

GOVERNMENT NOTICE NO.....OF 2024

The Parliament of Lesotho

**Statement of Objects and Reasons of the Stock Theft (Amendment) Bill,
2024**

**(Circulated on the authority of the Honourable Lekhetho Rakuoane
Member of Parliament)**

The purpose of the Bill is to amend the Stock Theft Act 2000 as amended to reinstate minimum penalties and to empower the courts of law to depart from the penalties in that Act due to exceptional and compelling circumstances in the commission of crimes involving theft of stock.

The Act seeks to create a balancing Act where deep displeasure with serious crimes being committed with impunity but on the other hand allowing the courts of law to differ where circumstances so dictate.

In fact, the courts have declared some sections of the principal law as amended in 2003 as unconstitutional on the basis of disproportionality in some circumstances.

Much as the courts appreciate the seriousness of theft of stock, the fact remains that cases of theft of stock tend to vary from one extreme to another, for example the theft of a chicken to the theft of a huge amount of livestock with or without violence or against a vulnerable person or a not so vulnerable person.

STOCK THEFT (AMENDMENT) BILL 2024

A BILL

For

An Act to amend Stock Theft Act, 2000 to make provision for reinstatement of minimum penalties and minimum bail conditions, but also for the courts of law where necessary to depart from the penalties and conditions of bail imposed therein and for related matters.

ENACTED by the Parliament of Lesotho

Short title and commencement

1. This Act may be cited as the Stock Theft (Amendment Act), 2023 and shall come into operation on the date of its publication in the Gazette.

Offences

2. The Stock Theft Act, 2000 (hereinafter referred to as “the principal law”) is amended in section 13 by deleting subsection (2) and substituting the following:

“(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 M25,000.00 and not exceeding M50,000.00 or imprisonment for a term not less than 25 years and not exceeding 50 years or both; or
- (ii) In the case of a second subsequent conviction, a fine not less than M50,000.00 and not exceeding M100,000.00 or imprisonment for a term not less than 50 years or both.”

Bail condition

3. The principal law is amended in section 13A-

(a) by inserting the figure “(1)” immediately after the figure “13A”;

(b) by adding the following subsection-

“(2) notwithstanding subsection (1), the court may, where compelling circumstances exist, depart from the bail amount in subsection (1)”.

Penalties

4. The principal law is amended by deleting section 14 and substituting following:

“14. (1) 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 first conviction, a fine not less than M10,000.00 and not exceeding M25,000.00 or imprisonment for a term not less than 5 years not exceeding 15 years or both;

(b) In case of a second or subsequent conviction, a fine not less than M25,000.00 and not exceeding M50,000.00 or imprisonment for a term not less than 10 years not exceeding 25 years or both;

(2) Notwithstanding section 13 and 14, if the court is satisfied that substantial and compelling circumstances exist which justify the imposition of a lesser sentence than the sentence prescribed in those sections, it shall enter those circumstances on the proceedings and may thereupon impose the lesser sentence.

NOTE

Act No. 4 of 2000