



GOVERNMENT GAZETTE

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Government Notice

OFFICE OF THE PRIME MINISTER

No. 95

1993

PROMULGATION OF ACT OF THE NATIONAL ASSEMBLY

The following Act which has been passed by the National Assembly and signed by the President in terms of the Namibian Constitution is hereby published in terms of Article 56 of that Constitution.

No. 19 of 1993: Stock Theft Amendment Act, 1993.

EXPLANATORY NOTE:

- _____ Words underlined with solid line indicate insertions in existing enactments.
- [] Words in bold type in square brackets indicate omissions from existing enactments.

ACT

To amend the Stock Theft Act, 1990, so as to assign the administration of the Act to the Minister of Home Affairs; to provide for minimum sentences in respect of certain convictions and to prohibit the suspension or postponement of a sentence or a discharge with a caution or a reprimand in such cases; to remove certain restrictions relating to the justiciability of certain offences, and to provide for matters incidental thereto.

(Signed by the President on 11 August 1993)

BE IT ENACTED by the Parliament of the Republic of Namibia, as follows:-

Amendment of section 1 of Act 12 of 1990.

1. Section 1 of the Stock Theft Act, 1990 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of "Minister" of the following definition:

“ ‘Minister’ means the Minister of **[Justice]** Home Affairs;”.

Repeal of section 12A of Act 12 of 1990, as inserted by section 4 of Act 4 of 1991.

2. Section 12A of the principal Act is hereby repealed.

Substitution of section 14 of Act 12 of 1990, as amended by section 6 of Act 4 of 1991.

3. The following section is hereby substituted for section 14 of the principal Act:

“Penalties for certain offences.

14. (1) Any person who is convicted of an offence referred to in paragraph (a), (b), (c) or (d) of subsection (1) of section 11 shall be liable -

(a) in the case of a first conviction -

(i) to imprisonment for a period not exceeding 10 years; or

(ii) to a fine not exceeding R40 000; or

(iii) to both such fine and such imprisonment; or

(b) in the case of a second or subsequent conviction, to imprisonment for a period not exceeding 20 years: Provided that where such second or subsequent conviction relates to stock, other than poultry or the carcase or portion of the carcase of any such stock, such person shall be liable to imprisonment for a period of not less than three years, but not exceeding 20 years.

(2) Notwithstanding anything to the contrary in any law contained, no person shall on a conviction under the provisions of the proviso to paragraph (b) of subsection (1) be dealt with under section 297 of the Criminal Procedure Act, 1977 (Act 51 of 1977), if such person was at the commission of the offence in question 18 years of age or older."

Insertion of section 15A in Act 12 of 1990.

4. The following section is hereby inserted after section 15 of the principal Act:

"Jurisdiction of magistrates' courts in respect of penalties.

15A. Notwithstanding anything to the contrary in any other law contained, magistrates' courts shall have jurisdiction to impose any penalty provided for under sections 14 and 15 of this Act."

Short title and
commencement.

5. (1) This Act shall be called the Stock Theft Amendment Act, 1993, and shall come into operation on a date determined by the Minister of Home Affairs by notice in the *Gazette*.

(2) Different dates may be determined under subsection (1) in respect of different provisions of this Act.
