

REPUBLIC OF SOUTH AFRICA

STOCK THEFT AMENDMENT BILL

*(As introduced in the National Assembly (proposed section 75);
explanatory summary of Bill and prior notice of its introduction published in
Government Gazette No.)
(The English text is the official text of the Bill)*

(MINISTER OF POLICE)

[B — 2026]

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

BILL

To amend the Stock Theft Act, 1959 (Act No. 57 of 1959), by substituting section 1 to define certain expressions; to provide for the owner of stock or produce to designate any person to issue an identification document or removal certificate on his or her behalf; to provide for registers of stock on premises, to provide for document of identification to be furnished by a person who disposes of stock; to provide for measures for acquisition of stock or produce from any person whose place of residence is unknown; to provide for stock or produce driven, conveyed or transported; to provide for the validity period of a removal certificate; to provide for offences for persons who contravene or fail to comply with an obligation or a demand provided for and any person who wilfully makes any false statement in a removal certificate; to provide for search, and arrest without warrant by persons other than a police official; to provide for identification by a police official prior to exercising any power in terms of this Act; to provide for entry for purposes of routine inspections; to provide for routine inspections by police official;; to provide for the repeal of certain obsolete provision; to provide for further offences; to provide for penalty provision in respect of sentence; to provide

for the substitution of the minimum amount the magistrate courts may award as compensation where an offence causes damage to, or loss of property; to provide for the Minister to make Regulations; to provide for the repeal or amendment of laws; to provide for transitional provisions; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa as follows:—

Substitution of section 1 of Act 57 of 1959, as amended by section 2 of Act 59 of 1983

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

"Definitions

1. In this Act, unless the context indicates otherwise—

"acquire" means import, obtain, purchase, receive, or any other similar manner of transacting;

"agent" means a person, excluding an auctioneer, who—

(a) carries on a business of dealing in stock;

(b) is not in the employ of an owner of stock, but authorised to deal therewith; or

(c) brokers any transaction relating to stock on behalf of the owner or

person duly authorised by the owner, and includes any person in the
employ of an agent or any person acting on behalf of the agent;

"Animal Identification Act" means the Animal Identification Act, 2002 (Act
No. 6 of 2002)

"area of jurisdiction" means, for purposes of section 7(1)(a), an area of
jurisdiction as defined in section 1 of the Traditional and Khoi-San Leadership
Act, 2019 (Act No. 3 of 2019);

"auctioneer" means a person who sells any stock or produce at a public
auction to the highest bidder, and includes any person in the employ of an
auctioneer;

"Criminal Procedure Act" means the Criminal Procedure Act, 1977 (Act
No. 51 of 1977);

"designated person" means a person who is designated by the owner of
stock or produce in terms of section 1A to issue a document of identification
contemplated in section 6 or a removal certificate contemplated in section 8,
and **"person designated by the owner"** has a corresponding
meaning;

"dispose" means barter, deliver, export, give, sell, supply or in any other
manner dispose of;

"document of identification" means the document issued under section
6(1);

"fence" means any wall, hedge, obstacle or gate designed to prevent any
stock from passing through or across, and includes—

(a) any excavation made with the purpose of preventing any stock from
passing through or across; and

(b) any natural boundary through or across which any stock would not ordinarily pass;

"identification mark" means identification mark as defined in section 1 of the Animal Identification Act, 2002 (Act No. 6 of 2002);

"identity document" means an identity card as defined in section 1 of the Identification Act, 1997 (Act No. 68 of 1997) and includes a green bar-coded identity document referred to in section 25 of that Act;

"identity number" includes a passport number and, in the case of a company, the company registration number where it is required by the context;

"headman" or "headwoman" means a headman or headwoman as defined in section 1 of the Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019);

"lawful occupier" means an inhabitant, lessee, tenant or resident legally permitted by the landowner to occupy the land or premises;

"Minister" means the Cabinet member responsible for policing;

"person" includes a juristic person where it is required by the context;

"police official" means a member of the South African Police Service established by section 5(1) of the South African Police Service Act, 1995 (Act No. 68 of 1995);

"possession" includes having—

(a) under control, in custody or under supervision; or

(b) on premises under a person's control, custody or supervision;

"premises" includes land, any building, structure, vehicle, conveyance, ship, boat or aircraft;

"prescribed" means prescribed by regulation;

"produce" means any part or portion of, or produce derived from or yielded by any stock and includes any such produce contemplated in Schedule D;

" "removal certificate" means the certificate issued under section 8(2);"

"stock" means any live animal contemplated in Schedule B;

"this Act" includes a Schedule to this Act or regulations made under this Act;

"transport" means the moving of stock or produce from one locality to another by any means, including the conveyance, carrying or driving thereof by means of a vessel, aircraft, locomotive, railway carriage, wheelbarrow, cart or vehicle; and

"vehicle" includes a motor vehicle and a vehicle as defined in section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996)."

