

CHAPTER 11:10

POLICE ACT

Acts 2/1995; 9/1997 (s. 10), 22/2001 (s. 4), 23/2004 (s. 282), 5/2011 (s. 6), 5/2014 (s. 33).

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AN ACT to provide for the establishment, organization and control of the Police Force; to provide for the functions of the Police Service and the conditions of service of its members; and to provide for matters connected with or incidental to the foregoing.

[Date of commencement: 1st October, 1995.]

WHEREAS sections 93, 94 and 95 of the Constitution provide as follows—

93. (1) *There shall be a Police Force which, together with such other bodies as may be established by law for the purpose, shall have the function of preserving the internal security of and maintaining law and order in Zimbabwe.*

(2) Subject to the provisions of an Act of Parliament, the Police Force shall be under the command of the Commissioner-General of Police, who shall be appointed by the President after consultation with such person or authority as may be prescribed by or under an Act of Parliament.

(3) An Act of Parliament shall make provision for the organization and administration of the Police Force, including the appointment of persons to offices or ranks in the Police Force, their discipline and removal from office or reduction in rank, their punishment for breaches of discipline and the fixing of their conditions of service.

94. (1) There shall be a Police Service Commission which shall consist of—

(a) a chairman who, subject to the provisions of section 74 (3), shall be the chairman of the Public Service Commission; and

(b) not less than two and not more than seven other members appointed, subject to the provisions of subsection (2), by the President.

(2) The persons to be appointed under subsection (1) (b) shall be chosen for their ability and experience in administration or their professional qualifications or their suitability otherwise for appointment as members, and at least one such member shall be a person who has held senior rank in the Police Force for periods which in the aggregate amount to at least five years.

95. The functions of the Police Service Commission shall be to tender such advice and do such other things in relation to the Police Force as are provided for by this Constitution or by or under an Act of Parliament.

AND WHEREAS it is desirable to make further provision for the Police Force and the Police Service Commission:

NOW, THEREFORE, be it enacted by the President and the Parliament of Zimbabwe as follows—

PART I

PRELIMINARY

1 Short title

This Act may be cited as the Police Act [*Chapter 11:10*].

2 Interpretation

In this Act—

“ancillary member” means a member appointed in terms of subsection (1) of section *twenty-six*;

“board of officers” means a board of officers convened in terms of subsection (1) of section *thirty*;

“commissioned rank” means the rank of inspector or above;

“Commissioner-General” means the Commissioner-General of Police appointed in terms of section 93 of the Constitution;

[Definition amended by section 6 of Act 5 of 2011]

“Constabulary member” means a member of the Police Constabulary;

“member” means any person by whatever rank or title designated who has been appointed to and is serving in the Police Force;

“Minister” means the Minister of Home Affairs or any other Minister to whom the President may, from time to time, assign the administration of this Act;

“minor punishment” means such punishment, less severe than a fine or imprisonment, as may be prescribed;

“officer” means a member holding a commissioned rank;

“pensionable service” means the service of a Regular Force member recognized as pensionable service in terms of the State Service (Pensions) Act [*Chapter 16:06*], but does not include any service as a cadet or as an ancillary or Constabulary member;

“Police Force” means the Police Force established by section 93 of the Constitution;

“Police Constabulary” means the Police Constabulary established in terms of section *twenty-seven*;

“Police Service Commission” means the Police Service Commission established under section 94 of the Constitution;

“Regular Force” means the Police Force other than—

(a) the Police Constabulary; and

(b) ancillary members;

“Regular Force member” means a member of the Regular Force.

PART II

NAME, COMPOSITION AND COMMAND

[Part amended by section 6 of Act 5 of 2011 to substitute “Commissioner-General” for “Commissioner”]

3 Name of Police Force

The Police Force shall be known as the Zimbabwe Republic Police.

4 Composition of Police Force

The Police Force shall be composed of—

- (a) a Regular Force; and
- (b) a Police Constabulary; and
- (c) ancillary members.

5 Appointment of Commissioner-General of Police

(1) The President shall appoint the Commissioner-General in terms of subsection (2) of section 93 of the Constitution after consultation with a board consisting of—

- (a) the chairman of the Police Service Commission, who shall be chairman;
- (b) the retiring Commissioner-General, if he is available;
- (c) one other member or, in the absence of the member referred to in paragraph (b), two other members, appointed by the President from among the Secretaries of Ministries.

(2) Any recommendation of the board established in accordance with subsection (1) shall require the concurrence of a majority of all the members thereof.

6 Terms and conditions of service of Commissioner-General

(1) Subject to this section, the Commissioner-General shall be appointed for a period of four years.

(2) Whatever the length of his pensionable service and whatever his age, the Commissioner-General shall retire on completing a period of four years in that appointment:

Provided that, if the President considers that it is desirable in the public interest and the Commissioner-General is medically fit, the President may, with the consent of the Commissioner-General, extend the period of his service for periods of not more than twelve months at a time.

(3) The Commissioner-General may, with the consent of the President, whatever the length of his pensionable service or age, retire before completing a period of four years in that appointment.

(4) Subject to this Act, the terms and conditions of service of the Commissioner-General shall be as fixed by the President from time to time.

7 Removal from office of Commissioner-General

The Commissioner-General may be removed from office by the President for any reason after consultation with the Cabinet, and the President shall cause Parliament to be informed as soon as is practicable of any such removal.

8 Power and functions of Commissioner-General

(1) Subject to this Act and such general directions of policy as the Minister may give, the Commissioner-General shall—

- (a) have the command, superintendence and control of the Police Force;
- (b) subject to such conditions as may be prescribed, appoint fit and proper persons to be members; and
- (c) subject to this Act, promote, suspend, reduce in rank or discharge any member other than an officer.

9 Standing orders

Subject to this Act, and in consultation with the Minister, the Commissioner-General may make Standing Orders with respect to the discipline, regulation and orderly conduct of the affairs of the Police Force.

10 Delegation of Commissioner-General's functions

Subject to this Act, the Commissioner-General may from time to time delegate to any officer of or above the rank of superintendent any right, function, power or duty conferred upon him by this Act or any other enactment, other than the power of further delegating the right, function, power or duty so delegated.

11 Policy directions

(1) The President may give the Commissioner-General such general directions of policy as he considers necessary in regard to any matter relating to the Police Force.

(2) The Minister may give the Commissioner-General such general written directions, not inconsistent with directions given by the President under subsection (1), as he considers necessary in the public interest in regard to—

- (a) the appointment, promotion, training and disposition of members of the Police Force; and
- (b) the maintenance of the Police Force in a high state of efficiency.

(3) The Commissioner-General shall forthwith take all necessary steps to ensure due compliance with any directions given to him under subsection (1) or (2).

12 Compliance with directions of Prosecutor-General

Where the Prosecutor-General has, in terms of section 259(11) of the Constitution, directed the Commissioner-General of Police to investigate and report to him or her on anything which, in the Prosecutor-General's opin-

ion, relates to an offence or alleged or suspected offence, and the Commissioner-General of Police must comply with that direction.

[Section substituted by Act 5 of 2014]

13 Reports by Commissioner-General

(1) As soon as possible after the 31st December in each year, the Commissioner-General shall submit to the Minister an annual report upon—

- (a) the activities of the Police Force in the preceding year; and
- (b) any policy directions given to him during the preceding year; and
- (c) any cases which the Prosecutor-General has, in the previous year, required him or her to investigate in terms of section 259(11) of the Constitution, and the results of his or her investigations into the cases.

