

REPUBLIC OF ZAMBIA

THE PROBATION OF OFFENDERS ACT

CHAPTER 93 OF THE LAWS OF ZAMBIA

CHAPTER 93 THE PROBATION OF OFFENDERS ACT

THE PROBATION OF OFFENDERS ACT

ARRANGEMENT OF SECTIONS

Section

1. Short title and application
2. Interpretation
3. Power to make probation orders
4. Contents of probation orders
5. Probation order may require probationer to submit to treatment of mental condition
6. Copies of orders
7. Failure of probationer to comply with probation order
8. Commission of further offences by probationers
9. Transmission of documents when case is remitted to another court
10. No conviction in case where probation order made
11. Amendment of probation orders
12. Discharge of probation orders
13. Selection of probation officers
14. Contribution towards probationers and institutions
15. Appointments
16. Powers and duties and delegation
17. Probation Committee
18. Regulations

CHAPTER 93

PROBATION OF OFFENDERS

15 of 1953
13 of 1961
14 of 1963
21 of 1964
13 of 1994
Government Notices
276 of 1964
497 of 1964

An Act to provide for the probation of offenders; and to provide for matters incidental thereto.

[4th December 1953]

1. This Act may be cited as the Probation of Offenders Act.

Short title and application

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

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

Interpretation

"probation officer" means a probation officer appointed under the provisions of section *fifteen*;

"probation order" has the meaning assigned to it by section *three*;

"probation period" means the period for which a probationer is placed under supervision by virtue of a probation order;

"probationer" means a person placed under supervision by a probation order;

"senior probation officer" means a senior probation officer appointed under the provisions of section *fifteen*.

(As amended by No. 13 of 1961)

3. (1) Where a court by or before which a person is convicted of an offence, not being an offence the sentence for which is fixed by law, is of the opinion that, having regard to the youth, character, antecedents, home surroundings, health or mental condition of the offender, or to the nature of the offence, or to any extenuating circumstances in which the offence was committed, it is expedient to do so, the court may, instead of sentencing him, make an order, hereinafter in this Act referred to as a "probation order", requiring him to be under the supervision of a probation officer for a period to be specified in the order of not less than one year nor more than three years.

Power to make probation orders

(2) Before making a probation order, the court shall satisfy itself that the offender understands the effects of the order, including any additional requirements proposed to be inserted therein under subsections (2) and (3) of section *four*, and that if he fails to comply therewith or commits another offence during the probation period he will be liable to be sentenced for the original offence; and if the offender is not less than nineteen years of age the court shall not make the order unless he expresses his willingness to comply with the requirements thereof.

(As amended by No. 14 of 1963)

4. (1) A probation order shall name the District in which the probationer resides or will reside, and the probationer shall notify the probation officer responsible for his supervision of any change of residence.

Contents of probation orders

(2) A probation order may require the probationer to comply during the whole or any part of the probation period with such requirements as the court, having regard to the circumstances of the case, considers necessary for securing the good conduct of the offender or for preventing a repetition by him of the same offence or the commission of other offences:

Provided that, without prejudice to the powers of the court to make an order for the payment of sums by way of costs, damages or compensation, the payment of such sums shall not be included among the requirements of a probation order.

(3) Without prejudice to the generality of subsection (2), a probation order may include requirements relating to the residence of the probationer:

Provided that-

- (i) before making an order containing any such requirements, the court shall consider the home surroundings of the offender; and
- (ii) where the order requires the probationer to reside in an institution, the name of the institution and the period for which he is so required to reside shall be specified in the order, and that period shall not extend beyond twelve months from the date of the order.

(4) Where a probation order requires the probationer to reside in any institution, the court making the order shall forthwith give notice of the terms of the order to the Minister.

(5) Where the District named in a probation order as the District in which the probationer resides or will reside is not the District in which the order is made, the court shall transmit to the court for the District named all documents and information relating to the case, and thereupon the last-mentioned court shall be deemed for all the purposes of this Act to be the court by which the probation order was made.

(As amended by No. 13 of 1961)

5. (1) Where the court is satisfied, on the evidence of a registered medical practitioner, appearing to the court to be experienced in the diagnosis of mental disorders, that the mental condition of an offender is such as requires and may be susceptible to treatment, but is not such as to justify his being adjudicated as a mentally disordered or defective person under the Mental Disorders Act, the court may, if it makes a probation order, include therein a requirement that the offender shall submit for such period, as may be specified therein, not extending beyond twelve months from the date of the order, to treatment by or under the direction of a duly qualified medical practitioner with a view to the improvement of the offender's mental condition.

