

**CONVICTED PERSONS (EMPLOYMENT ON
PUBLIC WORK)**

CHAPTER 9:03

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CHAPTER 9:03

CONVICTED PERSONS (EMPLOYMENT ON PUBLIC WORK)

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An Act to consolidate and amend the law relating to the employment of convicted persons on public work 16 of 1954
 39 of 1954
 27 of 1964
 (N)
 [28TH MAY, 1954] G.N.
 166/1967

1. This Act may be cited as the Convicted Persons (Employment on Public Work) Act. Short title

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

“court” means a subordinate court and includes a Traditional Court to the extent to which it is empowered under the Traditional Courts Act to make an order to perform public work. Interpretation
 Cap. 3:03

3.—(1) When a person is convicted of any offence by a court and such court is of opinion that the offence would be adequately punished by a sentence of imprisonment not exceeding six months, the court may, instead of awarding a sentence of imprisonment, order such person to perform public work for a period not exceeding six months. Power or court to order persons to perform public work

(2) Subject to subsection (1), the court shall not order any person to perform public work for a longer period than the maximum sentence of imprisonment which it could have imposed on such person in respect of the offence of which he has been convicted.

(3) Where any Act provides that an offence is punishable by fine only or by fine and imprisonment in default of payment of such fine, the court may order the person convicted to perform

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public work for a period not exceeding six months in default of payment.

Cap. 8:01 (4) Notwithstanding the Criminal Procedure and Evidence Code, no court may order a person to perform public work for a total period exceeding six months where such order is made in respect of two or more offences tried together.

Payment of fine either in full or in part 4.—(1) If any person, ordered to perform public work in default of payment of a fine, pays such fine in full to the court which so ordered him, the order shall thereupon determine.

(2) If any person, ordered to perform public work in default of payment of a fine, pays any sum in part satisfaction of such fine, the period of the public work ordered to be performed by him shall be reduced by a number of days bearing as nearly as possible the same proportion to the total number of days for which such person was ordered to perform public work as the sum so paid bears to the fine imposed.

(3) Where any person is desirous of taking advantage of subsection (2), any payment in part satisfaction of the fine shall be made by such person to the court which ordered him to perform public work and the court shall certify the number of days by which the period of public work originally ordered is reduced by such payment.

Duties of persons ordered to perform public work

5. A person ordered by a court to perform public work shall—

(a) work for a period not exceeding eight hours each day (excluding Sundays and public holidays) on such work as shall be allotted to him by the District Commissioner of the District in which such person was convicted or by any person authorized by such District Commissioner in that behalf;

(b) reside in such place as the District Commissioner shall direct, or, if the court so orders, in a camp.

Penalty for failure to comply with an order to perform public work

6.—(1) Every person ordered by a court to perform public work who shall without reasonable cause—

(a) fail to perform the work lawfully allotted to him; or

(b) absent himself from his place of work or of residence;

or

(c) fail to comply with any Rules made under this Act,

shall be liable to imprisonment for six months:

Provided that where any person is sentenced to a term of imprisonment under this subsection, the court imposing such sentence of imprisonment may, in its discretion, revoke the order to perform public work.

(2) A return of all sentences imposed by a court under this section shall be made monthly to the High Court.

7. Where a sentence of fine or imprisonment or an order to perform public work comes before the High Court on appeal or in exercise of its powers of revision, the High Court may alter any sentence of fine or imprisonment to an order to perform public work, or an order to perform public work to a sentence of fine or imprisonment. Revision and appeal

8. The Minister may make Rules— Rules

(a) prescribing the nature of the public work to be performed under this Act;

(b) establishing camps in which persons ordered to perform public work may be required to reside;

(c) prescribing the manner in which persons ordered to perform public work shall be supervised;

(d) prescribing anything which, under this Act, may be or is to be prescribed;

(e) generally for the better carrying into effect of this Act.

9. Any rules made under the Convicted Persons (Employment on Public Work) Ordinance, 1946 (now repealed) and in force at the time of the coming into operation of this Act shall be deemed to have been made under this Act and shall continue in force until other Rules shall be made by virtue of this Act. Saving
22 of 1946

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[Subsidiary]

*Convicted Persons (Employment on Public Work) Rules***SUBSIDIARY LEGISLATION**G.N.
149/1948
152/1964(M)**CONVICTED PERSONS (EMPLOYMENT ON
PUBLIC WORK) RULES***deemed to be made under s. 8**[made under s. 8 of the Convicted Persons (Employment on Public Work) Ordinance, 1946, No. 22 of 1946 (now repealed)]*

- Citation **1.** These Rules may be cited as the Convicted Persons (Employment on Public Work) Rules.
- Minister may declare camps **2.** The Minister may by notice published in the *Gazette* declare any place to be a labour camp for the purpose of these Rules.
- Interpretation **3.** In these Rules—
“camp” means a labour camp declared under rule 2;
“labourer” means any person who has been ordered by a court to perform public work under section 3 of the Act and who has been directed by a District Commissioner to reside in a camp under section 5 (b) of the Act.
- Medical Examination **4.** Any person who has been ordered by a Court to perform public work may be permitted, at the discretion of the public officer having responsibility for the allocation of such work, to be examined by a medical officer who shall notify whether or not that person is fit to perform ordinary labour.
- Management of a camp **5.** Every camp shall be under the management of a public officer appointed by the Minister.
- Appointment of a clerk and labour supervisor **6.** The officer appointed as manager of the camp shall appoint one clerk in charge who shall be responsible for the keeping of camp stores, the issue of rations, the making of returns, and the sanitary condition of the camp.
- Provision of food **7.** Food shall be provided for labourers so far as possible in accordance with the diet prescribed in the Third Schedule to the Prison Regulations, and labourers shall partake of food before commencing and at the end of the day’s work:

Provided that it shall be lawful to pay such cash allowance, if any, as the Minister may, from time to time, determine, in lieu of food.

Declaration of Labour Camps

[Subsidiary]

8. Labourers shall unless a District Commissioner otherwise directs perform such work as is ordinarily performed by paid labourers employed by the Government department having management of the camp. Work to be performed
9. Every labourer shall obey all lawful and reasonable orders given by a clerk in charge or supervisor of labour. Duty to obey orders
10. Labourers may be given permission to leave the camp area from after work until sunset on Mondays to Fridays inclusive and from after work on Saturdays until sunset on the ensuing Sunday. Permission to leave camp
11. The officer in medical charge of the District in which a camp is declared under rule 2 shall visit such camp at least once in every month. Medical officer

DECLARATION OF LABOUR CAMPS

42 of 1967

*under r. 2**of the Convicted Persons (Employment on Public Work) Rules*

The following places have been declared to be labour camps for the purposes of the Convicted Persons (Employment on Public Work) Rules—

- (1) the buildings enclosed by a wire fence at Mpatamanga, in the Southern Region; G.N. 128/1953
- (2) the buildings constructed for the purpose at the Agricultural Research Station, Chitedze, Lilongwe, in the Central Region; G.N. 129/1953
- (3) The Kochirira Leper Settlement. G.N. 212/1953
- (4) Bvumbwe Experimental Station. G.N. 116/1958(F)

