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**CONTENTS**

No.	Page
<b>ACT</b>	
4 Stock Theft Act 2000 .....	3

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## STOCK THEFT ACT 2000

### ARRANGEMENT OF SECTIONS

#### SECTION

1. Short title and commencement
2. Interpretation
3. Acquisition *of* stock or produce
4. Registration of stock
5. Marking of stock
6. Tampering with stock or produce
7. Bewys
8. Bewys to be furnished on disposal
9. Authority to drive or convey stock
10. Night delivery of stock or produce
11. Search and seizure by police officer
12. Costs, compensation and restitution
13. Offences
14. Penalties
15. Regulations
16. Repeal

## STOCK THEFT ACT 2000

### ACT NO. 4 OF 2000

**An Act to make provision for the prevention of theft of stock and stock produce and for incidental matters.**

**Enacted by the Parliament of Lesotho**

#### **Short title and commencement**

1. This Act may be cited as the Stock Theft Act, 2000 and shall come into operation on the date of its publication in the Gazette.

#### **Interpretation**

2. In this Act, unless the context otherwise requires –  
“bewys” means a document which states the full particulars of stock and authorises change of ownership or possession of stock;  
“bewys writer” means a person who is authorised by the Village Development Council to issue bewys;

“chief” has the meaning assigned to it under the Chieftainship Act 1968<sup>1</sup>; “master stock register” means a document used by a chief to register the stock in the area under his

jurisdiction;

“Minister” means the Minister responsible for Home Affairs;

“police officer” means a member for the Police Service and includes a person appointed to act as a police assistant or police volunteer under the Police Act 19982;

“produce” means a whole or part of a skin, hide, horn, carcass, wool, mohair, ostrich egg, ostrich feather or milk;

“stock” means a horse, donkey, mule, cattle, sheep, goat, pig, domesticated ostrich, any domesticated game or its young one;

“stock register” means a document in which a person who owns or possesses stock registers the stock;

“Village Development Council” means the Village Development Council established under the Development Councils Order, 1991<sup>3</sup> “as amended by Development Councils (Amendment) Order 1992.”

### **Acquisition of stock or produce**

3. (1) A person shall not, in any manner, acquire or receive into the person’s possession stock, produce or both from a person who is the owner of the stock, produce or both or a person authorised by the owner in writing to dispose of the stock, produce or both, unless at the same time of acquisition or receipt of the stock, produce or both the person has reasonable belief that the stock or produce is the property of that other person.

(2) If, there are reasonable grounds for believing, or there is reasonable suspicion that a person who is found in possession of stock, produce or both has acquired or received the stock or produce unlawfully and is unable to give a satisfactory account of such possession, it shall be competent for any person authorised to do so under the provisions of the Criminal Procedure and Evidence Act 1981<sup>4</sup>, chief or police officer to arrest or cause to be arrested the person without a warrant.

### **Registration of stock**

4. (1) A person who owns or possesses stock shall register or cause to be registered the stock with his chief within seven days of being in possession of the stock.

(2) The chief shall, upon request by the owner or the person in possession of the stock in the area under his jurisdiction and having verified ownership or possession of the stock, register or cause to be registered the stock register concurrently with the master stock register.

(3) Where a person owns or possesses stock and the stock has a young one, the person shall register or cause to be registered the young one within three months from the date of its birth.

(4) A person to whom stock or stock produce is sold, bartered, given or who has, in any manner, acquired the stock for any purpose shall register or cause to be registered the stock within seven days of acquiring the stock.

(5) A person who owns or possesses stock shall, & all times, keep the stock register in respect of the stock.

(6) The chief shall ensure that the stock register states the particulars and identification marks of the stock.

(7) The chief shall, for the area under his jurisdiction, keep or cause to be kept a master stock register.

(8) A person who—

(a) contravenes a provision of this section; or

(b) makes a false statement in the stock or master stock register, commits an

offence.

### **Marking of stock**

5. (1) A person who owns or possesses stock shall mark or cause to be marked the stock, for purposes of identification, in a form of earmarking, and branding or tattooing.

(2) The person referred to under subsection (1) shall mark the stock in the presence of his chief or his representative who shall enter or cause to be entered the mark in the stock register concurrently with the master stock register.

(3) The chief shall ensure that a brand used by a person is not similar to a brand used by any other person in the area under his jurisdiction.

(4) A person who acquires or receives stock bearing an identification mark in a form of earmarking and branding or tattooing shall not mark or cause to be marked the stock.

(5) Earmarking in a form of deep stump (sesholo) and deep winckle haak (bentlelaka e tebileng) shall cease to be used as identification marks for stock.

(6) A person who marks or causes to be marked stock in a form of deep stump or deep winckle commits an offence.

(7) A person who owns or possesses stock bearing deep stump or deep winckle haak shall, within 30 days of the commencement of this Act, inform the chief about such stock.

(8) Where a person owns or possesses stock and the stock has a young one, the person shall earmark or cause to be earmarked the young one within three months of its birth.

