

**THE POLICE-PUBLIC COMPLAINTS
COMMISSION ACT, 2016**

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY PROVISIONS

Section

1. Short title
2. Interpretation

PART II

THE POLICE-PUBLIC COMPLAINTS COMMISSION

3. Seal of Commission
4. Functions of Commission
5. Composition of Commission
6. Proceedings of Commission
7. Committees
8. Emoluments
9. Secretary and other staff
10. Experts and assessors
11. Disclosure of interest
12. Prohibition of publication or disclosure of information to unauthorised persons
13. Oath on appointment
14. Immunity

PART III

LODGING AND HANDLING OF COMPLAINTS

15. Lodging of complaint
16. Limitation on lodging of complaint
17. Making and continuing of complaint on behalf of complainant

18. Receipt of complaint by principal officer
19. Consideration of complaint
20. Search with warrant
21. Findings of Commission
22. Register of complaints

PART IV

HEARING

23. Hearings
24. Proceedings at hearings
25. Evidence and procedure
26. Hearings in relation to judicial proceedings
27. Right of appearance of interested person
28. Powers of Commission
29. Financial assistance for witness

PART V

FINANCIAL PROVISIONS

30. Funds of Commission
31. Financial year
32. Accounts and audit
33. Annual report

PART VI

GENERAL PROVISIONS

34. Privileged reports
35. General offences
36. Regulations
37. Rights, liabilities and obligations of Authority
38. Legal proceedings and investigations
39. Members of Authority
40. Staff of Authority

GOVERNMENT OF ZAMBIA

ACT

No. 18 of 2016

Date of Assent: 6th June, 2016

An Act to provide for the membership, functions, operations and financial management of the Police- Public Complaints Commission; provide a procedure for the initiation and investigation of complaints against police actions; and provide for matters connected with, or incidental to, the foregoing.

[7th June, 2016

ENACTED by the Parliament of Zambia.

Enactment

PART I

PRELIMINARY PROVISIONS

1. This Act may be cited as the Police-Public Complaints Commission Act, 2016. Short title

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

“ associate ” means—

- (a) a person’s nominee or employee;
- (b) a person’s conjugal partner or former spouse;
- (c) a firm of which a person, or the person’s nominee, is a partner or person in charge or in control of its business or affairs;
- (d) a company in which a person or the person’s nominee, is a director or is in charge or in control of its business or affairs, or in which the person together with the person’s nominee, holds a controlling interest or shares amounting to more than thirty percent of the total share capital; or
- (e) the trustee of a trust, where—
 - (i) the trust has been created by the person; or

- (ii) the total value of the assets contributed by the person before or after the creation of the trust, amounts at any time, to not less than twenty percent of the total value of the assets of the trust;
- Cap. 107 “Authority” means the Police-Public Complaints Authority established under the repealed Part XA of the Zambia Police Act;
- “Chairperson” means the person appointed Chairperson of the Commission under *section five*;
- Cap. 1 “Commission” means the Police-Public Complaints Commission established by the Constitution;
- “complaint” means an allegation of police action;
- Cap. 1 “Emoluments Commission” means the Emoluments Commission established by the Constitution;
- “equivalent qualification” means a qualification that is equal in function, value, significance, level or similar in effect or function;
- Act No.4 of 2013 “higher education institution” means a higher education institution declared, established or registered as a higher education institution under the Higher Education Act, 2013;
- “member” means a person appointed as a member of the Commission under *section seven*;
- Cap. 1 “oath” has the meaning assigned to it in the Constitution;
- “police action” means—
- (a) an act or omission constituting an offence by a police officer for purposes of this Act; or
- (b) the infliction of a serious injury on a person by a police officer;
- “police officer” means a member of the Police Service;
- Cap. 1 “Police Service” means the Zambia Police Service established by the Constitution;
- Cap. 281 “principal officer” has the meaning assigned to it in the Local Government Act;

“ relative ” means—

(a) a person’s son, daughter, brother, sister, nephew, niece, parent, uncle, aunt, grandparent or cousin; and

(b) a person’s spouse or the spouse of any of the persons mentioned in paragraph (a);

“ Secretary ” means the person appointed Secretary of the Commission under section *nine*;

“ serious injury ” means a fracture, damage to an internal organ, impairment of bodily function, a deep cut, a deep laceration, sexual harassment or unlawful carnal knowledge;

“ Vice-Chairperson ” means the person appointed Vice-Chairperson of the Commission under *section five*; and

“ Zambia Qualifications Authority ” means the Zambia Qualifications Authority established under the Zambia Qualifications Authority Act, 2011.

Act No. 13 of
2011

PART II

THE POLICE-PUBLIC COMPLAINTS

3. (1) The seal of the Commission shall be such device as may be determined by the Commission and shall be kept by the Secretary.

Seal of
Commission

(2) The affixing of the seal shall be authenticated by the Chairperson or the Vice-Chairperson and the Secretary or any other person authorised in that behalf by a resolution of the Commission.

(3) A contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under seal may be entered into or executed without seal on behalf of the Commission by the Secretary or any other person generally or specifically authorised by the Commission in that behalf.

(4) A document purporting to be under the seal of the Commission or issued on behalf of the Commission shall be received in evidence and shall be deemed to be so executed or issued, as the case may be, without further proof, unless the contrary is proved.

4. (1) The functions of the Commission are as specified in the Constitution and to—

Functions of the
Commission
Cap. 1