[Paragraph substituted by Act 5 of 2014]

(2) In addition to the annual reports referred to in subsection (1), the Commissioner-General may at any time submit to the Minister a special report on any matter upon which the Commissioner-General considers it desirable to report.

(3) The Minister shall lay before Parliament on one of the fourteen days on which Parliament next sits after the report is received by him—

- (a) every annual report submitted to him in terms of subsection (1);
- (b) any special report submitted to him in terms of subsection (2) which the Commissioner-General requests be laid before Parliament.

PART III

APPOINTMENT, PROMOTION, FUNCTIONS, DISCHARGE, RETIREMENT AND CONDITIONS OF SERVICE OF MEMBERS OF POLICE FORCE

[Part amended by section 6 of Act 5 of 2011 to substitute "Commissioner-General" for "Commissioner"]

14 Appointment, promotion, discharge, etc., of officers

(1) Subject to this Act, the President may—

- (a) appoint by commission any person to a commissioned rank;
- (b) promote any officer to a higher rank or reprimand, suspend, reduce in rank or discharge any officer.

(2) When appointing, promoting, reprimanding, suspending, reducing in rank or discharging any person in terms of subsection (1), the President shall have due regard to but shall not be bound by the advice of the Minister tendered after consultation with the Commissioner-General.

15 Appointment, discharge, etc., of non-commissioned members

Subject to this Act, the Commissioner-General may—

- (a) in consultation with the Police Service Commission, appoint any person to any office or rank, other than a commissioned rank, in the Police Force;
- (b) reprimand, suspend, reduce in rank or discharge any member other than an officer.

16 Promotion of non-commissioned members

(1) Subject to subsection (2), the Commissioner-General may promote any member to any rank other than a commissioned rank.

(2) For the purposes of subsection (1), the Commissioner-General shall establish advisory boards consisting of members of the Police Force to consider the suitability of members for promotion, and no member shall be promoted to a higher rank unless his case has been considered by such a board.

17 Publication of appointments and promotions of officers

The appointment or promotion of any person to a commissioned rank shall be notified in the *Gazette*.

18 Reappointments and acting ranks

(1) The Commissioner-General, in consultation with the Police Service Commission, may reappoint to the Regular Force for a specified period or specified periods a person who has retired in terms of this Act, and in that event the person concerned shall be reappointed with such rank, not being higher than the rank held by him immediately before he so retired, as may be specified by the Commissioner-General.

(2) The Commissioner-General, acting on the advice of the Commission, may appoint a member holding any rank to act in a higher rank, and, subject to any conditions that the Commission may fix, while the member acts in that rank, he shall have the same powers, functions and authority as a member holding that substantive rank.

19 Powers and duties of members

(1) Every Regular Force member may exercise such powers and shall perform such duties as are by law conferred or imposed on a Regular Force member and, subject to any other law, he shall obey all lawful directions in respect of the execution of his office which he may from time to time receive.

(2) Every Regular Force member shall be competent to serve or execute any summons, warrant or other process directed to him and every such summons, warrant or process directed to any Regular Force member may be served or executed by any other Regular Force member and every such last-mentioned member shall have the

same rights, powers and authority for and in the service or execution of such summons, warrant or process as if it had been originally directed to him.

(3) Subject to section 76 of the Constitution, a Regular Force member may be required to appear on behalf of the State in the prosecution of any criminal matter before any inferior court in Zimbabwe.

20 Discharge on medical grounds

(1) Subject to subsection (2), the Commissioner-General may at any time discharge a Regular Force member, other than an officer, on the grounds of continued ill-health or some infirmity of body or mind which prevents the Regular Force member from efficiently performing his duties.

(2) The Commissioner-General shall not discharge a member in terms of subsection (1) unless a board appointed in terms of subsection (3) certifies that, in the opinion of that board, the member concerned is suffering from ill-health or infirmity referred to in subsection (1).

(3) A board referred to in subsection (2) shall consist of two or more medical practitioners appointed by the Secretary responsible for health at the request of the Commissioner-General and the opinion of any two of such medical practitioners shall constitute the opinion of the board.

21 Discharge on redundancy

(1) Subject to subsection (2), the Commissioner-General may at any time with the consent of the Minister discharge a Regular Force member, other than an officer, because of the abolition of his office or if a reorganization of the Regular Force necessitates his discharge.

(2) The Commissioner-General shall not discharge in terms of subsection (1) a member who has served in the Regular Force for more than two years unless the Commission approves the discharge of that member.

22 Retirement

(1) Subject to section *twenty-five*, on giving to the Commissioner-General in writing, at least three months' notice of his intention to do so or such lesser period of notice as the Commissioner-General may in his case permit, a Regular Force member may retire from the Regular Force—

(a) on gratuity when his pensionable service amounts to ten years or more; or

(b) if he does not exercise his right to retire in terms of paragraph (a), on pension, when his pensionable service amounts to twenty years or more.

(2) The Commissioner-General may, on notice of twelve months, in writing, require a Regular Force member whose pensionable service at the end of such notice will amount to—

(a) in the case of a male Regular Force member of the rank of patrol officer or above who was last appointed to the Regular Force on or after the 1st October, 1958, but before the 1st October, 1993, twenty-five years or more;

(b) in the case of a Regular Force member who is appointed on or after the 1st October, 1993, twenty years or more;

(c) in the case of a Regular Force member not referred to in paragraph 1(a) or (b), twenty years or more;

to retire from the Regular Force:

Provided that a Regular Force member who has been given notice in terms of this subsection may retire at any time before the expiration of that notice on giving to the Commissioner-General, in writing, three months' notice of his intention to do so or such lesser period of notice as the Commissioner-General may in his case permit.

(3) A Regular Force member shall, whatever the length of his pensionable service, retire from the Regular Force at midnight on the fiftieth anniversary of his birthday:

Provided that, if the Commissioner-General considers that it is desirable in the public interest and that the member is medically fit to be retained in the Regular Force, he may direct that such member be permitted to continue to serve in the Regular Force for further periods of twelve months at a time until midnight of the fifty-fifth anniversary of his birthday.

(4) A member who has continued to serve in the Regular Force in terms of the proviso to subsection (3) shall retire from the Regular Force at midnight on the fifty-fifth anniversary of his birthday:

Provided that, if the Commissioner-General considers that it is desirable in the public interest and that the member is medically fit to be retained in the Regular Force, he may direct that such member be permitted to continue to serve in the Regular Force for further periods of twelve months at a time beyond the fifty-fifth anniversary of his birthday.

(5) A member who has been retained in the Regular Force in terms of this section may, with the permission of the Commissioner-General, retire from the Regular Force on giving to the Commissioner-General, in writing, three months' notice of his intention to do so or such lesser period of notice as the Commissioner-General may in his case permit.

(6) This section shall not be construed as precluding a Regular Force member from resigning from the Force in terms of any regulations made in terms of this Act.

23 Conditions of service of Regular Force members

Subject to this Act, the terms and conditions of service of Regular Force members shall be as prescribed by or in terms of this Act or any other enactment.

24 Powers and authority to cease on vacation of office

When any member for any reason ceases to hold or exercise his office, the powers, functions and authority vested in him as a member shall cease immediately.

25 Retirements and resignations in times of emergency, etc.

(1) A Regular Force member shall not retire from the Police Force on the expiry of the period of his appointment or resign from the Police Force during a war, disturbance of the public peace, riot or other emergency which the Commissioner-General has reasonable grounds for believing is endangering or is likely to endanger the safety and security of Zimbabwe unless the Commissioner-General approves of his retirement or resignation, as the case may be.