Insertion of section 1A in Act 57 of 1959

2. The following section is hereby inserted in the principal Act after section 1:

"Designated person

1A. (1) An owner of stock or produce may designate any person to issue a document of identification or a removal certificate on his or her behalf.

(2) No person may act as a designated person unless the owner appoints him or her in writing.

(3) A designation in terms of this section must be in writing and contain the following:

(a) The full names, identity number, physical address and contact number of the person issuing the designation;

(b) the full names, identity number, physical address and contact numbers of the designated person;

(c) the period for which the designation is valid, which may not exceed 12 calendar months;

(d) the date on which the designation was issued;

(e) the signature of the person issuing the designation; and

(e) any other information as may be prescribed.

(4) A designated person must keep the designation in question for a period of six months after expiration of the validity thereof.”.

Substitution of section 3 of Act 57 of 1959, as amended by section 2 of Act 55 of 2002

3. The following section is hereby substituted for section 3 of the principal Act:

"Absence of reasonable cause for believing stock or produce properly acquired

3. (1) Any person who acquires, in any manner than at an auction, stock or produce that he or she knows or ought reasonably to have known or suspected is not the property of the person from whom he or she acquires it or that such person has not been duly authorised by the owner thereof to deal with it or dispose of it, shall be guilty of an offence.

(2) For the purposes of subsection (1), a person reasonably should have known or suspected a fact if the conclusions they should have reached are those that a reasonably diligent and vigilant person would have reached having both—

(a) the general knowledge, skill, training and experience that may reasonably be expected of a person in his or her position; and

(b) the general knowledge, skill, training and experience that he or she in fact has".

Amendment of section 4 of Act 57 of 1959

4. Section 4 of the principal Act is hereby amended—

(a) by the substitution for the heading of the following heading:

"Entering enclosed land or kraal, shed, stable or other walled place with intent to [steal stock or produce] commit offence related to stock or produce";

(b) by the substitution for subsection (1) of the following subsection:

"(1) Any person who—

(a) in any manner enters any land enclosed on all sides with a fence or any kraal, shed, stable or other walled or enclosed place with intent to

[steal any] commit an offence related to stock or produce on such land or in such kraal, shed, stable or other walled or enclosed place [, **shall be guilty of an offence]; or**

(b) without entering another person's land, disperses or lures away any stock from another person's land with intent to commit an offence related to any such stock,

shall be guilty of an offence."

(c) by the insertion after subsection (1) of the following subsection:

"(1A) Any person who, without lawful reason or the permission of the owner, lawful occupier or person in control of stock or produce—

(a) moves or opens a gate, door or fence;

(b) moves, goes or climbs through a fence;

(c) climbs or goes over a wall; or

(d) crawls, goes or walks over, under or through a fence,

to gain access to land, a kraal, a shed, a stable or other walled or enclosed place where any stock or produce is present,

is guilty of an offence." and

(d) by the deletion of subsection (2).

Insertion of section 4A in Act 57 of 1959

5. The following section is hereby inserted in the principal Act after section 4:

"Register of stock on premises

4A. (1) Any person who is the owner or who acquires and is in possession of any stock must keep a register in the prescribed format.

(2) The register contemplated in subsection (1) must provide the following:

- (a) A comprehensive description of the geographical location of the premises where any stock is kept, including the physical address in respect of such premises;
- (b) the date on which the number of stock were counted and verified;
- (c) the full name of the person who counted and verified the number of stock;
- (d) description of all stock on such premises which must include—
 - (i) the breed or, where such breed cannot be reasonably determined, the species;
 - (ii) the gender;
 - (iii) the quantity;
 - (iv) the registered identification mark, where such stock must be marked in accordance with the Animal Identification Act requiring the marking of such animal;
 - (v) an account of the date and method or manner of acquisition or disposal which must, where applicable, include progeny, slaughter, transferral, death, loss or any found or recovered stock; and
 - (vi) the relevant date or dates of registration of the identification

mark.

