

THE NATIONAL FORENSIC BILL, 2020

MEMORANDUM

The objects of this Bill are to provide for—

- (a) regulate the practice of forensic science and forensic pathology and provide for the licensing of forensic service providers;
- (b) establish the National Forensic Authority and provide for its functions;
- (c) establish the Board of the Authority and provide for its functions;
- (d) establish the Office of the State Forensic Pathologist;
- (e) establish the National Forensic Science and Biometrics Department; and
- (f) provide for matters connected with, or incidental to, the foregoing.

L. KALALUKA,
Attorney-General

THE NATIONAL FORENSIC BILL, 2020

ARRANGEMENTS OF SECTIONS

PART I

PRELIMINARY PROVISIONS

Sections

1. Short title and commencement
2. Interpretation

PART II

NATIONAL FORENSIC AUTHORITY

3. Establishment of National Forensic Authority
4. Functions of Authority
5. Board of Authority
6. Functions of Board
7. Executive Director and other staff
8. Delegation of functions
9. Oath on appointment

PART III

INSPECTORATE

10. Inspectors
11. Powers of Inspectors

PART IV

LICENCES

12. Single licensing system
13. Prohibition of Forensic Service provision without licence
14. Provisional licence
15. Licence
16. Transfer of licence
17. Display of licence
18. Variation of conditions of licences
19. Surrender of licence
20. Suspension or cancellation of licence
21. Renewal of licence

- 22. Register of licences
- 23. Publication of licensed Forensic Service providers

PART V

OFFICE OF THE STATE FORENSIC PATHOLOGIST

- 24. Establishment of Office of State Forensic Pathologist
- 25. Functions of Office of the State Forensic Pathologist
- 26. Appointment of Deputy State Forensic pathologist and Other Staff

PART VI

NATIONAL FORENSIC SCIENCE AND BIOMETRICS DEPARTMENT

- 27. Establishment of National Forensic Science and Biometrics Department
- 28. Functions of the National Forensic Science and Biometrics Service
- 29. State Forensic Analyst, Deputy State Forensic Analyst and other Officers

PART VII

GENERAL PROVISIONS

- 30. Appeals
- 31. Offences
- 32. Offences by a principal officer or shareholder of body corporate or unincorporated body
- 33. Authority to issue guidelines
- 34. Regulations

SCHEDULE

A BILL

ENTITLED

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.

ENACTED by the Parliament of Zambia

Enactment

PART I PRELIMINARY

- 1 This Act may be cited as the National Forensic Act, 2020,
5 and shall come into operation on the date appointed by the Minister
by statutory instrument. Short title
and
commencement
2. (1) 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
10 for purposes of making a diagnosis;
- “associate ” has the meaning assigned to the word in the
Anti-Corruption Act, 2012; Act No. 3 of
2012
- “ Authority ” means the National Forensic Authority
established under section 3;

N.A.B. 1, 2020

“ authorised officer ” means—

- (a) an employee of the Authority;
- (b) an officer of the Office of State Forensic Pathologist;
- (c) an officer from the department of the National Forensic Science and Biometrics; 5
- (d) a police officer;
- (e) an officer from the Drug Enforcement Commission;
- (f) an officer from the Zambia Correctional Service;
- (g) an officer from the Defence Force; and 10
- (h) any other person appointed in writing by the Minister;

“ ballistic fingerprint ” means a unique mark a gun makes on a bullet or the bullets shell casing;

“ biometric ” means the measurement and statistical analysis of a human being’s unique physical and behavioural characteristics; 15

“ Board ” means the National Forensic Board constituted under section 5;

“ bodily sample ” means intimate or buccal samples taken from a person; 20

“buccal sample” means a sample of cellular material taken from the inside of a person’s mouth;

“ 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; 25

“ Department ” means the National Forensic Science and Biometrics Department established under section 27; 30

“ 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;

Cap. 1