(2) If the Commissioner-General has reasonable grounds for believing that a war, disturbance of the public peace, riot or other emergency is about to occur and will, if it occurs, be likely to endanger the safety and security of Zimbabwe he may order, either generally or specially, that no Regular Force member shall retire from the Regular Force because of the expiry of the period of his appointment or resign from the Regular Force during such period as the Commissioner-General may specify unless the Commissioner-General approves such retirement or resignation, as the case may be.

26 Appointment of ancillary members

(1) Subject to the approval of the Minister, the Commissioner-General may appoint fit and proper persons to act as ancillary members whenever it is necessary to engage temporary assistance for the Regular Force in the carrying out of police duties or of any special duties assigned to the Regular Force.

(2) The appointment of any ancillary member shall be subject to such terms and conditions as may be prescribed.

(3) An ancillary member shall, while he is on duty, have the same powers, functions and authority, and be subject to the same responsibilities, discipline and penalties as a Regular Force member and shall be liable in respect of acts done or omitted to be done to the same extent as he would have been liable in the same circumstances if he were a Regular Force member, and shall have the benefit of any indemnity to which a Regular Force member would in the same circumstances be entitled.

(4) Section *twenty-eight* shall apply, *mutatis mutandis*, in relation to ancillary members.

PART IV

POLICE CONSTABULARY

[Part amended by section 6 of Act 5 of 2011 to substitute "Commissioner-General" for "Commissioner"]

27 Establishment of Police Constabulary

(1) Subject to subsection (3), there is hereby established a Police Constabulary to which the Commissioner-General may appoint, on such terms and conditions as may be prescribed, so many fit and proper persons as he considers expedient.

(2) The Minister may, on the advice of the Commissioner-General, at any time when, in his opinion, circumstances so require—

(a) disband the Constabulary established in terms of subsection (1);

(b) re-establish the Police Constabulary and, if he considers circumstances so require, disband any Police Constabulary so established.

(3) Constabulary members may be employed to assist the Regular Force on any occasion.

(4) A Constabulary member shall, while he is on duty, have the same powers, functions and authority, and be subject to the same responsibilities, discipline and penalties as a Regular Force member and shall be liable in respect of acts done or omitted to be done to the same extent as he would have been liable in the same circumstances if he were a Regular Force member, and shall have the benefit of any indemnity to which a Regular Force member would in the same circumstances be entitled.

(5) A Constabulary member shall be subject to the provisions of—

(a) paragraphs 1, 2, 4, 6, 12, 15, 25 to 30, 39, 40, 42, 45 and 46 of the Schedule when not on duty; and

(b) paragraphs 5, 9, 10, 22, 23, 24, 32, 38, 41 and 42 of the Schedule in relation to anything done or omitted to be done in the course of or arising out of his duties; and

(c) paragraph 35 of the Schedule in relation to anything done or omitted to be done in the vicinity of any station, post, camp or quarters or recreational facility of the Police Force or when he is in uniform; and

(d) paragraph 17 of the Schedule in relation to his fitness for duty when he is required to make himself available for duty; and

(e) paragraph 44 of the Schedule in relation to the offences referred to in paragraphs (a), (b), (c) and (d);

as though he were a Regular Force member.

(6) A Constabulary member shall be deemed to be on duty for the purposes of subsection (4) from the time he reports for any duty until the time he is released from duty.

(7) A Constabulary member shall report for duty when called upon to do so, and if he fails to do so without leave or reasonable excuse—

- (a) shall be guilty of an offence; and
- (b) may be charged with such offence in terms of Part V and shall be subject to the same penalties as a Regular Force member in respect of such offence.

28 Co-operation of employers

(1) Every employer of a Constabulary member shall give all proper facilities to the Constabulary member to enter upon and perform his duties in terms of this Part.

(2) Any person who—

- (a) contravenes subsection (1); or
- (b) by dismissal, reduction of wages or salary or in any other manner whatsoever, penalizes a person in his employ for volunteering for entering upon or performing any duties in terms of this Part; or
- (c) by words, conduct or otherwise, directly or indirectly, compels, induces or prevails upon or attempts to compel, induce or prevail upon any person in or seeking his employ to refrain from performing any duties in terms of this Part or from becoming a Constabulary member;

shall be guilty of an offence and liable to a fine not exceeding level seven or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Subsection amended by section 4 of Act 22 of 2001]

(3) Subject to any enactment or agreement to the contrary, an employer shall not be required to pay any person in his employ any wages or salary for the time when he is absent from work for the purpose of performing his duties in terms of this Part.

(4) If in any prosecution for an offence in terms of paragraph (b) of subsection (2) it is proved that the accused dismissed or gave notice of dismissal to any person in his employ or reduced his wages or salary or gave notice of the reduction of his wages or salary or otherwise placed him in a position or indicated an intention to place him in a position whereby his remuneration was or was likely to be substantially reduced—

- (a) when he had, to the knowledge of the accused, volunteered for or received notice that he was required to perform any duties in terms of this Part; or
- (b) while he was performing any duties in terms of this Part; or
- (c) within twelve months of his completing any duties in terms of this Part;

it shall be presumed, unless the contrary is proved, that the accused was penalizing him for volunteering for entering upon or performing those duties.

PART V

DISCIPLINE

[Part amended by section 6 of Act 5 of 2011 to substitute "Commissioner-General" for "Commissioner"]

29 Contravention by member of Act or order thereunder an offence

A member who contravenes any provision of this Act or an order made thereunder, or who commits an offence specified in the Schedule, shall be guilty of an offence and liable to a fine not exceeding level ten or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

[Section substituted by section 4 of Act 22 of 001]

29A Trial of member for offence and jurisdiction of court or tribunal

(1) Subject to this Part, a member who commits an offence in terms of section *twenty-nine* may be tried by—

- (a) the High Court; or
- (b) a magistrates court; or
- (c) a board of officers, or
- (d) an officer in terms of section *thirty-four*;

and the punishment that may be imposed upon him shall be as follows

- (i) in the case of a trial before the High Court or a magistrates court, any punishment to which the member is liable in terms of section *twenty-nine*:

Provided that a magistrate shall not impose a punishment that exceeds his jurisdiction in terms of section 50 or 51, as the case may be, of the Magistrates Court Act [*Chapter 7:10*];

- (ii) in the case of a trial before a board of officers, a fine not exceeding level five or imprisonment for a period not exceeding six months or both such fine and such imprisonment;
- (iii) in the case of a trial before an officer
 - A. a fine not exceeding level two or imprisonment for a period not exceeding fourteen days or both such fine and such imprisonment; or

- B. a minor punishment, whether imposed in addition, or as an alternative, to the punishment referred to in subparagraph A.

[Section inserted by section 4 of Act 22 of 2001]

30 Composition of boards of officers

(1) Boards consisting of not less than three officers of the rank of superintendent or higher rank may be convened by the Commissioner-General for the trial of members:

Provided that no officer who is a material witness or has a personal interest in the case shall be appointed to such a board.

(2) The senior officer appointed to a board of officers shall preside at such board and record or cause to be recorded in writing or by mechanical means all evidence which may be given before the board.

(3) The Commissioner-General may appoint a registered legal practitioner to assist a board of officers at any trial referred to in subsection (1).

(4) The functions of a person appointed in terms of subsection (3) to assist a board of officers shall be prescribed in regulations which may, without derogation from the generality of the foregoing, make provision—

- (a) specifying the effect of advice and rulings given to a board of officers on questions of law by a person so appointed; and
- (b) requiring or authorizing the officer presiding to direct, in such cases as are prescribed, that questions of law shall be determined by a person so appointed in the absence of the board of officers.

