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GOVERNMENT GAZETTE

STAATSKOERANT

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DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 548.

4th April, 1973.

No. 548.

4 April 1973.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 13 of 1973: Stock Theft Amendment Act, 1973.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 13 van 1973: Wysigingswet op Veediefstal, 1973.

Act No. 13, 1973

STOCK THEFT AMENDMENT ACT, 1973.

ACT

To amend the provisions of the Stock Theft Act, 1959, and the provisions of section 13 of the General Law Amendment Act, 1972, so as to apply the said provisions in the territory of South West Africa; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 22nd March, 1973.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Substitution of section 15 of Act 57 of 1959, as substituted by section 13 of Act 102 of 1972.

1. The following section is hereby substituted for section 15 of the Stock Theft Act, 1959 (hereinafter referred to as the principal Act):

"Compensation for damage to or loss of stock or produce.

15. Whenever any court convicts any person of an offence referred to in section 11 (1) (a), (b), (c) or (d), which has caused damage to or loss of stock or produce, the court shall direct the attention of the owner thereof, if present in court, to the provisions of section 357 of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), or, in relation to the territory of South-West Africa, to the provisions of section 344 of the Criminal Procedure Ordinance, 1963 (Ordinance No. 34 of 1963 of the said territory), or, in relation to the Eastern Caprivi Zipfel, to the provisions of section 328 of the Criminal Procedure and Evidence Proclamation, 1935 (Proclamation No. 30 of 1935)."

Substitution of section 19 of Act 57 of 1959.

2. The following section is hereby substituted for section 19 of the principal Act:

"Certain provisions of Transkeian Territories Penal Code may be made applicable in certain areas.

19. The State President may by proclamation in the *Gazette* extend the operation of the provisions of sections 200, 201 and 202 of the Bantu Territories Penal Code (Act No. 24 of 1886 of the Cape of Good Hope), as read with the Transkeian Territories Penal Code Amendment Act, 1898 (Act No. 41 of 1898 of the Cape of Good Hope), to any area within a released area or scheduled Bantu area as defined in the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936), or, in relation to the territory of South-West Africa, within any area consisting of land or an area which has been or may be reserved and set apart as is contemplated in section 4 of the South-West Africa Native Affairs Administration Act, 1954 (Act No. 56 of 1954), specified in the proclamation, and may in like manner amend or repeal any such proclamation."

Insertion of section 19A in Act 57 of 1959.

3. The following section is hereby inserted in the principal Act after section 19:

"Applicability of Act in South-West Africa.

19A. This Act and any amendment thereof shall apply also in the territory of South-West Africa, including the Eastern Caprivi Zipfel."

WYSIGINGSWET OP VEEDIEFSTAL, 1973.

Wet No. 13, 1973

WET

Tot wysiging van die bepalings van die Wet op Veediefstal, 1959, en die bepalings van artikel 13 van die Algemene Regs-wysigingswet, 1972, ten einde genoemde bepalings in die gebied Suidwes-Afrika van toepassing te maak; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 22 Maart 1973.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel 15 van die Wet op Veediefstal, 1959 (hieronder die Hoofwet genoem), word hierby deur die volgende artikel vervang:

„Vergoe-
ding vir
skade aan
of verlies
van vee of
produkte.

15. Wanneer 'n hof iemand veroordeel weens 'n in artikel 11 (1) (a), (b), (c) of (d) vermelde misdryf waardeur skade aan of verlies van vee of produkte veroorsaak is, vestig die hof die aandag van die eienaar daarvan, indien hy in die hof aanwesig is, op die bepalings van artikel 357 van die Strafproseswet, 1955 (Wet No. 56 van 1955), of, met betrekking tot die gebied Suidwes-Afrika, op die bepalings van artikel 344 van die Strafprosesordonnansie, 1963 (Ordonnansie No. 34 van 1963 van genoemde gebied), of, met betrekking tot die Oostelike Caprivi Zipfel, op die bepalings van artikel 328 van die Kriminele Prosedure en Bewyslewering Proklamasie, 1935 (Proklamasie No. 30 van 1935).”

Vervanging van
artikel 15 van
Wet 57 van
1959, soos ver-
vang deur artikel
13 van Wet 102
van 1972.

2. Artikel 19 van die Hoofwet word hierby deur die volgende artikel vervang:

„Sekere
bepalings
van die
strafkode
van die
Transkei-
gebied kan
in sekere
gebiede
toegepas
word.