Probation order may require probationer to submit to treatment of mental condition
Cap. 305

(2) The treatment required by any such order shall be such one of the following kinds of treatment as may be specified in the order, that is to say:

- (a) treatment as a resident patient in such institution or place prescribed for the purpose of this section as may be specified in the order;
- (b) treatment as a non-resident patient at such institution or place as may be specified in the order;
- (c) treatment by or under the direction of such duly qualified medical practitioner as may be specified in the order;

but, except as aforesaid, the nature of the treatment shall not be specified in the order.

(3) A court shall not make a probation order containing such a requirement as aforesaid unless it is satisfied that arrangements have been or can be made for the treatment intended to be specified in the order, and, if the offender is to be treated as a resident patient as aforesaid, for his reception.

(4) While the probationer is under treatment as a resident patient in pursuance of a requirement of the probation order, the probation officer responsible for his supervision shall carry out the supervision to such extent only as may be necessary for the purpose of the discharge or amendment of the order.

(5) Where the medical practitioner by whom or under whose direction a probationer is being treated for his mental condition in pursuance of a probation order, is of the opinion that part of the treatment can be better or more conveniently given in or at an institution or place not specified in the order, being an institution or place in or at which the treatment of the probationer will be given by or under the direction of a duly qualified medical practitioner, he may, with the consent of the probationer, make arrangements for him to be treated accordingly, and to receive part of his treatment as a resident patient in an institution or place notwithstanding that the institution or place is not one which could have been specified in that behalf in the probation order.

(As amended by No. 13 of 1961)

6. The court by which a probation order is made or which makes an order amending or discharging a probation order shall furnish copies of the order to the probationer, the principal probation officer, the probation officer responsible for the supervision of the probationer, and to the person in charge of the institution, if any, in which the probationer is to reside or is residing.

Copies of orders

(As amended by No. 13 of 1961 and No. 21 of 1964)

7. (1) If at any time during the probation period it appears to any Judge or magistrate that a probationer has failed to comply with any of the provisions of the probation order, he may issue a summons to the probationer requiring him to appear at the place and time specified therein or may issue a warrant for his arrest:

Failure of probationer to comply with probation order

Provided that a magistrate shall not issue such a summons or such a warrant except on information on oath.

(2) A summons or warrant under this section shall direct the probationer to appear or to be brought before the court by which the probation order was made.

(3) If it is proved to the satisfaction of the court by which the probation order was made that the probationer has failed to comply with any of the provisions of the probation order, then-

- (a) without prejudice to the continuance in force of the probation order, the court may impose a fine not exceeding three hundred penalty units; or
- (b) the court may pass any sentence in respect of the original offence in respect of which the probation order was made which it could pass if the probationer had just been convicted before the court of that offence:

Provided that where a court has, under the provisions of paragraph (a), imposed a fine on the probationer, then, upon any subsequent sentence being passed upon the probationer under the provisions of this section or the next following section, the imposition of the said fine shall be taken into account in fixing the amount of the said sentence.

8. (1) If it appears to any Judge or magistrate that a probationer has been convicted of an offence committed during the probation period, he may issue a summons requiring the probationer to appear at the place and time specified therein or may issue a warrant for his arrest:

Commission of further offences by probationers

Provided that a magistrate shall not issue such a summons or such a warrant except on information on oath.

(2) A summons or warrant issued under subsection (1) shall direct the probationer to appear or to be brought before the court by which the probation order was made.

(3) Where a probationer is convicted by a magistrate of an offence committed during the probation period, the magistrate may commit the probationer to custody or release him on bail, with or without sureties, until he can be brought or appear before the court by which the probation order was made.

(4) Where it is proved to the satisfaction of the court by which the probation order was made that the probationer has been convicted of an offence committed during the probation period, such court may pass any sentence in respect of the original offence which it could pass if the probationer had just been convicted before that court of such offence.

(5) Where a probationer is convicted before the High Court of an offence committed during the probation period, the High Court may pass any sentence which the court which made the probation order could pass if the probationer had just then been convicted before that court of the original offence.

9. Where a magistrate commits a probationer to custody, or releases him on bail, under the provisions of subsection (3) of section *eight*, the magistrate shall transmit to the court by which the probation order was made-

Transmission of documents when case is remitted to another court

- (a) such particulars of the matter as he thinks fit; and
- (b) a signed certificate of the conviction for the offence committed during the probationary period;

and, for the purposes of the proceedings in the court to which it is transmitted, such certificate, if purporting to be so signed, shall be admissible as evidence of the conviction.

