



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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No. 201

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Government Notice

OFFICE OF THE PRIME MINISTER

No. 58

1991

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. 4 of 1991: Stock Theft Amendment Act, 1991.

EXPLANATORY NOTE:

————— Words underlined with solid line indicate insertions proposed.

[] Words in bold type in square brackets indicate omissions proposed.

ACT

To amend the Stock Theft Act, 1990, so as to further regulate the particulars to be contained in a document of identification; to prohibit offences relating to stock theft or the theft of stock or produce to be justiciable by any person or body acting in terms of the traditional law and customs; to repeal the provision relating to the institution of a trial only at the instance of the Prosecutor-General; to make certain editorial corrections; and to provide for matters incidental thereto.

(Signed by the President on 3 May 1991)

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

Amendment of section 6
of Act 12 of 1990.

1. Section 6 of the Stock Theft Act, 1990 (hereinafter referred to as the principal Act), is hereby amended by the insertion after subsection (1) of the following subsection:

“(1A) For the purposes of paragraph (b) of subsection (1), a person shall be deemed not to have complied with the provisions of that paragraph, unless -

- (a) the employer, chief or headman of the person concerned or a deputy of such chief or headman or any member of a traditional council or authority or a representative of such chief, headman or council;
- (b) a justice of the peace;
- (c) a policeman of or above the rank of sergeant;

- (d) a stock inspector;
- (e) two residents of the neighbourhood in which the transaction takes place; or
- (f) the person from whom such person purchased or acquired such stock if the first-mentioned person has a known or fixed address,

certifies that to the best of his or her or their knowledge and belief such person is entitled to dispose of or deal with such stock.”.

Amendment of section 7
of Act 12 of 1990.

2. Section 7 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) Any person who fails to comply with the provisions of subsection (2) or any demand made under subsection [**and upon such demand the person having possession of such certificate shall produce it for inspection to**] (3) or who wilfully makes any false statement in a certificate referred to in subsection (1), shall be guilty of an offence.”.

Amendment of section 9
of Act 12 of 1990.

3. Section 9 of the principal Act is hereby amended by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:

“To the extent that the provisions of this section authorize the interference with the privacy of a person’s home or the deprivation of the personal liberty of such person by conducting any search or making any arrest under those provisions, as the case may be, such interference or deprivation shall [**be deemed to**] be authorized only -”.

Insertion of section 12A in
Act 12 of 1990.

4. The following section is hereby inserted after section 12 of the principal Act:

Act No. 4, 1991

STOCK THEFT AMENDMENT ACT, 1991

“Offences relating to stock theft or the theft of stock or produce not justiciable in accordance with the traditional law and customs.

12A. Notwithstanding anything to the contrary in any law contained, no offence relating to stock theft or the theft of stock or produce, whether under this Act or the common law or the traditional law and customs observed by any communities in Namibia, shall, from the date of commencement of the Stock Theft Amendment Act, 1991, be justiciable in accordance with such law and customs by any person or body acting in terms of such law and customs.”.

Repeal of section 13.

5. Section 13 of principal Act is hereby repealed.

Amendment of section 14 of Act 12 of 1990.

6. Section 14 of the principal Act is hereby amended by the substitution for paragraph (b) of the following paragraph:

“(b) in the case of a second or subsequent conviction for any such offence, imprisonment for any period not exceeding [**period**] twenty years.”.

Short title.

7. This Act shall be called the Stock Theft Amendment Act, 1991.
