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**This document reflects the wording of the Stock Theft Prevention Act  
(formerly the Stock Theft Act) as amended at 1st December 2007,  
i.e. up to and including the amendments made by Act 9/2006**

**The Act has been substantially amended since 2001,  
principally by the Criminal Law Code, to section 114 of which  
the reader is referred for the offence of stock theft.  
The wording of section 114 is set out at the end of this document.**

**CHAPTER 9:18**

**STOCK THEFT PREVENTION ACT<sup>12</sup>**

*Acts 21/1959, 53/1971, 57/1972 (s. 3), 26/1975, 10/1976, 37/1977 (s. 5), 10/1982, 15/1982, 22/2001  
(s. 4), 6/2004, 6/2005 (s. 10), 23/2004, , 9/2006; R. G. N.s 153/1963, 684/1974.*

**ARRANGEMENT OF SECTIONS**

*Section*

1. Short title.
2. Interpretation.
3. Application of Act.
4. *{Repealed}*
5. *{Repealed}*
6. *{Repealed}*.
7. Register to be kept by butchers and buyers of skins or hides.
8. *{Repealed}*
9. *{Repealed}*.
10. Compensatory fine.
11. *{Repealed}*.
12. *{Repealed}*

**AN ACT to consolidate and amend the law relating to theft of stock and produce.**

[Date of commencement: 1st May, 1959.]

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<sup>1</sup> Administration assigned to Minister of Home Affairs by Statutory Instrument 148/2006.

<sup>2</sup> Since the publication of the Revised Edition of the Statutes in 1996, the Act has been amended by the Criminal Penalties Amendment Act, 2001 (No. 22 of 2001) with effect from 20th May 2002; the Stock Theft Amendment Act, 2004 (No. 6 of 2004) with effect from 27th August 2004; the General Laws Amendment Act, 2005 (No. 6 of 2005) with effect from 3rd February 2006; the Criminal Law (Codification and Reform) Act [Chapter 9:23] (Act No. 23 of 2004) with effect from 1st July 2006; and the Criminal Procedure and Evidence Amendment Act, 2006 (No. 9 of 2006) with effect from 19th January 2007.

## 1 Short title

This Act may be cited as the Stock Theft Prevention Act [*Chapter 9:18*].

[Section amended by Act 23/2004 – insertion of "Prevention"]

## 2 Interpretation

In this Act—

**“produce”** means the whole or any part of any skin, hide, horn or egg of stock or any wool or mohair;

**“special jurisdiction”** means special jurisdiction on summary trial or on remittal of the case by the Attorney-General for trial or sentence;

**“stock”** means—

- (a) any horse, mule, ass, bovine, sheep, goat, pig, poultry, pigeon or chinchilla; or
- (b) any domesticated game; or
- (c) the carcass or any portion of a carcass of any stock as defined in paragraph (a) or (b) which has been slaughtered.

## 3 Application of Act

(1) This Act shall not apply to—

- (a) any carcass of stock or any portion of such a carcass or to any produce which had been cooked or processed at the time it is alleged to have been stolen; or
- (b) the carcass or any portion of the carcass of an animal which, at the time of slaughter, was not in the lawful possession of the person from whom such carcass or portion is alleged to have been stolen; or
- (c) the theft of any produce from a person other than the owner or person having the lawful custody of the stock from which such produce is derived or obtained.

(2) Subject to subsection (1), this Act shall apply in every case where a person is indicted, summoned or charged in respect of—

- (a) the theft of stock or produce; or
- (b) receiving any stolen stock or produce, knowing such stock or produce to have been stolen; or
- (c) an attempt, conspiracy or incitement to commit an offence referred to in paragraph (a) or (b); or
- (d) his being an accessory after the fact to an offence referred to in paragraph (a), (b) or (c);

notwithstanding that this Act is not referred to in the indictment, summons or charge concerned.

## 4 ...

[Section repealed by Act 23/2004]

## 5 ...

[Section repealed by Act 23/2004]

## 6 ...

[Section repealed by Act 23/2004]

## **7 Register to be kept by butchers and buyers of skins or hides**

(1) In this section—

“Minister” means the Minister of Justice, Legal and Parliamentary Affairs or any other Minister to whom the President may from time to time assign the administration of this Act;<sup>3</sup>

“stock” means any bovine, sheep or goat, and any reference in this section to “skin” or “hide” shall be construed as a reference to the skin or hide of a bovine, sheep, or goat.