10. (1) Subject as hereinafter provided, a conviction for an offence for which a probation order is made shall be deemed not to be a conviction for any purpose other than the purposes of the proceedings in which the order is made and of any subsequent proceedings which may be taken against the offender under the foregoing provisions of this Act.

No conviction in case where probation order made

Provided that where an offender, being not less than nineteen years of age at the time of his conviction for an offence for which he is placed on probation, is subsequently sentenced under this Act, the provisions of this subsection shall cease to apply to the conviction.

(2) Without prejudice to the provisions of subsection (1), the conviction of an offender who is placed on probation shall, in any event, be disregarded for the purposes of any enactment which imposes any disqualification or disability upon convicted persons, or authorises or requires the imposition of any such disqualification or disability.

(3) The foregoing provisions of this section shall not affect-

- (a) any right of such offender as aforesaid to appeal against his conviction, or to rely thereon in bar of any subsequent proceedings for the same offence;
- (b) the reversioning or restoration of any property in consequence of the conviction of any such offender.

(As amended by No. 21 of 1964)

11. (1) Subject to the provisions of this section, where, on the application of a probationer or of the probation officer responsible for the supervision of the probationer, the court which made the probation order is satisfied that the provisions of the probation order should be varied, or that any provision should be inserted or cancelled, the court may by order amend the probation order accordingly:

Amendment of
probation orders

Provided that no order shall be made under this section reducing the probation period, or extending that period beyond a period of three years from the date of the probation order.

(2) An order under subsection (1) may require a probationer to reside in an institution for any period not extending beyond twelve months from the date of that order, if the total period or aggregate of the periods for which he is required to reside in any institution or institutions under the probation order does not exceed twelve months.

(3) The court shall, if it is satisfied on the application of the probation officer responsible for the supervision of the probationer that the probationer has changed, or is about to change, his residence from the District named in the order to another District, by order vary the probation order by substituting for the reference to the District named therein a reference to the District where the probationer is residing or about to reside, and shall transmit to the court for the new District all documents and information relating to the case, and thereupon the last-mentioned court shall be deemed for all the purposes of this Act to be the court by which the probation order was made.

(4) Where an application is made by the probation officer responsible for the supervision of the probationer under this section, the court shall summon the probationer to appear before the court; and if the probationer is not less than nineteen years of age, the court shall not amend a probation order unless the probationer expresses his willingness to comply with the requirements of the order as amended:

Provided that this subsection shall not apply to an order cancelling a requirement of the probation order or reducing the period of any requirement or substituting a new District for the District named in the order.

(5) Where an order is made under this section for the variation, insertion, or cancellation of a provision requiring a probationer to reside in an institution, the court shall forthwith give notice of the terms of the order to the Minister.

(As amended by No. 13 of 1961 and No. 21 of 1964)

12. (1) The court by which a probation order was made may, on the application of the probationer or the probation officer responsible for the supervision of the probationer, discharge the probation order, and, where the application is made by the probation officer responsible for the supervision of the probationer, the court may deal with it without summoning the probationer.

Discharge of probation orders

(2) Where an offender in respect of whom a probation order has been made is subsequently sentenced for the offence in respect of which the probation order was made, the probation order shall cease to have effect.

(As amended by No. 13 of 1961)

13. (1) The probation officer who is to be responsible for the supervision of any probationer shall be selected by a senior probation officer.

Selection of probation officers

(2) Where a woman or girl is placed under the supervision of a probation officer, the probation officer shall be a woman.

(As amended by No. 13 of 1961)

14. Such contribution may be made towards the maintenance of probationers and the establishment or maintenance of institutions for the reception of probationers as Parliament may approve.

Contribution towards probationers and institutions

(As amended by No. 13 of 1961 and G.N. No. 276 of 1964)

- 15.** The Minister may appoint- Appointments
- (a) a principal probation officer;
 - (b) such number of senior probation officers as he may deem necessary;
 - (c) a sufficient number of probation officers to perform such duties as may be prescribed.
- (As amended by No. 13 of 1961)*
-
- 16.** (1) The principal probation officer may exercise or perform all the powers and duties of a senior probation officer or of a probation officer. Powers and duties and delegation
- (2) The principal probation officer may delegate all or any of his powers or duties in relation to any probationer to a senior probation officer, or to the probation officer who is responsible for the supervision of the probationer.
- (3) A senior probation officer may exercise or perform all or any of the powers and duties of a probation officer.
- (As amended by No. 13 of 1961)*
-
- 17.** (1) The Minister may, by Gazette notice, establish a Probation Committee which shall consist of such persons as the Minister may appoint. Probation Committee
- (2) The Probation Committee shall exercise and perform such powers and duties, incur such expenses and regulate its procedure in such manner as may be prescribed.
- (As amended by No. 13 of 1961)*
-
- 18.** (1) The Minister may, by statutory instrument, make regulations for carrying this Act into effect. Regulations
- (2) Without prejudice to the generality of the foregoing power, such regulations may prescribe-
- (a) the duties of the principal probation officer;
 - (b) the duties of senior probation officers and of probation officers;
 - (c) the constitution and duties of a probation committee or probation committees;
 - (d) the form of records to be kept under this Act;

