

GOVERNMENT OF ZAMBIA

ACT

No. 2 of 1987

Date of Assent: 31st December, 1986

An Act to amend the Penal Code

[9th January, 1987

ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the Penal Code (Amendment) Act, 1986, and shall be read as one with the Penal Code, hereinafter referred to as the Code.

Short title

Cap. 146

2. The Code is amended by the repeal of section *one hundred and eighty-two* and the substitution therefor of the following section:

Repeal and replacement of section 182

182. (1) In this section, unless the context otherwise requires—

Offences relating to official uniform

“ official uniform ” means any uniform prescribed for or used by the Defence Force, the Zambia Police Force or any other force or service in Zambia, or such department of the Government as the President may, by statutory instrument, prescribe;

“ uniform ” includes any distinctive part of such uniform.

(2) Any person who unlawfully wears any official uniform, or any dress bearing any of the distinctive marks of any such official uniform—

Wearing of official uniform with intent to commit offence

(a) with intent to commit a felony is guilty of an offence and is liable upon conviction to imprisonment for a term not exceeding seven years; or

(b) with intent to commit any offence other than a felony is guilty of an offence and is liable upon conviction to a fine not exceeding ten thousand kwacha or to imprisonment for a term not exceeding three years, or to both such fine and imprisonment.

Unauthor-
ised
wearing of
official
uniform

(3) Any person who, without authority, wears an official uniform, or any dress having the appearance or distinctive marks of such official uniform, is guilty of an offence and is liable upon conviction to a fine not exceeding one thousand kwacha or to imprisonment for a term not exceeding two months, or to both such fine and imprisonment:

Provided that nothing in this section shall prevent any person from wearing any official uniform or dress in the course of a stage play performed in any place in which stage plays may lawfully and publicly be performed, or in the course of a music-hall or circus performance, or in the course of any *bona fide* military representation.

Unauthor-
ised
importation,
manufacture
or sale of
official
uniform, etc.

(4) Any person who, not being in the service of the Republic or having previously received the written permission of the President or other appropriate authority so to do, imports, manufactures or sells or has in his possession for sale any official uniform is guilty of an offence and is liable upon conviction to a fine not exceeding ten thousand kwacha or to imprisonment for a term not exceeding three years, or to both such fine and imprisonment.

Unauthor-
ised
wearing of
badges, etc.

(5) Any person who wears or uses without authority any badge or insignia of office, decoration, medal or ribbon supplied to or authorised for use by any member of the Defence Force, the Zambia Police Force or any other force or service in Zambia, or of such department of the Government as is prescribed under subsection (1), is guilty of an offence and is liable upon conviction to a fine not exceeding one thousand kwacha or to imprisonment for a term not exceeding two months, or to both such fine and imprisonment.

(6) Any person who unlawfully wears any official uniform, or any dress having the appearance of or bearing any of the distinctive marks of any such official uniform, in such manner or in such circumstances as to be likely to bring contempt on that uniform or dress is guilty of an offence and is liable upon conviction to a fine not exceeding one thousand kwacha or to imprisonment for a term not exceeding two months, or to both such fine and imprisonment.

Bringing
contempt
on official
uniform

(7) Any uniform, dress, button, badge or other thing which is the subject of an offence under this section is liable to forfeiture, unless the President otherwise directs.

Forfeiture
of official
uniform, etc.

3. Section *two hundred and seventy-five* of the Code is amended—

Amendment
of section
275

- (a) by the deletion of “ bull, cow, ox, ”;
- (b) by the re-numbering of the existing section as subsection (1); and
- (c) by the insertion thereafter of the following new subsection (2):

(2) If the thing stolen is a bull, cow or ox, or the young of any such animal, the offender is liable to imprisonment for a period—

- (a) in the case of a first offence, of not less than five years and not exceeding fifteen years;
- (b) in the case of a second or subsequent offence, of not less than seven years and not exceeding fifteen years.

4. The Code is amended in section *two hundred and eighty-one A* by the deletion of subsection (1) and the substitution therefor of the following subsection (1):

Amendment
of section
281A

(1) If the thing stolen is a motor vehicle, the offender is liable to imprisonment for a period—

- (a) in the case of a first offence, of not less than five years and not exceeding fifteen years;
- (b) in the case of a second or subsequent offence, of not less than seven years and not exceeding fifteen years.