(5) A member who is found guilty of a contravention of this Act by a board of officers shall not be regarded as having been convicted of an offence for the purposes of any other law.

31 Review of proceedings of board of officers

(1) Where a board of officers imposes on a member a sentence of a fine in excess of level three or a period of imprisonment in excess of one month, the record of the proceedings shall forthwith be forwarded to the registrar of the High Court together with—

- (a) any statement that the president of the board may wish to make; and
- (b) any statement relating to the sentence that the member may wish to make.

[Subsection amended by section 4 of Act 22 of 2001]

(2) On receipt of the record and statements referred to in subsection (1), the registrar of the High Court shall forthwith place such record and statements before a judge of the High Court in chambers for review.

(3) A judge before whom a record and statements are placed in terms of subsection (2) may—

- (a) if the proceedings appear to him to be in accordance with substantial justice, confirm the proceedings and endorse the record to that effect; or
- (b) exercise the powers conferred upon a judge of the High Court by subsection (5) of section 29 of the High Court Act [*Chapter 7:06*] as if the proceedings were the proceedings of a magistrates court.

32 Member may elect trial by Magistrates court

If notice is given, in the manner and time prescribed, by a member whom it is proposed to try before a board of officers in terms of paragraph (c) of subsection (1) of section *twenty-nine* that he wishes that the charge against him be tried by a magistrates court and not by a board of officers, the charge shall be tried by a magistrates court.

33 Appeal from board of officers to High Court

(1) Any person convicted of an offence by a board of officers may appeal to the High Court against such conviction or any sentence or order of such board.

[Subsection as amended by section 10 of Act No. 9 of 1997]

(2) The provisions of the Magistrates Court Act [*Chapter 7:10*] and the High Court Act [*Chapter 7:06*] which relate to appeals from a magistrates court, the prosecution of such appeals, the powers of the High Court thereon, the execution and suspension of sentence and the institution of further proceedings after a conviction has been set aside shall apply, *mutatis mutandis*, to appeals from a board of officers:

Provided that any reference in those provisions to the clerk of the court shall be construed as a reference to a chief staff officer of the Police Force.

[Subsection as amended by section 10 of Act No. 9 of 1997]

34 Trial before court consisting of one officer

(1) A member, other than an officer, who is charged with a contravention of this Act or any order made thereunder or any offence specified in the Schedule may be tried by an officer of or above the rank of superintendent and sentenced to any punishment referred to in paragraph (d) of subsection (2) of section *twenty-nine*.

(2) No officer shall try a member if such officer is a material witness or has a personal interest in the case.

(3) Every officer who convicts and sentences a member under this section shall forthwith transmit the proceedings for review by the Commissioner-General, who may—

- (a) confirm the conviction and sentence;

- (b) alter or quash the conviction or reduce the sentence or substitute a different but not more severe sentence;
- (c) quash the conviction and sentence and remit the matter for trial afresh before a different officer;
- (d) remit the matter to the officer with instructions relative to the further proceedings to be held in the case as the Commissioner-General thinks fit:

Provided that no conviction or sentence shall be quashed or set aside by reason of any irregularity or defect in the record or proceedings unless the Commissioner-General considers that a miscarriage of justice has actually occurred.

(4) If the Commissioner-General considers that any punishment imposed by an officer in terms of subsection (1) is inadequate, he may refer the case to the Prosecutor-General with a request that the case be transmitted to the registrar of the High Court in terms of subsection (5).

(5) The Prosecutor-General shall, if he considers that there is a reasonable possibility that a judge will act in terms of subsection (6), transmit the case to the registrar of the High Court to be lay before a judge.

(6) Where a case has been laid before him in terms of subsection (5), the judge, if he considers that a different punishment should have been imposed, may set aside the punishment imposed in terms of subsection (1) and impose such punishment referred to in that subsection in substitution therefor as he considers ought to have been imposed.

(7) A member convicted and sentenced under this section may appeal to the Commissioner-General within such time and in such manner as may be prescribed against the conviction and sentence and, where an appeal is noted, the sentence shall not be executed until the decision of the Commissioner-General has been given.

(8) Unless an appeal has been noted, every sentence imposed by an officer shall forthwith be executed.

(9) A member who is found guilty of a contravention of this Act by an officer shall not be regarded as having been convicted of an offence for the purpose of any other law.

35 Procedure at trials under this Act

(1) The proceedings before or at any trial by a board of officers or an officer in terms of this Act, shall as near as may be, be the same as those prescribed for criminal cases in the courts of Zimbabwe.

(2) The officer or board of officers, as the case may be, presiding at a trial in terms of this Act may exclude from the proceedings persons other than the parties thereto and their legal representatives to such extent as such officer or board of officers, as the case may be—

- (a) may consider necessary or expedient in circumstances where publicity would prejudice the interest of justice; or
- (b) may do so in the interests of public safety, public order, public morality or the protection of the private lives of persons concerned in the proceedings.

(3) In any proceedings under this Act, it shall not be necessary to produce documentary evidence in proof that the person charged is or is not a member and after oral evidence has been given that such person is or is not a member, the burden of proving the contrary shall lie upon the accused.

36 Summoning and examination of witnesses

(1) If at any trial before an officer or a board of officers it is considered that any person may be able to give evidence or to produce any book, document or thing which is relevant to the matter under investigation, the officer or board of officers may issue a subpoena to be served upon that person requiring him to appear before him or the board at a time and place mentioned therein to give evidence or to produce any book, document or thing in his possession or custody or under his control.

(2) A person subpoenaed in terms of subsection (1) to give evidence at a trial before an officer or board of officers shall give evidence at that trial on oath administered by the officer or the president of the board, as the case may be.

(3) If any person being duly subpoenaed under this section fails, without sufficient cause, to attend at the time and place specified in the subpoena or to remain in attendance until excused from attendance by the presiding officer, or if any person when lawfully required to do so under this section, without sufficient cause, refuses to produce any book, document or thing in his possession or custody or under his control, he shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Subsection amended by section 4 of Act 22 of 2001]

(4) Any witness who, after having been sworn, makes a false statement at any trial before an officer or board of officers, knowing or believing it to be false, shall be guilty of an offence and shall be liable to a fine not exceeding level seven or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

[Subsection amended by section 4 of Act 22 of 2001]

37 Penalty for contempt of officer or board of officers

If any person wilfully insults an officer or a board of officers during a trial in terms of this Act, or wilfully interrupts the proceedings of any such trial, or, on being subpoenaed or examined as a witness before an officer or a board of officers, refuses to be sworn or to answer any lawful question, he shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Section amended by section 4 of Act 22 of 2001]

38 Certain provisions of Cap. 9:07 not to apply in prosecutions

Sections 356 to 359 of the Criminal Procedure and Evidence Act [*Chapter 9:07*] shall not apply in any prosecution under this Act against a member.

39 Penalties recoverable by stoppages from pay

Any penalty imposed under this Act upon a member, may be recovered by stoppages from the pay of such member.

40 Liability of person for offence committed while member

If any person, while a member, has committed an offence under this Act and has subsequently ceased to be a member, this Act shall apply to him in respect of such offence as though he were a member.

41 Completion of sentence of imprisonment before vacation of office

If a person ceases to be a member while undergoing any sentence of imprisonment imposed under this Act, the sentence shall remain valid and binding, and the person shall undergo and complete the sentence unless otherwise discharged therefrom.

