the defendant to prove that he received the child upon an emergency and gave notice within forty-eight hours thereafter.

(2) For the purposes of this section, an undertaking shall be deemed to be an undertaking for reward if there is any payment or gift of money or money's worth, or any promise to pay or give money or money's worth irrespective of whether there is any intention of making profit.

(3) The notice required by this section shall contain such particulars as may be prescribed.

(4) A child in respect of whom a notice has been or ought to have been given under this section and who is still living apart from his parents, if any, with the person by whom the notice was, or ought to have been given, is hereinafter referred to as a "foster child".

(5) If a person who is maintaining a foster child changes his residence, he shall, at least seven days before so doing, give to the juveniles inspector notice of the change, and, where the residence to which he removes is situate within the area of another juveniles inspector, he shall at least seven days before so moving give to that juveniles inspector the like notice as respects each foster child in his care as he is required to give on the first reception of a foster child:

Provided that, where an immediate change of residence is necessitated by any emergency, a notice under this subsection may be given at any time within forty-eight hours after the change of residence.

(6) If a foster child dies, or is removed or removes himself from the care of the person who has undertaken his care and maintenance, that person shall, within forty-eight hours thereof, give to the juveniles inspector and to the person from whom the child was received if his whereabouts are known notice in writing of the death or removal and, in the case of removal, the notice shall also state the name and address of the person, if any, to whose care the child has been transferred.

33. (1) If any person required to give any notice under either subsection (5) or (6) of section *thirty-two* fails to give notice before the latest time specified for giving the notice, he shall be guilty of an offence and, if the consideration for the care and maintenance of the child in respect of whom the notice ought to have been given consisted in whole or in part of a lump sum, the person failing to give the notice shall, in addition to any other penalty under this Part, be liable to forfeit that sum, or such less sum as the court having cognizance of the case may deem just, and the sum forfeited shall be applied for the benefit of the child in such manner as the court may direct.

Penalties for failure to give notices

(2) Where under this section any such sum as aforesaid is ordered to be forfeited, the order may be enforced as if it were an order for the payment of a civil debt.

(3) For the purpose of any enactment by which the time for taking proceedings is limited, an offence under this section shall be deemed to continue so long as the child in respect of whom a notice ought to have been given remains in the care of the offender without any notice having been given.

34. A foster child shall not, without the consent of the juveniles inspector and the approval of the Commissioner for Juvenile Welfare, be kept-

Persons prohibited from receiving foster children

- (a) by any person from whose care any child has been removed under this Part; or
- (b) in any premises from which any child has been removed under this Part by reason of the premises being dangerous or insanitary or so unfit as to endanger the health of a child; or
- (c) by any person who has been convicted of an offence under sections *forty-six* to *fifty-three*; or
- (d) by any person excluded from taking care of a child under the provisions of section *thirty-six*;

and any person keeping a foster child contrary to this section or causing a foster child to be so kept shall be guilty of an offence.

35. (1) The Minister may fix the maximum number of persons under the age of nineteen years who may be kept in any premises in which a foster child is kept, and may also impose conditions to be complied with so long as the number of children kept in the premises exceeds a specified number.

Power to prevent over-crowding of foster children

(2) If the maximum number fixed under this section is exceeded, or if any condition imposed is not complied with, a person who keeps a foster child in those premises shall be guilty of an offence.

(As amended by G.N. No. 276 of 1964)

36. (1) If a foster child is about to be received or is being kept-

Removal of foster children from unsuitable premises or persons

- (a) in any premises which are overcrowded, insanitary or dangerous; or
- (b) by any person who, by reason of old age, infirmity, ill health, ignorance, negligence, inebriety, immorality, or criminal conduct, or for any other reason, is unfit to have care of the child; or
- (c) in any premises, or by any person, in contravention of any of the provisions of this Part; or
- (d) in an environment which is detrimental to the child;

a subordinate court may, on the application of a juveniles inspector, make an order for the removal of the child to a place of safety until he can be restored to his relatives, or until other arrangements can be made with respect to him; and, upon proof that there is imminent danger to the health and well-being of the child concerned, such court may make the said order *ex parte*.

(2) An order made under subsection (1) may be enforced by a police officer, or any other person authorised by the court making the order; and any person who refuses to comply with such an order upon its being produced or who obstructs any such police officer or person as aforesaid in the enforcement of the order, shall be guilty of an offence.

37. (1) In the case of the death of a foster child, the person who had the care of the child shall, within twenty-four hours of the death, give notice in writing thereof to the coroner of the area within which the body of the child lies, and the coroner shall hold an inquest thereon, unless there is produced to him a certificate of a registered medical practitioner certifying that a practitioner has personally attended the child during his last illness and certifying also the cause of death, and the coroner is satisfied that there is no ground for holding an inquest.

Notice to coroner

(2) If the person required to give notice under this section fails to give notice within the time specified for the purpose, he shall be guilty of an offence.

38. A person who keeps a foster child shall be deemed to have no interest in the life of the child for the purpose of any law for the time being in force regarding life insurance, and, if any such person directly or indirectly insures or attempts to insure the life of a foster child, he shall be guilty of an offence.

Avoidance of insurance on lives of foster children

39. (1) If any person required to give any notice under the provisions of this Part relating to protection of juveniles knowingly makes, or causes or procures any other person to make, any false or misleading statement in any such notice, he shall be guilty of an offence.

Provisions as to notices

(2) Every notice required by this Part to be given to a juveniles inspector may be delivered to the office of the juveniles inspector or may be sent by post in a registered letter addressed to the juveniles inspector or to a person duly authorised by him to receive such notice. Every such notice required to be given to a coroner shall be delivered at his office or residence.

40. (1) No advertisement indicating that a person or society will undertake, or will arrange for, the care or maintenance of a child shall be published unless that person's name and residence, or, as the case may be, that society's name and office, are truly stated in the advertisement.

Prohibition of anonymous advertisements offering to receive foster children

(2) Every person who knowingly publishes or causes to be published any advertisement in contravention of the provisions of this section shall be guilty of an offence.

41. Any person guilty of an offence under the foregoing provisions of this Part relating to the protection of juveniles for which no other penalty is provided shall be liable to a fine not exceeding one thousand and five hundred penalty units or to imprisonment for a term not exceeding six months, or to both and the court may order any child in respect of which the offence was committed to be removed to a place of safety.

Penalties

(As amended by Act No. 13 of 1994)

42. (1) The provisions of this Part relating to the reception of children for reward shall not extend to-

Exemptions

- (a) any relative or legal guardian of a child who undertakes the care and maintenance of the child; or
- (b) any hospital, convalescent home, school, or institution which is maintained by a Government department or local authority, or which is, as a whole, otherwise than under this Act, subject to inspection by, or under the authority of, a Government department; or
- (c) any approved society or fit person to whose care a child has been committed under the provisions of this Act; or
- (d) any person who, with the consent of the parents or guardians, has undertaken the care of a child who is attending school as a day scholar; or

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- (e) any person who, with the consent of the parents or guardians, undertakes for a period not exceeding six months the care and maintenance of a child during the absence on leave or holiday of such parents or guardians; or
- (f) any person or body of persons exempted by order of the Minister from the provisions of this Act relating to the reception of children for reward.

(2) The Minister, having satisfied himself that any institution is being conducted in good faith for the care and protection of children, may issue to the managers of the institution a certificate exempting them from the requirements of sections *thirty-two* and *thirty-three*, and any certificate so granted may at any time be withdrawn by the Minister.

(3) For the purposes of this section, "relative" means a grandparent, brother, sister, uncle or aunt by consanguinity or affinity, or in consequence of adoption, and, in the case of an illegitimate child, a person who would be so related through the mother if the child were legitimate.

(As amended by G.N. No. 276 of 1964)

Voluntary Homes

43. (1) It shall be the duty of the person in charge of a voluntary home to give notice with respect to the establishment of the home to the juveniles inspector of the area within which the home is situate within three months after the commencement of this Act, or, in the case of a home established after the commencement of this Act, within one month of the establishment of the home. The notice to be given under this subsection shall state-

Notices and records in connection with voluntary homes

- (a) the address of the home;
- (b) the date on which it was established;
- (c) the name or names of the manager or managers of the home;
- (d) the name of the person in charge thereof;
- (e) the age group of the juveniles for which it is designed to cater; and
- (f) the race of the juveniles for which it is designed to cater.

(2) It shall be the duty of the person in charge of a voluntary home to keep records showing the name of every juvenile admitted to the home, and his age and the dates on which he was admitted and discharged, and the name of the person, if any, to whose care he was discharged.

(3) If any person required to give a notice or keep records under this section fails to give such notice or keep such records he shall be liable to a fine not exceeding one hundred and fifty penalty units and to a further fine not exceeding thirty penalty units in respect of each day during which the default continues after conviction.

(As amended by Act No. 13 of 1994)

44. (1) No voluntary home shall be established or maintained under the management of-

Restriction on
managers of voluntary
homes

- (a) any person from whose care a juvenile has been removed as being in need of care; or
- (b) any person who has been convicted of a scheduled offence in respect of a juvenile.

(2) No person shall employ in any voluntary home any of the persons mentioned in paragraphs (a) and (b) of subsection (1).

(3) Any person contravening the provisions of this section shall be liable to a fine not exceeding one thousand five hundred penalty units.

(As amended by Act No. 13 of 1994)

45. (1) A juveniles inspector shall cause any voluntary home within his area to be inspected from time to time unless the home is one which is, as a whole, otherwise than under this Act, subject to inspection by, or is under the authority of, a Government department.

Inspection of voluntary
homes and removal of
juveniles therefrom

(2) If a juvenile, while maintained in a voluntary home, is found to be in need of care, a juvenile court having jurisdiction in the area in which the home is situate, in addition to making an order in respect of the juvenile, may cause a summons to be served upon the person in charge of the home and upon such other person as the court may direct, and upon the hearing of the summons may-

- (a) order the removal of all juveniles from the home; or
- (b) make an order containing such general and special directions as the court thinks expedient for the welfare of the juveniles in the home:

Provided that no order shall be made unless the court is satisfied that the welfare of the juveniles in the home is endangered.

(3) An order for the removal of all juveniles from a voluntary home shall operate as an authority to any person named in the order and to any police officer to enter the home and to remove all juveniles therein to a place of safety; and where any juveniles are so removed, it shall be the duty of the person removing them to lodge them in a place of safety until they can be restored to their relatives, or until other arrangements have been made with respect to them.

(4) Where an order has been made for the removal of all juveniles from a voluntary home, the home shall not be used for the reception of juveniles without the consent of the juveniles inspector of the area within which it is situate, and any person who knowingly permits it to be so used shall be guilty of an offence and shall be liable on conviction to a fine not exceeding seven hundred and fifty penalty units.

(As amended by Act No. 13 of 1994)

Offences against Juveniles

46. (1) If any person who has attained the age of sixteen years and has the custody, charge or care of any juvenile wilfully assaults, ill-treats, neglects, abandons or exposes him, or causes or procures him to be assaulted, ill-treated, neglected, abandoned or exposed, in a manner likely to cause him unnecessary suffering or injury to health (including injury to or loss of sight, or hearing, or limb, or organ of the body, and any mental suffering), that person shall be liable to a fine not exceeding six thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

Cruelty to juveniles

(2) For the purposes of this section-

- (a) a parent or other person legally liable to maintain a juvenile shall be deemed to have neglected him in a manner likely to cause injury to his health if he has failed to provide adequate food, clothing, medical aid or lodging for him;
- (b) where it is proved that the death of a child under three years of age was caused by suffocation (not being suffocation caused by disease or the presence of any foreign body in the throat or air passages of the child) while the child was in bed with some other person who has attained the age of sixteen years, that other person shall, if he was when he went to bed under the influence of drink, be deemed to have neglected the child in a manner likely to cause injury to his health.

(3) A person may be convicted of an offence under this section-

- (a) notwithstanding that actual suffering or injury to health, or the likelihood thereof, was obviated by the act of some other person;
- (b) notwithstanding that actual suffering or injury or detriment to health, mind or body has not occurred; and

- (c) not withstanding the death of the juvenile in question.

(4) Upon the trial of any person who is charged with or indicted for infanticide or the manslaughter of a juvenile of whom he had the custody, charge or care, it shall be lawful for the court, if it is satisfied that he is guilty of an offence under this section, to find him guilty of that offence.

(5) If it is proved that a person convicted under this section was directly or indirectly interested in any sum of money accruing or payable in the event of the death of the juvenile, and had knowledge that the sum of money was accruing or becoming payable, then the maximum amount of the fine which may be imposed under this section shall be twelve thousand penalty units and the court shall have the power, in lieu of awarding any other penalty under this section, to sentence the person convicted to imprisonment for any term not exceeding five years.

(6) For the purposes of subsection (5)-

- (a) a person shall be deemed to be directly or indirectly interested in a sum of money if he has any share in or any benefit from the payment of that money, notwithstanding that he may not be a person to whom it is legally payable; and
- (b) a copy of a policy of insurance, certified to be a true copy by an officer or agent of the insurance company granting the policy, shall be evidence that the juvenile therein stated to be insured has in fact been so insured, and that the person in whose favour the policy has been granted is the person to whom the money thereby insured is legally payable.

(7) Nothing in this section shall be construed as affecting the right of any parent, teacher or other person having the lawful control or charge of a juvenile to administer lawful punishment to him.

(As amended by Act No. 13 of 1994)

47. (1) If any person having the custody, charge or care of a girl under the age of sixteen years causes or encourages the seduction, unlawful carnal knowledge, or prostitution of, or the commission of an indecent assault upon, her, he shall be liable to imprisonment for a term not exceeding two years.

Causing or encouraging the prostitution of girls under sixteen

(2) For the purposes of this section, a person shall be deemed to have caused or encouraged the seduction, unlawful carnal knowledge, or prostitution of, or commission of an indecent assault upon, a girl who has been seduced, unlawfully carnally known, or indecently assaulted, or who has become a prostitute, if he has knowingly allowed her to consort with, or to enter or continue in the employment of, any prostitute or person of known immoral character.

48. (1) If any person having the custody, charge or care of a juvenile who has attained the age of four years and is under the age of sixteen years allows that juvenile to reside in or frequent a brothel, he shall be liable to a fine not exceeding one thousand five hundred penalty units or to imprisonment for a period not exceeding six months, or to both.

Allowing persons under sixteen to be in brothels

(2) Nothing in this section shall affect the liability of a person to be charged with an offence under sections *one hundred and forty-two* and *one hundred and forty-three* of the Penal Code, but upon trial of a person under those sections, or any one of them, it shall be lawful for the court, if it is satisfied that he is guilty of an offence under this section, to find him guilty of that offence.

Cap. 87

(As amended by Act No. 13 of 1994)

49. (1) Where it is shown to the satisfaction of the magistrate empowered to hold a subordinate court of the first or second class, on the complaint of any person, that a girl under the age of sixteen years is, with the knowledge of her parent or guardian, exposed to the risk of seduction or prostitution or of being unlawfully carnally known, or is living a life of prostitution, the magistrate may adjudge the parent or guardian to enter into a recognizance to exercise due care and supervision in respect of the girl.

Power to bind over persons having the custody of young girls

(2) The provisions of the Penal Code with respect to recognizances to be of good behaviour (including the provisions as to the enforcement thereof) shall apply to recognizances under this section.

Cap. 87

50. (1) If any person causes or procures any child or, having the custody, charge or care of such a child, allows him to be in any street, premises or place for the purpose of begging or receiving alms, or of inducing the giving of alms (whether or not there is any pretence of singing, playing, performing, offering anything for sale or otherwise), he shall be liable to a fine not exceeding seven hundred and fifty penalty units or to imprisonment for a term not exceeding three months, or to both.

Causing or allowing children to be used for begging

(2) If a person having the custody, charge or care of a child is charged with an offence under this section and it is proved that such child was in any street, premises or place for any such purposes as aforesaid, and that the person charged allowed the child to be in the street, premises or place, he shall be presumed to have allowed him to be in the street, premises or place for that purpose unless the contrary is proved.

(3) If any person while singing playing, performing or offering anything for sale in a street or public place has with him a child who has been hired out to him, the child shall, for the purposes of this section, be deemed to be in that street or public place for the purpose of inducing the giving of alms.

(As amended by Act No. 13 of 1994)

51. If any person gives or causes to be given-

- (a) to any child under the age of five years any intoxicating liquor;
- (b) without the consent of his parent or guardian, to any child over the age of five years any intoxicating liquor;
- (c) to any child any spirituous liquor;

Giving intoxicating or spirituous liquor to children

except upon the order of a duly qualified medical practitioner, or in the case of sickness, apprehended sickness or other urgent cause, he shall be guilty of an offence and liable to a fine not exceeding one hundred and fifty penalty units.

