



REPUBLIC OF ZAMBIA

REPORT

OF THE

COMMITTEE ON LEGAL AFFAIRS, HUMAN RIGHTS AND GOVERNANCE

ON THE

PENAL CODE (AMENDMENT) BILL, N.A.B. NO. 74 OF 2026

FOR THE

FIFTH SESSION OF THE THIRTEENTH NATIONAL ASSEMBLY

Published by the National Assembly of Zambia

FOREWORD

Honourable Madam Speaker, the Committee on Legal Affairs, Human Rights and Governance, has the honour to present its Report on the Penal Code (Amendment) Bill, N.A.B No. 74 of 2026, for the Fifth Session of the Thirteenth National Assembly. The functions of the Committee are set out under Standing Orders 206(f) and 207(j) of the National Assembly of Zambia Standing Orders, 2024.

The Committee held five (5) meetings to consider the Bill. In order to gain insight into the ramifications of the Bill, the Committee sought both written and oral submissions from various stakeholders, the list of which is at Appendix II of the Report.

The Report is in three Parts. Part I contains the salient provisions of the Bill; Part II highlights concerns raised by stakeholders; while Part III contains the Committee's observations and recommendations.

The Committee wishes to pay tribute to all stakeholders who appeared before it and tendered both written and oral submissions. It further wishes to thank you, Madam Speaker, for affording it the opportunity to consider the Penal Code (Amendment) Bill, N.A.B. No. 74 of 2026. The Committee also appreciates the services rendered by the Office of the Clerk during its deliberations.



Mr Chinga Miyutu, MP
CHAIRPERSON

May, 2026
LUSAKA

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1.0 MEMBERSHIP OF THE COMMITTEE

Mr Chinga Miyutu, MP (Chairperson); Mr Sunday Chanda, MP (Vice Chairperson); Dr Clement Andeleki, MP; Mr Menyani Zulu, MP; Mr Monty Chinkuli, MP; Mr Francis Mulenga Fube, MP; Mr Luka Simumba, MP; Mr Lameck Hamwaata, MP; Dr Joseph Munsanje, MP; and Mr Emmanuel M Musonda, MP.

2.0 BACKGROUND

The *Penal Code (Amendment) Bill N.A.B. 74, 2026* seeks to amend section 282B of the Penal Code, which provides for the offence of stock theft, particularly in relation to cattle. The offence of stock theft has remained a persistent challenge in several parts of the country and continues to have significant economic and social implications, especially for rural communities whose livelihoods largely depend on livestock farming. Section 282B was introduced in 2023 as part of broader efforts to strengthen the legal framework for combating stock theft. Despite these measures, concerns have persisted regarding the prevalence of cattle rustling and the adequacy of existing penalties in deterring the offence. The current legal framework provides for mandatory minimum sentences; however, the Bill proposes to further strengthen these provisions by increasing the applicable minimum custodial sentences.

In addition, the Bill seeks to reinforce restitution mechanisms under sections 179 and 180 of the Criminal Procedure Code. These provisions empower courts to order the return of stolen property to its rightful owners or its application towards fines, costs, or compensation upon conviction. The proposed amendment, therefore, aims to enhance both punitive and restorative aspects of the criminal justice response to stock theft by ensuring that victims are compensated through the recovery or restitution of stolen livestock.

3.0 OBJECT OF THE BILL

The object of the Bill is to amend the Penal Code Act, so as to:

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

PART I

4.0 SALIENT PROVISIONS OF THE BILL

The salient provisions of the Bill are as set out hereunder.

Clause 1: Short Title

Clause 1 provides for short title. The Act may be cited as the *Penal Code (Amendment) Act, 2026*, and shall be read as one with the *Penal Code Act*, in this Act referred to as the Principal Act.

Clause 2: Amendment of Section 282B

The clause seeks to amend section 282B of the principal Act by strengthening the penalty to be imposed on potential offenders who are convicted of the offence of stock theft. The

penalty has been revised, in the case of a first offender, to imprisonment for a term of not less than seven years and in the case of a second or subsequent offender, to imprisonment for a term of not less than ten years.

Further, the clause empowers the court, in addition to the penalties imposed under section 282B, to make an order for the restitution of the stock or produce that was stolen to the owner in accordance with section 179 and 180 of the Criminal Procedure Code Act, Chapter 88 of the Laws of Zambia.

PART II

5.0 CONCERNS RAISED BY STAKEHOLDERS

All stakeholders who appeared before the Committee supported the Bill. However, the following concerns were raised.

5.1 Clause 2: Amendment of Section 282B

The stakeholders acknowledged that stock theft was a serious offence with significant economic and social consequences, particularly for rural communities whose livelihoods depended on livestock. In this regard, it was recognised that measures aimed at curbing stock theft and improving restitution for victims served a legitimate public interest.

Notwithstanding the foregoing, the stakeholders expressed concern over the continued reliance on increasingly severe mandatory minimum sentences as a primary response to criminal offences. In particular, the proposed increase in mandatory minimum penalties for cattle theft from five years to seven years for a first offence and from seven years to ten years for subsequent offences was viewed as potentially excessive.

The stakeholders submitted that mandatory minimum sentencing frameworks would unduly limit judicial discretion and undermine the principle of proportionality in sentencing. It was argued that criminal cases often involve varying circumstances, including differing levels of participation, economic conditions, and mitigating factors, which courts should be allowed to consider in determining fair and appropriate sentences.