(3) The person referred to in subsection (1) must—

- (a) make any entry contemplated in this section within seven days from the occurrence of the relevant event in terms of subsection (1);
- (b) ensure that all stock is counted at least every 14 days and that the corresponding entry is made in the register;
- (c) append a consecutive number to every subsequent register pertaining to such premises; and
- (d) retain a register for a period of three years after the last of the stock described in subsection (2)(d), was disposed of.

(4) Any police official may within the period referred to in subsection (2)(d) demand an inspection of such register and, upon such demand, the person having possession of such register shall produce it for inspection to the police official making the demand.

(5) Any person who—

- (a) contravenes any provision of this section or fails to comply with any obligation or demand provided for in terms thereof; or
 - (b) wilfully makes any false statement in a register,
- shall be guilty of an offence.”.

Amendment of section 6 of Act 57 of 1959, as amended by section 3 of Act 59 of 1983 and section 1 of Act 28 of 1990

6. Section 6 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

"(1) Any person (including any auctioneer, agent or market master) who sells, barter, gives or in any other manner disposes of any stock to any other person shall at the time of delivery of the stock to such other person **[of the stock so sold, bartered, given or disposed of,]**furnish such other person with a document **[(hereinafter called a document)]** of identification **[]**—

(a) stating—

- (i) his or her full name, identity number, telephone number, e-mail address where available and physical address and, if the stock was sold, bartered, given or disposed of on behalf of **[some other person]** the owner thereof, by a person designated by the owner, also the full name, identity number, telephone number, e-mail address where available and physical address of such other person;
- (ii) such particulars regarding such stock as may be **[required to be stated therein in terms of any regulation made under section sixteen]** prescribed, but must at least contain the following information:
 - (aa) the breed or, where such breed cannot be reasonably determined, the species;
 - (bb) the quantity;
 - (cc) the registered identification mark, where such stock must be marked in accordance with any law requiring the marking of such animal;

- (dd) any other identification mark or distinguishing feature;
 - (ee) predominant colour or combination of colours; and
 - (ff) gender;
 - (iii) the full name, identity number, telephone number, e-mail address where available, and physical address of the person to whom the stock was sold, bartered, given or disposed of, and if the stock was acquired on behalf of another person, the full name, identity number, telephone number, e-mail address where available, and physical address of such person; and
 - (iv) the date on which the stock was sold, bartered, given or disposed of;
 - (b) a written confirmation signed by the person issuing the document of identification, certifying that such stock is his or her property or that he or she is duly authorised by the owner thereof to deal with or dispose of it;
 - (c) the date on which the transaction was concluded as well as the date when the stock was delivered to or received by the buyer and the document of identification was accordingly issued, if different from each other; and
 - (d) any other information as may be prescribed.”;
 - (b) by the insertion after subsection (1) of the following subsections:
 - “(1A) Any person who disposes of any stock must—

(a) take reasonable steps to verify the information that is presented by the person acquiring the stock in question, and ensure that such information is correctly entered on the document of identification; and

(b) in the case of a person acquiring stock on behalf of another person, inspect the proof presented to him or her that such person is duly authorised to acquire such stock.

(1B) A person contemplated in subsection (1) who disposes of more than one animal whose particulars are identical in respect of every requirement referred to in subsection (1)(a)(ii)(aa) to (ff), may combine the total number of each such group of animals to be recorded on the document of identification contemplated in subsection (1).

(1C) A document of identification contemplated in subsection (1) may not be combined with a removal certificate as contemplated in section 8(1).";

(c) by the substitution for subsections (2), (3) and (4) of the following subsections, respectively:

"(2) No person to whom any stock has been sold, bartered, given or otherwise disposed of and to whom a document of identification is required to be furnished in terms of subsection (1) shall take delivery of such stock without—

(a) obtaining such document of identification at the time of delivery
[.];

- (b) taking reasonable steps to verify the information that is presented by the person disposing of the stock in question, and ensuring that such information is correctly entered on the document of identification;
- (c) inspecting proof that a person disposing of stock on behalf of another person, is duly authorised to dispose of such stock; and
- (d) verifying that such stock is marked in accordance with the Animal Identification Act.

(3) Any person to whom a document of identification has been furnished in terms of subsection (1) shall retain it in his or her possession for a period of at least **[one year]** three years.