42 Places of imprisonment and issue of warrants

(1) Any member charged with or convicted of an offence under this Act may be imprisoned, before or after conviction, in any place set apart by the Commissioner-General as a guard room, police cell or lock-up or may be removed to the nearest prison, and any guard room, police cell or lock-up in which such person is imprisoned shall be deemed to be a prison for the purposes of any enactment relating to the commission of offences by persons committed to any prison.

(2) If a member is removed to a prison in terms of subsection (1), a remand warrant or warrant of conviction or of committal, as the case may be, shall be issued under the hand of an officer and shall be in the form, as near as is material, of those in use in a magistrates court and any such warrant shall be good and valid in law and the officer-in-charge of the prison to whom any such warrant is addressed shall act in accordance with the terms of the warrant.

43 Power to arrest members

Any member found committing an offence in terms of this Act or is alleged to have committed or is suspected of having committed any such offence may be arrested and taken into custody.

44 Period of illegal absence or imprisonment to count as service

The period during which a member is—

- (a) absent without leave; or
- (b) imprisoned or detained pending trial at which he is thereafter convicted; or
- (c) imprisoned after his conviction for any offence; or
- (d) imprisoned under a decree of civil imprisonment;

shall be reckoned as part of such member's period of service unless the Commissioner-General otherwise directs:

Provided that, unless the Commissioner-General otherwise directs, such member shall not be entitled to his salary or allowances during any period specified in paragraph (a), (b), (c) or (d).

45 Legal representation of accused at trial

At all trials held under this Act, the accused shall be entitled to be represented and assisted by a registered legal practitioner:

Provided that where the trial is held before an officer or a board of officers, the accused shall be entitled to be represented and assisted by a member.

46 Place of trial of member by magistrate

The trial of any member before a magistrates court in terms of this Act shall be held in a police camp or police station.

47 Suspension of members

(1) The Commissioner-General may suspend a member—

- (a) pending his trial or after his conviction for any offence, whether under this Act or otherwise; or
- (b) pending the holding of a board of an inquiry in terms of section *fifty*; or
- (c) where the Commissioner-General is considering acting in terms of subsection (4) of section *fifty*.

(2) A member shall be deemed to have been suspended while he is under arrest or is serving a sentence of imprisonment.

(3) While a member is on suspension in terms of subsection (1) or (2)—

- (a) he shall not cease by reason of such suspension to be a member; and
- (b) the powers, functions and authority vested in him as a member shall be in abeyance; and
- (c) he shall continue to be subject to the same responsibilities, discipline and penalties as if he had not been suspended.

(4) The suspension of a member in terms of subsection (1) may be terminated at any time by the Commissioner-General.

48 Procedure on conviction of member for certain offences

If a member, other than an officer, is convicted of any offence and sentenced therefor to imprisonment without the option of a fine, whether or not the execution of such sentence is suspended, the Commissioner-General may—

- (a) discharge the member, in which case the discharge may take effect from the date of his conviction; or
 - (b) impose any one or more of the following penalties—
 - (i) reduction in rank;
 - (ii) loss of seniority;
 - (iii) withholding of an increment of salary;
- or
- (c) reprimand the member.

49 Discharge following conviction or inquiry

An officer who is—

- (a) convicted of any offence and sentenced therefor to imprisonment without the option of a fine whether or not the execution of such sentence is suspended; or
- (b) found to be unfit to remain in the Police Force as the result of an inquiry conducted in terms of section *fifty* or in terms of the Commissions of Inquiry Act [*Chapter 10:07*];

may be discharged from the Police Force by the President, acting on the advice of the Minister tendered after consultation with the Commissioner-General.

50 Board of inquiry: procedure where member unsuitable or unfit to remain in Regular Force or to retain his rank, seniority or salary

(1) A board of inquiry consisting of not less than three officers of such rank not being below that of superintendent, as may be considered necessary by the Commissioner-General, may be convened by the Commissioner-General to inquire into the suitability or fitness of a Regular Force member to remain in the Regular Force or to retain his rank, seniority or salary:

Provided that no officer who is a material witness or has a personal interest in the matter shall be appointed to such a board.

(2) The senior officer appointed to a board in terms of subsection (1) shall preside over the board, and record or cause to be recorded in writing or by mechanical means all evidence which may be given before the board.

(3) If a Regular Force member, other than an officer, is found after inquiry by a board to be—

- (a) unsuitable or inefficient in the discharge of his duties; or
- (b) otherwise unfit to remain in the Regular Force or to retain his rank, seniority or salary;

the Commissioner-General may—

- (i) discharge the Regular Force member; or
- (ii) impose any one or more of the following penalties—
 - A. reduction in rank or salary;
 - B. loss of seniority;
 - C. withholding of an increment of salary;
- (iii) reprimand the Regular Force member.

(4) If the Commissioner-General is of the opinion that a Regular Force member who has not completed a probationary period or who has not been re-engaged for continuous service is unfit to retain his rank or remain in the Police Force, he may—

- (a) discharge the member; or
- (b) order any one or more of the following—
 - (i) reduction in rank or salary;
 - (ii) loss of seniority;
 - (iii) withholding of an increment of salary;
 - (iv) a reprimand.

51 Appeal

A member who is aggrieved by any order made in terms of section *forty-eight* or *fifty* may appeal to the Police Service Commission against the order within the time and in the manner prescribed, and the order shall not be executed until the decision of the Commission has been given.

PART VI

POLICE SERVICE COMMISSION

[Part amended by section 6 of Act 5 of 2011 to substitute “Commissioner-General” for “Commissioner”]

52 Term of office of members of Police Service Commission

(1) Subject to this Part, a member of the Police Service Commission shall hold office for such period, not exceeding five years, as the President may fix on his appointment, and on the expiry of that period shall be eligible for re-appointment.

(2) If a person is appointed to the Police Service Commission to act in the place of a member of the Commission who is unable to exercise his functions by reason of illness, absence from Zimbabwe or other cause, the period of the acting appointment shall not exceed one year.

53 Resignation of members of Police Service Commission

(1) A member of the Police Service Commission may resign his office at any time by giving the President, through the Minister, such notice of his intention to resign as may be fixed in his conditions of service in terms of section *fifty-four* or, if no such period has been fixed, after the expiry of thirty days from the date he gives such notice or after the expiry of such other period of notice as he and the President may agree.

(2) A member of the Police Service Commission shall be deemed to have resigned his office as a member and his office shall become vacant if—

- (a) he accepts nomination for election to, or becomes, a member of, Parliament; or
- (b) he accepts nomination for election as, or becomes, a member of a local authority or accepts employment as an employee of a local authority; or
- (c) he accepts office as a member of a statutory body or employment as an employee of a statutory body; or
- (d) being a member of or employed by a local authority or statutory body at the time he becomes a member of the Police Service Commission, he fails to terminate his appointment or employment as such within fourteen days of the date on which he became a member of the Commission.

54 Conditions of service of members of Police Service Commission

(1) Subject to this Part, the conditions of service of members of the Police Service Commission including their remuneration, allowances and pension benefits shall be fixed by the President either at the time of their appointment or, subject to subsection (5) of section 109 and Schedule 6 to the Constitution, at any time thereafter.

(2) When fixing conditions of service of a member of the Police Service Commission in terms of subsection (1), the President may direct that any enactment relating to the conditions of service of members of the Police Force, the Defence Forces or the Public Service shall apply to the conditions of service of the member, subject to such modifications, exceptions or conditions as the President may specify, and thereupon the enactment concerned shall so apply to the conditions of service of the member concerned.