(2) Subject to this section, every butcher and every buyer of skins or hides shall keep a register in which shall be recorded—

- (a) the number of skins and hides of stock slaughtered by him; and
- (b) the number of skins and hides obtained by him from any other person; and
- (c) the names and addresses of all persons from whom he obtained the stock mentioned in paragraph (a) or the skins and hides mentioned in paragraph (b); and
- (d) particulars of the colour, brands and markings of or on every skin and hide mentioned in this subsection; and
- (e) such other particulars as the Minister may, by notice in a statutory instrument, prescribe.

(3) The register to be kept in terms of subsection (2) shall be kept in such form as the Minister may, by notice in a statutory instrument, prescribe.

(4) Every butcher and every buyer of skins or hides shall at all reasonable times permit any police officer or owner of stock to inspect the register kept in terms of subsection (2).

(5) Any butcher or buyer of skins or hides who—

- (a) fails to keep a register in accordance with subsection (2); or
- (b) refuses to permit a police officer or owner of stock to inspect a register kept in terms of subsection (2) or hinders or obstructs any such inspection; or
- (c) makes a false entry in a register kept in terms of subsection (2), knowing such entry to be false;

shall be guilty of an offence.

(6) The Minister may, by notice in writing, exempt from the operation of subsections (2) and (4) any butcher or buyer of skins or hides.

(7) Any person who, contravenes this section shall be guilty of an offence and liable to a fine not exceeding level six or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

[Subsection inserted, Act 22/2001, s. 4]

**8 ...**

[Section repealed by Act 23/2004]

**9 ...**

Section repealed by Act 9/2006

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<sup>3</sup> Administration assigned to Minister of Home Affairs by SI 148.2006.

## 10 Compensatory fine

(1) In any case in which a person is convicted of any contravention of subsection (2) of section 114 of the Criminal Law Code, the court may impose a fine upon the person convicted by way of compensation, in addition to any sentence which it may have imposed upon him, if—

- (a) the person convicted is of or above the age of eighteen years and is unable to satisfy the court that he has not or is unable to obtain the means of satisfying any fine which may be imposed under this section; and
- (b) the court is satisfied that the stock or produce which forms the subject-matter of the charge is the property of some other person; and
- (c) the stock or produce has not been recovered or, if recovered, is worth less than its market value at the time of the theft; and
- (d) the owner of such stock or produce does not apply under the Criminal Procedure and Evidence Act [*Chapter 9:07*] for compensation.

(2) The fine imposed in terms of subsection (1) shall not exceed—

- (a) where the stock or produce has not been recovered, an amount equal to the market value of such stock or produce at the time of the theft;
- (b) where the stock or produce has been recovered, an amount equal to the difference between the market value thereof at the time of the theft and the value of such stock or produce when it was recovered;

less, in either case, the amount of any compensation which may have been paid to the owner by or on behalf of the person convicted.

(3) A fine imposed in terms of this section may be recovered in the manner provided by section 348 of the Criminal Procedure and Evidence Act [*Chapter 9:07*], and any amount so recovered shall be paid to the owner of the stolen stock or produce, subject to the owner giving security *de restituendo* in case the judgment of the court is reversed on appeal or review.

(4) If the court imposes a fine in terms of this section it shall, at the same time, sentence the person convicted to a term of imprisonment not exceeding twelve months in default of payment thereof or recovery thereof in terms of subsection (3).

(5) If some other sentence of imprisonment for the offence has been imposed upon the person convicted, then any sentence of imprisonment imposed in terms of subsection (4) shall be served after the expiration of such other sentence of imprisonment.

(6) In addition to the special jurisdiction conferred in terms of section *nine*, a magistrate shall have special jurisdiction to impose a fine and sentence of imprisonment in terms of this section.

[Section amended by Act 6/2004, and Act 23/2004.

The reference to section 9 in subsection (6) is now otiose, section 9 having been repealed by Act 9/2006.]