(As amended by Act No. 13 of 1994)

52. (1) The holder of the licence of any licensed premises shall not allow a child, other than an infant, to be at any time in the bar of the licensed premises during the permitted hours.

Causing or allowing children to be in bars of licensed premises

(2) If the holder of a licence acts in contravention of this section, or if any person causes, or procures, or attempts to cause or procure, any child, other than an infant, to go to, or to be in, the bar of any licensed premises during the permitted hours, he shall be liable to a fine not exceeding, in respect of a first offence, sixty penalty units, and in respect of any subsequent offence, one hundred and fifty penalty units.

(3) If a child, other than an infant, is found in the bar of any licensed premises during the permitted hours, the holder of the licence shall be deemed to have committed an offence under this section unless he proves that he had used due diligence to prevent such child from being admitted to the bar or that the child had apparently attained the age of sixteen years.

(4) Nothing in this section shall apply to the case of any child who is in any railway restaurant car, railway or airport refreshment room or other premises constructed, fitted, and intended to be used in good faith for any purpose for which the holding of a licence is merely auxiliary.

(5) In this section-

"bar", in relation to any licensed premises, means any open drinking bar or any part of the premises exclusively or mainly used for the sale and consumption of intoxicating liquor;

"the holder of the licence of any licensed premises" means-

- (a) the holder of a licence issued under the Liquor Licensing Act;
- (b) the person authorised to sell traditional beer in accordance with the provisions of the Traditional Beer Levy Act;
- (c) the secretary of any club registered in accordance with the provisions of the Clubs' Registration Act;

"infant" means a child up to the apparent age of three years and actually carried by some other person;

"licence" means a licence issued under the Liquor Licensing Act or the Clubs' Registration Act and any authority to sell traditional beer in accordance with the provisions of the Traditional Beer Levy Act;

"licensed premises" means-

- (a) any premises in respect of which a licence to sell liquor is in force in accordance with the provisions of the Liquor Licensing Act;
- (b) a place where traditional beer is sold in accordance with the provisions of the Traditional Beer Levy Act;
- (c) a club registered in accordance with the provisions of the Clubs' Registration Act;

"permitted hours" means those hours of the day during which intoxicating liquor may lawfully be supplied in licensed premises.

(As amended by Act No. 13 of 1994)

Children at Entertainments

53. (1) No child shall, except under licence granted by a juveniles inspector, take part whether as performer or attendant in any entertainment in connection with which any charge, whether for admission or not, is made to any of the audience with a view to profit or personal gain; and every person who causes or procures a child, or being his parent allows him, to take part in an entertainment in contravention of this section shall be liable to a fine not exceeding one thousand five hundred penalty units.

Restriction on children taking part in entertainment

(2) The Minister may exempt any entertainment or class of entertainment from the provisions of this section.

(As amended by G.N. No. 276 of 1964 and Act No. 13 of 1994)

54. A juveniles inspector may grant a licence for a child to take part in any specified entertainment or series of entertainments in his area:

License to take part in entertainment

Provided that no licence shall be granted unless the juveniles inspector is satisfied that the child is fit to take part in the entertainment, and that proper provision has been made to secure his health and kind treatment, and that his performance shall in no way endanger his life or limbs.

55. (1) Where there is provided in any building an entertainment for children, or an entertainment at which the majority of the persons attending are children, it shall be the duty of the person or persons providing the entertainment to take all reasonable steps to station and keep stationed wherever necessary a sufficient number of attendants, properly instructed as to their duties and not being less than eighteen years of age, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate, and to control the movement of the children and other persons admitted while entering or leaving the building or any part thereof, and to take all other reasonable precautions for the safety of the children and the prevention of fire.

Safety of children at entertainments

(2) Any person failing to fulfil the obligations imposed on him by this section shall be liable to a fine not exceeding one thousand five hundred penalty units.

(3) Any police officer of or above the rank of Assistant Inspector who has reason to believe that such an entertainment as aforesaid is being, or is about to be, provided in any building may enter such building with a view to ascertaining whether the provisions of subsection (1) are carried into effect.

(As amended by No. 47 of 1963 and Act No. 13 of 1994)

Miscellaneous

56. For the purposes of this Part-

Interpretation of Part II

- (a) any person who is the parent or legal guardian of a juvenile or who is legally liable to maintain him shall be presumed to have the custody of him and, as between father and mother, the father shall not be deemed to have ceased to have the custody of him by reason only that he has deserted, or otherwise does not reside with, the mother and the juvenile;
- (b) any person to whose charge a juvenile is committed by a person who has the custody of him shall be presumed to have charge of the juvenile;
- (c) any other person having the actual possession or control of a juvenile shall be presumed to have the care of him.

57. (1) Where prior to the commencement of Act No. 35 of 1959 a court has committed a juvenile to the care of the Commissioner for Juvenile Welfare, such committal shall not be deemed to be or to have been invalid solely by reason of the fact that, prior to the enactment of Act No. 35 of 1959, the Commissioner for Juvenile Welfare was not a fit person under this Act.

Validation and saving

(2) The Commissioner for Juvenile Welfare shall be deemed always to have had the powers conferred upon him by this Act as amended by Act No. 35 of 1959.

(3) Nothing in Act No. 35 of 1959 shall be deemed to render invalid any order validly made prior to the commencement of Act No. 35 of 1959 committing a juvenile to the care of a fit person.

(No. 35 of 1959)

PART III JUVENILE DELINQUENTS

JUVENILE DELINQUENTS

Preliminary Proceedings

58. It shall be the duty of the Commissioner of Police to make arrangements for preventing, as far as possible, a juvenile while detained in a police station, or while being conveyed to or from any criminal court, or while waiting before or after attendance in any criminal court, from associating with an adult (not being a relative) who is charged with an offence, other than an offence with which the juvenile is jointly charged, and for ensuring that a girl (being a juvenile) shall, while so detained, being conveyed, or waiting be under the care of a woman.

Prevention of juveniles associating with adults during detention

59. Where a person apparently under the age of nineteen years is apprehended, with or without a warrant, and cannot be brought forthwith before a court, the police officer in charge of the police station to which he is brought shall inquire into the case, and may in any case, and-

Bail of juveniles arrested

- (a) unless the charge is one of homicide or other grave crime; or
- (b) unless it is necessary in the interest of such person to remove him from association with any reputed criminal or prostitute; or
- (c) unless the officer has reason to believe that the release of such person would defeat the ends of justice;

shall, release such person on a recognizance, with or without sureties, for such amount as will, in the opinion of the officer, secure the attendance of that person upon the hearing of the charge, being entered into by him, or by his parent or guardian or other responsible person.

60. Where a person apparently under the age of nineteen years having been arrested is not released on recognizance as provided in the last preceding section, the officer in charge of the police station to which such person is brought shall cause him to be detained in a place of safety until he can be brought before a court, unless such officer certifies-

Custody of juvenile not released on bail after arrest

- (a) that it is impracticable to do so; or
- (b) that the juvenile is of so unruly or depraved a character that he cannot safely be so detained; or
- (c) that by reason of the state of health or of the mental or bodily condition of the juvenile it is inadvisable so to detain him;

and the certificate shall be produced to the court before which the person is brought.

61. (1) A court on remanding or committing for trial a juvenile who is not released on bail shall, instead of committing him to prison, commit him to custody in a remand prison or place of safety named in the commitment, to be detained there for the period for which he was remanded or until he is thence delivered in due course of law:

Remand or committal to custody in a remand prison or place of safety

Provided that, in the case of a young person, it shall not be obligatory on the court so to commit him if the court certifies that he is of so unruly or depraved a character that he is not a fit person to be so detained.

(2) A commitment under this section may be varied or, in the case of a young person who proves to be of so unruly or depraved a character that he is not fit to be so detained, revoked by any court acting in or for the place in or for which the court which made the order acted, and, if the order is revoked, the young person may be committed to prison.

62. (1) Where it is impracticable in a remand prison to separate juveniles from adults detained in custody, a superintendent of prisons may detain any juvenile awaiting trial, or placed on remand by a court, in a suitable dwelling, other than a prison or detention camp, and whilst the juvenile is so detained, he shall be deemed to be in legal custody.

Custody of juveniles in remand prisons

(2) A juvenile whilst so detained and whilst being conveyed to and from a remand prison shall be deemed to be in legal custody, and if he escapes shall be guilty of an offence and may be apprehended without warrant and brought back to the remand prison in which he was detained.

Establishment and Procedure of Juvenile Courts

63. A subordinate court sitting for the purposes of-

- (a) hearing any charge against a juvenile; or
- (b) exercising any other jurisdiction conferred on juvenile courts by or under this or any other Act;

Establishment of juvenile courts

is in this Act referred to as a juvenile court.

64. (1) Where a juvenile is brought before a juvenile court for any offence other than homicide or attempted murder, the case shall be finally disposed of in such court.

Procedure in juvenile courts

(2) After explaining the substance of the alleged offence, the court shall ask the juvenile whether he admits the offence.

(3) Notwithstanding that the juvenile admits the offence, a juvenile court, other than a court presided over by a senior resident magistrate, resident magistrate or such other magistrate as the ⁽¹⁾Chief Justice may designate for the purposes of this section, shall in any case where the juvenile is not legally represented then hear the evidence of the witnesses in support thereof.

* All magistrate empowered to hold a subordinate court of the first or second class designated by G.N. No. 972 of 1967.

(4) At the close of the evidence in chief of each witness, the magistrate shall, if the juvenile is not legally represented, ask the juvenile, and the juvenile's parent or guardian if present in court, whether he wishes to put any questions to the witness.

(5) If in any case where the juvenile is not legally represented, the juvenile, instead of asking questions by way of cross examination, makes assertions, the court shall then put to the witness such question as it thinks necessary on behalf of the juvenile and may for this purpose question the juvenile in order to bring out or clear up any point arising out of such assertions.

Provided that where the court puts any questions to a witness in pursuance of this subsection, the prosecution shall have the right to re-examine the witness upon the answers to such questions.

(6) If it appears to the court that a *prima facie* case is made out, the evidence of any witness for the defence shall be heard and the juvenile shall be allowed to give evidence or make a statement.

(7) If the court is satisfied that the offence is proved, the juvenile shall then be asked if he desires to say anything in extenuation or mitigation of the penalty or otherwise. Before deciding how to deal with him, the court shall, if practicable, obtain such information as to his general conduct, home surroundings, school record, and medical history as may enable it to deal with the case in the best interests of the juvenile, and may put to him any question arising out of such information. For the purpose of obtaining such information or for special medical examination or observation, the court may from time to time remand the juvenile on bail or to a place of detention so, however, that he appears before a court at least once in every twenty-one days.

(As amended by No. 30 of 1964)

65. (1) Subject as hereinafter provided, no charge against a juvenile, and no application or matter whereof the hearing is by this Act assigned to juvenile courts, shall be heard by a subordinate court which is not a juvenile court:

Assignment of certain matters to juvenile courts

Provided that-

- (i) a charge made jointly against a juvenile and a person who has attained the age of nineteen years shall be heard by a subordinate court which is not a juvenile court;
and

*All magistrates empowered to hold a subordinate court of the first or second class designated by G.N. No. 972 of 1967.

- (ii) where a juvenile is charged with an offence, the charge may be heard by a subordinate court which is not a juvenile court if a person who has attained the age of nineteen years is charged at the same time with aiding, abetting, causing, procuring, allowing or permitting that offence; and
- (iii) where in the course of any proceedings before any subordinate court other than a juvenile court, it appears that the person to whom the proceedings relate is juvenile, nothing in this section shall be construed as preventing the court, if it thinks fit so to do, from proceeding with the hearing and determination of those proceedings.

(2) No direction, whether contained in this or any other Act, that a charge shall be brought before a juvenile court shall be construed as restricting the powers of any magistrate to entertain an application for bail or for a remand, and to hear such evidence as may be required for that purpose.

66. (1) Juvenile courts shall sit as often as may be necessary for the purpose of exercising any jurisdiction conferred on them by or under this or any other Act.

Miscellaneous provisions as to powers of juvenile courts

(2) A juvenile court sitting for the purpose of hearing a charge against, or an application relating to, a person believed to be a juvenile may, if it thinks fit to do so, proceed with the hearing and determination of the charge or application notwithstanding that it is discovered that the person in question is not a juvenile.

(3) The attainment of the age of nineteen years by a probationer or a person bound by a recognizance under the provisions of this Act or of the Probation of Offenders Act shall not deprive a juvenile court of jurisdiction to enforce his attendance and deal with him in respect of any failure to observe the conditions of the recognizance or order, or of jurisdiction to vary or to discharge the recognizance or order.

Cap. 93

(4) When a juvenile court has remanded a juvenile for information to be obtained with respect to him, any juvenile court acting for the same District or place-

- (a) may in his absence extend the period for which he is remanded, so, however, that he appears before a court at least once in every twenty-one days;

(b) when the required information has been obtained, may deal with him finally;

and where the court by which he was originally remanded has recorded a finding that he is guilty of an offence charged against him, it shall not be necessary for any court which subsequently deals with him under this subsection to hear evidence as to the commission of that offence, except in so far as it may consider that such evidence will assist the court in determining in which manner he should be dealt with.

67. (1) Any court by or before which a juvenile is found guilty of an offence other than homicide may, if it thinks fit, transfer the case to a juvenile court acting for the place where the offender was committed for trial, or for the place where the offender resides; and, where any such case is so transferred, the offender shall be brought before a juvenile court accordingly, and that court may deal with him in any way in which it might have dealt with him if he had been tried and found guilty by that court.

Power of other court to transfer offenders to juvenile courts

(2) No appeal shall lie against an order of transfer made under this section, but nothing in this subsection shall affect any right of appeal against the verdict or finding on which such an order is founded, and a person aggrieved by the order of the juvenile court to which the case is transferred may appeal therefrom as if the offender had been tried by, and pleaded guilty before the juvenile court.

(3) A court by which an order transferring a case to a juvenile court is made under this section may give such directions as appear to be necessary with respect to the custody of the offender or for his release on bail until he can be brought before the juvenile court, and shall cause to be transmitted to the clerk of the juvenile court a certificate setting out the nature of the offence and stating that the offender has been found guilty and that the case has been transferred for the purpose of being dealt with under this section.

68. The words "conviction" and "sentence" shall cease to be used in relation to juveniles dealt with by a subordinate court and any reference in any enactment, whether passed before or after the commencement of this Act, to a person convicted, a conviction, or a sentence shall in the case of a juvenile be construed as including a reference to a person found guilty of an offence, a finding of guilty, or an order made upon such a finding, as the case may be.

Abolition of the use of the words "conviction" and "sentence" in respect of juveniles

69. Where a juvenile is himself ordered by a juvenile court to pay costs in addition to a fine, the amount of the costs shall in no case exceed the amount of the fine.

Costs

70. No conviction or finding of guilty of a juvenile shall be regarded as a conviction of felony for the purposes of any disqualification attaching to felony.

Removal of disqualifications attaching to felony

71. The Chief Justice may, by statutory instrument, from time to time make rules of court for regulating the procedure and practice of juvenile courts, and such of the provisions of the Subordinate Courts Act or of any other enactment as regulate procedure in criminal cases shall have effect subject to any rules so made.

Rules of court
Cap. 28

(As amended by No. 41 of 1960)

Juvenile Offenders

72. (1) No child shall be sentenced to imprisonment or to detention in a detention camp.

Restriction on punishment of juveniles

(2) No young person shall be sentenced to imprisonment if he can be suitably dealt with in any other manner.

(3) A court shall not order a child to be sent to a reformatory unless the court is satisfied that having regard to his character and previous conduct, and to the circumstances of the offence, it is expedient for his reformation and the prevention of crime that he should undergo a period of training in a reformatory.

73. (1) Where a juvenile charged with any offence is tried by any court, and the court is satisfied of his guilt, the court shall take into consideration the manner in which, under the provisions of this or any other written law, the case should be dealt with, namely:

Methods of dealing with offenders

- (a) by dismissing the charge;
- (b) by making a probation order in respect of the offender;
- (c) by sending the offender to an approved school;
- (d) by sending the offender to a reformatory;
- (e) by ordering the offender to be caned;
- (f) by ordering the offender to pay a fine, damages or costs;
- (g) by ordering the parent or guardian of the offender to pay a fine, damages or costs;
- (h) by ordering the parent or guardian of the offender to give security for the good behaviour of the offender;
- (i) where the offender is a young person, by sentencing him to imprisonment;

- (j) by dealing with the case in any other manner in which it may legally be dealt with.

(2) Whenever a juvenile is found guilty of an offence for which, but for the provisions of this Act, a sentence of imprisonment would have been passed, the court by which the juvenile is found guilty may, instead of passing such sentence of imprisonment, order him to be detained in a reformatory.

