

GOVERNMENT OF ZAMBIA

ACT

No. 20 of 2023

Date of Assent: 22nd December, 2023

An Act to amend the Penal Code.

[26th December, 2023

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

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

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

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

Theft of
Stock or
produce

282B. (1) A person who steals any of the following commits an offence:

(a) a horse, mare, gelding, ass, mule, camel, ostrich, ram, ewe, wether, goat or pig, or the young of such animal; and

(b) a bull, cow or ox, or the young of such animal.

(2) A person who is convicted of an offence under subsection (1)(a) is liable—

(a) in the case of a first offence, to imprisonment for a term not exceeding fifteen years; and

(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.

(3) A person who is convicted of an offence under subsection (1)(b) is liable—

(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

(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.

(4) A person who steals produce commits an offence and is liable, on conviction, to imprisonment for a term not exceeding fifteen years.

Procuring,
inciting etc
theft of
stock or
produce

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.

Possession
of stolen
stock or
produce

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—

(a) in case of a first offence, to imprisonment for a term of not less than five years and not exceeding twelve years; and

(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.

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

- (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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