The Laws of Zambia

- (e) what shall be an institution for the purposes of this Act;
- (f) the remuneration of any person appointed to carry out any duties under this Act, and the fees and charges to be made for any act, matter or thing under this Act to be done or observed;
- (g) anything to be prescribed under this Act.

(As amended by No. 13 of 1961)

SUBSIDIARY LEGISLATION

SECTION 18-THE PROBATION OF OFFENDERS (PRESCRIBED FORMS)
REGULATIONS

Regulations by the Minister

*Government Notices
143 of 1955
198 of 1961
Statutory Instrument
53 of 1965*

1. These Regulations may be cited as the Probation of Offenders (Prescribed Forms) Regulations. Title

2. The forms set out in the Schedule are hereby prescribed for use, with such variations as the circumstances of each case may require, in the cases to which they refer. Prescribed forms

The Laws of Zambia
SCHEDULE

(Regulation 2)

PRESCRIBED FORMS

THE PROBATION OF OFFENDERS ACT

P.O. Form 1
(Section 3)

PROBATION ORDER

IN THE SUBORDINATE COURT (CLASS) of the holden at
.....

THE PEOPLE v.....

..... (hereinafter called the defendant) is this day
convicted/found guilty for that he/she on the..... day of, 19.....,
at..... did
..... and the Court is of opinion, having
regard to the nature of the offence, including any extenuating circumstances, and the character of the defendant, that it is
expedient to make a probation order;

And the Court has explained to the defendant the effect of this order, including the additional requirement specified
below, and that if he/she fails to comply therewith or commits another offence during the probation period, he/she will be
liable to be sentenced/have an order made against him/her, for the offence in respect of which he/she has now been
convicted/found guilty (and the defendant being not less than nineteen years of age has expressed his/her willingness to
comply with the requirements of this order);

It is therefore ordered that the defendant, who resides (or will reside) in the District of
.....
be required for the period of years from the date of this order to be under the supervision of a probation
officer appointed for or assigned to that District: and it is further ordered that the defendant shall, during the said period,
notify forthwith to the said probation officer any change of his/her residence and comply with the following requirements:

* () That he/she shall notify forthwith to his/her supervising probation officer any change of employment.

* () That he/she shall keep in touch with his/her supervising probation officer in accordance with such instructions as
may from time to time be given by the probation officer and in particular that he/she will, if the probation officer so requires,
receive visits from the probation officer at his/her home.

()

()

(And it is ordered that the defendant do pay to.....
..... the sum of
(as damages for injury or compensation for loss) and do further pay to
..... the sum of
for costs, the same sums to be paid (by instalments of
..... for every days/months, the
first instalment to be paid) forthwith (or on the
day of, 19 ..).)

Dated the day of, 19 .. .

.....
Magistrate

- Copy to: Probationer.
Probation Officer.
Principal Probation Officer.
† Person in Charge
† Minister of Labour and Social Services.

*These are specimens of additional requirements which are commonly inserted and are not part of the prescribed
form.

† In cases where institutional residence ordered by the Court.

(No. 198 of 1961 as amended by No. 53 of 1965)

The Laws of Zambia

The Laws of Zambia
THE PROBATION OF OFFENDERS ACT

P.O. FORM 2
(Section 7 (1))

INFORMATION FOR FAILURE TO COMPLY WITH PROBATION ORDER

IN THE SUBORDINATE COURT (CLASS) of the
holden at

THE PEOPLE v

THE INFORMATION of who upon
oath states:

..... was on the day of
....., 19....., convicted by the Subordinate Court (Class)
of the holden at of *

and on the said date the said Court made a probation order requiring the said
for the period of years then next ensuing to be under the supervision of a probation officer appointed
for or to the District of and further requiring the said.....