(3) Nothing in this section shall be construed as in any way restricting the power of the court to pass any sentence or combination of sentences which it is empowered to pass under this or any other written law:

Provided that no court shall order an offender to be caned in addition to directing that he be sent to an approved school or a reformatory.

(As amended by No. 56 of 1965)

74. (1) Where a court thinks that a charge against a juvenile is proved, the court may make an order on the parent or guardian of the juvenile under the last preceding section for the payment of a fine, damages or costs or requiring him to give security for good behaviour, with or without proceeding to the conviction of the juvenile:

Powers of court in respect of fines, etc.

Provided that no such order shall be made unless the court is satisfied that the parent or guardian has conduced to the commission of the offence by neglecting to exercise due care of the juvenile.

(2) An order made under the last preceding section may be made against a parent or guardian who, having been required to attend, has without reasonable excuse failed to do so, but save as aforesaid no such order shall be made without giving the parent or guardian an opportunity of being heard.

(3) Any sums imposed and ordered to be paid by a parent or guardian under the last preceding section, or on forfeiture of any security as aforesaid, may be recovered from him by distress and imprisonment in like manner as if the order had been made on the conviction of the parent or guardian of the offence with which the juvenile was charged.

PART IV ADMINISTRATIVE PROVISIONSPART IV

ADMINISTRATIVE PROVISIONS

Approved Schools

75. (1) The Minister may, by statutory notice, establish approved schools for the reception, maintenance and training of juveniles sent thereto under the provisions of this or any other Act.

Establishment of approved schools

(2) Any institution or school established in any of the scheduled territories which affords sufficient facilities for the education and training of persons who could be sent there in pursuance of the provisions of this Act relating to approved schools may be approved by the President and shall thereupon be deemed to be an approved school for the purposes of this Act.

(As amended by G.N. No. 276 of 1964)

76. Before making an order under this Act committing a juvenile to an approved school, the court shall endeavour to ascertain the religious persuasion of the juvenile, and in selecting the approved school to which the juvenile is to be committed, the court shall, if possible, select a school for persons of the same religious persuasion as the juvenile, or which gives an undertaking that he will be brought up in accordance with that religious persuasion.

Regard to be had to religious persuasion of person committed to approved school

77. (1) Every approved school order shall contain a declaration-

Contents of approved school order

(a) as to the age or apparent age; and

(b) as to the religious persuasion;

of the juvenile with respect to whom it is made.

(2) The court which makes an approved school order shall cause a record in the prescribed form, embodying all such material in the possession of the court as is, in the opinion of the court, material to be known by the managers of the school, to be prepared and forwarded to the person in charge of the school.

78. An approved school order shall be an authority for the detention of the person named therein in an approved school-

Authority of approved school order

(a) if at the date of the order he has not attained the age of fourteen years, until the expiration of a period of three years or the expiration of four months after he attains the age of fifteen years, whichever is the later;

(b) if at the date of the order he has attained the age of fourteen years but has not attained the age of sixteen years, until the expiration of a period of three years from the date of the order; and

(c) if at the date of the order he has attained the age of sixteen years, until he attains the age of nineteen years.

79. (1) No approved school order made by a juvenile court shall be carried into effect until the record of the case or a certified copy thereof has been transmitted to, and the order confirmed by, the High Court.

Confirmation of approved school order by High Court

(2) Pending the confirmation of an approved school order by the High Court or pending arrangements for the admission of the juvenile to an approved school, the court making the order may make a temporary order committing the juvenile to the care of a fit person to whose care he might be committed under this Act, or to a place of safety, and, subject as hereinafter provided, such temporary order shall have effect until he is sent to an approved school in pursuance of the approved school order:

Provided that a temporary order as aforesaid shall not remain in force for more than twenty-eight days, but if at the expiration of that period the court considers it expedient so to do, it may make a further temporary order.

(3) Any temporary order may be made under subsection (2) in the absence of the juvenile.

80. (1) The court which makes an approved school order shall cause it to be delivered to the authority or person responsible for conveying the juvenile to his school, and the person who conveys him to his school shall deliver the order to the person in charge of the school.

Conveyance of
juveniles to approved
schools

(2) Where a juvenile has been ordered to be sent to an approved school, any person who harbours or conceals him after the time has come for him to go to his school shall be liable to a fine not exceeding six hundred penalty units or to imprisonment for a term not exceeding two months, or to both.

(3) Where a person authorised to take a juvenile to an approved school is, when the time has come for him to go to his school, unable to find him or unable to take possession of him, a subordinate court may, if satisfied by information on oath that same person named in the information can produce the juvenile, issue a summons requiring the person so named to attend at the court on such day as may be specified in the summons and produce the juvenile and, if he fails to do so without reasonable excuse, he shall be guilty of an offence and shall, in addition to any other liability to which he may be subject under the provisions of this Act, be liable to a fine not exceeding one hundred and fifty penalty units.

(As amended by Act No. 13 of 1994)

81. All approved schools established under the provisions of subsection (1) of section *seventy-five* shall be under the supervision of the Commissioner for Juvenile Welfare.

Supervision of
approved schools

82. All approved schools established under the provisions of subsection (1) of section *seventy-five* shall be classified according to the discipline and training required by the juveniles detained therein.

Classification of
approved schools

The Laws of Zambia

83. The Commissioner for Juvenile Welfare may at any time direct that a juvenile be removed from one approved school within Zambia to another such approved school.

Removal of juveniles from one approved school to another

84. The Commissioner for Juvenile Welfare may grant leave of absence to any person detained in an approved school within Zambia for such periods and on such conditions as may be prescribed and may at any time revoke such leave and direct such person to return to his school.

Leave of absence

85. Where a person detained in an approved school within Zambia is reported to the Minister by the Commissioner for Juvenile Welfare to be-

Commutation of committal order

- (a) exercising a bad influence on the other inmates of the school; or
- (b) through his own default not benefiting from the training in the school;

the Minister may commute the whole or part of the unexpired portion of his committal order to a term of detention in a reformatory.

(As amended by G.N. No. 276 of 1964)

86. If the managers of an approved school within Zambia are satisfied that a juvenile whose period of detention therein is, under the provisions of this Act, about to expire needs further care or training, they may, with the consent of the Minister, detain such person for a further period not exceeding six months:

Extension of period of detention in approved school

Provided that a person shall not be detained beyond the date on which he will attain the age of nineteen years.

(As amended by G.N. No. 276 of 1964)

87. At any time during the period of a person's detention in an approved school within Zambia, the Commissioner for Juvenile Welfare may, by a licence in writing, permit him to live at his home or elsewhere, and may at any time, by order in writing, revoke such licence and require the person to whom it relates to return to the school wherein he was last detained.

Release on licence

88. (1) A juvenile sent to an approved school within Zambia shall, after the expiration of the period of his detention, be under the supervision of the managers of his school

Supervision and recall after expiration of order

- (a) if at the expiration of that period he has not attained the age of fifteen years, until he attains the age of eighteen years;
- (b) if at the expiration of that period he has attained the age of fifteen years, for a period of three years or until he attains the age of twenty-one years, whichever may be the shorter period.

(2) The Commissioner for Juvenile Welfare may, by notice in writing, recall to the school any person under the supervision of a manager who is at the date of the recall under the age of nineteen years:

Provided that-

- (i) a juvenile shall not be so recalled unless, in the opinion of the Commissioner for Juvenile Welfare, it is necessary in the interest of such juvenile to recall him;
- (ii) a juvenile so recalled shall be released as soon as the Commissioner for Juvenile Welfare thinks that he can properly be released, and in no case shall he be detained after attaining the age of nineteen years.

89. (1) For the purposes of this Act, a juvenile who is out on licence under the provisions of section *eighty-seven*, or is under supervision under the last preceding section, shall be deemed to be under the care of the managers of the school in which he was last detained.

Powers and duties of managers of an approved school towards persons on licence or under supervision

(2) It shall be the duty of the officer in charge of the approved school from which a person is released on licence or under whose supervision he is to cause such person to be visited, advised and befriended and to give him assistance (including, if he thinks fit, financial assistance) in maintaining himself and finding himself suitable employment, or, where practicable, to arrange for the continuance of his education.

90. The Minister may, by statutory instrument, if he thinks fit, make rules as to the management and administration of approved schools established under the provisions of subsection (1) of section *seventy-five*, and the treatment and control of juveniles sent thereto.

Rules

(As amended by G.N. No. 276 of 1964)

****(2)Reformatories***

* Powers and duties of the Minister under section 91 to 107 transferred to Minister responsible for home affairs by S.I. No. 76 of 1964.

91. The Minister may, by statutory notice-

- (a) establish reformatories;
- (b) declare any reformatory or any part thereof to be a receiving centre.

Establishment of reformatories

(As amended by No. 53 of 1963)

92. (1) Every reformatory order shall contain a statement as to-

Contents of reformatory order

(a) the age or apparent age; and

(b) the religious persuasion;

of the juvenile in respect of whom it is made.

(2) The court making a reformatory order shall cause a record in the prescribed form, embodying all the information in the possession of the court with respect to the person subject to the order as is, in the opinion of the court, material to be made known to the officer in charge of the receiving centre, to be made and transmitted to such officer.

93. A reformatory order shall, subject to the provisions of this Act, be authority for the detention of the person named therein for a period of four years.

Authority of
reformatory order

94. (1) No reformatory order made by a juvenile court shall be carried into effect, except as provided in subsection (2), until the record of the case or a certified copy thereof has been transmitted to and the order confirmed by the High Court.

Conveyance of
juvenile to receiving
centre

(2) Any juvenile with respect to whom a reformatory order has been made shall be conveyed forthwith to the receiving centre without awaiting the confirmation of the order by the High Court.

*Powers and duties of the Minister under sections 91 to 107 transferred to Minister responsible for home affairs by S.I. No. 76 of 1964.

(3) The court making a reformatory order shall cause it to be delivered to the person conveying the juvenile to the receiving centre, and such person shall deliver it to the officer in charge of the centre.

95. (1) All reformatories shall be under the supervision of the Chief Inspector of Reformatories who shall be the person for the time being holding the office of Commissioner of Prisons.

Control and
supervision of
reformatories

(2) The Chief Inspector of Reformatories shall be assisted by boards, to be known as "Reformatory Boards", established by the Minister by Gazette notice.

(3) There shall be established a Reformatory Board for each Province in which a reformatory has been established under section *ninety-one*, and each Board shall consist of a chairman and such other members, not exceeding nine, as the Minister may appoint:

The Laws of Zambia

Provided that every such appointment to a Board shall be for a specified period but shall be revocable at any time by the Minister at his pleasure.

*(As amended by No. 53 of 1963, No. 34 of 1966
and No. 27 of 1969)*

96. The officers appointed to control and administer a reformatory shall be appointed under and be subject to the provisions of the Prisons Act. Officers in charge of reformatories
Cap. 97

97. The Chief Inspector of Reformatories shall periodically visit and inspect or cause to be visited and inspected all reformatories. Inspection of reformatories

98. (1) Reformatories shall be classified according to the discipline and training required by the persons detained therein. Classification of reformatories

(2) It shall be the duty of the officer in charge of the receiving centre to consider all the information which may be forthcoming as to the health, character, abilities, conduct, home circumstances, and general antecedents of any juvenile with respect to whom a reformatory order has been made; and thereafter to cause the juvenile to be placed in the reformatory which, in the opinion of that officer, is best suited to the needs of the juvenile.

(3) A juvenile may be detained in the receiving centre for such period, not exceeding three months as may be necessary for the purposes of subsection (2):

Provided that any such detention in the receiving centre shall not extend the total period for which he is liable to be detained in a reformatory.

99. The Chief Inspector of Reformatories may grant leave of absence to any person detained in a reformatory for such periods and on such conditions as he may think fit, and may at any time revoke such leave and direct the person to whom leave was granted to return to the reformatory. Leave of absence

100. The Chief Inspector of Reformatories may at any time direct that a person be removed from one reformatory to another: Removal of person from one reformatory to another

Provided that the total period of detention of a person so removed shall not be increased thereby.

101. Notwithstanding any of the provisions of this Act, when a person detained in a reformatory has attained the age of fourteen years and is reported to the Minister by the Chief Inspector of Reformatories to be-

Commutation of reformatory order

- (a) exercising a bad influence on the other inmates of the reformatory; or
- (b) through his own default not benefiting from the training in the reformatory;

the Minister may commute the whole or part of the unexpired period of the reformatory order made in respect of such person to a term of imprisonment.

102. If the officer in charge of a reformatory is satisfied that a person whose period of detention therein is, under the provisions of this Act, about to expire needs further care or training he may, with the consent of the Minister, detain such person for a further period, not exceeding six months:

Extension of period of detention in reformatory

Provided that a person so detained shall not be detained beyond the date on which he will attain the age of twenty-three years.

103. A person committed to a reformatory shall be detained in a reformatory for such period, not exceeding four years, as the Chief Inspector of Reformatories may determine, and shall then be released:

Power to discharge

Provided that-

- (i) the Chief Inspector of Reformatories shall not release any such person from a reformatory before the expiration of nine months from the date of the reformatory order;
- (ii) the Minister may at any time order that any person detained in a reformatory be discharged or may commute the reformatory order under the provisions of section *one hundred and one*.

104. At any time during the period of a person's detention in a reformatory the Chief Inspector of Reformatories may, by a licence in writing, permit him to live at home or elsewhere, and may at any time, by order in writing, revoke such licence and require the person to whom it relates to return to the reformatory wherein he was last detained.

Release on licence

105. (1) A person sent to a reformatory shall, after the expiration of the period of his detention, be under the supervision of the officer in charge of the reformatory in which he was detained at the date of the expiration of the order-

Supervision and recall after expiration of order

- (a) if at the date of his committal he had not attained the age of twelve years, for a period of three years or until he attains the age of sixteen years, whichever shall be the longer period; or

- (b) if at the date of his committal he had attained the age of twelve years, for a period of three years after the expiration of his period of detention or until he attains the age of twenty-three years, whichever shall be the shorter period.

(2) The Chief Inspector of Reformatories may, by notice in writing, recall to the reformatory any person under the age of twenty-three years who is under the supervision of an officer in charge of a reformatory:

Provided that-

- (i) a person shall not be recalled unless, in the opinion of the Chief Inspector of Reformatories, it is necessary in the interest of such person so to recall him;
- (ii) a person who has so been recalled shall be released as soon as the officer in charge of the reformatory is of opinion that he can properly be released, and in no case shall he be detained for a longer period than six months or after he has attained the age of twenty-three years.

(3) Where any person has been recalled as aforesaid, he shall, during any period for which he may be detained, be deemed to be detained under the authority of the original reformatory order made in respect of him.

106. (1) For the purposes of this Act, a person who is under the supervision of or out on licence from a reformatory shall be deemed to be under the care of the officer in charge of the reformatory.

Powers and duties of officer in charge of reformatory towards persons on licence or under supervision

(2) It shall be the duty of the officer in charge of the reformatory to cause a person who is under the supervision of or out on licence from a reformatory to be visited, advised and befriended, and to give him assistance in maintaining himself and finding suitable employment, or, where practicable, to arrange for the continuance of his education.

107. The Minister may, by statutory instrument, if he thinks fit, make rules as to the management and administration of reformatories and the treatment and control of persons detained therein.

Rules

(As amended by No. 53 of 1963 and G.N. No. 276 of 1964)

Escapes

108. (1) Any person who has been ordered to be sent to an approved school or to a reformatory and who-

Escapes from approved schools and reformatories

- (a) escapes from the school or reformatory in which he is detained, or from any hospital, home or other place in which he is receiving medical attention; or
- (b) being absent from his school or reformatory on temporary leave of absence, or on licence, runs away from the person in whose charge he is, or fails to return to the school or reformatory upon the expiration of his leave or upon the revocation of his licence; or
- (c) being absent from his school or reformatory under supervision, fails to return thereto upon being recalled;

may be apprehended without warrant, and may, any other enactment to the contrary notwithstanding, be brought before a court having jurisdiction where he is found or where the school or reformatory is situated; and that court may, notwithstanding any limitation contained in this Act upon the period during which he may be detained in an approved school or reformatory, order him to be taken back to his school or reformatory and to have the period of his detention therein increased by such period not exceeding six months as the court may direct.

(2) Where a person is, under subsection (1), taken back to a school or reformatory, the period of his detention shall, notwithstanding any limitations contained in this Act upon the period during which he may be detained in an approved school or reformatory, be increased, over and above any increase ordered by a court, by a period equal to the period during which he was unlawfully at large.

(3) If any person knowingly-

- (a) assists or persistently attempts to induce or induces a juvenile to commit any such offence as is mentioned in subsection (1); or
- (b) harbours and conceals a juvenile who has committed such an offence, or prevents him from returning;

he shall be liable to a fine not exceeding one thousand five hundred penalty units, or to imprisonment for any term not exceeding six months, or to both.

