

CHAPTER 287 THE CHIEFS ACT

ARRANGEMENT OF SECTIONS

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CHAPTER 287 CHIEFS

An Act to make provision for the recognition, appointment and

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functions of Chiefs and Deputy Chiefs; for the exclusion of former Chiefs and Deputy Chiefs from specified areas in the interests of public order; for the appointment and functions of kapasus; and for matters incidental to or connected with the foregoing.

13 of 1994

[1st November, 1965]

1. This Act may be cited as the Chiefs Act.

Short title

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

Interpretation

"Chief" means a person recognised under this Act as the holder of an office specified by or under section *three*;

"Deputy Chief" means a person holding office under this Act as the deputy to a Chief;

"kapasu" means a person holding or acting in the office of kapasu to a Chief or Deputy Chief.

3. (1) Subject to the provisions of this section, the President may, by statutory order, recognise any person as being, within the area in Zambia specified in the order, the holder of-

Recognition of
Chiefs

(a) the office of Litunga of the Western Province or of any other chiefly office in the Western Province specified in the order;

(b) the office of Paramount Chief, Senior Chief, Chief or Sub-Chief.

(2) No person shall be recognised under this section as the holder of an office unless-

(a) the President is satisfied that such person is entitled to hold the office under African customary law; and

(b) in the case of a chiefly office in the Western Province, other than the office of Litunga, the person to whom recognition is accorded is recognised by the Litunga and traditional council to be a member of a ruling family in the Western Province.

4. (1) The President may, by statutory order, withdraw the recognition accorded to any person under this Act if, after due inquiry, he is satisfied that-

Withdrawal and suspension of recognition accorded to Chiefs

(a) the person has ceased to be entitled under African customary law to hold the office in respect of which recognition was accorded; or

(b) the withdrawal of the recognition accorded to the person is necessary in the interests of peace, order and good government.

(2) Where the President deems it expedient to inquire or cause inquiry to be made into the question of the withdrawal of the recognition accorded to a person under this Act, he may, by statutory order, suspend the recognition so accorded until such time as the inquiry has been completed and the President has made a decision on the question.

5. The President may appoint a person or persons to inquire into any question relating to the recognition of any person under this Act or the withdrawal of the recognition accorded to any such person and, on the completion of the inquiry, to report and make recommendations thereon to the President.

Inquiries

6. (1) After consultation with a Chief and his traditional councillors, the President may, by statutory order-

Deputy Chiefs

(a) appoint any person as the deputy to that Chief; and

(b) subject to the provisions of subsection (2), transfer to the person so appointed, for such period as the order remains in force, all or any of the functions of the office of that Chief.

(2) The traditional functions of the office of a Chief under African customary law shall not be transferred under this section to a Deputy Chief except to the extent that such functions may competently be discharged under African customary law by a person other than a Chief.

7. (1) Where the recognition accorded to a person as a Chief or the

Exclusion of

appointment of a person as a Deputy Chief has been withdrawn or revoked under this Act, and the President is satisfied that the presence of such person in any area would be prejudicial to the maintenance of public order in that area, the President may, by notice under his hand, prohibit such person from being within the area specified in the notice on and after a date specified in the notice, except in such circumstances and on such conditions, if any, as may be specified in the notice.

former Chief or Deputy Chief from specified area

(2) As soon as the President is satisfied that the necessity for the prohibition contained in a notice given under subsection (1) no longer exists, he shall cancel it by further notice under his hand.

(3) A notice given under this section shall be served personally on the person to whom it relates or, if he cannot be found, shall be published in the *Gazette*.

(4) Any person who contravenes the provisions of a notice in force under subsection (1) shall, for every such contravention, be guilty of an offence and liable on conviction to imprisonment for a period not exceeding six months.

8. There shall be paid to every Chief and Deputy Chief, for the purpose of enabling him to maintain the status of his office and to discharge the traditional functions of his office under African customary law in a fit and proper manner, such subsidies as the President may determine.

Payment of subsidies to Chiefs and Deputy Chiefs

9. (1) There shall be attached to every Chief and Deputy Chief, for the purpose of aiding and assisting him in the discharge of the functions of his office, such number of kapasus as the President may determine.