*State
offence

*

*State
require
contrav

And the said did on the
day of, 19....., fail to comply with the last-mentioned requirement inasmuch as he/she did

*

*State
particu
of brea

Taken and sworn before me

.....
Magistrate
(As amended by No. 53 of 1965)

The Laws of Zambia
THE PROBATION OF OFFENDERS ACT

P.O. FORM 3

(Section 7 (2))

SUMMONS FOR FAILURE TO COMPLY WITH PROBATION ORDER

IN THE SUBORDINATE COURT (CLASS) of the
holden at

THE PEOPLE v

INFORMATION on oath has been laid this day by
for that you on the day of, 19....., were
convicted by or before the Subordinate Court (Class.....) of the

holden at..... of *.....

*State
offence

and that on the said date the said Court made a probation order requiring you for the period of
years then next ensuing to be under the supervision of a probation officer appointed for or assigned to the District
of..... and further requiring you

to*.....

*State
require
contrav

and by the said information it is further alleged that you did on the..... day of, 19....., fail to
comply with the last-mentioned requirement of the said order.

You are therefore hereby summoned to appear on the day of 19....., at the
hour of in thenoon, before the Court of the sitting at to
answer the said information.

Dated the day of, 19.....

.....
(Magistrate
(As amended by No. 53 of 1965)

The Laws of Zambia
THE PROBATION OF OFFENDERS ACT

P.O. FORM 4
(Section 7 (2))

WARRANT OF ARREST FOR FAILURE TO COMPLY WITH PROBATION ORDER

*State
offence

IN THE SUBORDINATE COURT (CLASS.....) of the.....
holden at

To:

Commissioner of Police.

INFORMATION on oath has been laid this day (on the.....
day of....., 19.....) by.....that.....hereinafter called the defendant, was
on the.....day of....., 19....., convicted by or before the Subordinate Court (Class.....)
of the holden at..... of *
.....
and that on the said date the said Court made a probation order requiring the defendant for the period of.....years
then next ensuing to be under the supervision of a probation officer appointed for or assigned to the District
of.....and further requiring the defendant to *.....
.....

And by the said information it is further alleged that the defendant did on the.....day
of....., 19....., fail to comply with the last-mentioned requirement of the said order.

*State
ment c
vened

You are therefore hereby commanded to bring the said defendant forthwith before the (said) Court of
the.....sitting at..... to answer the said information.

Dated the day of, 19.....

.....
(Magistrate)

ENDORSEMENT AS TO BAIL

It is directed that the defendant on arrest be released on bail on his/her entering into a
recognizance in the sum of.....with.....surety in the sum of.....(each) for his/her
appearance before the Court last within mentioned, at the hour ofin thenoon on the
..... day of....., 19.....

.....
(Magistrate)

The Laws of Zambia
THE PROBATION OF OFFENDERS ACT

P.O. Form 5
(Section 7 (3))

ORDER ON FAILURE TO COMPLY WITH REQUIREMENTS OF PROBATION ORDER
IN THE SUBORDINATE COURT (CLASS.....) of the.....
holden at.....

*State
offence

THE PEOPLE v.....
.....(hereinafter called the defendant) was on theday
of....., 19....., convicted by or before the Court of the..... holden
at..... of *..... and on the said date the said Court made a probation order
requiring him/her for the period ofyears then next ensuing to be under the supervision of a probation officer appointed
for or assigned to the District of and further requiring him/her*.....

And the said defendant has this day appeared (or been brought) before the (said) Court of
the.....sitting at.....and it has been proved to the satisfaction of the Court that
he/she had failed to comply with the last-mentioned requirement of the said order inasmuch as *.....

*State
ment c
vened

It is adjudged that the defendant in respect of his/her failure to comply with the said requirement do forfeit and pay a
fine of.....((or, where defendant is dealt with for original offence) for the said offence in respect of which the
said order was made to *.....).

*State
particu
of brea

.....
(Magistrate
(As amended by No. 53 of 1965)

*State
judgme

The Laws of Zambia
THE PROBATION OF OFFENDERS ACT

P.O. FORM 6
(Section 7 (3))

WARRANT OF COMMITMENT FOR FAILURE TO COMPLY WITH PROBATION ORDER

IN THE SUBORDINATE COURT (CLASS.....) of the.....
holden at

*State
offence

THE PEOPLE v.....

To: Commissioner of Police.

Superintendent of the Government Prison at.....
..... (hereinafter called the defendant) was on theday
of....., 19....., convicted by or before the Court of the.....
holden at..... of *

and on the said date the said Court made a probation order requiring him/her for the period of years then
next ensuing to be under the supervision of a probation officer appointed for or assigned to the District of
..... and further requiring him/her*.....