19. Die Staatspresident kan by proklamasie in die Staatskoerant die toepassing van die bepalings van artikels 200, 201 en 202 van die 'Bantu Territories Penal Code' (Wet No. 24 van 1886 van die Kaap die Goeie Hoop), soos uitgelê met inagneming van die 'Transkeian Territories Penal Code Amendment Act, 1898' (Wet No. 41 van 1898 van die Kaap die Goeie Hoop), uitbrei tot enige in die proklamasie vermelde gebied binne 'n oopgestelde gebied of afgesonderde Bantoegebied soos in die Bantoetrust en -grond Wet, 1936 (Wet No. 18 van 1936), omskryf, of, met betrekking tot die gebied Suidwes-Afrika, binne 'n gebied bestaande uit grond of 'n oppervlakte wat gereserveer en afgesonder is of word soos beoog in artikel 4 van die Wet op die Administrasie van Naturellesake in Suidwes-Afrika, 1954 (Wet No. 56 van 1954), en kan so 'n proklamasie op dergelike wyse wysig of herroep.”

Vervanging van
artikel 19 van
Wet 57 van 1959.

3. Die volgende artikel word hierby in die Hoofwet na artikel 19 ingevoeg:

„Toe-
passing
van Wet in
Suidwes-
Afrika.

19A. Hierdie Wet en enige wysiging daarvan is ook van toepassing in die gebied Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Zipfel.”

Invoeging van
artikel 19A in
Wet 57 van 1959.

Act No. 13, 1973

STOCK THEFT AMENDMENT ACT, 1973.

Amendment of
section 13 of
Act 102 of 1972.

4. Section 13 of the General Law Amendment Act, 1972, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) For the purposes of section 334^{ter} or 334^{quat} of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), or, in relation to the territory of South-West Africa, section 318 or 319 of the Criminal Procedure Ordinance, 1963 (Ordinance No. 34 of 1963 of the said territory), no punishment imposed under section 15 of the Stock Theft Act, 1959 (Act No. 57 of 1959), shall be taken into account.”.

Repeal of laws.

5. (1) Subject to the provisions of subsection (2), the laws specified in the Schedule are hereby repealed to the extent set out in the third column thereof.

(2) Anything done by virtue of a provision of any law repealed by subsection (1), shall be deemed to have been done by virtue of the corresponding provision of the principal Act, and any conviction for any offence under any law so repealed shall be deemed to be a conviction under the principal Act.

(3) This section shall apply also in the Eastern Caprivi Zipfel.

Short title and
commencement.

6. This Act shall be called the Stock Theft Amendment Act, 1973, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

Schedule

LAWS REPEALED

No. and year of law	Short title	Extent of repeal
SOUTH-WEST AFRICA		
Ordinance No. 11 of 1935	Stock Theft Law Amendment Ordinance, 1935	The whole.
Proclamation No. 15 of 1935	Stock Theft Law Amendment Proclamation, 1935	The whole.
Proclamation No. 4 of 1945	Stock Theft Law Amendment Proclamation, 1945	The whole.
REPUBLIC		
Act No. 102 of 1972 . . .	General Law Amendment Act, 1972	Section 29 (1).

WYSIGINGSWET OP VEEDIEFSTAL, 1973.

Wet No. 13, 1973

4. Artikel 13 van die Algemene Regswysigingswet, 1972, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

Wysiging van
artikel 13 van
Wet 102 van 1972.

„(2) By die toepassing van artikel 334*ter* of 334*quat* van die Strafproseswet, 1955 (Wet No. 56 van 1955), of, met betrekking tot die gebied Suidwes-Afrika, artikel 318 of 319 van die Strafprosesordonnansie, 1963 (Ordonnansie No. 34 van 1963 van genoemde gebied), word 'n straf opgelê kragtens artikel 15 van die Wet op Veediefstal, 1959 (Wet No. 57 van 1959), nie in aanmerking geneem nie.”.

5. (1) Behoudens die bepalings van subartikel (2), word die wette in die Bylae vermeld hierby herroep in die mate in die derde kolom daarvan uiteengesit.

Herroeping van
wette.

(2) Enigiets wat gedoen is kragtens 'n bepaling van 'n wet deur subartikel (1) herroep, word geag gedoen te gewees het kragtens die ooreenstemmende bepaling van die Hoofwet, en enige skuldigbevinding weens 'n misdryf ingevolge 'n aldus herroep wet, word geag 'n skuldigbevinding kragtens die Hoofwet te wees.

(3) Hierdie artikel is ook in die Oostelike Caprivi Zipfel van toepassing.

6. Hierdie Wet heet die Wysigingswet op Veediefstal, 1973, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Bylae

WETTE HERROEP

No. en jaar van wet	Kort titel	In hoeverre herroep
SUIDWES-AFRIKA		
Ordonnansie No. 11 van 1935	Veediefstal Wet Wysigingsordonnansie, 1935	Die geheel.
Proklamasie No. 15 van 1935	Veediefstal Wet Wysigingsproklamasie, 1935	Die geheel.
Proklamasie No. 4 van 1945	Wysigingsproklamasie op die Veediefstal Wet, 1945.	Die geheel.
REPUBLIEK		
Wet No. 102 van 1972 . . .	Algemene Regswysigingswet, 1972 . . .	Artikel 29 (1).