(As amended by Act No. 13 of 1994)

PART V SUPPLEMENTALPART V

SUPPLEMENTAL

Financial Provisions

109. Where an order has been made by a court committing a juvenile to the care of a fit person, or sending him to an approved school, the following persons shall be liable to make contributions in respect of his maintenance, namely:

Contribution to be made by parents

- (a) the father and mother of the juvenile so long only as the juvenile has not attained the age of sixteen years; and no payment shall be required to be made by the father or mother of a juvenile under any order made under the provisions of the next following section after the juvenile has attained the age of sixteen years;
- (b) a juvenile who has attained the age of sixteen years and is engaged in remunerative work shall be liable to make contributions in respect of himself.

110. (1) Where an order has been made by a court committing a juvenile to the care of a fit person or sending him to an approved school, the court which makes it may at the same time, and any subordinate court having jurisdiction in the place where the person to be charged is for the time being residing may subsequently at any time, make an order (hereinafter referred to as a "contribution order") on any person who is, under the last preceding section, liable to make contributions in respect of the juvenile, requiring him to contribute such sums as the court having regard to his means thinks fit, and any court as aforesaid may from time to time vary or revoke such order.

Contribution orders

(2) A contribution order may be made on the application of the person to whose care the juvenile is committed or who is named in the approved school order, and either at the time the committal order is made or subsequently, and the sums contributed shall be paid to such person as the court may name and be applied for the maintenance of the juvenile.

(3) A contribution order shall remain in force, in the case of a juvenile committed to the care of a fit person, so long as the order for his committal is in force, and in the case of a juvenile ordered to be sent to an approved school, until he ceases to be under the care of the managers of such a school:

Provided that no contribution shall be payable under a contribution order in respect of any period during which a juvenile ordered to be sent to an approved school is out on licence or under supervision from such school.

(4) A contribution order shall be enforceable as an affiliation order and any enactments relating to the enforcement of affiliation orders shall apply accordingly, subject to any necessary modifications.

(5) A person on whom a contribution order is made shall, if he changes his address, forthwith give notice thereof to the person who was, immediately before the change, entitled to receive the contributions, and if he fails to do so he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred and fifty penalty units.

(As amended by Act No. 13 of 1994)

111. (1) Where a juvenile who is ordered by a court to be committed to the care of a fit person or to be sent to an approved school is illegitimate, and an affiliation order for his maintenance is in force, that court may at the same time, and any subordinate court having jurisdiction in the place where the putative father is for the time being residing may subsequently at any time, order the payments under the affiliation order to be paid to the person who is from time to time entitled to receive payments under a contribution order in respect of the juvenile. Applications for orders under this subsection may be made by the persons by whom, and in the circumstances in which, applications for contribution orders may be made.

Affiliation orders

(2) Where an order made under this section with respect to an affiliation order is in force-

- (a) any powers conferred by any enactment upon subordinate courts, relating to the enforcement of affiliation orders, shall as respects the affiliation order in question be exercisable, and exercisable only, by courts having jurisdiction in the place where the person liable is for the time being residing;
- (b) any sums received under the affiliation order shall be applied in like manner as if they were contributions received under a contribution order;
- (c) if the putative father changes his address, he shall forthwith give notice thereof to the person who was immediately before the change entitled to receive payments under the order and, if he fails so to do, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred and fifty penalty units.

(3) The making of an order under this section with respect to an affiliation order shall not extend the duration of that order, and that order shall not in any case remain in force (except for the recovery of arrears)-

- (a) in the case of a juvenile committed to the care of a fit person, after the order for his committal has ceased to be in force;
- (b) in the case of a juvenile ordered to be sent to an approved school, after he has been released from his school, either absolutely or on licence:

Provided that, where an affiliation order would, but for the provisions of this subsection have continued in force, the mother, or any person entitled to make application for an affiliation order, may apply to a subordinate court having jurisdiction where she is for the time being residing, for an order that the affiliation order may be revived and that payments thereunder may until the expiration thereof be made to the applicant.

(As amended by Act No. 13 of 1994)

112. (1) Where a juvenile is by an order of any court made under this Act removed from the care of any person, and that person is entitled under any trust to receive any sum of money in respect of the maintenance of the juvenile, the court may order the whole or any part of the sum so payable under the trust to be paid to any person the court may name, to be applied for the benefit of the juvenile in such manner as, having regard to the terms of the trust, the court may decide.

Variation of trusts for maintenance of juvenile

(2) An appeal shall lie from an order of a subordinate court made under this section to the High Court.

113. The maintenance of juveniles detained in places of safety or committed to the care of fit persons may, to the extent that funds from other sources are inadequate for the purpose, be defrayed out of such sums as may from time to time be appropriated for the purpose by Parliament and placed at the disposal of the Commissioner for Juvenile Welfare:

Grants-in-aid

Provided that such grants-in-aid shall be subject to such conditions as may be laid down by the Commissioner for Juvenile Welfare.

Removal of Persons out of Zambia

114. (1) It shall be lawful for the President to enter into any agreement with the Government of any scheduled territory, on such terms and conditions as he may think fit, for the reception into the scheduled territory and the detention in any reformatory, approved school or other institution therein of any person who has been ordered by a court under the provisions of this Act to be detained in a reformatory, approved school or other institution.

Power to enter into agreements

(2) The agreement set forth in the Third Schedule shall be deemed to have been lawfully entered into under the powers conferred by this section.

(As amended by No. 53 of 1963, G.N. No. 276 of 1964 and S.I. No. 63 of 1964)

115. (1) Any person who has been ordered under the provisions of this Act to be detained in a reformatory, approved school or other institution may, while still subject to such order, by warrant signed by the President, be removed in custody into any of the scheduled territories in order that he may be detained in any reformatory, approved school or other institution therein in accordance with the law in force in the scheduled territory authorising such detention until the expiration of the order or until he is sooner released according to law.

Removal of persons out of Zambia

(2) No person shall be removed in custody in a scheduled territory under this section unless the original warrant of committal accompanies him.

(3) Any person in course of removal under a warrant signed under this section shall be deemed to be in lawful custody.

*(As amended by G.N. No. 276 of 1964
and S.I. No. 63 of 1964)*

116. Any person who has been ordered by a court under the provisions of this Act to be detained in a reformatory, approved school or other institution shall, pending his removal to any such reformatory, school or institution in a scheduled territory, be detained in such place and in the custody of such person as the Minister may direct and subject to such conditions as the Minister may prescribe.

Detention pending removal

117. Nothing contained in this Act shall prevent the finding and orders of a court in respect of any person removed hereunder into lawful custody in a scheduled territory from being questioned within Zambia in the same manner as if he had not been so removed, and the order for detention of any such person may be remitted or his discharge ordered in the same manner and by the same authority as if he had not been so removed.

Appeals after removal

Provisions in Relation to Court Proceedings in which Juveniles are Involved

118. (1) Where a person, whether charged with an offence or not, is brought before any court otherwise than for the purpose of giving evidence, and it appears to the court that he is a juvenile, the court shall make due inquiry as to the age of that person, and for that purpose shall take such evidence as may be forthcoming at the hearing of the case, but an order of judgment of the court shall not be invalidated by any subsequent proof that the age of that person has not been correctly stated to or estimated by the court, and the age presumed or declared by the court to be the age of the person so brought before it shall, for the purposes of this Act, be deemed to be the true age of that person and, where it appears to the court that the person so brought before it has attained the age of nineteen years, that person shall, for the purposes of this Act, be deemed not to be a juvenile.

Presumption and determination of age

(2) Where, in any charge or indictment for any offence under this Act, or for any scheduled offence, it is alleged that the person by or in respect of whom the offence was committed was a juvenile or was under or had attained any specified age, and he appears to the court to have been at the date of the commission of the alleged offence a juvenile, or to have been under or to have attained the specified age, as the case may be, he shall, for the purposes of this Act, be presumed at that date to have been a juvenile or to have been under or to have attained the specified age, as the case may be, unless the contrary is proved.

(3) Where a person is charged with an offence under this Act in respect of a person apparently under a specified age, it shall be a defence to prove that the person in respect of whom the offence is alleged to have been committed was actually of or over that age.

119. (1) A juvenile court shall sit in a room other than that in which any courts other than juvenile courts ordinarily sit, unless no such other room is available or suitable, and if no such room is available or suitable, the juvenile court shall sit on different days or at different times from those on or at which ordinary sittings are held.

Sittings of juvenile courts

(2) No person shall be present at any sitting of a juvenile court, or at any sitting of the High Court when hearing charges against a juvenile not jointly charged with a person who is not a juvenile, except-

- (a) members and officers of the court;
- (b) parties to the case, their legal advisers, and witnesses and other persons directly concerned in that case;
- (c) *bona fide* representatives of newspapers and news agencies;
- (d) such other persons as the court may specifically authorise to be present.

120. No child (other than an infant in arms) shall be permitted to be present in court during the trial of any other person charged with an offence, or during any proceedings preliminary thereto, except during such time as his presence is required as a witness or otherwise for the purposes of justice; and any child present in court when under this section he is not permitted to be so shall be ordered to be removed.

Children not allowed in court

121. (1) Where, in any proceedings in relation to any offence against, or any conduct contrary to, decency or morality, a person who, in the opinion of the court, is a juvenile is called as a witness, the court may direct that all or any persons, not being members or officers of the court or parties to the case, their counsel or solicitors, or persons otherwise directly concerned in the case, be excluded from the court during the taking of the evidence of the juvenile:

Power to clear court

Provided that nothing in this section shall authorise the exclusion of *bona fide* representatives of a newspaper or news agency.

(2) The powers conferred on a court by this section shall be in addition and without prejudice to any other powers of the court to hear proceedings *in camera*.

122. (1) Where, in any proceedings against any person for any offence or in any civil proceedings, any child of tender years called as a witness does not, in the opinion of the court, understand the nature of an oath, his evidence may be received though not on oath, if, in the opinion of the court, he is possessed of sufficient intelligence to justify the reception of his evidence and understands the duty of speaking the truth; and his evidence though not given on oath but otherwise taken and reduced into writing so as to comply with the requirements of any law in force for the time being, shall be deemed to be a deposition within the meaning of any law so in force:

Evidence of a child of tender years

Provided that where evidence admitted by virtue of this section is given on behalf of the prosecution, the accused shall not be liable to be convicted of the offence unless that evidence is corroborated by some other material evidence in support thereof implicating him.

(2) If any child whose evidence is received as aforesaid wilfully gives false evidence in such circumstances that he would, if the evidence had been given on oath, have been guilty of perjury, he shall be liable on conviction to be dealt with as if he had been convicted of an offence punishable in the case of an adult with imprisonment.

123. (1) In relation to any proceedings in any court-

Prohibition of
publication of certain
matters

- (a) no newspaper report or wireless broadcast of the proceedings shall reveal the name, address or school, or include any particulars calculated to lead to the identification, of any juvenile concerned in the proceedings, either as being the person against or in respect of whom the proceedings are taken, or as being a witness therein;
- (b) no picture shall be published in any manner as being or including a picture of any juvenile so concerned in the proceedings as aforesaid:

Provided that the court or the Minister may in any case, if satisfied that it is in the interests of justice so to do, by order dispense with the requirements of this subsection to such extent as may be specified in the order.

(2) Any person who publishes or broadcasts by wireless any matter in contravention of any such direction shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand five hundred penalty units in respect of each offence.

(As amended by G.N. No. 276 of 1964 and Act No. [sn]13 of 1994)

124. Where, in any proceedings with relation to any scheduled offence, the court is satisfied that the attendance before the court of any juvenile in respect of whom the offence is alleged to have been committed is not essential to the just hearing of the case, the case may be proceeded with and determined in the absence of the juvenile.

Power to proceed with
case in absence of
juvenile

125. (1) Where a magistrate is satisfied by the evidence of a duly qualified medical practitioner that the attendance before a court of any juvenile in respect of whom any scheduled offence is alleged to have been committed would involve serious danger to his life or health, the magistrate may take in writing the deposition of the juvenile on oath, and shall thereupon subscribe the deposition and add thereto a statement of his reason for taking it and of the date when and the place where it was taken, and of the names of the persons (if any) present at the taking thereof.

Extension of power to
take depositions

(2) The magistrate taking any such deposition shall transmit it with his statement-

- (a) if the deposition relates to an offence for which any accused person is already committed for trial, to the proper officer of the court for trial at which the accused person has been committed; and
- (b) in any other case, to the clerk of the court before which proceedings are pending in respect of the offence.

126. Where, in any proceedings in respect of any scheduled offence, the court is satisfied by the evidence of a duly qualified medical practitioner that the attendance before the court of any juvenile in respect of whom the offence is alleged to have been committed would involve serious danger to his life or health, any deposition of the juvenile taken under the Criminal Procedure Code or under this Part shall be admissible in evidence either for or against the accused person without further proof thereof if it purports to be signed by the magistrate by or before whom it purports to be taken:

Admission of
deposition of juvenile
Cap. 88

Provided that the deposition shall not be admissible in evidence against the accused person unless it is proved that reasonable notice of the intention to take the deposition has been given to him or that it was taken in the presence of the accused person and that he or his advocate had opportunity of cross-examining the juvenile making the deposition.

127. (1) Where a juvenile is charged with any offence, or is for any other reason brought before a court, his parent or guardian may in any case, and shall if he can be found and resides within a reasonable distance, be required to attend at the court before which the case is heard or determined during all the stages of the proceedings, unless the court is satisfied that it would be unreasonable to require his attendance.

Attendance in court of
parent of juvenile

(2) Where a juvenile is arrested or taken to a place of safety, the police officer by whom he is arrested or in charge of the police station to which he is brought, or the person by whom he is taken to the place of safety, as the case may be, shall cause the parent or guardian of the juvenile, if he can be found, to be warned to attend at the court before which the juvenile will appear.

(3) If any parent or guardian who has been required to attend as aforesaid, having received reasonable notice of the time and place at which he is required to attend, fails to attend accordingly, and does not excuse his failure to the satisfaction of the court, he shall be liable to a fine not exceeding three hundred penalty units.

(4) The parent or guardian whose attendance shall be required under this section shall be the parent or guardian having the actual possession and control of the juvenile:

Provided that if that person is not the father, the attendance of the father may also be required.

(5) The attendance of the parent of a juvenile shall not be required under this section in any case where the juvenile was, before the institution of the proceedings, removed from the custody or charge of his parent by order of a court.

(As amended by Act No. 13 of 1994)

PART VI MISCELLANEOUSPART VI

MISCELLANEOUS

128. In any proceedings against any person for any scheduled offence, the husband or wife of the person charged shall be a competent witness for the prosecution or defence without the consent of such person. Evidence of husband or wife of accused person

129. In any proceedings under this Act, a copy of an entry in the wages book of any employer of labour or, if no wages book be kept, a written statement signed by the employer or a responsible person in his employ, shall be evidence that the wages therein entered or stated as having been paid to any person have in fact been so paid. Evidence of wages

130. (1) Appeals may be brought, in manner provided by Part V of the Subordinate Courts Act, by the following persons in the following cases, that is to say: Appeals Cap. 28

- (a) in the case of an order committing a juvenile to the care of a fit person, requiring a juvenile to be sent to an approved school, or placing a juvenile under the supervision of a probation officer or other person, by the juvenile or his parent or guardian on his behalf;
- (b) in the case of an order requiring a person to enter into a recognizance to exercise proper care and guardianship over a juvenile, by the person required to enter into the recognizance;
- (c) in the case of an order requiring all or any part of the payments accruing due under an affiliation order to be paid to some other person, by the person who but for the order would be entitled to the payments;
- (d) in the case of a contribution order, by the person required to contribute.

(2) Nothing in this section shall be construed as affecting the rights of appeal conferred by sections *sixty-seven* and *one hundred and twelve*, or any other right of appeal conferred by this or any other Act.

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- 131.** A document purporting to be a copy of-
- (a) an order made by a court under or by virtue of any of the provisions of this Act; or
- (b) an affiliation order referred to in an order under section *one hundred and eleven*;
- shall, if it purports to be certified as a true copy by the clerk of the court by which such order was made, be evidence of such order.
- 132.** The President may, by statutory notice, alter, amend or add to the Second Schedule.
- (As amended by No. 53 of 1963, G.N. No. 276 of 1964 and S.I. No. 63 of 1964)
- 133.** The Minister may, by statutory instrument, make regulations prescribing anything to be prescribed under this Act.
- (As amended by No. 53 of 1963 and G.N. No. 276 of 1964)
- 134.** (1) Reference in any Act or document to juvenile courts under the Juvenile Offenders Act, Chapter 8 of the 1950 Edition of the Laws, or the Juveniles Act, Chapter 8 of the 1956 Edition of the Laws, shall be construed as including reference to such courts under this Act.
- (2) Any order or warrant made or issued whether by virtue of the Juvenile Offenders Act, Chapter 8 of the 1950 Edition of the Laws, or the Juveniles Act, Chapter 8 of the 1956 Edition of the Laws, shall be deemed to have been made under and by virtue of this Act.
- 135.** The Juveniles Act, Chapter 8 of the 1956 Edition of the Laws, is hereby repealed:
- Provided that all orders and warrants made or issued under the said Act shall remain in force and be enforced in accordance with the terms thereof.