### **Tampering with stock or produce**

6. A person who tampers with, alters, assists in tampering with or altering an earmark, brand, tattoo or any other identification mark of stock or produce in any manner that conceals or disguises the identification of the stock or produce commits an offence.

### **Bewys**

7. (1) A bewys writer shall, upon request by the owner or person in possession of the stock and having verified ownership or possession of stock, issue bewys in respect of the stock.

(2) The bewys writer shall ensure that the bewys states—

(a) the name and address of the person conveying the stock or produce;

(b) the name and address of the owner or the person in possession of stock or produce;

(c) the place from and to which the stock or produce is being conveyed;

(d) the date of issue of the authority with the official date stamp;

(e) if applicable, the registration number, model and make of the vehicle used to convey or transport the stock or produce; and

(f) any other relevant information.

### **Bewys to be furnished on disposal**

8. (1) A person who sells, barter, gives or in any other manner disposes of stock to another person shall obtain bewys issued by the bewys writer not more than three months before the disposal of the stock.

(2) A person who sells, barter, gives or in any other manner disposes of stock to another person shall deliver the stock with its bewys.

(3) The bewys obtained under subsection (1) shall, in addition to the particulars or identification marks, state the name and address of the person who sells, barter, gives or in any manner disposes of the stock.

(4) A person to whom the stock is sold, bartered given or in any other manner disposed of shall not accept delivery of the stock without obtaining the bewys from the person who delivered the stock.

(5) A person referred to under subsection (4) shall, at all times, keep the bewys in respect of the stock.

(6) A person who disposes of stock without bewys or with bewys not reflecting the person's name and particulars, in respect of the stock, commits an offence.

(7) A person who has lost bewys shall, as soon as the person discovers that the bewys is lost, inform the chief.

(8) Any person, chief or police officer who has reasonable belief or suspicion that a person is in unlawful possession of stock may, at any time, demand an inspection of the bewys from the person who possesses stock, and upon such demand, the person in possession of the stock shall produce the bewys for inspection.

(9) A person who—

(a) contravenes a provision of this section; or (b) makes a false statement in a bewys, commits an offence.

#### **Authority to convey stock**

9. (1) A person shall not convey stock from the area under the jurisdiction of one chief to another unless the person has bewys in respect of the stock.

(2) A person who owns or possesses stock shall not cause, allow or permit another person to convey the stock without bewys in respect of the stock.

(3) A person who is found conveying stock without bewys in respect of the stock commits an offence.

(4) A person who falsely declares that the person is the owner or is in lawful possession of the stock, produce or both being conveyed commits an offence.

#### **Night conveyance, delivery or acceptance of stock or produce**

10. (1) No person shall convey, deliver or accept delivery of stock, produce or both between the hours of sun set and sun rise.

(2) Any person who contravenes the provisions of this section commits an offence.

#### **Search and seizure by police office**

11. Notwithstanding the rank of the police officer, any police officer may discharge the duties stipulated under sections 47 and 48 of the Criminal Procedure and Evidence Act 1981.

#### **Costs, compensation and restitution**

12. Notwithstanding the amount of compensation provided under section 32 1(1) of the Criminal Procedure and Evidence Act 1981, the court may, to a person who has suffered damage or loss to stock or produce, award the amount of compensation not exceeding the

market value of the stock or produce damaged or lost.

### **Offences**

13. (1) A person who –
- (a) incites, hires, directs or assists another person to contravene the provisions of this Act;
  - (b) tempers with, alters, counterfeits or adds any writing on a bewys leaf;
  - (c) is found in possession of bewys referred to under paragraph (b),
- Commits an offence.

- (2) A person who, at the time of committing theft of stock, produce or both –(a) uses violence; or
- (b) threatens another with or without a firearm or any other offensive weapon,

commits an offence and shall be liable to –

- (i) in the case of first conviction, a fine not less than M 10,000 and not exceeding M20 000, or imprisonment for a term not less than five years and not exceeding 10 years or both; or
- (ii) in the case of second or subsequent conviction, a fine not less than M20 000 and not exceeding M40 000 or imprisonment for a term not less than 10 years and not exceeding 20 years or both.

### **Penalties**

14. Unless otherwise provided in this Act, a person who contravenes a provision of this Act commits an offence and is liable to –

- (a) in the case of a first conviction –
  - (i) a fine not less than M7 000 and not exceeding M14 000;
  - (ii) imprisonment for a term not less than three years and not exceeding seven years; or
  - (iii) both;
- (b) in the case of second or subsequent conviction –
  - (i) a fine not less than M7 000 and not exceeding M14 000;
  - (ii) imprisonment for a term not less than seven years and not exceeding 14 years; or
  - (iii) both.

### **Regulations**

15. The Minister may make regulations generally for giving effect to the provisions of this Act.

### **Repeal**

16. The Stock Theft Proclamation 1921<sup>5</sup> is repealed.

### **NOTE**

- 1. Act No.22of 1968
- 2. Act No. 7 of 1998
- 3. Order No. 18 of 1991

4. Act No. 9 of 1981
5. Act No. 80 of 1921