(4) Any **[person]** police official may within the period referred to in subsection (3) demand an inspection of such document, and upon such demand the person having possession of such document shall produce it for inspection to the **[person]** police official making the demand.";

(d) by the insertion after subsection (4) of the following subsection:

- "(4A) (1) A person referred to in subsection (4) must—
- (a) furnish the document of identification for inspection within five days of being required to do so by any police official; and
 - (b) maintain the document of identification in such a state that it can be produced in an undefaced and legible condition."

(e) by the substitution in subsection (5) for paragraph (a) of the following paragraph:

“(a) contravenes any provision of this section or fails to comply with any **[provision of this section]** obligation or demand provided for in terms thereof; or”; and

(f) by the substitution for subsection (6) of the following subsection:

“(6) Any person who delivers any stock to an auctioneer, agent or market master **[for the purpose of sale or disposal in any other manner]** to sell, barter, give or in any other manner dispose thereof, shall, for the purposes of this section, be deemed to have disposed of such stock to such auctioneer, agent or market master.”.

Amendment of section 7 of Act 57 of 1959, as amended by section 38 of Act 80 of 1964 section 4 of Act 59 of 1983 and section 2 of Act 28 of 1990

7. Section 7 of the principal Act is hereby amended—

(a) by the substitution for subsections (1), (2), (3) and (4) of the following subsections, respectively:

“(1) Any person who in any manner (otherwise than at a public sale) acquires or receives into his or her possession, or any auctioneer, agent or market master who receives into his or her possession for the purpose of sale, from any person who has no known place of residence, any stock or produce without obtaining at the time

of delivery of such stock or produce to him or her a **[certificate]** written confirmation, issued not more than **[thirty]** fourteen days before the delivery, from—

- (a) the employer, **[chief,]** headman or **[subheadman]** headwoman
[of the person concerned or a deputy of such chief or an
"official witness", as defined in Chapter I of the Code of Zulu
Law, as referred to in section 24 of the Black Administration
Act, 1927 (Act No. 38 of 1927)] in whose area of jurisdiction the
person resides;
- (b) a justice of the peace in whose area of jurisdiction the person
resides;
- (c) a **[policeman]** police official of or above the rank of **[sergeant]**
warrant officer from the station precinct of the area in which the
person resides;
- [(d) a dipping foreman;**
- (e) a stock inspector;**
- (f) two residents of substantial means of the neighbourhood in**
which the transaction takes place]; or
- (g) the person from whom such person purchased or acquired such
stock or produce,

giving a description of the stock or produce and **[certifying]** confirming
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 or produce, shall be
guilty of an offence.

(2) Any person who has obtained such **[a certificate]** written confirmation shall retain it in his or her possession for a period of at least **[one year]** three years.

(3) Any **[person]** police official may within the period referred to in subsection (2) demand an inspection of such written confirmation, and upon such demand the person having possession of such written confirmation shall produce it for inspection to the **[person]** police official making the demand. and

(4) Any person who—
(a) contravenes any provision of this section or fails to comply with
any obligation or demand provided for in terms thereof;
(b) wilfully makes any false statement in a written confirmation,
shall be guilty of an offence."

Substitution of section 8 of Act 57 of 1959, as amended by section 5 of Act 59 of 1983 and section 3 of Act 28 of 1990

8. The following section is hereby substituted for section 8 of the principal Act:

"Stock or produce driven, conveyed or transported

8. (1) Subject to subsection (3), no person other than the owner or a designated person may drive, convey or transport stock or produce

unless he or she is in possession of his or her identity document as well as the duly issued removal certificate contemplated in subsection (2).

(2) A removal certificate must be issued by the owner or designated person and must contain the following particulars:

- (a) The full names, identity number, physical address, e-mail address where available and telephone number of the owner and the designated person if the removal certificate was issued by the designated person on behalf of the owner;
- (b) the full names, identity number, physical address, e-mail address where available and telephone number of the person transporting any stock or produce and, in the case of a person who carries on a business of transporting stock or produce, the full names of the business and the physical address from which such person operates;
- (c) where transport is effected by means of a vehicle, the make, model, colour and registration number of the vehicle used to transport the stock or produce referred to in the removal certificate;
- (d) a comprehensive description of the geographical location of the premises from where any stock or produce is transported, including the physical address in respect of such premises;
- (e) a comprehensive description of the geographical location of the premises to where any stock or produce is transported, including the physical address in respect of such premises;
- (f) the date and estimated duration of the transport;
- (g) in respect of any stock—