FIRST SCHEDULE

(Sections 2, 9, 13, 16, 44, 120, 125, 126 and 128)

OFFENCES AGAINST JUVENILES TO WHICH SPECIAL PROVISIONS OF THIS ACT APPLY

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The murder or manslaughter of a juvenile;

Infanticide;

Any offence against section 136 or 171 of the Penal Code;

Any offence against a juvenile under section 137, 155, 156, 157, 158, 159, 199, 247 or 248 of the Penal Code;

Any offence under section 46, 47, 48, 50 or 54 of this Act;

Any offence under section 8 of the Suicide Act where the person who killed himself is a juvenile;

Any other offence involving bodily injury to a juvenile.

Cap. 87

Cap. 87

Cap. 89

(As amended by No. 1 of 1967)

SECOND SCHEDULE

(Sections 2, 75, 115, 116, 117 and 132)

SCHEDULED TERRITORIES

Botswana.

Malawi.

South Africa.

Zimbabwe.

(As amended by S.I. No. 63 of 1964)

THIRD SCHEDULE

(Section 114)

AGREEMENT WITH THE UNION

Agreement under Section 14 of the Prisons and Reformatories Act No. 46 of 1920

WHEREAS it appears that provision has been made by section *fourteen* of the Prisons and Reformatories Act Amendment Act No. 46 of 1920, authorising the Governor-General of the Union of South Africa to enter into an agreement with the Officer administering the Government of any territory in South Africa south of the Equator (being a portion of the British Dominions or a Territory under the Protection of the Crown), for the purposes specified in the said section;

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AND WHEREAS the Administrator of Northern Rhodesia desires to enter into such an agreement as aforesaid;

AND WHEREAS the Officer administering the Government of the Union of South Africa has consented thereto;

NOW, THEREFORE, it is hereby agreed between the Officer administering the Government of the Union of South Africa, and the Administrator of Northern Rhodesia that, subject to the provisions of the said Act, and to conditions hereinafter appearing, an arrangement shall exist-

- (a) for the reception in the Union and detention in any prison or gaol therein of any person sentenced by a competent court of Northern Rhodesia according to law in force therein to imprisonment with or without hard labour; and
- (b) for the reception in the Union and detention in any juvenile reformatory or juvenile adult reformatory therein of any person who, being an juvenile or juvenile adult, has been ordered by a competent court of Northern Rhodesia according to law in force therein to be detained in a juvenile or juvenile adult reformatory.

And the Officer administering the Government of the Union of South Africa, and the Administrator of Northern Rhodesia hereby agree on behalf of the Union Government and the Northern Rhodesia Administration, respectively, that when accommodation is available, and the Union Government has agreed to accept any prisoner or juvenile, there shall be paid by the Administrator of Northern Rhodesia to the Union Government in respect of each prisoner or juvenile the sum of three shillings per head per day, or such other amount as may be mutually agreed upon between the Administration and the Prisons Department of the Union of South Africa, and that the Union Government shall be entitled to a refund of any expenses incurred by the latter Department in returning such persons to their homes on discharge from custody.

This Agreement shall take effect as provided by law on the publication of a summary of the terms thereof in the *Gazette* of the Union of South Africa, and shall be terminated on three months' notice being given by either of the parties to the Agreement.

Given under my Hand and the Great Seal of the Union of South Africa, at Pretoria this 5th day of November, One Thousand Nine Hundred and Twenty.

J. ROSE INNES,
Officer administering the Government.

Given under my Hand and Seal at Livingstone this 17th day of November, One Thousand Nine Hundred and Twenty.

HUGH C. MARSHALL,
Acting Administrator.

SUBSIDIARY LEGISLATION

JUVENILES

CAP. 53

SECTION 1-APPLICATION

Government Notices
116 of 1956
497 of 1964

Order by the Minister

The provisions of the Act are hereby applied to the whole of Zambia with the exception of sections thirty-two to forty-two inclusive which do not apply to the Western Province nor to any area situated in a reserve or in trust land as defined in the Zambia (State Lands and Reserves) Orders, 1928 to 1964, and the Zambia (Trust Land) Orders, 1947 to 1964.

App. 9

SECTION 3-APPROVAL OF SOCIETY

Notice by the Minister

The Management Committee of the Zambia Guild of St. Joseph's Home is hereby approved as an approved society.

SECTION 7-AUTHORISATIONS

Notices by the Commissioner for Juvenile Welfare

The person for the time being holding the office of Chief Social Welfare Officer or Senior Social Welfare Officer, being a juveniles inspector, is hereby authorised to exercise or perform the powers and duties entrusted to the Commissioner for Juvenile Welfare under the provisions of the sections of the Act listed below:

Sections 3(4), 4, 19(2), 22(3), 23(a), 23(b), 28, 34, 57, 83, 84, 87 and 88.

The persons for the time being holding the offices of Senior Social Welfare Officer, being juveniles inspectors, are hereby authorised to exercise or perform the powers and duties entrusted to the Commissioner for Juvenile Welfare under the provisions of the section of the Act listed below:

Section 22(2).

SECTION 53-EXEMPTION FROM PROVISIONS

Order by the Minister

Any school entertainment approved by the Minister responsible for education is hereby exempted from the provisions of section *fifty-three* of the Act.

SECTION 75-APPROVED SCHOOLS

Notices by the Minister

Nakupota Training Centre, Ndola, and Nakambala Training School, Mazabuka, are hereby established as approved schools.

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Lowden Lodge, Umtali, and Mount Hampden Training School, near Harare, are hereby approved as approved schools. *General Notice 1973 of 1960*

THE APPROVED SCHOOLS RULES

ARRANGEMENT OF RULES

Rule

1. Title
2. Interpretation
3. Accommodation
4. Duties and responsibilities of Principal
5. Visiting committee
6. Care of pupils
7. Daily routine
8. Education and training
9. Employment
10. Religious instruction
11. Recreation, letters and visits
12. Discipline and punishment
13. Release on licence
14. After care
15. Medical care
16. Records
17. Promulgation of Rules
18. Inspection

SECTION 90-THE APPROVED SCHOOLS RULES

Rules by the Minister

*Government Notice
417 of 1962
Statutory Instrument
63 of 1964*

1. These Rules may be cited as the Approved Schools Rules.

Title

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

Interpretation

"Commissioner" means the Commissioner for Juvenile Welfare or his duly authorised agent;

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"Principal" means the person appointed by the Commissioner to manage an approved school;

"pupil" means a juvenile sent to an approved school in pursuance of an approved school order;

"school" means an approved school established by the Minister under subsection (1) of section *seventy-five* of the Act;

"visiting committee" means the persons appointed by the Commissioner under rule 5 (1).

(As amended by S.I. No. 63 of 1964)

3. The number of pupils accommodated in a school shall not exceed such number as may be fixed for that school from time to time by the Commissioner. Accommodation

4. (1) The Principal of a school shall be responsible to the Commissioner for the efficient conduct of the school. Duties and responsibilities of Principal

(2) The Principal shall keep-

- (a) a register of admissions and discharges in which shall be recorded all admissions, licences, revocation of licences, recalls, releases and discharges;
- (b) a log book in which shall be entered every event of importance connected with the school;
- (c) a daily register of the presence or absence of each pupil; and
- (d) a punishment book.

(3) The Principal shall determine the duties of the members of the staff. These shall include duties connected with the supervision of the pupils in the school, their recreation and their after care, and a list of such duties shall be made available to every staff member.

(4) When the Principal of a school is absent from the school, the Commissioner may appoint a member of the staff to perform the duties and exercise the powers of the Principal during his absence.

(5) As soon as practicable after the admission of a pupil, the Principal shall notify that pupil's parent or guardian of his whereabouts if such parent or guardian can be traced.

5. (1) The Commissioner shall appoint at least four persons to be members of a visiting committee. Such persons shall reside within a reasonable distance of the school and shall act in an advisory capacity to the Principal in respect of the matters described in sub-rule (3).

Visiting committee

(2) The committee shall meet at the school at least monthly.

(3) It shall be the duty of the visiting committee to satisfy themselves that the conditions of the school and the training, welfare and education of the pupils under their care are satisfactory and in this respect members of the committee may inspect the premises, books, and records of the school and consult with the Principal on any matter regarding the administration of the school, or any matter contained in these Rules and require him, if necessary, to transmit their views to the Commissioner. On such a requirement being made, the Principal shall transmit the views of the committee to the Commissioner as soon thereafter as may be reasonably practicable.

(4) Any pupil shall have the right of personal access to the visiting committee, the Principal, the Senior Social Welfare Officer for the Province and the Commissioner.

(5) A record of all proceedings of meetings of the visiting committee shall be kept by the secretary who shall be appointed by the Commissioner.

6. (1) Each pupil shall be provided with a separate bed and shall be kept supplied with suitable bed clothing.

Care of pupils

(2) The pupils shall be supplied with sufficient and varied food based on a dietary scale approved by the Commissioner after consultation with the Director of Medical Services. A copy of the dietary scale shall be kept posted in the school kitchen.

(3) Pupils shall be issued with suitable articles of clothing which shall remain the property of the Government:

Provided that a pupil may on his release be issued with essential articles of clothing free of charge.

7. (1) The daily routine of the school (including the hours of rising, schoolroom instruction and practical physical training, domestic work, meals, recreation and retiring) shall be in accordance with a scheme approved by the Commissioner.

Daily routine

(2) A copy of the daily routine shall be kept posted in some conspicuous place in the school.

(3) Any substantial deviation from the daily routine shall be entered in the log book.

8. (1) Lower primary education shall be afforded to all pupils in a school and further education may be provided for individual pupils according to their age, aptitude and capability. Education and training

(2) The schoolroom time-table and syllabus shall be subject to the approval of the Commissioner and a copy of the time-table shall be kept posted in the schoolroom.

(3) All pupils shall be given vocational training in accordance with a scheme approved from time to time by the Commissioner. Any substantial deviation from the scheme shall be recorded in the log book.

(4) The attendance of pupils in the schoolroom and at all periods of vocational training shall be recorded in the manner prescribed by the Commissioner.

9. Pupils may be employed in performing such tasks as the Principal may from time to time prescribe, subject to their need for education, instruction, recreation and leisure. Pupils under twelve years shall not be employed except on light work. Employment

10. Where a pupil is of a particular religious persuasion, arrangements shall be made as far as practicable for him to receive religious assistance and instruction from a minister of religion of the church to which he belongs. Religious instruction

11. (1) Pupils shall be encouraged to write to their parents or guardians at least once a month. Letters written by pupils shall be despatched at public expense in a plain envelope. Recreation letters and visits

(2) Pupils may be allowed visits from their parents, relatives and friends at such intervals and on such days and at such times as the Principal may determine.

(3) Arrangements may be made for providing pupils with pocket money each week, subject to such conditions as may be prescribed by the Commissioner.

(4) The Principal may suspend any of the facilities and privileges mentioned in this rule if he is satisfied that they interfere with the discipline of the school; any such suspension shall be recorded in the log book.

12 (1) The Principal may introduce any system approved by the Commissioner which will encourage good conduct and industry and will facilitate the reformative treatment of the pupils. Discipline and punishment

(2) When punishment is necessary for the maintenance of discipline, the Principal in his discretion may adopt one of the following sanctions:

- (a) the forfeiture of privileges under rule 11;
- (b) separation from other pupils;

Provided that this punishment shall only be used in exceptional cases and subject to the following conditions:

- (i) no pupil under the age of twelve years shall be kept in separation;
 - (ii) the room used for the purpose shall be light and airy and kept lighted after dark;
 - (iii) some form of occupation shall be given;
 - (iv) means of communication with a member of the staff shall be provided;
 - (v) if the separation is to be continued for more than twenty-four hours, it shall be reported immediately to the Commissioner;
- (c) corporal punishment. Every effort shall be made to enforce discipline without resort to corporal punishment which may be used only as a last resort. Where it is found necessary, its application shall be in strict accordance with sub-rule (3).

(3) Corporal punishment shall be subject to the following conditions:

- (a) it shall be inflicted only with a type of cane approved by the Commissioner;
- (b) if applied on the hands, the number of strokes shall not exceed three on each hand, but no boy over fifteen years shall be so punished;
- (c) if applied on the posterior, it shall be over the boy's ordinary cloth trousers and the number of strokes shall not exceed six for boys under fifteen years and eight for boys of fifteen years and over;

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Provided that in exceptional cases, with the special approval of the Commissioner, twelve strokes may be administered to boys of fifteen years and over;

- (d) no boy with any physical or mental disability shall be punished without the sanction of the medical officer;
- (e) no corporal punishment shall be inflicted except by the Principal (or during his absence by the officer appointed under rule 4 (4) to exercise the duties of the Principal);
- (f) it shall not be inflicted in the presence of other boys;
- (g) notwithstanding the provisions of paragraphs (e) and (f), for minor offences committed in the school-room by boys under fifteen years, the principal teacher may be authorised by the Principal to administer with a light cane, not more than two strokes on each hand. A book known as the school-room punishment book shall be kept and the principal teacher shall at once enter therein a record of any corporal punishment inflicted by him under this paragraph.

(4) The Principal shall be responsible for the immediate recording of a punishment awarded in the punishment book which he is required to keep under rule 4 (2) and he shall enter therein such details as may be required by the Commissioner.

(5) The punishment book shall be examined at each meeting of the visiting committee and shall be signed by the chairman. It will also be shown to the Provincial Medical Officer on his request.

(6) No pupil shall be allowed to administer any form of punishment to any other pupil.

13. (1) It shall be the duty of the Principal to recommend placement on licence of each pupil as soon as the pupil has made sufficient progress in his training; and with this object in view, he shall review the progress made by each pupil and all the circumstances of the case (including home surroundings) towards the end of his first year in the school and thereafter as often as may be necessary and at least quarterly.

Release on licence

(2) At each review the Principal, in consultation with the visiting committee, shall consider the date at which the pupil is likely to be fit to be placed on licence. The views of the visiting committee shall be transmitted, along with the Principal's report, to the Commissioner.

(3) Where there is reason to believe that a pupil can be placed on licence during the first twelve months of his detention, the case shall be reported by the Principal to the visiting committee and the same procedure followed as in sub-rule (2).

(4) The Principal shall maintain a licensing register in a form prescribed by the Commissioner showing the date and result of his review of each case and the reasons for his recommendation.

14. (1) The Principal shall see that every effort is made to obtain suitable employment for a pupil who is fit for release on licence, and for this purpose he shall avail himself where necessary of any help that can be obtained, whether from public organisations or private individuals. When the pupil's home is unsatisfactory, he shall endeavour to place him in a hostel or other suitable lodging. After care

(2) The Principal shall provide every pupil on leaving with a sufficient outfit and, if necessary, a reasonable sum for travelling and subsistence.

(3) If the pupil is returning to the care of his parents, the Principal shall communicate with the pupil's parents or guardian beforehand, and make adequate arrangements for his transportation and reception.

15. (1) The Commissioner shall arrange for a medical officer to be appointed whose duties shall include Medical care

- (a) a thorough examination of each pupil as soon as possible after admission and shortly before leaving the school;
- (b) a quarterly inspection of each juvenile;
- (c) a general inspection of the school from a hygienic point of view and advice as to dietary and general hygiene;
- (d) the examination and treatment of all sick and ailing pupils;
- (e) the keeping of medical records in respect of each pupil;
- (f) the furnishing of such reports and certificates as the Commissioner may require.

(2) Notice of any meeting of the visiting committee shall be given to the medical officer so that he may have an opportunity of attending and presenting a report.

(3) The Principal shall report at once any death and any case of serious illness, infectious disease, or accident involving a pupil to the parent or guardian of the pupil and to the Commissioner.

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(4) Any violent or sudden death of a pupil shall be notified immediately by the Principal to the coroner of the District in which the death occurs. A report of the proceedings at any inquest shall be sent without delay to the Commissioner.

16. The Principal shall arrange for the keeping of all registers and records required by the Commissioner and shall cause to be sent to him such returns, statements and other information as may be required by him from time to time.

Records

17. The Principal shall cause a copy of these Rules to be given to each member of the staff and to the medical officer.

Promulgation of Rules

18. The Principal shall arrange that the school shall be open at all times to inspection by or on behalf of the Commissioner and he shall give all facilities for the examination of the books and records of the school.

