

GOVERNMENT OF ZAMBIA

# ACT

## No. 2 of 2011

Date of Assent: 12th April, 2011.

### An Act to amend the Penal Code.

[15th April, 2011

ENACTED by the Parliament of Zambia

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| <p><b>1.</b> This Act may be cited as the Penal Code (Amendment) Act, 2010, and shall be read as one with the Penal Code, in this Act referred to as the principal Act.</p>   | <p>Short title</p> <p>Cap. 87</p>                                      |
| <p><b>2.</b> The principal Act is amended by the repeal of section <i>one hundred and thirty-three</i> and the substitution therefor of the following:</p> <p style="padding-left: 40px;">133. Any person who commits the offence of rape is liable, upon conviction, to imprisonment for a period of not less than fifteen years and may be liable to imprisonment for life.</p>   | <p>Repeal and replacement of section 133</p> <p>Punishment of rape</p> |
| <p><b>3.</b> Section <i>one hundred and thirty-seven A</i> of the principal Act is amended —</p> <p style="padding-left: 40px;">(a) by the deletion of subsection (2); and</p> <p style="padding-left: 40px;">(b) by the renumbering of subsection (3) as subsection(2).</p>  | <p>Amendment of section 137A</p> <p>Amendment of section 138</p>       |
| <p><b>4.</b> Section <i>one hundred and thirty-eight</i> of the principal Act is amended in subsection (1)—</p> <p style="padding-left: 40px;">(a) by the deletion of the full stop at the end of that subsection and the substitution therefor of a semicolon; and</p> <p style="padding-left: 40px;">(b) by the insertion immediately after subsection (1) of the following new proviso:</p> <p style="padding-left: 80px;">Provided that it shall be a defence for a person charged with an offence under this section to show that the person had reasonable cause to believe, and did in fact believe, that the child against whom the offence was committed was of, or above, the age of sixteen.</p> |  |

- Repeal of section 143      **5.** The principal Act is amended by the repeal of section *one hundred and forty-three*.
- Amendment of section 159      **6.** Section *one hundred and fifty-nine* of the principal Act is amended —
- (a) in the marginal note, by the insertion of the words “by males” after the word “incest”;
  - (b) by the deletion of subsection (2); and
  - (c) by the renumbering of subsections (3) and (4) as subsections (2) and (3), respectively.
- Amendment of section 161      **7.** Section *one hundred and sixty-one* of the principal Act is amended —
- (a) by the deletion of the marginal note and the substitution therefor of the marginal note “Incest by females”;
  - (b) in subsection (1)—
    - (i) by the deletion of the figure “(1)”;
    - (ii) by the deletion of the semi-colon at the end of that subsection and the substitution therefor of a full stop; and
    - (iii) by the deletion of the proviso; and
  - (c) by the deletion of subsection (2).
- Amendment of section 177A      **8.** Section *one hundred and seventy-seven A* of the principal Act is amended —
- (a) in subsection (2) —
    - (i) in paragraph (a), by the insertion of the words “or gives” after the word “sells”; and
    - (ii) in paragraph (b), by the insertion of a comma and the words “invites or allows” after the word “compels”; and
  - (b) by the deletion of subsection (3).
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