55 Functions of Police Service Commission

(1) The functions of the Police Service Commission shall be—

- (a) after consultation with the Commissioner-General, to make recommendations to the Minister regarding salaries and the general conditions of service of members of the Police Force;
- (b) to inquire into and deal with complaints, other than complaints relating to disciplinary action, by any member;
- (c) to exercise any other functions that may be imposed or conferred upon the Police Service Commission in terms of this Act or any other enactment.

(2) In the exercise of its functions in terms of this Act, the Police Service Commission, after consultation with the Commissioner-General, may—

- (a) carry out any inquiry or investigation into the practices of the Police Force;
- (b) require the production of any documents, books or other records;
- (c) summon and examine any witness whose evidence it considers will assist the conduct of its inquiries or investigations;
- (d) obtain information and advice from any member of the Police Force:

Provided that, without the consent of the Commissioner-General, no document, book or record may be examined or information or advice obtained in terms of this subsection if it relates solely to the nature of the investigations or prosecution of a particular criminal offence.

(3) For the purposes of any inquiry or investigation carried out by it in terms of this Act, the Police Service Commission shall have the same powers as are conferred upon Commissioner-Generals in terms of the Commis-

sions of Inquiry Act [*Chapter 10:07*], other than the power to order a person to be detained in custody, and sections 9 to 13 and 15 to 19 of that Act shall apply, *mutatis mutandis*, in relation to such an inquiry or investigation and to any person summoned to give or giving evidence at that inquiry or investigation:

Provided that no person shall be required by the Police Service Commission to disclose information or to produce an official document, book or other record if—

- (a) its disclosure or production is prohibited or restricted in terms of any enactment prohibiting or restricting the disclosure of information; or
- (b) the Minister certifies in writing that its disclosure or production would be contrary to the interests of the Police Force.

56 Procedure of Police Service Commission

The Police Service Commission shall meet at least once every month for the discharge of its business and adjourn, close and otherwise regulate its meetings and proceedings as it thinks fit.

57 Staff of Police Service Commission

The Minister, in consultation with the Public Service Commission or the Commissioner-General, as may be appropriate, may second to the Commission such members of the Public Service or Police Force as may be necessary for the exercise of the functions of the Commission.

58 Reports of Police Service Commission

- (1) The Police Service Commission—
 - (a) shall as soon as possible after the 31st December in each year, submit to the Minister an annual report upon matters dealt with by the Commission during the previous year, save such matters as the Commission may consider inexpedient to publish;
 - (b) may at any time submit to the Minister a special report on any matter upon which the Commission considers it desirable to report.
- (2) The Minister shall lay before Parliament on one of the fourteen days on which Parliament next sits after the report is received by him—
 - (a) every annual report submitted to him in terms of paragraph (a) of subsection (1);
 - (b) any special report submitted to him in terms of paragraph (b) of subsection (1) which the Police Service Commission requests be laid before Parliament.

59 Validity of acts and decision of Police Service Commission

No decision or act of the Police Service Commission or act done under the authority of the Police Service Commission shall be invalid solely because—

- (a) a person who was not entitled to do so acted as a member of the Commission when the decision was taken or the act was done or authorized; or
- (b) there were one or more vacancies on the Commission when the decision was taken or the act was done or authorized;

if—

- (i) at least three members of the Commission who were entitled to take the decision or do or authorize the act were present at the time; and
- (ii) the decision was taken or the act was done or authorized, as the case may be, by a majority of the members of the Commission referred to in paragraph (i) who were present.

PART VII

GENERAL

[Part amended by section 6 of Act 5 of 2011 to substitute “Commissioner-General” for “Commissioner”]

60 Commissioner-General may take over premises etc., in time of emergency

(1) During any period of public emergency as defined in section 113 of the Constitution or in the event of any other emergency or disaster that threatens the life or well-being of the community or where there is a situation that may lead to such emergency or disaster, the Commissioner-General shall have power, subject to this section and any directions given to him by the Minister, to requisition or take control of any means of communication, conveyance and transport and any goods, provisions, supplies and premises:

Provided that the powers conferred by this section shall not include the power to requisition or take control of, whether compulsorily or by agreement, any Communal Land or any interests in or rights over Communal Land, otherwise than in accordance with the Communal Land Act [*Chapter 20:04*].

(2) Notice in writing of any exercise of the power to requisition or take control of any property in terms of subsection (1) shall be served on any person who owns or possesses such property, and any such person may, if he objects to the requisitioning or taking control of the property, notify the Commissioner-General accordingly.

(3) Where the Commissioner-General is notified in terms of subsection (2), he shall, within thirty days thereafter, apply to the Administrative Court for a determination of his entitlement to exercise his power in terms of

subsection (1) and on such application, the Administrative Court shall, unless it is satisfied that the exercise of the power is reasonably justifiable in the circumstances of any situation arising or existing during the period of public emergency or as a result of the other emergency or disaster concerned that may lead to such emergency or disaster, for the purposes of dealing with that situation order the Commissioner-General to return the property wherever possible.

(4) When the possession of property taken under subsection (1) is no longer reasonably justifiable as referred to in subsection (3), it shall, wherever possible, be promptly returned in the condition in which it was at the time it was taken.

(5) Fair compensation shall be paid within a reasonable time for the taking of possession of property under subsection (1) and, where appropriate, for any failure to return the property in terms of subsection (3) or (4) or for any damage to the property.

(6) The owner or any other person entitled to the return of property in terms of subsection (4) or to compensation in terms of subsection (5) may apply to the Administrative Court for the prompt return of the property or for the determination of his right to or the amount of any such compensation and the Court shall make such order in respect thereof as it thinks fit.

(7) Parts V and VIII of the Land Acquisition Act [*Chapter 20:10*] shall apply, *mutatis mutandis*, in respect of a claim for compensation in terms of subsection (6):

Provided that—

- (i) any claim for compensation in terms of section 22 of that Act shall be submitted not less than thirty days before the hearing of the application in terms of subsection (6) for the determination of the amount of compensation;
- (ii) the Administrative Court, and the Supreme Court in any appeal from a decision of the Administrative Court, may make such order as to costs as it thinks fit.

61 Prohibition of certain dealings in connection with certain articles

(1) No member shall, without the authority of the officer of or above the rank of superintendent under whose command he is serving, lend, sell, pledge or otherwise dispose of—

- (a) any property of the State issued for use of the Police Force; or
- (b) any property of the Police Force; or
- (c) any article which in terms of this Act he is required to keep and possess.

(2) A member who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

[Subsection inserted by section 4 of Act 22 of 2001]

62 Receiving State property illegally disposed of

Any person who receives or has in his possession any property of the State of whatever description issued for the use of the Police Force, or any property of the Police Force, knowing the same to have been sold, pledged, lent or otherwise disposed of in contravention of this Act, shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

[Section amended by section 4 of Act 22 of 2001]

63 Justice of the peace may issue warrant to search for State property

Any justice of the peace may issue a warrant to search for and seize any property of the State of whatever description issued for the use of the Police Force, or any property of the Police Force which is unlawfully detained or in possession of any person in contravention of this Act.

64 Personation and evasion of duty

(1) Any person, not being a member, who—

- (a) by words, conduct or demeanour pretends that he is a member; or
- (b) agrees with or induces or attempts to induce any member to omit to carry out his duty or to do anything in conflict with his duty; or
- (c) is a party to or aids or abets or incites the commission of any act with the intention that any lawful order given to a member or any provision of this Act will be evaded;

shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

[Subsection amended by section 4 of Act 22 of 2001]

(2) On the trial of any person charged under this section, it shall be presumed, until the contrary is proved, that such person is not a member.

