

Zambia

Protected Places and Areas Act, 1960

Chapter 125

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Protected Places and Areas Act, 1960

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Protected Places and Areas Act, 1960

Chapter 125

Commenced on 15 June 1960

[This is the version of this document at 31 December 1996.]

[6 of 1960; 30 of 1960; 4 of 1968; 24 of 1977; 13 of 1994; Government Notices 112 of 1964; 231 of 1964; 497 of 1964; Statutory Instrument 66 of 1965]

An Act to make provision for the control of the entry of persons into certain places and for the control of the movements and conduct of persons within certain areas; and to provide for matters connected therewith.

1. Short title

This Act may be cited as the Protected Places and Areas Act.

2. Interpretation

In this Act, unless the context otherwise requires—

"**area**" includes any building or structure;

"**authorised officer**" means—

- (a) any police officer of or above the rank of Sub-Inspector;
- (b) any Assistant District Secretary;
- (c) any security guard;
- (d) any person performing the duties of a guard or watchman in a protected place or a protected area authorised in that behalf under the provisions of section four;
- (e) any other person or class of person declared by the President, by *Gazette* notice, to be such either generally or in respect of any specified place or area or classes of place or area;

"**premises**" includes any land in Zambia and any building or structure upon such land;

"**protected area**" means any area declared to be a protected area under the provisions of section six;

"**protected place**" means any premises declared to be a protected place under the provisions of section five;

"**security guard**" means a public officer appointed as a security guard.

[As amended by G.N. Nos. 112 and 231 of 1964, S.I. No. 66 of 1965, No. 4 of 1968 and Act [No. 24 of 1977](#)]

3. Appointment and functions of security guards

- (1) There shall be appointed as public officers such number of security guards as are necessary for the purposes of this Act.
- (2) It shall be the duty of security guards to protect and guard protected places and protected areas and, while on duty at a protected area, to exercise the powers and perform the duties conferred or imposed upon them and on an authorised officer under this Act or any regulations made thereunder.

[No. 4 of 1968]

4. Authorisation of guards and watchmen

Any Assistant District Secretary or any police officer of or above the rank of Assistant Superintendent may authorise in writing any person performing the duties of a guard or watchman in a protected place or a protected area to exercise the powers of an authorised officer in such place or area.

5. Protected places

- (1) If, in regard to any premises, it appears to the President to be necessary or expedient that special precautions should be taken to prevent the entry of unauthorised persons, he may, by statutory order, declare those premises to be a protected place for the purposes of this Act; and so long as the order is in force no person, other than a person who is, or who belongs to a class of persons which is, specifically exempted in such order, shall be in those premises unless he is in the possession of a pass card or permit issued by such authority or person as may be specified in the order, or has received the permission of an authorised officer on duty at those premises to enter them.
- (2) Where under the provisions of this section any person is granted permission to be in a protected place, that person shall, while acting under such permission, comply with such directions for regulating his conduct as may be given by the authority or person granting the permission, and an authorised officer or any person authorised in that behalf by the occupier of the premises may search any person entering, or seeking to enter, or being in a protected place, and may detain any such person for the purpose of searching him.
- (3) If any person is in a protected place in contravention of the provisions of this section or, while in such place, fails to comply with any directions given under this section, he shall be guilty of an offence and liable to a fine not exceeding thirty thousand penalty units or to imprisonment for a period not exceeding five years, or to both, and he may in addition be removed from the place by an authorised officer or by any person authorised in that behalf by the occupier of the premises.
- (4) Pass cards or permits issued under the provisions of subsection (1) shall be in such form as the authority or other person issuing them may determine.

[As amended by No. 30 of 1960, G.N. Nos. 112, 231 of 1964 and Act [No. 13 of 1994](#)]

6. Protected areas

- (1) If, in regard to any area, it appears to the President to be necessary or expedient that special measures should be taken to control the movements and conduct of persons, he may, by statutory order, declare such area to be a protected area.
- (2) Any person who is in any protected area shall comply with such directions regulating his movements and conduct as may be given by an authorised officer, and an authorised officer may search any person entering, or seeking to enter, or being in a protected area, and may detain any such person for the purpose of searching him.
- (3) If any person while in a protected area fails to comply with any direction given under the provisions of subsection (2), he shall be guilty of an offence and liable to a fine not exceeding thirty thousand penalty units or to imprisonment for a period not exceeding five years, or to both, and he may in addition be removed from the area by an authorised officer.