Kapasus

(2) Power to make appointments to hold or act in the office of kapasu to a Chief or Deputy Chief, to exercise disciplinary control over persons holding or acting in such offices, to remove such persons from office, and to determine the salaries and allowances payable to, the uniform or badge of office to be worn by, and the other conditions of service of persons holding or acting in such offices shall vest in the President.

(3) It shall be the duty of a kapasu promptly to obey and execute all lawful directions given to him by the Chief or Deputy Chief to whom he

is attached.

10. (1) Subject to the provisions of this section, a Chief shall discharge- Functions of
Chiefs and
Deputy Chiefs

(a) the traditional functions of his office under African customary law in so far as the discharge of such functions is not contrary to the Constitution or any written law and is not repugnant to natural justice or morality; and Cap. 1

(b) such functions as may be conferred or imposed upon him by this Act or by or under any other written law.

(2) A Chief shall not discharge any of the functions of his office which have been transferred under this Act to a Deputy Chief.

(3) A Deputy Chief shall discharge such functions of the office of the Chief to whom he is a deputy as have been transferred to him under this Act.

11. (1) Every Chief is hereby required to preserve the public peace in his area and to take reasonable measures to quell any riot, affray or similar disorder which may occur in that area. Preservation of
public peace

(2) Whenever a riot, affray or similar disorder occurs in the area of a Chief, a kapasu thereto directed by the Chief may, when in uniform or wearing his badge of office-

(a) require any male person in the vicinity to assist him in quelling the riot, affray or disorder;

(b) arrest, without warrant, any person upon reasonable suspicion of his having committed an offence in connection with the riot, affray or disorder and detain any person so arrested until he can be delivered into the custody of a police officer or brought before a court of competent jurisdiction to be dealt with according to law.

(3) Any person required under paragraph (a) of subsection (2) to assist a

kapasu who, without reasonable excuse, refuses or fails to do so, shall be guilty of an offence and liable on conviction to a fine not exceeding seven hundred and fifty penalty units or to imprisonment for a period not exceeding three months, or to both.

(4) In this section-

(a) "area", in relation to a Chief, means the area in Zambia within which recognition is accorded to the Chief under this Act;

(b) references to a Chief shall, in a case where the functions of the office of a Chief under this section have been transferred to a Deputy Chief, be construed as references to the Deputy Chief.

(As amended by Act No. 13 of 1994)

12. Any person who-

Offences and penalties

(a) not being a Chief or a Deputy Chief, holds himself out to be such or purports to discharge any of the functions of the office of Chief or Deputy Chief; or

(b) conspires against or in any manner attempts to undermine the lawful power or authority of a Chief or Deputy Chief; or

(c) obstructs or interferes with the lawful discharge by a Chief or Deputy Chief of any of the functions of his office;

shall be guilty of an offence and shall be liable on conviction-

(i) for a contravention of paragraph (a) or (b), to a fine not exceeding three thousand penalty units or to imprisonment for a period not exceeding one year, or to both;

(ii) for a contravention of paragraph (c), 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)

13. No prosecution shall be instituted against any person for an offence under this Act without the written consent of the Director of Public Prosecutions.

Institution of prosecutions

14. All subsidies, salaries and allowances payable under this Act shall be paid out of moneys appropriated by Parliament for the purpose.

Payments under this Act

15. (1) Any person who, immediately before the commencement of this Savings Act-

(a) was recognised by the President to be of chiefly status in the Western Province; or

(b) was recognised under the Barotse Native Authority Act, Chapter 159 of the 1965 Edition of the Laws, as the Litunga of the Western Province; or

(c) was recognised under the Native Authority Act, Chapter 157 of the 1965 Edition of the Laws, as a Paramount Chief, Senior Chief, Chief or Sub-Chief;

shall be deemed to have been accorded equivalent recognition under this Act.

(2) Any person who, immediately before the commencement of this Act, held an appointment as the deputy to a Chief under the Native Authority Act, Chapter 157 of the 1965 Edition of the Laws, shall be deemed to have been appointed to the equivalent office under this Act; and any functions of the office of a Chief which were lawfully vested in him under that Act shall be deemed to have been transferred to him under this Act.