

THE PENAL CODE (AMENDMENT) BILL, 2023

MEMORANDUM

The object of this Bill is to amend the Penal Code so as to—

- (a) enhance the provisions relating to the offence of stock theft; and
- (b) provide for matters connected with, or incidental to, the foregoing.

M. D. KABESHA,
Attorney General

N.A.B 20, 2023

31st August, 2023

A BILL

ENTITLED

An Act to amend the Penal Code

ENACTED by the Parliament of Zambia

Enactment

1. This Act may be cited as the Penal Code (Amendment) Act, 2023 and shall be read as one with the Penal Code, in this Act referred to as the principal Act.

Short title
Cap.87

5 2. The principal Act is amended by the repeal of section 275.

Repeal of
Section 275

3. The principal Act is amended by the insertion of the following new Chapter immediately after Chapter XXVI.

Insertion of
Chapter
XXVIA

CHAPTER XXVIA

OFFENCES RELATING TO STOCK

10 282A. In this Chapter, unless the context otherwise requires—

Interpretation

“stock” includes a horse, mare, gelding, ass, mule, camel, ostrich, ram, ewe, wether, goat, pig, bull, cow, ox or the young of such animal; and

15 “produce” means the whole or any part of any skins, hides, horns or carcass of stock, any wool, mohair, ostrich egg or ostrich feathers.

N.A.B 20, 2023

Stock theft	<p>282B. (1) A person who steals any of the following commits an offence:</p> <p>(a) a horse, mare, gelding, ass, mule, camel, ostrich, ram, ewe, wether, goat or pig, or the young of such animal; and</p> <p>(b) a bull, cow or ox, or the young of such animal.</p> <p>(2) A person who is convicted of an offence under subsection (1)(a) is liable —</p> <p>(a) in the case of a first offence, to imprisonment for a term not exceeding fifteen years; and</p> <p>(b) in the case of a second and subsequent offence, to imprisonment for a term of not less than seven years and not exceeding fifteen years.</p> <p>(3) A person who is convicted of an offence under subsection (1)(b) is liable—</p> <p>(a) in the case of a first offence, to imprisonment for a term of not less than five years and not exceeding fifteen years; and</p> <p>(b) in the case of a second or subsequent offence, to imprisonment for a term of not less than seven years and not exceeding fifteen years.</p> <p>(4) A person who steals produce commits an offence and is liable, on conviction, to imprisonment for a term not exceeding fifteen years.</p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p>
Procuring, inciting etc theft of stock or produce	<p>282C. A person who procures, incites, hires, directs, instigates, or colludes with, another person to steal stock or produce commits an offence and is liable on conviction, to the penalty specified under section 282B as if that person had stolen the stock or produce.</p>	25
Possession of stolen stock or produce	<p>282D. (1) A person who has in that person's possession stock or produce which that person knows or ought reasonably to have known or suspected is stolen stock or produce commits an offence and is liable, on conviction—</p> <p>(a) in case of a first offence, to imprisonment for a term of not less than five years and not exceeding twelve years; and</p> <p>(b) in case of a second or subsequent offence, to imprisonment for a term of not less than seven years and not exceeding fifteen years.</p>	<p>30</p> <p>35</p>

282E. A person who, for the purposes of trade, makes or accepts delivery at night of any produce or stock except pig commits an offence and is liable, on conviction—

Night
delivery of
stock

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- (a) in the case of a first offence, to community service for a term not exceeding six months; and
 - (b) in the case of a second and subsequent offence, to imprisonment for a term not exceeding five years.
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