

Zambia

Suicide Act, 1967

Chapter 89

Legislation as at 31 December 1996

FRBR URI: /akn/zm/act/1967/1/eng@1996-12-31

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PDF created on 21 February 2024 at 17:47.

Collection last checked for updates: 31 December 1996.

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Suicide Act, 1967

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Zambia

Suicide Act, 1967

Chapter 89

Commenced on 27 January 1967

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

[1 of 1967]

An Act to amend the law relating to suicide, and for purposes connected therewith and consequential thereon.

1. Short title

This Act may be cited as the Suicide Act.

2. Interpretation

In this Act—

"**officer**" means an Administrative Officer, a police officer or any person or class of persons prescribed.

3. Suicide not to be an offence

The rule of law whereby it is an offence against the common law for a person to kill himself is hereby abrogated.

4. Warrant to be issued for person attempting suicide

- (1) Where a magistrate empowered to preside over a subordinate court of the first class or the second class is satisfied upon information on oath that a person has attempted to kill himself and is apparently mentally disordered or defective, he shall issue a warrant directing an officer to apprehend the person and bring him before the magistrate issuing the warrant.
- (2) Any person may swear an information for the purposes of this section.

5. Apprehension without warrant of person attempting suicide

- (1) An officer, if he has reason to believe that a person has attempted to kill himself and is apparently mentally disordered or defective, may, without warrant, apprehend and convey the person to a hospital, prison or other suitable place for detention.
- (2) The officer apprehending a person and the person in charge of the hospital, prison or other place where a person is detained under subsection (1) shall forthwith notify a magistrate empowered to preside over a subordinate court of the first class or the second class of the admission of the person.

6. Inquiry into state of mind of person apprehended

The magistrate before whom a person apprehended under section four is brought, or who is notified as in section five is provided, shall forthwith institute an inquiry into the state of mind of the person apprehended or admitted into the hospital, prison or other place under and in accordance with the provisions of the Mental Disorders Act and that Act shall apply in the case of such a person as it applies in the case of a patient under that Act.

[Cap. 305]

7. Suicide pacts

- (1) It shall be manslaughter, and shall not be murder, for a person acting in pursuance of a suicide pact between him and another to kill the other or be a party to the other being killed by a third person.
- (2) Where it is shown that a person charged with the murder of another killed the other, or was a party to his being killed, the onus shall be on the defence to prove that the person charged was acting in pursuance of a suicide pact between him and the other.
- (3) For the purposes of this section, "suicide pact" means a common agreement between two or more persons having for its object the death of all of them, whether or not each is to take his own life, but nothing done by a person who enters into a suicide pact shall be treated as done by him in pursuance of the pact, unless it is done while he has the settled intention of dying in pursuance of the pact.

8. Criminal liability for complicity in another's suicide

- (1) Any person who—
 - (a) procures another to kill himself; or
 - (b) counsels another to kill himself and thereby induces him to do so; or
 - (c) aids another in killing himself;shall be guilty of a felony and be liable to imprisonment for life.
- (2) When a person is charged with murder or manslaughter and the court is of the opinion that he is not guilty of murder or manslaughter, but that he is guilty of an offence under subsection (1), he may be convicted of that offence although he is not charged with it.
- (3) A person shall not be prosecuted for an offence under this section, except with the written consent of the Director of Public Prosecutions.

9. Power to prescribe

The Attorney-General may, by statutory instrument, prescribe the persons or class of persons who shall be officers for the purposes of this Act.