Inspection

SECTION 91-ESTABLISHMENT OF REFORMATORIES

Notices by the Minister

General Notice
1644 of 1953
Federal Government
Notices
267 of 1957
22 of 1958
137 of 1958

Reformatory and receiving centre established at Katombora, Livingstone District.

Government prisons at Livingstone and Lusaka established as reformatories and receiving centres.

The prisons specified in the Schedule established as reformatories and the juvenile section within each of the said prisons as a receiving centre.

Federal Notices
512 of 1959
532 of 1962

SCHEDULE

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Bwana Mkubwa Prison.
Chingola Prison.
Chipata Prison.
Kabwe Medium Security Prison.
Kasama Prison.
Kitwe Prison.
Mongu Prison.
Ndola Prison.

Detention camp at Kabwe established as reformatory.

Gazette Notice
1280 of 1966

SECTION 107-THE JUVENILES (REFORMATORY DIETARY SCALES) RULES

Statutory Instrument
194 of 1965

Rules by the Minister

1. These Rules may be cited as the Juveniles (Reformatory Dietary Scales) Rules. Title
2. In these Rules, unless the context otherwise requires- Interpretation
 - "medical officer" means a medical officer appointed or nominated in terms of section *sixteen* of the Prisons Act; Cap. 97
 - "officer in charge" means the person appointed to control and administer a reformatory in terms of section *ninety-six* of the Act.
3. Subject to the provisions of rule 4, a person detained in a reformatory shall be placed on the dietary scale as set out in the Schedule. Dietary scale
4. (1) The officer in charge may, on the advice of the medical officer, increase, reduce or vary the dietary scale or substitute one item for another. Variation of dietary scale
 - (2) The officer in charge shall report to the Chief Inspector of Reformatories any increase, reduction, variation or substitution made by him in terms of sub-rule (1) and shall enter details of such increase, reduction, variation or substitution in a book to be kept for the purpose.

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(3) A person detained in a reformatory who is admitted to a civil hospital shall be placed on the appropriate hospital diet.

SCHEDULE

(Rule 3)

DIETARY SCALE

Daily Issues

Fresh Meat (less 25% bone)	..	..	..	..	..	..	..	141.75 g
OR Fresh Fish	..	..	..	..	..	..	..
OR Dried Fish	..	..	..	..	..	..	..
Maize Meal OR Millet Meal	..	..	..	..	..	..	..
OR Rice (unpolished) (see Note 1)	..	..	..	..	..	..	..
OR Bread (see Note 1)	..	..	..	..	..	..	..
Protone Soup Powder	..	..	..	..	..	..	..
OR Milk, non-fat	..	..	..	..	..	..	..	9.45 g
OR Milk Powder, non-fat	..	..	..	..	..	..	..	28.35 g
Bread	..	..	..	..	..	..	..	226.8 g
OR Porridge, Flour and Rice (see Note 2)	..	..	..	..	..	..	..	226.8 g
Beans, Peas, Lentils or Dhal	..	..	..	..	..	..	..	42.62 g
AND Groundnuts	..	..	..	..	..	..	..	56.7 g
OR Cheese	..	..	..	..	..	..	..	..
28.35 g								
Dripping	..	..	..	..	..	..	..	28.35 g
OR Margarine	..	..	..	..	..	..	..	28.35 g
OR Groundnut Cooking Oil	..	..	..	..	..	..	..	14.2 g
OR Red Palm Oil	..	..	..	..	..	..	..	3.6 g
Mixed Fresh Vegetables	..	..	..	..	..	..	..	170.1 g
OR Potatoes	..	..	..	..	..	..	..	226.8 g
AND Sweet Potatoes (when available) (see Note 4)	..	..	..	..	..	..	..	226.8 g
AND Pumpkin (when available)	..	..	..	..	..	..	..	113.4 g
Mixed Fresh Fruit (in season)	..	..	..	..	..	..	..	113.4 g
Cocoa OR Coffee OR Tea	..	..	..	..	..	..	..	14.175 g
Sugar	..	..	..	..	..	..	..	21.5 g
Salt (iodised, if available)	..	..	..	..	..	..	..	14.175 g
Chillies OR Peppers	..	..	..	..	..	..	..	3.6 g

NOTES

1. Bread or rice may be substituted for maize or millet on the recommendation of the Medical Officer or the School Reception Board.
2. Where bread or rice is supplied in place of maize or millet meal, porridge, flour and rice the total weight of 226.8 g should be supplied.
3. Where bread is supplied in place of maize or millet meal, 56.7 g of cheese, syrup or jam may be substituted for 56.7 g of beans, peas, lentils, dhal or groundnuts.
4. Sweet potatoes should be of the yellow varieties, if possible, and, when unavailable, cereal meal should be augmented by 56.7 g per day.

GENERAL OBSERVATIONS

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- (i) The above quantities are raw weights.
- (ii) Fish should not be used on more than two days per week.
- (iii) 113.4 g of meal may be substituted for 226.8 g of bread, where regular supplies of bread are not available.
- (iv) Protone Soup powder, where supplied, should be added to the water used for cooking vegetables or meat.
- (v) Vegetables include spinach, cabbage, tomatoes, kale, pumpkin, turnip, kohlrabi, lettuce, onions, beetroot, carrots, peas, beans, leeks.
- (vi) Rice may be included in the ration not more than twice a week and should be unpolished or par-boiled.
- (vii) Fruit includes lemons, limes, oranges, 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 purposes of purchasing additional rations for issue on Christmas Day and on such other days as may be approved by the Minister.

THE REFORMATORY SCHOOLS RULES

ARRANGEMENT OF RULES

PART I PRELIMINARYPART I PRELIMINARY

Rule

1. Title
2. Interpretation

PART II CONTROL AND ADMINISTRATIONPART II CONTROL AND ADMINISTRATION

3. Control and administration

PART III ACCOMMODATIONPART III ACCOMMODATION

The Laws of Zambia

4. Accommodation
5. Accommodation by night
6. Sick inmates
7. Cleanliness
8. Confinement of inmates

PART IV ADMISSION, DISCHARGE AND REMOVALPART IV
ADMISSION, DISCHARGE AND REMOVAL

9. Admission
10. Inmate's property
11. Particulars of inmates
12. Medical examination of inmates
13. Baths
14. Infectious or contagious disease
15. Interview and information to inmates
16. Information to be understood
17. Medical examination
18. Close custody
19. Production orders

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PROHIBITED ARTICLES

Rule

20. Possession of prohibited articles
21. Conveyance of prohibited articles
22. Search of vehicles and persons entering or leaving
23. Liquor
24. Tobacco

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CLOTHING AND BEDDING

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27. Excess prohibited
28. Cleanliness of clothes and bedding

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OFFENCES AND PUNISHMENTS

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MEDICAL OFFICER

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98. Medical officer to make reports
99. Medical examinations on admission and discharge
100. Quarterly inspection
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REFORMATORY BOARDS

Rule

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FIRST SCHEDULE-Restricted diet

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SECTION 107-THE REFORMATORY SCHOOLS RULES

Rules by the Minister

PART I PRELIMINARYPART I

PRELIMINARY

1. These Rules may be cited as the Reformatory Schools Rules. Title
 2. In these Rules, unless the context otherwise requires- Interpretation
- "After Care Committee" means the persons forming the After Care Committee of the Reformatory Board under rule 105(1);
- "Chief Inspector" means the Chief Inspector of Reformatories;
- "housemaster" or "assistant housemaster" means the officers appointed to be housemasters or assistant housemasters of a reformatory school by the Chief Inspector;
- "inmate" means any person detained in a reformatory school or receiving centre and includes any person granted leave of absence under section *ninety-nine* or licence under section *one hundred and four* of the Act;
- "institution" means a reformatory school;
- "matron", in relation to a reformatory school, means the officer appointed to be a matron of such school;
- "officer" means any officer employed by or in the Zambia Prison Service and posted to the staff of a reformatory school;
- "Reformatory Board" means the persons or body of persons appointed for the relevant year by the Minister under subsection (3) of section *ninety-five* of the Act;
- "visiting justice" means Ministers of the Government of the Republic of Zambia and magistrates exercising jurisdiction in the area where a reformatory is situated;

"visitor" means any member of a Reformatory Board.

PART II CONTROL AND ADMINISTRATIONPART II

CONTROL AND ADMINISTRATION

3. (1) Every institution shall be under the control of the Chief Inspector.

Control and
administration

(2) The general charge and administration of a reformatory school shall be vested in the superintendent.

(3) The Chief Inspector, with the approval of the Minister, shall appoint for each institution a fit and proper person to be superintendent thereof and such number of housemasters, assistant housemasters and other officers as may be necessary.

PART III ACCOMMODATIONPART III

ACCOMMODATION

4. A room or dormitory shall not be used for the confinement of inmates unless it is certified by the Chief Inspector, on the advice of a medical officer, to be of such a size and to be lighted, ventilated and fitted up in such a manner as may be requisited for health. If the certificate of any room or dormitory is cancelled, that room or dormitory shall not be used for the confinement of inmates, unless and until it is again certified. The certificate shall specify the maximum number of inmates to be located at any one time in such room or dormitory, and the number so specified shall not be exceeded. In special circumstances, with the authority of the Chief Inspector, inmates may be located in tents or other temporary accommodation.

Accommodation

5. Inmates may be accommodated by night in rooms or dormitories with one, three or more than three inmates in each room or dormitory, and each inmate shall be provided with a separate bed.

Accommodation by
night

6. At every institution a proper place for the reception, accommodation and treatment of sick inmates shall be provided.

Sick inmates

7. The institution and every room and part thereof shall be kept clean and every inmate shall keep his room, dormitory, utensils, books and other articles issued for his use and his clothing and bedding, clean and neatly arranged as may be directed and shall clean and sweep the yards, passages and other parts of the institution as may be ordered.

Cleanliness

8. In every institution rooms shall from time to time be set aside for the confinement of inmates undergoing punishment for institution offences and shall be certified as fit to be used for such purposes by the medical officer.

Confinement of inmates

PART IV ADMISSION, DISCHARGE AND REMOVALPART IV

ADMISSION, DISCHARGE AND REMOVAL

9. (1) The superintendent shall, upon the delivery to him of an order for detention in a reformatory school, make all the necessary arrangements for the conveyance of the young person, named therein, to the institution.

Admission

(2) Every inmate shall be searched on admission and at such times subsequently as may be directed, and all unauthorised articles shall be taken from him.

Manner of search

(3) The searching of an inmate shall be conducted in as seemly a manner as is consistent with the necessity of discovering any concealed article.

10. (1) All money, clothing or other effects belonging to an inmate, which he is not allowed to retain, shall be placed in the custody of the superintendent, who shall keep an inventory thereof, which shall be signed by the inmate.

Inmate's property

(2) All articles of a perishable nature and all articles infected with vermin or otherwise likely to spread disease which are in possession of an inmate on admission shall be destroyed.

Destruction of infected articles

(3) In any case where the clothes of an inmate are so old, worn out or dirty as to be useless, the superintendent shall order them to be destroyed and, in such case, on the release of the inmate, the superintendent shall issue replacement clothing of a suitable kind.

(4) Articles which in the opinion of the superintendent are too bulky for storage shall not be accepted into an institution.

Bulky articles

(5) On discharge of an inmate, all articles of clothing and property shall be returned to him, unless they have been destroyed under this rule.

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- (6) If any inmate is discharged from an institution and fails to claim his property within six months from his discharge, or if any inmate dies in the institution and his personal representative or relatives do not claim his property within six months of his death, the superintendent may, if in his opinion such property is of no substantial value, destroy it, or if he considers it possible to sell it, he shall sell it and devote the proceeds to the welfare of the inmates in the institution generally. Unclaimed property
11. The name, age, height, weight, particular marks and such other measurements and particulars as may be required, in regard to an inmate, shall, upon his admission, and from time to time, be recorded in such manner as may be directed. Medical examination of inmates
12. Every inmate shall, on the day of his reception or as soon as possible after his admission, be separately examined by the medical officer. Particulars of inmates
13. Every inmate shall be given a bath on reception, and thereafter daily, unless it is otherwise directed, in any particular case, by the superintendent or medical officer. Baths
14. If the inmate is found to have any infectious or contagious disease or to be in a verminous condition, steps shall be taken to treat the condition and to prevent it from spreading to other inmates. Infectious or contagious disease
15. The superintendent shall see every inmate on reception and explain to him the rules of the institution. In every room and dormitory there shall be provided sufficient information as to the rules concerning the disciplinary requirements of the institution, to earnings and gratuities and privileges and to the proper methods of submitting applications and of making complaints as to food, clothing, bedding and other necessities. Interview and information to inmates
16. (1) The superintendent shall, personally or through another officer, ensure that as soon as possible after admission into an institution, and in any case within twenty-four hours, every inmate who can read understands the information so provided. Information to be understood
- (2) Where an inmate cannot read or has difficulty in understanding the information so provided, it shall be explained to him so that he may be aware of his rights and obligations.
17. Every inmate shall be examined by the medical officer before being discharged, or removed to another institution. No inmate shall be removed to any other institution unless the medical officer certifies that he is fit for removal, and no inmate who is suffering from any acute or dangerous illness shall be discharged from the institution until, in the opinion of the medical officer, it is safe to do so or, his order having expired, he refuses to stay. Medical examination

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18. An inmate in close custody shall be exposed to public view as little as possible while being removed from or to an institution. Close custody

19. Any inmate, for whose production at any place an order is issued, may, while outside the institution, be kept in the custody of the officers directed to convey him to that place. Production orders

PART V PROHIBITED ARTICLES

PROHIBITED ARTICLES

20. No inmate shall have in his possession any prohibited article, and any such article which may be found in the possession of an inmate may be confiscated by the superintendent. Possession of prohibited articles

21. No person shall, without authority, convey or throw into, or deposit in, the institution, or convey or throw out of the institution, or deposit with a view to its coming into the possession of any such inmate, any money, clothing, food, drink, tobacco, letter, paper, book, tool, or other article whatsoever. Anything so conveyed, deposited or thrown without authority may be confiscated by the superintendent. Conveyance of prohibited articles

22. All persons or vehicles entering or leaving the institution may be examined and searched, and any person suspected of bringing any prohibited article into the institution, or of carrying out any prohibited article or any property belonging to the institution, shall be stopped, and immediate notice thereof shall be given to the superintendent. Search of vehicles and persons entering or leaving

23. No inmate shall be given or allowed to have any intoxicating liquor, except in pursuance of a written order of the medical officer specifying the quantity to be given and the name of the inmate for whose use it is intended. Liquor

24. No inmate shall be allowed to smoke or to have in his possession any tobacco, except in accordance with such orders as may be given by the superintendent with the approval of the Chief Inspector. Tobacco

PART VI CLOTHING AND BEDDING

CLOTHING AND BEDDING

25. Every inmate shall be provided with an outfit of clothing adequate for warmth and health in accordance with a scale approved by the Chief Inspector and shall wear such clothing and no other: Clothing outfit

Provided that, with the authority of the Chief Inspector, other clothing may be worn in special circumstances or if recommended by the medical officer.

26. Every inmate shall be provided with bedding adequate for warmth and health in accordance with a scale approved by the Chief Inspector. Additional bedding may be authorised in special circumstances on the recommendation of the medical officer.

Bedding scale

27. Except as provided in rules 25 and 26, no inmate shall, without authority of the superintendent, receive or have in his possession any clothing, bedding or equipment in excess of the authorised allowance.

Excess prohibited

28. (1) The clothes of an inmate shall be changed and washed at least weekly and bedclothes shall be washed and aired as often as the superintendent directs.

Cleanliness of clothes and bedding

(2) The institution clothing and bedding left by an inmate on discharge shall be thoroughly washed, dried and disinfected before being reissued.

PART VII FOODPART VII

FOOD

29. (1) Every inmate shall be entitled to a sufficient quantity of plain wholesome food, in accordance with the dietary scale set out in the Juveniles (Reformatory Dietary Scales) Rules.

Food

(2) A copy of the dietary scale shall be displayed in some conspicuous place in the institution.

(3) The diet of an inmate who persistently wastes his food may be reduced by the superintendent after obtaining the written advice of the medical officer.

Waste of food

(4) An inmate ordered restricted diet shall have his ordinary diet replaced by the restricted diet set out in the First Schedule, unless the medical officer otherwise recommends.

Restricted diet

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30. No inmate shall receive or have in his possession any food other than the allowance authorised by the dietary scale except-

Extra food

- (a) with the authority of the superintendent; or
- (b) with the authority of the medical officer, if a variation of diet is ordered on medical grounds.

31. An inmate who has any complaint to make regarding food supplied to him shall make it to the superintendent or other senior officer as soon as possible after the food has been served to him.