[As amended by G.N. Nos. 112, 231 of 1964 and Act [No. 13 of 1994](#)]

7. Publication of orders

An order made under this Act shall come into force upon the making thereof, and shall within seven days be published in the *Gazette* and in a newspaper circulating in the district in which the protected place or protected area to which it relates is situated:

Provided that failure to publish an order in a newspaper shall not invalidate such order nor shall it be a defence to any charge under section five or six.

[As amended by No. 4 of 1968]

8. Measures for protection of protected place or protected area

- (1) The Minister may, by notice in writing to the occupier of any protected place or protected area, direct such occupier at his own expense to take such measures for the better protection of the place or area as the Minister may consider reasonably necessary.
- (2) Any occupier aggrieved by directions given by the Minister under subsection (1) may, within fourteen days next after receiving such directions, appeal to the President. On any such appeal the President may revoke or vary the directions given by the Minister, and notice in writing of such revocation or variation shall be given by the Minister to the occupier concerned.
- (3) If an occupier fails or refuses within a reasonable time to comply with directions given under the provisions of subsection (1) or, where such directions have been varied by the President, with the directions as so varied, the Minister may cause such measures to be taken and may recover the expenses incurred in so doing from the occupier concerned.

[As amended by G.N. Nos. 112 and 231 of 1964]

9. Safeguarding of information

- (1) The Minister may, by notice in writing, require an occupier of any protected place or protected area to take such steps as the Minister may deem necessary in the public interest for the safeguarding of information relating to such place or area, or for the security of any classified information or document which may be furnished to such occupier, in his capacity as such, by any public officer.
- (2) Any person who fails to comply with any of the requirements of a notice issued to him under subsection (1) shall be guilty of an offence and shall be liable to a fine not exceeding one thousand five hundred penalty units or to imprisonment for a period not exceeding six months, or to both.

[As amended by No. 4 of 1968 and Act [No. 13 of 1994](#)]

10. Regulations

- (1) The Minister may, by statutory instrument, make regulations requiring the erection by persons specified in such regulations or in any order made thereunder of warning notices at or near the site of protected places and protected areas, and such other regulations as may be necessary or expedient for carrying out the objects of this Act.
- (2) Any person who contravenes or fails to comply with any regulations made under this section shall be guilty of an offence and shall be liable to a fine not exceeding seven hundred and fifty penalty units or to imprisonment for a period not exceeding three months, or to both.

[As amended by Act [No. 13 of 1994](#)]

11. Obstructing authorised officers

Any person who wilfully obstructs any authorised officer in the due execution of his duty or the proper exercise of his powers under this Act or any regulations made thereunder shall be guilty of an offence and is liable, on conviction, to imprisonment for a period not exceeding five years.

[No. 4 of 1968]

12. Powers of arrest

- (1) A police officer may arrest without warrant any person whom he suspects, upon reasonable grounds, of committing an offence contrary to any of the provisions of this Act or any regulations made thereunder.
- (2) Within and subject to the limitations imposed by subsection (3), a security guard may, without warrant, arrest—
 - (a) any person whom he suspects, upon reasonable grounds, of committing an offence contrary to any of the provisions of this Act or any regulations made thereunder;
 - (b) any person whom he suspects, upon reasonable grounds, of having committed a cognizable offence;
 - (c) any person who commits a breach of the peace in his presence;
 - (d) any person who obstructs a security guard in the execution of his duty or any person who has escaped or attempts to escape from lawful custody;
 - (e) any person in whose possession is found anything which may reasonably be suspected to be stolen property, or who may reasonably be suspected of having committed an offence with reference to such a thing;
 - (f) any person whom he finds within, or in the vicinity of, a protected place or protected area during the night and whom he suspects, upon reasonable grounds, of having committed or being about to commit a felony;
 - (g) any person having in his possession, without lawful excuse, the burden of proving which excuse shall lie on such person, any implement of housebreaking or explosive or petroleum.
- (3) The power of arrest conferred on a security guard by subsection (2) shall be exercisable—
 - (a) only within, or in the vicinity of, the protected place or protected area at which he is on duty; or
 - (b) at any place other than within, or in the vicinity of, the protected place or protected area at which he is on duty, only after the immediate and continuing pursuit of a person liable to be arrested or detained under this Act who is escaping from the protected area or the vicinity thereof;but not elsewhere or otherwise.
- (4) Every security guard making an arrest shall, without unnecessary delay, make over the person so arrested to a police officer, or, in the absence of a police officer, shall take such person to the nearest police station.

[No. 4 of 1968]

13. Application to Republic

The provisions of this Act, other than sections eight, nine and ten, shall bind the Republic.