65 Obtaining admission to Police Force by means of false certificate, etc.

Any person who, by means of a false certificate or other document or by any false representation or statement whatsoever, obtains or attempts to obtain admission to the Police Force, shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Section amended by section 4 of Act 22 of 2001]

66 Wearing of uniforms, badges, etc. of Police Force

Any person who wears any uniforms or distinctive badge or button of the Police Force or anything which might reasonably be mistaken for any such uniform, badge or button as to be likely to deceive, shall, unless—

(a) he is a member of the Police Force entitled by reason of his appointment, rank or designation to wear such uniform, badge or button; or

(b) he has been granted permission by the Commissioner-General to wear such uniform, badge or button; be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Section amended by section 4 of Act 22 of 2001]

67 Non-liability for acts done under irregular warrant

If any legal proceedings other than legal proceedings for unlawful arrest or detention, be brought against any member for any act done in obedience to a warrant purporting to be issued by a judge, magistrate or justice of the peace or other officer authorized by law to issue warrants, such member shall not be liable for any irregularity in the issuing of the warrant or for want of jurisdiction in the person issuing the same, and upon producing the warrant containing the signature of the person reputed to be a judge, magistrate or justice of the peace or other such authorized officer, and upon proof that the acts complained of were done in obedience to the warrant, judgment shall be given in favour of such member.

67A When police officer or constabulary member deemed to be acting in execution of duty

A police officer, or a constabulary member of the Police Force, who in good faith performs any act in accordance with or in the enforcement of any provision purporting to be an enactment of a competent legislative authority shall, notwithstanding any irregularity in the enactment of or defect in that provision or want of jurisdiction on the part of the legislative authority, be deemed to be acting in the execution of his duty.

[Section as inserted by section 282 of Act 23 of 2004]

68 Salary or allowance not to be ceded or assigned

No person shall, without the approval of the Commissioner-General, cede or assign the whole or any part of any salary or allowance payable to him under this Act.

69 Rewards for extraordinary diligence or exertion

(1) The Commissioner-General may, with the approval of the Minister and the Minister responsible for finance, award to any person who is or was a member, for extraordinary diligence or exertion in the performance of his duties as a member, such monetary or other reward as he considers appropriate in the circumstances.

(2) The President may institute, constitute and create medals and decorations, and bars, clasps and ribbons in respect of such medals and decorations, which may be awarded by him or by the Minister, subject to such conditions as may be prescribed, to any person who is or was a member, in respect of his service as a member.

70 Limitations of actions

Any civil proceedings instituted against the State or member in respect of anything done or omitted to be done under this Act shall be commenced within eight months after the cause of action has arisen, and notice in writing of any such civil proceedings and the grounds thereof shall be given in terms of the State Liabilities Act [Chapter 8:15].

71 ...

[Section repealed by section 4 of Act 22 of 2001]

72 Regulations

(1) Subject to this Act and section 109 of the Constitution, the Minister, in consultation with the Commission and with the approval of the Commissioner-General, may make regulations providing for all matters which in terms of this Act are required or permitted to be prescribed or which, in his opinion, are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Regulations in terms of subsection (1) may provide for—

(a) the organization, management, efficiency and disposition of the Police Force, including the establishment of police provinces and stations and the establishment and organization of the various divisions, branches, grades, ranks and appointments in the Police Force or in such provinces or at such stations;

(b) the appointment, resignation, training, promotion, suspension, reduction in rank, leave of absence or discharge of members;

(c) the pay and allowances of members, and the stoppages to be made therefrom, and the payment of rewards and gratuities, either unconditionally or conditionally;

(d) the remuneration of members of the Police Constabulary and ancillary members;

(e) the manner and circumstances in which any deficiency, loss, damage or expense caused to the State or to the Police Force by the wrongful act, negligence or carelessness of a member may be recovered from

such member, and the manner in which, and the person or persons by whom, the amount to be recovered from such member shall be determined;

- (f) the appointment of boards of inquiry, the procedure of such boards and the attendance of witnesses thereat;
- (g) the appeals in terms of this Act;
- (h) the procedure before the Police Service Commission;
- (i) the provision, care, safe custody and maintenance of animals, vehicles, arms and accoutrements, dress, clothing and equipment of the Police Force;
- (j) the provision to and occupation by members of quarters, whether owned or rented by the State or placed at its disposal;
- (k) the conduct of disciplinary proceedings before boards of officers and single officers;
- (l) abandoned, lost or unclaimed property found or taken charge of or in the possession of a member;
- (m) the establishment, constitution, functions and procedure of the Zimbabwe Republic Police Association;
- (n) the secondment of members with their consent to employment outside the Police Force including the terms and conditions thereof.

(2a) Regulations in terms of subsection (1) may provide penalties for contraventions thereof, but no such penalty shall exceed a fine of level five or imprisonment for a period of six months or both such fine and such imprisonment.

[Subsection inserted by section 4 of Act 22 of 2001]

(3) No regulations relating to pay, conditions of leave, payment of allowances, discipline, grievance procedures, conditions of housing and quarters or marriage for Regular Force members and provision for their dependants may not be made under this section unless they have been submitted to the Police Service Commission and the executive committee of the Zimbabwe Republic Police Association for examination and recommendation.

73 Transitional provisions and savings

(1) In this section—

“fixed date” means the 1st October, 1995.

(2) Any regulations which were made or deemed to have been made by the Police Service Commission before the fixed date and which were in force immediately before that date shall be deemed to have been made by the Minister in terms of section *seventy-two*.

(3) A person appointed as a member before the fixed date whose appointment was subsisting immediately before that date shall be deemed to have been appointed in terms of this Act.

(4) Anything which was lawfully made, done or commenced before the fixed date by or on the authority of the Commission or the Commissioner-General and which, immediately before the fixed date, had or was capable of acquiring legal effect shall, on and after that date, continue to have or to be capable of acquiring, as the case may be, the same force and effect as if it had been made, done or commenced by or on the authority of the Police Service Commission, the Minister or the Commissioner-General, as the case may be, in terms of the appropriate provision of this Act.

SCHEDULE (Sections 29 and 34)

OFFENCES

[Part amended by section 6 of Act 5 of 2011 to substitute “Commissioner-General” for “Commissioner”]

1. Inciting, using or joining in any mutiny or sedition or conspiring with any person to incite or cause any mutiny or seditious conduct.
2. Being present at any mutiny or act of sedition and failing to use the utmost endeavour to suppress it or, knowing of any mutiny or sedition, failing to give information thereof to a superior without delay.
3. Abandoning or delivering up any station, post, camp or guard which it is his duty to defend, or voluntarily abandoning his arms.
4. By discharging any firearm or making any signal or by any means whatsoever, intentionally occasioning a false alarm or disturbance in any station, post, camp or quarters.
5. Making or spreading reports calculated to cause alarm or despondency.
6. (1) Deserting from the Police Force or refusing to serve therein or advising, persuading or assisting any other member to desert or refuse to serve, or knowingly receiving or entertaining any deserter, or, on discovery of a deserter, failing to give information thereof to a superior, or failing to arrest or take every means to cause such deserter to be apprehended.
(2) If on the trial on any charge for contravening subparagraph (1) it appears upon the evidence that the accused was not guilty of contravening that subparagraph but was guilty of contravening paragraph 12 or 13, he may be found guilty of contravening the provisions of that paragraph.
7. Being insubordinate by word, act or demeanour.
8. Being oppressive or tyrannical towards a junior in rank.