## 11 ... and 12 ...

Sections repealed by Act 23/2004

## STOCK THEFT

### EXTRACT FROM CRIMINAL LAW CODE

#### 114 Stock theft

(1) In this section—

“livestock” means—

- (a) any sheep, goat, pig, poultry, ostrich, pigeon, rabbit, or bovine or equine animal;  
or
- (b) any domesticated game; or
- (c) the carcass or any portion of a carcass of any slaughtered livestock as defined in paragraph (a) or (b);

“produce” includes the whole or any part of any skin, hide, horn or egg of livestock or any wool or mohair.

(2) Any person who—

(a) takes livestock or its produce—

- (i) knowing that another person is entitled to own, possess or control the livestock or its produce or realising that there is a real risk or possibility that another person may be so entitled; and
- (ii) intending to deprive the other person permanently of his or her ownership, possession or control, or realising that there is a real risk or possibility that he or she may so deprive the other person of his or her ownership, possession or control;

or

(b) takes possession of stolen livestock or its produce—

- (i) knowing that it has been stolen; or
- (ii) realising that there is a real risk or possibility that it has been stolen;

or

(c) is found in possession of, or has been in possession of, livestock or its produce in circumstances which give rise, either at the time of the possession or at any time thereafter, to a reasonable suspicion that at the time of such possession the livestock or its produce was stolen, and who is unable at any time to give a satisfactory explanation of his or her possession; or

(d) acquires or receives into his or her possession from any other person any stolen livestock or produce without reasonable cause (the proof whereof lies on him or her) for believing at the time of acquiring or receiving such livestock or produce that it was the property of the person from whom he or she acquired or received it or that such person was duly authorised by the owner thereof to deal with it or dispose of it;

shall be guilty of stock theft and liable—

(e) if the stock theft involved any bovine or equine animal stolen in the circumstances described in paragraph (a) or (b), and there are no special circumstances in the

particular case as provided in subsection (3), to imprisonment for a period of not less than nine years or more than twenty-five years; or

- (f) if the stock theft was committed in the circumstances described in paragraph (a) or (b) but did not involve any bovine or equine animal, or was committed in the circumstances described in paragraph (c) or (d)—

- (i) to a fine not exceeding level fourteen or twice the value of the stolen property, whichever is the greater; or

- (ii) to imprisonment for a period not exceeding twenty-five years;

or both.

(3) If a person convicted of stock theft involving any bovine or equine animal stolen in the circumstances described in paragraph (a) or (b) of subsection (2) satisfies the court that there are special circumstances peculiar to the case, which circumstances shall be recorded by the court, why the penalty provided under paragraph (e) of subsection (2) should not be imposed, the convicted person shall be liable to the penalty provided under paragraph (f) of subsection (2).

(4) A court sentencing a person under paragraph (e) of subsection (2)—

- (a) to the minimum sentence of imprisonment of nine years, shall not order that the operation of the whole or any part of the sentence be suspended;

- (b) to imprisonment in excess of the minimum sentence of imprisonment of nine years, may order that the operation of the whole or any part of the sentence exceeding nine years be suspended.

(5) Any person who enters any cattle kraal, stable, byre, fold, pen, sty, loft, coop, run, building or other enclosure with intent to steal any livestock or its produce therefrom shall be guilty of attempted stock theft and liable to a fine not exceeding level twelve or imprisonment for a period not exceeding two years or both.

(6) When any person is accused of a contravention of subsection (5), the onus shall be on such person to prove that he or she had no intention of stealing any livestock or its produce.

(7) A person accused of contravening—

- (a) paragraph (a) or (b) of subsection (2) may be found guilty of theft or receiving stolen property knowing it to have been stolen, if such a conviction is the more appropriate on the evidence;

- (b) paragraph (c) or (d) of subsection (2) may be found guilty of theft, receiving stolen property knowing it to have been stolen or possessing property reasonably suspected of being stolen, if such conviction is the more appropriate on the evidence;

- (c) paragraph (c) or (d) of subsection (2) may be charged<sup>4</sup> alternatively with theft, receiving stolen property knowing it to have been stolen or possessing property reasonably suspected of being stolen.

(8) Any person charged with the stock theft involving livestock or its produce belonging to a particular person may be found guilty of stock theft, theft or any other crime of which he or she may be found guilty in terms of Chapter XV notwithstanding the fact that the prosecution has failed to prove that such livestock or produce actually did belong to such particular person.

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<sup>4</sup> As amended by s. 31 of Act 9/2006 ["concurrently or" deleted before "alternatively"].