And the defendant has this day appeared (or been brought) before the (said) Court of the.....sitting
at.....and it has been proved to the satisfaction of the Court that he/she has failed to comply with the
last-mentioned requirement of the said order inasmuch as *.....

*State
ment c
vened

It is adjudged that the defendant in respect of his/her failure to comply with the said requirement do forfeit and pay a
fine of.....(or, where defendant is dealt with for original offence) for the said offence in respect of which the
said probation order was made *.....

*State
particu
of brea

You are required to lodge the defendant in the prison of..... together with this warrant, in which
prison the aforesaid sentence shall be carried into execution according to law, and for this the present warrant shall be a
sufficient authority to all whom it may concern.

*State
judgme

.....
(Magistrate
(As amended by No. 53 of 1965)

The Laws of Zambia
THE PROBATION OF OFFENDERS ACT

P.O. FORM 7
(Section 8 (1))

INFORMATION ON COMMISSION OF FURTHER OFFENCE DURING PROBATION PERIOD

IN THE SUBORDINATE COURT (CLASS.....) of the.....
holden at.....

THE PEOPLE v

The information of..... who upon oath states was
on theday of....., 19....., convicted by or before the Court of the
.....holden at.....of *.....

and on the said date the said Court made a probation order requiring him/her for the period of.....years then * State
next ensuing to be under the supervision of a probation officer appointed for or assigned to the District offence
of.....And the said was on the.....day
of..... 19....., convicted by or before the Court of the.....holden atof the
following offence, namely, *.....

committed by him/her during the said period, to wit, on the.....day of, 19....., and *State
was sentenced to (or ordered to)..... shortly
particu
of offer

Taken and sworn before me,

.....

(Magistrate
(As amended by No. 53 of 1965)

The Laws of Zambia
THE PROBATION OF OFFENDERS ACT

P.O. FORM 8
(Section 8 (1))

SUMMONS ON COMMISSION OF FURTHER OFFENCE DURING PROBATION PERIOD
IN THE SUBORDINATE COURT (CLASS.....) of the.....
holden at

*State
judgme

THE PEOPLE v.....

To
of

INFORMATION on oath has been laid this day by
for that you on the day of, 19....., were convicted
by or before the Court of the holden at
of * and that on the
said date the said Court made a probation order requiring you for the period of years then next
ensuing to be under the supervision of a probation officer appointed for or assigned to the District
of.....; and by the said information it is further alleged that you were on theday of
....., 19....., convicted by or before the Court of the holden at
.....of the following offence, namely, *.....

committed by you during the said period, to wit, on the.....day of,
19....., and that you were sentenced (or ordered) to *.....

*State
shortly
particu
of offer

You are therefore hereby summoned to appear on theday of,
19....., at the hour of.....in thenoon, before the Court of the sitting at
..... to answer the said information.

*State
judgme

Dated the.....day of....., 19.....

.....
(Magistrate
(As amended by No. 53 of 1965)

The Laws of Zambia
THE PROBATION OF OFFENDERS ACT

P.O. FORM 9
(Section 8 (1))

WARRANT OF ARREST ON COMMISSION OF FURTHER OFFENCE DURING PROBATION PERIOD
IN THE SUBORDINATE COURT (CLASS) of the.....
holden at

*State
offence

THE PEOPLE v

To: The Commissioner of Police.

INFORMATION on oath has been laid this day (or on the
day of, 19.....) by that
(hereinafter called the defendant) was on the day of.....,
19....., convicted by or before the Court ofholden at
..... of * and that on the said date
the said Court made a probation order requiring the defendant for the period ofyears then next ensuing to be
under the supervision of a probation officer appointed for or assigned to the District of..... and by the said
information it is further alleged that the defendant was on the..... day of, 19.....,
convicted by or before the Court of the holden atof the following offence,
namely, *

committed by him/her during the said period, to wit, on the day of, 19....., and was
sentenced (or ordered) to *

*State
shortly
particu
of offer

You are therefore hereby commanded to bring the said defendant forthwith before the Court of the
.....sitting at to answer the said information.

*State
judgme

Dated the..... day of, 19.....

.....
(Magistrate)

ENDORSEMENT AS TO BAIL

It is directed that the defendant on arrest be released on bail on his/her entering into a recognizance in the sum of
..... withsurety in the sum of
(each) for his/her appearance before the last-mentioned Court at the hour of in the noon on
the day of, 19.....

.....
(Magistrate
(As amended by No. 53 of 1965)

THE PROBATION OF OFFENDERS ACT

P.O. FORM 10
(Section 8 (3))

The Laws of Zambia

ORDER FOR REMAND OF A PROBATIONER CONVICTED OF FRESH OFFENCE DURING PROBATION PERIOD

IN THE SUBORDINATE COURT (CLASS.....) of the..... holden at

THE PEOPLE.v.....

