

THE NATIONAL FORENSIC ACT, 2020

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GOVERNMENT OF ZAMBIA

ACT

No. 2 of 2020

Date of Assent: 23rd October, 2020

An Act to regulate the practice of forensic science and forensic pathology and provide for the licensing of forensic service providers; establish the National Forensic Authority and provide for its functions; establish the Board of the Authority and provide for its functions; establish the Office of the State Forensic Pathologist; establish the National Forensic Science and Biometrics Department; and provide for matters connected with, or incidental to, the foregoing.

[26th October, 2020

ENACTED by the Parliament of Zambia.

Enactment

PART I
PRELIMINARY

1 This Act may be cited as the National Forensic Act, 2020, and shall come into operation on the date appointed by the Minister by statutory instrument.

Short title
and
commencement

2. In this Act, unless the context otherwise requires—

Interpretation

“ anatomical pathologist ” means a medical doctor qualified to examine tissue specimens taken from the human body for purposes of making a diagnosis;

“ associate ” has the meaning assigned to the word in the Anti-Corruption Act;

“ Authority ” means the National Forensic Authority established under section 3;

Act No. 3 of
2012

“ biometric ” means the measurement and statistical analysis of a human being’s unique physical and behavioural characteristics;

Cap. 1

- “ Board ” means the National Forensic Board constituted under section 5;
- “ Chairperson ” means the person appointed as Chairperson of the Board under section 5;
- “ crime scene sample ” means physical evidence which is retrieved from a crime scene or any other place where the evidence of a crime may be found, and includes physical evidence collected from the body of a person;
- “ Department ” means the National Forensic Science and Biometrics Department established under section 27;
- “ Emoluments Commission ” has the meaning assigned to the words in the Constitution;
- “ Executive Director ” means the person appointed as Executive Director of the Authority under section 7;
- “ forensic ” means the practice of forensic pathology and forensic science;
- “ forensic analyst ” means a forensic expert who practices forensic science and has a postgraduate qualification in any field of forensic science;
- “ forensic analysis ” means the application of analytical tools and techniques in the discovery of evidence or examination of materials relevant to the investigation of a crime or other legal proceedings;
- “ forensic information ” means any information used in a forensic investigation, including a deoxyribonucleic acid (DNA) profile, fingerprint, impression evidence, serological results, or other related pieces of evidential information obtained by forensic analysis;
- “ forensic investigation ” means the gathering and analysis of crime related evidence and information by an authorised officer;
- “ forensic pathologist ” means a medical doctor who—
- (a) holds a qualification in anatomical pathology or its equivalent; and
 - (b) has at least one year’s experience in forensic pathology, post anatomical pathology qualification;

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- “ forensic pathology ” means the application of medical scientific methods in the investigation of violent, suspicious, sudden, unexpected, unattended deaths and deaths in custody;
- “ forensic sample ” means a sample collected from a crime scene and used in an investigation;
- “ forensic science ” means the application of specialised scientific methods in legal matters;
- “ forensic service ” means the provision of forensic science services;
- “ forensic service provider ” means a laboratory or facility that provides a forensic service;
- “ inspector ” means a person appointed as an inspector under section 10;
- “ legally disqualified ” means having no legal capacity as provided in section 4 of the Mental Health Act; Act No. 6 of 2019
- “ licence ” means a licence issued by the Authority under section 15;
- “ licensee ” means a holder of a licence issued under this Act;
- “ mass disaster ” means an event, natural or man-made, sudden or progressive, resulting in casualties numbering more than ten individuals, the remains of which are identified and subjected to an investigation under the Inquests Act; Cap. 36
- “ medical doctor ” means a medical doctor registered under the Health Professions Act; Act No. 24 of 2009
- “ medicolegal death ” means death that falls within the jurisdiction of a coroner under the Inquests Act; Cap. 36
- “ member ” means a member of the Board;
- “ provisional licence ” means a provisional licence issued by the Authority under section 14;
- “ relative ” has the meaning assigned to the word in the Anti-Corruption Act; Act No. 3 of 2012
- “ State Forensic Analyst ” means a person appointed as a State Forensic Analyst under section 29;
- “ State Forensic Pathologist ” means a person appointed as a State Forensic Pathologist under section 24;