

The Laws of Zambia

REPUBLIC OF ZAMBIA

**THE COMMISSION FOR INVESTIGATIONS ACT**

**CHAPTER 39 OF THE LAWS OF ZAMBIA**

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**CHAPTER 39**

COMMISSION FOR INVESTIGATIONS ACT

20 of 1991  
11 of 1995

**An Act to establish a Commission for Investigations, to provide for its powers, privileges and immunities and to provide for matters connected with or incidental to the forgoing.**

*[6th September, 1991]*

PART I

PRELIMINARY

- 1. This Act may be cited as the Commission for Investigations Act. Short title
  
- 2. In this Act, unless the context otherwise requires- Interpretation

"chairman" in relation to the Commission means the Investigator-General; or any Commissioner elected as such at any meeting of the Commission;

"Commission" means the Commission for Investigations established by this Act;

"Commissioner" means a member of the Commission other than the Investigator-General;

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"the Court" means the High Court;

"high judicial office" means the office of a judge of a court of unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or in the Republic of Ireland or the office of a judge of a court having jurisdiction in appeals from such a court;

"Investigator-General" means the Investigator-General appointed under the Constitution.

"local authority" means a council established under the Local Government Act and any other authority declared by Act of Parliament to be a local authority; Cap. 281

"Member" in relation to the Commission means a Commissioner or the Investigator-General;

"Secretary" means the person appointed under section six to be the secretary of the Commission;

3. (1) This Act shall apply to-

Application

- (a) any person in the service of the Republic;
- (b) the members and persons in the service of local authority;
- (c) the members and persons in the service of any institution or organisation, whether established by or under an Act of Parliament or otherwise, in which the Government holds a majority of shares or exercises financial or administrative control;
- (d) the members and persons in the service of any Commission established by or under the Constitution or any Act of Parliament;

but shall not apply to the President.

(2) Notwithstanding subsection (1), the Commission shall have no power to question or receive any decision of any court or of any judicial officer in the exercise of his judicial functions, or any decision of a tribunal established by law for the performance of judicial functions in the exercise of such functions, or any matter relating to the exercise of the prerogation of mercy.

PART II

ESTABLISHMENT OF COMMISSION AND APPOINTMENTS

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4. (1) There is hereby established a Commission for Investigations which shall consist of an Investigator-General and three Commissioners who shall be appointed by the President. The Commission

(2) The Commission may act notwithstanding any vacancy or the absence of any member.

Provided that, unless the National Assembly by resolution confirms the appointment in the sitting of the National Assembly next succeeding his appointment, the appointment of a Commissioner shall be terminated at the end of that sitting.

*(As amended by Act No. 11 of 1995)*

5. (1) A person shall not be qualified for appointment as a Commissioner if he holds the office of President, Vice President, Minister or Deputy Minister or if he is a member of the National Assembly (or a public officer). Commissioners

(2) A person who, whether before or after the commencement of this subsection, has been appointed a Commissioner shall vacate office at the expiration of three years from the date of his appointment, and shall thereafter be eligible to be once re-appointed for a further term of three years:

Provided that, unless the National Assembly by resolution confirms any such re-appointment in the sitting of the National Assembly next succeeding the re-appointment, the re-appointment shall be terminated at the end of that sitting, and the person concerned shall not be eligible for appointment for any further term as a Commissioner within three years after the end of his first term.

(3) A person appointed a Commissioner may be removed from office by the President for inability to discharge the functions of his office (whether arising from infirmity of mind or body or for any other reason) or for misbehavior.

*(As amended by Act No. 11 of 1995)*

6. The Commission shall employ a secretary and such other members of the staff of the Commission as the Commission may determine who shall be public officers. Secretary staff

7. (1) Every Member shall, on appointment, take an oath in the form set out in Part I of the First Schedule. Oaths on appointment

(2) The Secretary and such other members of the staff of the Commission as the Chairman may require so to do shall, on appointment, take an oath in the form set out in Part II of the First Schedule.