Further, concern was raised regarding the absence of empirical evidence to support the assertion that increasing mandatory minimum sentences would effectively deter or reduce incidents of stock theft. The stakeholders, however, welcomed the provision in the Bill empowering courts to order restitution of stolen stock or produce. It was observed that restitution could play a critical role in addressing the direct economic loss suffered by victims and would enhance restorative justice within the criminal justice system.

Other stakeholders expressed concern that the proposed increase in mandatory minimum sentences for stock theft, while intended to enhance deterrence, would limit flexibility in the resolution of criminal matters. In particular, it was observed that stricter sentencing frameworks could constrain the use of plea bargaining and alternative dispute resolution mechanisms, which were important tools for expediting case disposal, reducing case backlogs, and improving efficiency within the criminal justice system.

Stakeholders further noted that the imposition of longer custodial sentences would place additional pressure on correctional facilities, potentially leading to overcrowding and increased strain on resources within the correctional system.

Concern was also raised regarding the removal of the statutory maximum sentence under the proposed amendments. Stakeholders observed that the absence of an upper sentencing limit would result in disproportionate sentencing outcomes and inconsistencies across courts, thereby undermining predictability and uniformity in the administration of justice. It was further submitted that this approach shifted greater discretion to the judiciary at the upper end of sentencing while reducing legislative control over sentencing limits.

While stakeholders welcomed the strengthening of restitution provisions as a progressive step towards enhancing victim-centred and restorative justice, concern was expressed regarding potential implementation challenges. These included increased evidentiary burdens on the prosecution in proving ownership and identifying recovered livestock, particularly in cases where animals lacked clear identification or had been moved across jurisdictions.

Stakeholders also noted that procedural delays, especially where restitution orders were suspended pending appeal, would hinder the timely recovery of stolen livestock and affect the effectiveness of restorative justice measures. In this regard, stakeholders emphasised the need for complementary reforms, including improved livestock identification systems, strengthened enforcement mechanisms, and enhanced coordination among relevant institutions to ensure the effective implementation of restitution provisions.

In light of the above, the stakeholders urged Parliament to reconsider the proposed increase in mandatory minimum penalties and instead adopt a more balanced approach that preserved judicial discretion while strengthening preventative measures, enforcement mechanisms, and victim restitution frameworks.

PART III

6.0 COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS

i) Increase in Minimum Sentences for Stock Theft

The Committee observes that Clause 2 of the Bill proposes to increase the mandatory minimum sentence for stock theft from five to seven years for first offenders and from seven to ten years for repeat offenders. The Committee further notes that the Bill seeks to remove the statutory maximum sentence of fifteen years, thereby leaving the determination of the appropriate sentence to the discretion of the courts.

The Committee commends the proposed amendments, recognising that stock theft continues to pose a serious and persistent threat to rural livelihoods, food security, and the agricultural sector. In the Committee's view, the imposition of stiffer penalties is likely to act as a stronger deterrent to potential offenders and reflects the State's commitment to addressing offences that negatively affect livestock production and the economic stability of farming communities.

In light of the foregoing, the Committee recommends that, while retaining the enhanced penalties proposed in the Bill, the law should provide for limited judicial discretion in exceptional circumstances to ensure that sentences imposed are proportionate to the specific facts and circumstances of each case.

ii) Strengthening of Restitution Mechanisms

The Committee commends the provision under clause 2(5) of the Bill, which empowers courts to order restitution in accordance with sections 179 and 180 of the Criminal Procedure Code, as it enhances victim redress and promotes restorative justice. However, the effectiveness of this provision may be affected by challenges such as the lack of clear identification marks on animals or situations where the animals have been slaughtered or moved across borders.

In this regard, the Committee recommends that clause 2 which seeks to amend Section 282B (5) be amended to expressly provide for clear implementation guidelines, either within the statute or through subsidiary legislations.

7.0 CONCLUSION

The Committee notes that the proposed amendments under the Penal Code (Amendment) Bill, N.A.B. No. 74 of 2026, represent a significant step towards strengthening the legal framework for combating stock theft and enhancing restitution mechanisms for victims.

However, the Committee urges the Executive to carefully consider the concerns and recommendations raised by stakeholders, as contained in this Report, in order to further strengthen the Bill and enhance its effectiveness.

The Committee contends that, subject to the recommended refinements, the Bill will contribute significantly to improving deterrence, promoting restorative justice, and ensuring a more balanced, fair, and effective criminal justice system.

We have the honour to be, Madam Speaker, the Committee on Legal Affairs, Human Rights and Governance, mandated to consider the Penal Code (Amendment) Bill, N.A.B. No. 74 of 2026.



Mr Chinga Miyutu, MP
CHAIRPERSON

May, 2026
LUSAKA

APPENDIX I - List of National Assembly Officials

Mr Charles Haambote, Director of Committees (SC)
Mrs Chitalu, K Mumba, Deputy Director of Committees (SC)
Mr Charles Chishimba, Senior Committee Clerk (FC1)
Mrs Prisca M Shimalungwe, Committee Clerk
Mr Ronald Muthoiwa Semani, Committee Clerk
Mrs Vivian M Banda, Administrative Assistant
Mr Daniel Lupiya, Senior Committee Assistant
Mr Muyembi Kantumoya, Committee Assistant
Ms Taona Chabinga, Committee Assistant

APPENDIX II - List of Witnesses

Chapter one Foundation
Human Rights Commission
Ministry of Justice
Ministry of Home Affairs and Internal Security
National Prosecution Authority