Complaints about food

PART VIII HEALTH AND CLEANINESSPART VIII

HEALTH AND CLEANINESS

32. Every inmate shall obey such directions as may from time to time be given to him as regards washing, bathing, shaving and haircutting.

Personal hygiene

33. (1) Inmates, if medically fit, shall be exercised regularly at physical drill, games and gymnastics.

Exercise

(2) Every inmate, unless excused by the medical officer on medical grounds, shall take such exercise as may be ordered.

(3) Subject to the directions of the Director of Medical Services, the medical officer may depute any of the functions or duties under this Part to any person who he considers is suitably qualified to carry out such duties and functions.

(4) At regular intervals and not less than once a month the weight of every inmate shall be taken and recorded in such manner as may be directed.

PART IX EMPLOYMENTPART IX

EMPLOYMENT

34. (1) Every inmate shall be required to engage in useful work, all of which, so far as is practicable, shall be performed in association with other inmates, whether on the necessary services of the institution, or in workshops or on outdoor work; and shall be instructed, as far as possible, in useful occupations which may help him to earn his livelihood on discharge.

Work

(2) No inmate shall be set to work unless he has been certified as fit for that type of work by the medical officer.

(3) Every inmate who has not been exempted by the medical officer shall be required to work at least forty hours a week and shall, in addition to work, attend educational classes as required.

(4) In every institution there shall be a scheme approved by the Minister under which inmates may receive payment for work done.

(5) (a) Inmates participating in the earnings scheme shall be classified in the following grades: Earnings scheme

Grade A-inmates who, in the opinion of the Chief Inspector, are of exemplary conduct and are skilled in their trade, or whose output and effort at work is exemplary, and inmates who are placed in a position of trust and responsibility and are promoted to be prefects, house captains or school captain.

Grade B-inmates who, in the opinion of the superintendent, are of good conduct and are semi-skilled in their trade or whose output at work is above average.

Grade C-inmates who are eligible to participate in the earnings scheme but who are not in Grade A or Grade B.

(b) Promotion to Grade A shall be made by the Chief Inspector and promotion to Grades B and C by the superintendent.

35. (1) Except where the Chief Inspector otherwise directs, inmates shall not be required to do any work, other than keeping the institution clean and preparing food, on Sundays and public holidays. Work on Sundays and holidays

(2) The superintendent shall make special arrangements for the observation by inmates of religious and national festivals.

PART X RELIGIOUS INSTRUCTIONPART X

RELIGIOUS INSTRUCTION

36. Adequate arrangements shall be made for the provision of religious ministration or instruction to inmates according to their religious beliefs. Religious ministration

37. Every inmate shall, from the beginning of his training, be furnished with such religious books as are recognised for the faith to which he belongs, and are obtainable. Religious books

PART XI EDUCATIONPART XI

EDUCATION

38. (1) Provision shall be made for educational classes for the benefit of all inmates and every inmate shall attend such classes as may be directed by the superintendent. Classes

(2) A library of books for the use of the inmates shall be provided and every inmate shall be allowed to have not more than three library books in his room or dormitory at any one time and to exchange them as often as possible. Library books

(3) The superintendent may arrange for lectures, concerts and debates for inmates to take place outside the hours of work.

PART XII VISITS AND COMMUNICATIONSPART XII

VISITS AND COMMUNICATIONS

39. (1) Communications between inmates and other persons shall be allowed only in accordance with this rule, and the superintendent may restrict such communications still further if he thinks it necessary for the maintenance of discipline and order in the institution and the welfare of the inmates. Visits and letters

(2) Save as provided in sub-rule (3), visits and letters shall be governed by the following:

- (a) on admission an inmate shall be entitled to write and receive one letter;
- (b) an inmate shall be entitled to write one letter every week to persons approved by the superintendent and to receive letters as often as the superintendent considers desirable;
- (c) an inmate shall be entitled to receive one visit of thirty minutes' duration every month from three persons on such conditions relating to visits as may be imposed by the superintendent.

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(3) The superintendent may allow an inmate to write a special letter and to receive a reply or to receive a special visit at his discretion.

(4) The superintendent shall at any time communicate to an inmate, or to his relatives or friends, any matter which he thinks likely to be of importance to such inmate.

(5) The degree of supervision to be exercised during visits to inmates shall be within the discretion of the superintendent.

40. (1) The privilege of writing and receiving letters and receiving visits may, at the discretion of the superintendent, be postponed at any time in case of misconduct, but shall not be subject to forfeiture.

Postponement of
privileges of letters
and visits

(2) When an inmate who becomes entitled to a letter or visit is at the time undergoing punishment, the superintendent shall defer the privilege to a suitable time.

41. If an inmate who is dangerously ill desires to be visited by a near relative or friend, the superintendent may give an order in writing for the admission of that relative or friend.

Visits to sick inmates

42. (1) Reasonable facilities shall be allowed for the legal representative of an inmate to see him on any legal matter in the sight of but not in the hearing of an officer of the institution.

Inmate shall see legal
representative

(2) For the purposes of this rule, "legal representative" shall include a legal representative's clerk.

43. Every letter to or from an inmate shall be read by the superintendent, or by an officer deputed by him for the purpose, and it shall be within the discretion of the superintendent to stop any letter, on the grounds that he considers its contents are objectionable or that it is of inordinate length.

Letters to be read

44. On production of an order from the proper police authority, a police officer may visit, in the sight and hearing of an officer of the institution, any inmate who is willing to see such police officer.

Visits by police officers

45. An inmate may be released by order of the Chief Inspector on leave of absence on conditions and for reasons approved by the Chief Inspector, to be absent from the institution for a stated length of time. Should the inmate break any condition of his parole, while absent from the institution, he shall be liable to be dealt with as though he had been discharged on an ordinary licence and the licence had been revoked.

Leave of absence

46. Where the Chief Inspector allows an inmate to be absent from the institution under section *ninety-nine* of the Act, he shall issue to the inmate a leave of absence in Form 1 in the Second Schedule. Leave of absence licence

PART XIII OFFENCES AND PUNISHMENTS

OFFENCES AND PUNISHMENTS

47. An inmate who- Institution offences

- (a) disobeys any order of the superintendent or of any other officer or any institution rule;
- (b) is careless, idle or negligent at work or refuses to work;
- (c) is indecent in language, act or gesture;
- (d) escapes from the institution or from lawful custody;
- (e) mutinies or incites other inmates to mutiny;
- (f) commits an assault of any other inmate;
- (g) commits personal violence against any officer or servant of the institution;
- (h) leaves his room or dormitory or place of work or appointed place without permission;
- (i) wilfully disfigures or damages any part of the institution or any property which is not his own;
- (j) has in his possession any unauthorised articles, or attempts to obtain such articles;
- (k) gives to or receives from any person any unauthorised article;
- (l) makes repeated and groundless complaints;
- (m) in any way offends against good order and discipline;
- (n) attempts to do any of the foregoing things; or
- (o) aids and abets the doing of any of the foregoing things;

shall be guilty of an institution offence.

48. No report against an inmate shall be dealt with by any officer of the institution except the superintendent, or, in his absence, the officer appointed to act for him. Inquiry into offences

49. When an inmate has been reported for an offence, the superintendent may order him to be kept apart from other inmates, pending adjudication. Isolation pending adjudication

50. An inmate shall, before a report is dealt with, be informed of the offence for which he has been reported and shall be given an opportunity of hearing the facts alleged against him and of being heard in his defence. Inmate to be informed

51. Every offence against discipline shall be reported forthwith, and the superintendent shall investigate such reports not later than the following day, unless that day be a weekly or public holiday.

Investigation into reports

52. (1) A charge against an inmate in respect of an alleged offence against discipline may be heard and determined within an institution by the superintendent, by a visiting justice or a senior officer of the Zambia Prison Service appointed by the Chief Inspector.

Hearing of charge

(2) If the superintendent, visiting justice or senior officer of the Zambia Prison Service finds an inmate guilty of an offence against discipline, he may make one or more of the following awards:

Awards

- (a) Removal from house to penal grade.
- (b) Deprivation of any of the following privileges for a period not exceeding one month:
 - (i) Association.
 - (ii) Recreation and games.
 - (iii) Earnings.
- (c) Extra work or fatigues outside normal labour hours for not more than two hours a day and for a period not exceeding one month.
- (d) A fine not exceeding the equivalent of one month's earnings.
- (e) Reduction in stage or delay in promotion to a higher stage or reduction in earnings grade for a period not exceeding three months.
- (f) Confinement to a room for a period not exceeding three days.
- (g) Restricted diet, as laid down in the First Schedule, for a period not exceeding three days.

53. Where an inmate is reported for any of the following offences, viz:

Serious offences

- (i) mutiny or incitement to mutiny;
- (ii) gross personal violence to any officer or servant of the institution or any other inmates;
- (iii) escaping from the institution or from legal custody;
- (iv) any serious or repeated offence against discipline for which such award as the superintendent is authorised to make is deemed by him insufficient;
- (v) any offence upon which the superintendent, having regard to the circumstances of the case, thinks it expedient that a visiting justice or senior officer of the Zambia Prison Service appointed by the Chief Inspector should adjudicate;

the superintendent may forthwith report the offence to a visiting justice or the Chief Inspector who shall thereupon arrange to inquire into the report, and if an inmate is found guilty, the visiting justice or senior officer of the Zambia Prison Service may make one or more of the following awards:

(a) Any award authorised under rule 52 (2).

Awards

(b) Deprivation of privileges.

(c) Loss of stage or grade.

(d) Removal from the earnings scheme.

(e) A fine not exceeding three months' earnings.

(f) Confinement in a room not exceeding fourteen days.

(g) Restricted diet not exceeding fifteen days.

(h) Whipping with a light cane not exceeding ten strokes.

54. A record shall be kept in every institution of the charge against any inmate, the evidence supporting the charge, the decision of the superintendent, visiting justice or senior officer appointed by the Chief Inspector, and the punishment awarded. A special book kept for the purpose shall be used to record any award of corporal punishment, the date of infliction and the number of strokes inflicted.

Record of
punishments

55. (1) Any disciplinary award may be remitted or reduced by the Chief Inspector.

Remission and
reduction of awards

(2) A disciplinary award may be determined at any time during the currency thereof by the superintendent.

56. Confinement in a room, corporal punishment or restricted diet shall in no case be awarded unless the medical officer has certified that the inmate is in a fit condition of health to sustain it. Medical examination of inmates

57. (1) Every inmate undergoing confinement in a room shall be visited at least once a day by the superintendent, and any inmates confined to a room shall be visited by the appointed officer at intervals of not more than one hour during the day and night. Visits to inmates under confinement

(2) Every inmate undergoing confinement in a room shall be taken for exercise each day for one hour in the morning and one hour in the afternoon.

58. (1) Before an inmate is ordered to undergo caning with a light cane in respect of any of the offences set out in rule 53, the case shall be adjourned without announcing the punishment which shall be submitted for approval to the Chief Inspector who, if the award exceeds five strokes, shall submit the case to the Minister for confirmation. Confirmation of caning

(2) The award shall be reviewed in the shortest possible time and, if confirmed, the superintendent shall announce the punishment and arrange for it to be carried out without undue delay.

(3) If the award is not confirmed, the adjudicating officer or the Minister or Chief Inspector, as the case may be, may substitute any other punishment as prescribed in rule 53.

(4) Caning shall be inflicted with a light cane not more than 835mm long and not more than 9.38 mm thick.

59. (1) All caning within the institution shall be attended by the superintendent and the medical officer. Caning

(2) The medical officer shall, immediately before corporal punishment is inflicted, examine the inmate and satisfy himself that the inmate is fit to undergo the punishment.

(3) At any time after the infliction of the punishment has commenced, the medical officer may, if he deems it necessary in order to prevent injury to the inmate's health, recommend that no further punishment be inflicted, and the superintendent shall thereupon remit the remainder of the punishment.

The Laws of Zambia

(4) The superintendent shall enter in the caning book the hour at which the punishment was inflicted, the number of strokes inflicted and any orders he may have given as to remission.

60. Where restricted diet is ordered for a longer period than six days, the offender shall receive three days' ordinary diet after each period of six days' restricted diet: Restricted diet and work

Provided that-

- (i) no manual work shall be enforced on any one of the days on which restricted diet constitutes the sole food supplied to the inmate, who may, nevertheless, be allowed the option of performing suitable labour, if he so desires;
- (ii) no inmate who has been on restricted diet shall be placed upon this diet for a fresh offence until an interval has elapsed equal to the period already passed by the inmate on restricted diet.

PART XIV RESTRAINTSPART XIV

RESTRAINTS

61. No inmate shall be placed in handcuffs or other mechanical restraint as a punishment. Not to be used as a punishment

62. (1) When it appears to the superintendent that in order to prevent an inmate from injuring himself or others, or damaging property, or creating a disturbance, it is necessary that he should be placed under mechanical restraint, he may order him to be placed under mechanical restraint, and notice thereof shall forthwith be given to the Chief Inspector and to the medical officer. Mechanical restraint

(2) No inmate shall be kept under mechanical restraint for longer than is necessary, and in any case not for more than twenty-four hours, unless an order in writing from the Chief Inspector is given, specifying the cause thereof and the time during which the inmate is to be kept, which order shall be preserved by the superintendent as his warrant.

(3) Particulars of every case of mechanical restraint shall be forthwith recorded by the superintendent.

63. The superintendent shall order any refractory or violent inmate to be temporarily confined in a special room certified for the purpose, but no inmate shall be confined in such a room as a punishment, or for longer than is necessary.

Confinement of
refractory inmates

PART XV COMPLAINTS BY INMATESPART XV

COMPLAINTS BY INMATES

64. (1) Any request made by an inmate to see the superintendent or the Chief Inspector shall be recorded by the officer to whom it is made and conveyed without delay to the superintendent, who shall inform the Chief Inspector, as the case may be, of any such request.

Hearing of complaints

(2) The superintendent shall, at a convenient hour every day other than the weekly holiday and public holidays, hear the applications of all the inmates who have requested to see him.

PART XVI CLASSIFICATION AND GRADESPART XVI

CLASSIFICATION AND GRADES

65. The superintendent shall classify all inmates, having regard to their character, previous history and other relevant circumstances, and shall arrange for each inmate to receive such training for which, in his opinion, he is most suitable.

Classification of
inmates

66. (1) Inmates shall be divided into such grades and stages as the Chief Inspector may approve.

Grades and stages

(2) An inmate may be placed in the penal grade by order of the superintendent, if he is satisfied that such inmate is exercising a bad influence and is idle or ill-conducted, but no inmate shall be detained in it longer than is necessary in the interests of himself or others. While in the penal grade he shall not be employed in association with other inmates and shall receive no payment.

(3) An inmate shall not be promoted in stage or grade, except after full consideration of the circumstances of his case by a board, called the "Institution Board", composed of such officers of the institution as the Chief Inspector may decide. The Board may also order reversions to a lower grade, if, for some reason other than an act of misconduct, they consider it desirable.

PART XVII DISCHARGE PART XVII

DISCHARGE

67. (1) An inmate shall become eligible for release on licence after he has served not less than nine months of his term of detention. If the superintendent, in consultation with the After Care Committee, is of the opinion that there is a reasonable probability that an inmate will lead a useful and industrious life and abstain from crime, he shall submit his recommendation to the Chief Inspector, who, if he thinks fit, may thereupon order that he be discharged from the institution on licence.

Recommendation for release

(2) When the Chief Inspector has decided that an inmate shall be released on licence, every effort shall be made, in consultation with the After Care Committee and a Probation Officer, to obtain suitable employment for him. The Probation Officer shall give all relevant information and full assistance, with a view to securing a continuous and well-directed supervision of the case, both at the moment of discharge and afterwards at the home or place to which the inmate proceeds. Every encouragement shall be given to the Probation Officer or other authorised persons to visit the inmate before discharge, in order that they may have a personal knowledge of, and be in possession of, the views of the authorities of the institution concerning such inmate.

Release on licence

(3) If the Chief Inspector is satisfied that an inmate who has been released on licence has escaped from the supervision of the person under whose care he has been placed, or who has been guilty of a serious and wilful breach of the conditions of his licence, and that the case cannot be dealt with by admonition and warning, he may revoke the licence.

Revocation of licence

(4) An inmate whose licence has been revoked may, on readmission to an institution, be detained in the penal grade for such length of time as the superintendent shall deem necessary, having regard to all the circumstances of the case.

(5) An order for release on licence shall be in Form 2 and revocation of licence shall be in Form 3 in the Second Schedule.

PART XVIII STAFF PART XVIII

STAFF

68. (1) It shall be the duty of an officer of a reformatory to carry out his duties and responsibilities in accordance with the Act, these Rules and any standing orders, administrative directions or general or special instructions issued by the Chief Inspector or superintendent.