To: Commissioner of Police.

Superintendent of the Government Prison at

.....(hereinafter called the defendant) has this day been brought before the Subordinate Court (Class.....) of the holden atcharged with the commission of a further offence during the currency of a probation order made in his/her case on the day of, 19....., by the Court of the holden at and sentenced (or ordered) to and it appears to the Court that on the date when the said offence was committed, to wit, the day of, 19....., there was in force a probation order made in his/her case on the day of, 19....., by the Court ofholden at

And whereas it appears necessary to remand the defendant until he/she can be brought before the Court by which the probation order is made.

You, the said Commissioner of Police, are hereby commanded to convey the defendant to the said prison, and there to deliver him/her to the Superintendent thereof, together with this warrant; and you, the Superintendent of the said prison, to receive him/her into your custody and keep him/her until the next Court of the holden at and then convey him/her before the said Court at the hour of in the noon to be further dealt with according to law.

Dated the day of, 19

.....
(Magistrate

ENDORSEMENT AS TO BAIL

The Court hereby certifies that defendant may be bailed by recognizance himself/herself in and surety in (each) to appear before the Court of the above mentioned holden at at the hour and on the day above mentioned, and that the defendant has (not) entered into his/her recognizance.

.....
(Magistrate
(As amended by No. 53 of 1965)

The Laws of Zambia
THE PROBATION OF OFFENDERS ACT

P.O. FORM 11
(Section 8 (4))

ORDER IN RESPECT OF ORIGINAL OFFENCE ON COMMISSION OF FURTHER OFFENCE DURING

PROBATION PERIOD

IN THE SUBORDINATE COURT (CLASS.....) of the
holden at

THE PEOPLE v

..... (hereinafter called the defendant) was on the day of
19, convicted by or before the Court of the holden at

of *..... and on the said date the said Court made a probation order requiring him/her for the period of years then next ensuing to be under the supervision of a probation officer appointed for or assigned to the District of *State
offence

And the said defendant has this day appeared (or been brought) before the (said) Court of the sitting at and it has been proved to the satisfaction of the Court that the defendant had on the day of, 19, been convicted by or before the Court of the holden at of the following offence,

namely, *..... committed by him/her during the said period, to wit, on the day of 19....., and that he/she had been dealt with in respect of that offence. *State
fresh
offence

It is adjudged that the defendant for the offence in respect of which such order was made *.....

..... *State
judgme
(Magistrate
(As amended by No. 53 of 1965)

The Laws of Zambia
THE PROBATION OF OFFENDERS ACT

P.O. FORM 12
(Section 8 (4))

ORDER IN RESPECT OF ORIGINAL OFFENCE ON COMMISSION OF FURTHER OFFENCE DURING
PERIOD OF PROBATION ORDER

*State
offence

IN THE SUBORDINATE COURT (CLASS) of the holden
at

THE PEOPLE v.....

To: Commissioner of Police.

Superintendent of the Government Prison at

..... (hereinafter called the defendant) was on the
day of....., 19....., convicted by or before the Court of the
holden at.....of *..... and on the said date the said Court made a probation order
requiring him/her for the period of years then next ensuing to be under the supervision of a probation officer
appointed for or assigned to the District of

And the defendant has this day appeared (or been brought) before the (said) Court of the sitting
atand it was proved to the satisfaction of the Court that the defendant had on theday
of....., 19....., been convicted by or before the Court of theholden at.....of the
following offence, namely, *.....

committed by him/her during the said period, to wit, on theday of.....,
19....., and that he/she had been dealt with in respect of that offence; and it was adjudged that the defendant for the
offence in respect of which the said order was made*.....

*State
further
offence

You are hereby required to lodge the defendant in the prison of together with this warrant, in
which prison the aforesaid sentence shall be carried into execution according to law and for this the present warrant shall
be a sufficient authority to all whom it may concern.

*State
judgme

Dated theday of....., 19.....

.....

(Magistrate

(As amended by No. 53 of 1965)

The Laws of Zambia
THE PROBATION OF OFFENDERS ACT

P.O. FORM 13 (Section 11)

ORDER DISCHARGING OR AMENDING A PROBATION ORDER

IN THE SUBORDINATE COURT (CLASS) of the..... holden at (District).....

THE PEOPLE v.....

A probation order having on theday of....., 19....., been made in the case ofby the Subordinate Court (Class.....) of the holden at requiring him/her to be under the supervision of a probation officer appointed for or assigned to the

District of..... (and further requiring him/her to *
.....).

