



SWAZILAND  
GOVERNMENT GAZETTE  
EXTRAORDINARY

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VOL. XXV]

MBABANE, Friday August 14th., 1987

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SUPPLEMENT TO  
THE  
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THE STOCK THEFT (AMENDMENT) BILL, 1987

(Bill No. 9 of 1987)

(To be presented by the Minister for Justice)

MEMORANDUM OF OBJECTS AND REASONS

The purpose of this Bill is to amend the Stock Theft Act, 1982 so as to empower the Courts to suspend or revoke a Licence held by a person entitling him to buy, sell or otherwise acquire or dispose of livestock or produce and who, in the course of criminal proceedings for an offence relating to the theft or unlawful possession of livestock is shown to have been unlawfully associated with the commission of the alleged offence or to have received the proceeds thereof or has been convicted of such offence under the Act.

The Bill also seeks to prescribe minimum penalties for offences of theft and unlawful possession of stock except in cases where extenuating circumstances exist.

D.P. MAKANZA  
*Attorney—General*

A BILL  
entitled

An Act to amend the Stock Theft Act, 1982.

ENACTED by the King and the Parliament of Swaziland.

*Short title.*

1. This Act may be cited as the Stock Theft (Amendment) Act, 1987 and shall be read as one with the Stock Theft Act, 1982 (hereinafter referred to as "the principal Act").

*Amendment of section 2.*

2. Section 2 of the principal Act is amended—

- (a) in the definition "produce" by deleting the words "and any wool, mohair or ostrich feathers"; and
- (b) by replacing the definition "stock" with the following—  
"stock" means cattle, sheep or goat;.

*Amendment of section 8.*

3. Section 8 of the principal Act is amended by replacing subsections (1), (2) and (3) with the following subsections—

"(1) This section shall not apply to the sale of meat by a licensed butcher which is not intended for resale.

(2) Any person (including an auctioneer, agent or market master) who sells any stock or produce shall, at the time of sale or delivery to the buyer of such stock or produce, furnish the buyer with a document in the prescribed form witnessing such sale.

(3) No person to whom any stock or produce has been sold shall take delivery thereof without the document of sale referred to in subsection (2)."

*Amendment of section 18.*

4. Section 18 of the principal Act is amended by replacing subsection (1) with the following—

"(1) A person convicted of an offence under section 3 or 4 in relation to any cattle, sheep, goat or pig shall be liable to imprisonment for a period of not less than—

- (a) two years without the option of a fine in respect of a first offence; or
- (b) five years without the option of a fine in respect of a second or subsequent offence,

but in either case no such period of imprisonment shall exceed ten years;

Provided that if the court convicting such person is satisfied that there are extenuating circumstances in connection with the commission of such offence, the court shall impose a fine not exceeding E2000 or a term of imprisonment not exceeding ten years or both."

*Addition of section 20 bis.*

5. The principal Act is amended by adding the following section immediately after section 20 —

*"Suspension or revocation of licence in certain circumstances.*

20 bis. (1) Where in any criminal proceedings for an offence under section 3,4,5,6 or 7—

- (a) the court is satisfied that any person, other than an accused person, who holds a licence entitling him to buy, sell or otherwise acquire or dispose of livestock or produce has been unlawfully associated with an offence with which another person has been charged or has received the proceeds thereof; or
- (b) a person holding such licence as is referred to in paragraph (a) is convicted on such offence

the court may suspend or revoke his licence after giving him an opportunity to show cause why such licence should not be suspended or revoked.

(2) Any person whose licence has been revoked under subsection (1) shall not be eligible for the grant of such a licence for a period of two years from the date of the revocation of the licence and any licence granted in contravention of this subsection shall be void.

(3) For the purpose of paragraph (a) of subsection (1), a person shall be deemed to be unlawfully associated with an offence referred to in that subsection if the court is satisfied that he did any of the acts set out in paragraphs (a) to (f) of section 13(1) or counselled, persuaded, recommended, directed, or assisted in the commission of such offence.