9. Assaulting any other member.
10. Without good and sufficient cause, uttering or making in any way any threat against any other member.
11. Without good and sufficient cause, disobeying or refusing or omitting or neglecting to carry out any lawful order, written or otherwise.
12. Leaving his guard, post, beat, patrol or other place of duty without permission or reasonable excuse or, on being required to remain at a station or in camp, quarters or a district, absenting himself therefrom without leave or reasonable excuse.
13. (1) Being absent without leave.
(2) Without permission or reasonable excuse, failing to attend or being late for any parade or duty.
(3) Leaving any parade or duty without permission.
14. Escaping from lawful custody.
15. Interfering with any guard, post or sentry or rescuing any person in custody.
16. Sleeping, loitering or committing any irregularity when on duty.
17. Being drunk on or off duty or rendering himself unfit for duty by indulging in liquor or drugs.
18. When required on reasonable grounds by an officer of or above the rank of superintendent to do so, failing to furnish a true and detailed statement of his liabilities and of his ability to meet them.
19. Unnecessarily detaining any person in custody.
20. Releasing any person in custody without proper authority, or by any wilful act or negligence suffering a person in custody to escape.
21. Using unnecessary violence towards, or neglecting or in any way ill-treating any person in custody or other person with whom he may be brought into contact in the execution of his duty.
22. Malingering or feigning disease or illness, or obtaining relief from duty on a false or exaggerated plea of injury, illness, pain or sickness.
23. Wilfully producing disease or infirmity or wilfully maiming or injuring himself or any other member, whether at the instance of such a member or not, or wilfully causing himself to be maimed or injured by any other person, with intent thereby to render himself or such other member unfit for duty.
24. Wilfully or negligently disclosing or communicating any secret or confidential information to any person or member other than the person or member for whom such information is officially intended, or divulging any matter or revealing any document which it is his duty as a member to keep secret.
25. Without authority, communicating, directly or indirectly, to the press or to the public any matter or thing concerning the Police Force, the communication whereof results in or is reasonably likely to result in any prejudice to the administration, discipline or efficiency of the Police Force.
26. Causing any person to interfere, through solicitation by undue means, in his own interests or in the interests of any applicant for promotion, transfer or preferment of any kind.
27. Soliciting or accepting any bribe or soliciting any present, reward or consideration whatsoever in connection with his position or duties as a member, or accepting such a present, reward or consideration without the authority of the Commissioner-General.
28. (1) Wilfully or negligently losing, destroying, injuring or damaging any property, of the State or property in the possession of the State, or for which the State is responsible, or of the Police Force, or of any member, or any mess, canteen, club, fund or other institution of the Police Force, or of any person in custody, or any exhibit in a criminal case or property, lost, found, taken for safe keeping or unclaimed.
(2) For the purposes of subparagraph (1)—
 “property” means any movable or immovable property, including—
 (a) money, foreign currency and negotiable instruments;
 (b) vehicles and aircraft.
29. Improperly obtaining, appropriating, withholding, applying, disposing of or using any property referred to in paragraph 28.
30. Unnecessarily or negligently discharging any firearm.
31. Knowingly making a false entry in any official book, diary, form or document or wilfully omitting to make any entry therein which it is his duty to have entered.
32. Knowingly making a false return, report or statement or being privy thereto, or neglecting to make or send any report which it is his duty to have made or sent.
33. Wilfully defacing or refusing to sign any official book, record, voucher or pay-list without just and reasonable grounds or with intent to deceive or prejudice the course of any investigation or any person, suppressing, concealing, withholding, defacing, obliterating, erasing, altering, destroying or doing away with any report, return, register, book, page, record, form, claim, letter or any other document or any part thereof relative to his functions or duties.
34. Omitting or neglecting to perform any duty, or performing any duty in any improper manner.
35. Acting in an unbecoming or disorderly manner or in any manner prejudicial to good order or discipline or reasonably likely to bring discredit to the Police Force.

36. Entering, while on duty, any place licensed for the sale of intoxicating liquor, except in the immediate exercise of his duty or when necessarily requiring a meal or accommodation.
37. Without the approval of the Commissioner-General, carrying on any trade, occupation or business, either directly or through the agency of any other person.
38. Falsely imputing improper conduct on the part of any member or making frivolous or vexatious complaints.
39. Improperly using his position as a member for his private advantage.
40. Failing to account for or make a prompt and true return of any money or property received by him in his official capacity.
41. Making any anonymous communication to the Minister, the Commissioner-General, a superior or a person in authority.
42. Signing or circulating any petition with regard to the efficient running of the Police Force except in accordance with the provisions of this Act or any other enactment.
43. Without the consent of the Commissioner-General, convening or attending any meeting to discuss conditions of service of the Police Force or individual members except in accordance with the provisions of the Act.
44. Attempting to commit, aiding the commission of, conspiring with another to aid or procure the commission of or to commit, inciting another to commit or being an accessory after the fact to the commission of any offence specified in this Schedule.
45. Knowingly giving false information in any application for a loan or other financial assistance from funds at the disposal of the State or the Police Force or, having been granted such loan or financial assistance for a specific purpose, failing without good cause to use it for the purpose specified or, without authority, using it for some other purpose.
46. In this capacity as a member, writing, signing or giving any testimonial of character or other recommendation with the object of obtaining employment for any person or supporting an application for a grant of a licence of any kind:

Provided that the provisions of this paragraph shall not apply to the writing, signing or giving of any such testimonial or other recommendation which is authorized by the Commissioner-General or which is required by the State or under the provisions of any enactment.

47. (1) While off duty in uniform in a public place or while on duty at any place, being, through wilfulness or neglect, improperly dressed or dirty or untidy in his person, uniform or accoutrements.
(2) For the purpose of subparagraph (1), a member shall be deemed to be in uniform and improperly dressed if he wears any article of uniform mentioned in dress orders at the same time that he wears, in such manner as to be visible, any article of civilian clothing.
48. (1) Actively participating in politics.
(2) Without derogation from the generality of subparagraph (1), a Regular Force member shall be deemed to be actively participating in politics if he—
 - (a) joins or associates himself with an organization or movement of a political character; or
 - (b) canvasses any person in support of, or otherwise actively assists, an organization or movement of a political character; or
 - (c) displays or wears rosettes, favours, clothing, symbols, posters, placards or like articles having a political significance; or
 - (d) attends a political meeting or assembly when wearing the uniform of the Police Force or any part of such uniform likely to identify him as a Regular Force member:

Provided that the provisions of this subparagraph shall not apply to a Regular Force member who attends such meeting or assembly in uniform in the course of his duties; or
 - (e) asks questions from the floor at a political meeting; or
 - (f) publishes views of a political character or causes them to be published in speeches, broadcasts, letters to the press, articles, leaflets, posters, placards, books or otherwise; or
 - (g) does any other act whereby the public or any member thereof might reasonably be induced to identify him with an organization or movement of any political character.
- (3) Nothing in this paragraph contained shall be construed as precluding a Regular Force member from—
 - (a) asking questions from the floor at a political meeting held with the permission of the Minister at which the audience consists only of persons in the employment of the State; or
 - (b) explaining Government policy in the course of his duties as a Regular Force member; or
 - (c) performing the duties of a returning officer, polling officer or like officer at a Parliamentary or local election or at a referendum; or
 - (d) voting at a Parliamentary or local election or at a referendum.
- (4) For the purpose of subparagraphs (a) and (b) or paragraph (2), a trade union or employees organization shall be deemed to be an organization or movement of a political character:

Provided that this subparagraph does not apply to membership of the Zimbabwe Republic Police Association established under this Act