*State
require
amenc

Upon the application of the principal probation officer/probationer the Court hereby discharges (or amends) the said probation order (as follows: *).

Dated the.....day of....., 19.....

*State
details
amend

.....

(Magistrate

NOTE.-If the amendment requires the probationer to reside in an institution, the name of the institution and the period for which he/she is so required to reside must be stated, and a copy of the order must be sent to the Minister of Labour and Social Services. See section 11 (5) of the Act.

(As amended by No. 53 of 1965)

The Laws of Zambia
THE PROBATION OF OFFENDERS ACT

P.O. FORM 14
(Section 11 (3))

ORDER AMENDING A PROBATION ORDER DUE TO CHANGE OF ADDRESS

IN THE SUBORDINATE COURT (CLASS.....) of the..... holden at
(District)

A probation order having on the day of..... 19....., been made in the case
of..... by the Subordinate Court (Class) of the..... holden
at.....requiring him/her to be under the supervision of a probation officer appointed for or assigned to the
District of and further requiring him/her to notify the probation officer of any change of residence.

Upon the application of the principal probation officer the Court hereby amends the said probation order by
substituting the District of..... for the District of.....

Dated the.....day of....., 19.....

.....
(Magistrate)

The Laws of Zambia
THE PROBATION OF OFFENDERS ACT

P.O. FORM 15
(Section 11 (4))

SUMMONS TO PROBATIONER AS REQUIRED UNDER THE ACT

IN THE SUBORDINATE COURT (CLASS.....) of the..... holden at
(District).....

THE PEOPLE v

To of

YOU are hereby summoned to appear before the Court of the sitting at on
the.....day of....., 19....., at the hour of.....in the.....noon on the hearing of an
application by the principal probation officer to amend in the following manner the probation order made in your case on
the.....day of....., 19....., by the Subordinate Court (Class.....)
of the..... for the District of holden

at.....*

Dated the.....day of....., 19.....

.....
(Magistrate

(As amended by No. 53 of 1965)

*State
propos
amend
of
probati
order

SECTION 18-THE PROBATION COMMITTEE REGULATIONS

Regulations by the Minister

Government Notices
271 of 1961
497 of 1964
Statutory Instrument
52 of 1964
1 of 1976
37 of 1985

1. These Regulations may be cited as the Probation Committee Regulations. Title
2. In these Regulations, unless the context otherwise requires- Interpretation

"Committee" means the Probation Committee.
3. It shall be the duty of the Committee to advise the Minister on all matters of policy affecting the probation of offenders and the development of the probation system in Zambia. Duties of Committee
4. The chairman of the Committee shall be the Commissioner for Social Development in his capacity as the Principal Probation Officer and the deputy chairman shall be the Deputy Commissioner for Social Development. Chairman and Deputy Chairman

(No. 52 of 1964 . As amended by S.I. No. 52 of 1964, No. 1 of 1976 and No. 37 of 1985)
5. The Minister shall appoint a person to be secretary of the Committee. Appointment of secretary
6. (1) The Committee shall hold a meeting within three months of the 30th June of each year, and may meet more frequently at the discretion of the chairman: Meetings of Committee

Provided the chairman may, at any time, and shall at the request in writing of not less than half the number of members, within twenty-eight days then next ensuing, call a meeting of the Committee.

(2) The Committee shall cause minutes of every Committee meeting to be kept.

(3) The Committee shall submit to the Minister a report of the activities of the Committee at the end of each calendar year.
7. (1) At all meetings of the Committee the chairman or in his absence the deputy chairman, or, in the absence of both, such member as the members present shall select, shall preside as chairman of the meeting. Quorum and proceedings of Committee

The Laws of Zambia

(2) At any meeting of the Committee one-third of the members of the Committee shall constitute a quorum for the transaction of business.

(3) At a meeting of the Committee every question shall be determined by a majority of the members voting on that question and, if the votes are equally divided, the chairman of the meeting shall have a second or casting vote, in addition to a deliberative vote.

(4) The proceedings of the Committee shall not be invalidated by any defect in the appointment or qualification of any member of the Committee so long as there is a quorum at any meeting.

(5) The Committee may appoint any sub-committee for any purpose that it may deem expedient, and may co-opt any person willing to be a member of any sub-committee so appointed.

8. Members of the Committee and persons co-opted to any sub-committee under the provisions of regulation 7 (5), other than public officers, shall be paid such subsistence and travelling allowances as the Minister may from time to time determine.

Allowances payable to members