General duty of officers

The Laws of Zambia

(2) Any breach or non-compliance by an officer of a reformatory with any provisions of the Act, these Rules or any standing orders or general or special instructions issued by the Chief Inspector or superintendent shall be a disciplinary offence.

(3) The conditions of service of the officers of a reformatory shall be subject to the Prisons Rules. Cap. 97

69. No officer shall be absent from the institution without leave from the superintendent. Absence

70. Every officer shall direct the attention of the superintendent to any inmate, whether he complains or not, who appears to be out of health, or whose state of mind appears to be deserving of special notice and care, and the superintendent shall without delay bring such cases to the notice of the medical officer. Sick inmates

71. (1) No officer shall act in a manner calculated to provoke an inmate. No provocation or unnecessary use of force

(2) No officer, in dealing with inmates, shall use force unnecessarily, and, in any case in which the application of force to an inmate is needful, no more force than is necessary shall be used.

(3) If an officer strikes or uses force against an inmate, he shall have the inmate as soon as possible examined by the medical officer, and shall immediately report the incident to the superintendent.

72. (1) No officer shall communicate with an inmate for an improper purpose. Discretion by officers

(2) No officer shall discuss his duties or any matters of discipline or of institutional arrangements within the hearing of an inmate.

(3) Every officer shall at once communicate to the superintendent any abuse or impropriety which may come to his knowledge.

73. (1) No officer shall, without the authority of the Chief Inspector, carry out any pecuniary or business transaction with or on behalf of any inmate. No business transaction without authority

The Laws of Zambia

(2) No officer shall, without the authority of the superintendent, bring in, or carry out, or attempt to bring in or carry out, or knowingly allow to be brought in or carried out, to or for any inmate any article whatsoever.

74. No officer shall receive any fee or gratuity or other consideration in connection with the admission of any visitors to the institution, or in connection with the admission of any visitors to inmates. Fee or gratuity prohibited

75. No officer shall, directly or indirectly, communicate with any ex-inmate or with the friends or relatives of any ex-inmate, or inmate, except with the knowledge of the superintendent. Communications

76. No officer shall, directly or indirectly, have any interest in any contract in connection with the institution, nor shall he receive, directly or indirectly, under any pretence whatsoever, any fee, gratuity or other consideration from any contractor or from any person tendering or any other person whatever in connection with any such contract. Contracts

77. Every officer or servant of the institution shall submit himself to be searched in the institution if called upon to do so by the superintendent. Search

78. (1) No officer shall, directly or indirectly, make any unauthorised communication to representatives of the Press or any other persons with reference to matters which have become known to him in the course of his official duties. Unauthorised publicity

(2) No officer shall, without the authority of the Chief Inspector, publish any matter or make any public pronouncement relating to the institution or inmates or the administration of the Zambia Prison Service.

79. (1) Every officer shall occupy quarters as may be assigned to him and shall at any time vacate them, if required to do so. Quarters

(2) On the termination of an officer's service, he shall give up the quarters he has occupied, as soon as he is required to do so; and, on the death of an officer, his family shall give up the quarters, when required to do so.

80. An officer shall not punish any inmate unless authorised to do so under the Act or these Rules. Punishment

81. Nothing in this or any other rule shall be so construed as to exempt any officer of a reformatory from being prosecuted under the Act or any other written law in respect of any act or omission that is an offence under the Act or any other written law: Offences

Provided that an officer shall not be punished twice for the same offence or disciplinary offence.

PART XIX SUPERINTENDENTPART XIX

SUPERINTENDENT

82. (1) The superintendent shall be responsible for the maintenance of discipline in the institution. Responsibilities of the superintendent

(2) The superintendent shall also be responsible for all property in the institution and shall keep the following books and accounts:

- (a) an inventory of the furniture and tools in the institution;
- (b) a diary in which all occurrences of importance within the institution must be recorded;
- (c) a nominal record of all inmates committed to the institution, showing the date and period of commitment of inmates, the names and addresses of their parents (if known), their particular marks, general appearance, race, language, nationality, apparent age, health, height and weight; a record of the health and conduct of inmates while in the institution shall be kept;
- (d) a punishment book in which all punishments shall be recorded;
- (e) a visitors' book for the entry of observations by visitors;
- (f) an account of all materials purchased for use in the workshops of the institution and the disposal thereof;
- (g) a record of all articles manufactured in the institution, and of all sales of such articles, showing cost of materials, transport and other expenses connected therewith.

(3) In the absence of the superintendent, the senior housemaster shall have the powers and duties of the superintendent.

(4) The superintendent and the senior house-master shall never be absent from the institution at the same time.

(5) The senior house-master and the subordinate staff of the institution shall be under the orders of the superintendent and shall not be absent from the institution without leave from him, to be recorded in the diary.

(6) The superintendent, or in his absence the senior house-master may, subject to the limitations laid down in these Rules, inflict punishment where it appears necessary that it should be inflicted immediately.

83. (1) The superintendent shall exercise a close and personal supervision of the whole institution, and shall visit and inspect daily all parts of the institution where inmates are employed or confined, and shall give special attention to every inmate who for any reason is confined to his room, and to every inmate who is a hospital patient.

Special duties

(2) The superintendent shall, from time to time, visit the institution during the night and satisfy himself as to the state of the institution. Such visits shall be made at varying intervals and at varying times and not less often than twice a fortnight.

(3) The superintendent shall take an early opportunity to interview all inmates as soon as possible after their reception and he shall again interview them prior to discharge.

84. The superintendent, in case of misconduct, may suspend any subordinate officer, and shall report the particulars without delay to the Chief Inspector.

Suspension of subordinates

85. The superintendent shall, as far as practicable, carry into effect any written recommendation made by the medical officer on grounds of health, for the alteration of the discipline or treatment of any inmate, or for his separation from other inmates.

Duties of superintendent as to health

86. Where an inmate is, in the opinion of the medical officer, dangerously ill, the superintendent shall whenever practicable forthwith inform the relatives of such inmate.

Relatives to be informed

87. The superintendent shall, without delay, report to the Chief Inspector any case of insanity or apparent insanity occurring among the inmates, or any case in which the medical officer is of the opinion that the mental state of any inmate is becoming impaired or enfeebled by continued discipline or treatment, or any sick inmate will not survive his sentence, or is totally and permanently unfit for the discipline of the institution.

Mental state of inmates

88. The superintendent shall pay attention to the ventilation, drainage and sanitary condition of the institution, and take any measures as may be necessary for their being maintained in proper order.

Ventilation etc.

The Laws of Zambia

89. Upon the death of an inmate, the superintendent shall give immediate notice thereof to the coroner or magistrate having jurisdiction in respect of such death and to the Chief Inspector, and, where practicable, to the nearest relative of the deceased.

Death of an inmate

90. (1) The superintendent shall supply to the coroner or magistrate the name of any inmate who tenders his evidence in the case of an inquest about to be held on the body of any inmate.

Inquest

(2) After any inquest on an inmate the superintendent shall report to the Chief Inspector the finding of the jury, or of the coroner, and such other circumstances of importance as may arise at the inquest.

91. The Chief Inspector may appoint any officer to perform in the absence of the superintendent all or any of the duties required to be performed by the superintendent.

Absence of superintendent

92. (1) The Chief Inspector and the superintendent may, in the exercise of their discretion, allow any person to visit the institution.

Visits to institution

(2) No person visiting an institution shall, without the permission of the superintendent, make any sketch, or take any photograph, and this permission shall not be granted unless an undertaking is given that the sketch or photograph will not be published without the authority of the Chief Inspector.

(3) The superintendent may remove from the institution any visitor whose conduct is improper.

93. The superintendent shall ensure that proper precautions against fire are adopted, and that the appliances for the extinction of fire are at all times kept in good order and ready for use. He shall ensure that instructions are given as to the steps to be taken in the case of fire, and that the officers concerned are acquainted with their duties in such an event.

Fire precautions

94. Where a reformatory is divided into houses, a house-master or assistant housemaster shall be responsible for the administration of each house, subject to the general directions of the Chief Inspector and the superintendent.

Housemaster responsible for each house

95. One or more officers on the staff of a reformatory may be attached to each house, and shall be subject to the directions of the housemaster or assistant housemaster in charge of the house.

Officers attached to house

96. Housemasters, assistant housemasters and subordinate officers on the staff of a reformatory shall devote themselves to the mental, moral and physical development of each inmate under their charge.

General duties

PART XX MEDICAL OFFICERPART XX

MEDICAL OFFICER

97. The medical officer shall have the general care of the health of the inmates, and he shall visit the institution whenever practicable.

Medical officer to attend regularly

98. The medical officer shall report to the Chief Inspector, through the superintendent, any circumstances connected with the institution or the treatment of the inmates which, at any time, appear to him to require consideration on medical grounds.

Medical officer to make reports

99. (1) The medical officer shall examine every inmate as soon as possible after his admission. The medical officer shall also examine every inmate before discharge. On each occasion the medical officer shall record the state of health of the inmate and such particulars as may be prescribed by the Chief Inspector.

Medical examinations on admission and discharge

(2) The medical officer shall see such inmates who complain of illness, and shall report to the superintendent in writing their fitness or otherwise for work. He shall visit every sick inmate at such times as may be necessary. He shall attend at once on receiving information of the serious illness of any inmate.

Visits

(3) The medical officer shall visit every inmate under restraint, confined to a room, or on restricted diet, or any other inmate to whom his attention is specially directed.

(4) When an inmate is about to be removed from an institution, the medical officer shall examine him and certify as to his fitness to travel and as to such other particulars regarding him as may be required.

(5) The medical officer shall frequently examine the provisions made for cleanliness and sanitation and see whether they are in efficient working order and report at once to the superintendent any defect or insufficiency therein.

Cleanliness and sanitation

(6) The medical officer shall keep a record of the death of any inmate, which shall include the following particulars:

Death of inmate

The Laws of Zambia

- (a) the time and date when the deceased was taken ill and when the illness was first notified to the medical officer;
- (b) the nature of the disease;
- (c) the time and date of death; and
- (d) an account of the appearances after death (in cases where post mortem examinations are made) together with any special remarks that appear to him to be required.

100. Once in every quarter of the year the medical officer shall inspect every part of the institution, for the purpose of ascertaining that nothing exists therein to be injurious to the health of the inmates, and, especially, that the ventilation is sufficiently provided for and properly attended to. The result of this inspection shall be reported to the Chief Inspector forthwith.

Quarterly inspection

101. The medical officer shall frequently inspect the inmates food, both cooked and uncooked and shall report to the superintendent as to the state and quality of the food, and as to any deficiency in the quantity or defect in the quality of the water; and also as to the sufficiency of clothing and bedding and any other matter which may affect the health of the inmates.

Inspection of food, etc.

102. (1) Whenever the medical officer has reason to believe that an inmate's health is likely to be injuriously affected by the discipline or treatment, he shall report the case in writing, through the superintendent to the Chief Inspector together with such recommendations as he thinks proper.

Inmate unfit for discipline

(2) Whenever the medical officer is of the opinion that the life of any inmate will be endangered by continued discipline or that any sick inmate will not survive his sentence, or is permanently and totally unfit for training, he shall report his opinion and the grounds thereof in writing, through the superintendent, to the Chief Inspector.

Inmate unfit for training

(3) Whenever any inmate appears to the medical officer to be dangerously ill, he shall give notice thereof to the superintendent.

(4) The medical officer shall report in writing to the superintendent the case of any inmate to which he thinks it necessary, on medical grounds, to draw attention, and shall make such recommendations as he deems needful for the alteration of the discipline or treatment of the inmate, or for the supply to him of additional articles.

Alteration in treatment on medical grounds

103. The medical officer shall have the special care of the mental health of the inmates, keeping under his special observation any inmate whose mental condition appears to require such observation, and, if necessary, shall take such steps as he may consider proper with a view to the segregation or removal of such inmate to an institution designed for the observation of weak-minded inmates, or certification under any written law relating to mental health and mental deficiency or disorder.

Mental condition of inmates

104. The medical officer shall submit to the superintendent in writing a recommendation for separating from other inmates any inmate suffering, or suspected of suffering, from any infectious or contagious disease; and shall immediately take such steps as may be necessary to prevent the spread of any such disease.

Spread of disease

PART XXI REFORMATORY BOARDSPART XXI

REFORMATORY BOARDS

105. (1) The Board appointed by the Minister under section *ninety-five* of the Act shall appoint an After Care Committee whose duties shall include the responsibility for matters relating to the release, employment, supervision and after care of inmates.

Appointment of After Care Committee

(2) The Board shall meet quarterly but shall appoint one or more of its members to visit the institution in each month of the year.

Monthly visits by members

(3) A member of the Board may at any time visit an institution and may inspect the several wards, cells, yards, punishment cells and other apartments or divisions of the institution, and may inspect and test the quality and quantity of the inmates' food, and may question any inmate or any member of the staff, and shall ascertain, so far as possible, whether the institution rules are adhered to, and shall call the attention of the superintendent to any irregularity that may be observed in the working of the institution or in the treatment of any inmate, and shall exercise and perform such duties as may be prescribed.

Powers and duties of members of Board

FIRST SCHEDULE

(Rules 29 (4) and 52 (2) (g))

RESTRICTED DIET

The Laws of Zambia

Bread	..	..	..	500 g per day.
or				
Maize meal	..	..	..	500 g per day.
or				
Cassava meal	..	..		500 g per day.
or				
Millet meal	..	..	..	500 g per day.
Unlimited water.				

SECOND SCHEDULE

PRESCRIBED FORMS

LEAVE OF ABSENCE LICENCE

.....
.....
Date

To:

You are hereby given leave of absence for the purpose of
on the following conditions:

1. You will go to such place as the Superintendent directs.
2. You will not change your address without permission.
3. You will keep away from persons of bad character.

If the Superintendent has instructed you to report to the Probation Officer or any other person, you will do so.

If you receive any instructions, you will carry them out. In any case, you should see the Probation Officer if you want advice or help.

His name and address is:

.....
.....
.....

You will report back at this institution by on
..... and, if you fail to return at the proper time, you
will render yourself liable to be arrested. No extension of this licence can be granted.

You will keep this form on you all the time that you are on licence and you will produce it if you are required to do so.

.....
Superintendent
(on the authority of the Chief
Inspector of Reformatories)

I have read and understood the conditions of my parole, and the conditions of my licence have been explained to me.

.....
Inmate

ORDER FOR DISCHARGE ON LICENCE

..... day of, 19.....

The Chief Inspector of Reformatories, in pursuance of the power conferred upon him by section 104 of the Juveniles Act, does by this licence permit :
who at the held at
on the day of, 19..... for the
..... of was
found guilty of and was ordered to detention in a
Reformatory School, and who is now detained in the school at
to be discharged from the said school within thirty days from the date hereof on condition that the licensee is placed under
the care, supervision and authority of
until the expiration of the sentence on the day of
19....., and during the further period of for which the
licensee is liable to remain under supervision, namely until the
day of, 19....., unless the Chief Inspector sooner
revoke or alter this licence.

This license is granted subject to the conditions endorsed hereon upon the breach of any of which it will be liable to be
revoked and forfeited.

.....
Chief Inspector of Reformatories

CONDITIONS

1. The licensee shall proceed to such place as is directed by the
..... and shall not, without the consent of the person under
whose charge he has been placed, remove from that place or such other place as may be named by the person.
2. The licensee shall obey such instructions as may be given with regard to punctual and regular attendance at
employment or otherwise, shall report periodically either personally or by letter, if required to do so, and shall make no
change of address without permission.
3. The licensee shall abstain from any violation of the law, shall not associate with persons of bad character, and shall
lead a sober, steady and industrious life to the satisfaction of
4. The licensee shall not visit the school or write to any inmate in it without first obtaining the permission of the
Superintendent.

I hereby acknowledge that I am aware of the above-named conditions, which have been explained to me.

.....
Inmate
....., 19.....

This inmate was discharged on , 19.....
.....
Superintendent

The Laws of Zambia

ORDER OF REVOCATION OF LICENCE

WHEREAS by licence bearing the date the day
of , 19..... , you
being a person under sentence of detention in the Reformatory School at
were duly licensed to the care of for the period of
..... months days from
the Chief Inspector of Reformatories does hereby revoke the said licence from the date hereof, and requires you the said ..
forthwith to return to the school at

Given under my hand thisday of , 19.....

.....
Chief Inspector of Reformatories

NOTE.-A person failing to return to a Reformatory School on revocation of licence may be apprehended without warrant
and taken to the school.

Endnotes

1 (Popup - Popup)

All magistrate empowered to hold a subordinate court of the first or second class designated by G.N. No. 972 of 1967.

2 (Popup - Popup)

Powers and duties of the Minister under section 91 to 107 transferred to Minister responsible for home affairs by S.I. No. 76 of 1964.