- (i) the breed or, where such breed cannot be reasonably determined, the species;
 - (ii) the quantity;
 - (iii) the registered identification mark where such stock must be marked in accordance with any law requiring the marking of such animal;
 - (iv) any other identification mark or distinguishing feature;
 - (v) the predominant colour or combination of colours; and
 - (vi) gender;
 - (h) in respect of any produce—
 - (i) a description of the produce, including the kind of produce;
 - (ii) the number, quantity or weight;
 - (iii) where applicable, any identification mark, number, or distinguishing mark or feature; or
 - (iv) if packed in a container or containers—
 - (aa) the number of containers; and
 - (bb) where applicable, any identification mark and number of any container;
 - (i) the date on which the removal certificate was issued;
 - (j) a certificate signed by the person issuing the removal certificate, certifying that he or she is the owner or designated by the owner to issue such removal certificate; and
 - (k) any other information as may be prescribed.
- (3) Where a person transports more than one animal or item of produce whose particulars are identical, a removal certificate may be

issued which combines the total number of such stock or the total number, quantity or weight of any produce so transported.

(4) The provisions of this section do not apply to a person who—

(a) acquires any produce for consumption or direct use;

(b) transports any stock or produce or causes such stock or produce to be transported on land under the control of the owner or designated person in the course and scope of normal farming activities; or

(c) transports any stock or produce or causes such stock or produce to be transported on or along such portion of any public road that traverses land under the control of the owner in the course and scope of normal farming activities.

(5) The owner or designated person contemplated in subsection (2) may not cause or permit any stock or produce to be transported by any other person without a removal certificate.

(6) A person transporting any stock or produce in terms of this section must take all reasonable steps to ensure that the information regarding such stock or produce which is entered on the removal certificate corresponds with the stock or produce to be transported on the specific vehicle transporting such stock or produce.

(7) Any person who—

(a) contravenes any provision of this section or fails to comply with any obligation provided for in terms thereof; or

(b) wilfully makes any false statement in a removal certificate, shall be guilty of an offence.”

Insertion of sections 8A and 8B in Act 57 of 1959

9. The following sections are hereby inserted in the principal Act after section 8:

“8A. Validity of removal certificate

(1) A removal certificate is valid until—

(a) the expiry of the period referred to in section 8(2)(f);

(b) the stock or produce to which it relates reaches the destination contemplated in section 8(2)(e); or

(c) the need for such removal certificate lapses or expires,

whichever occurs first.

(2) The person to whom a removal certificate is issued must ensure that the removal certificate is endorsed in the prescribed manner when the period of validity terminates as contemplated in subsection (1).

(3) A removal certificate must be retained for a period of one year by—

(a) the person to whom the removal certificate is issued; or

(b) where applicable, the person on whose behalf the stock or produce in question is transported.

(4) Any police official may within the period referred to in subsection (3), demand an inspection of such removal certificate, and upon such demand the person having possession of such removal certificate shall produce it for inspection to the police official making the demand.

(5) Any person who—

- (a) contravenes any provision of this section or fails to comply with any obligation or demand provided for in terms thereof; or
- (b) wilfully makes any false statement in a removal certificate,
- shall be guilty of an offence.

8B. Written consent furnished by the land owner, lawful occupier or person authorised by the land owner or lawful occupier to remove stock or produce

(1) A person who is the owner of any stock present on land not owned or lawfully occupied by him or her, may not remove or cause the removal of any such stock from such land, unless he or she is in possession of written consent furnished by such land owner or lawful occupier or a person authorised by the land owner or lawful occupier.

(2) The owner of the stock contemplated in subsection (1), must effect removal of any such stock within seven days from the date of the written consent.

(3) The written consent contemplated in subsection (1) must contain—

- (a) the full names, identity number, physical address, e-mail address and telephone number of the land owner or lawful occupier and the authorised person if the written consent is furnished by that person on behalf of the owner or lawful occupier;

- (b) the full names, identity number, physical address, e-mail address and telephone number of the owner of the stock in question and, where applicable, the person authorised by him or her to remove such stock;
- (c) a comprehensive description of the geographical location of the premises from where any stock is removed, including the physical address in respect of such premises;
- (d) the date on which the consent is furnished;
- (e) a description of the stock which is to be removed, including—

 - (i) the breed or, where such breed cannot be reasonably determined, the species;
 - (ii) the quantity;
 - (iii) the registered identification mark where such stock must be marked in accordance with any law requiring the marking of such animal;
 - (iv) any other identification mark or distinguishing feature;
 - (v) the predominant colour or combination of colours;
 - (vi) gender; and
- (f) any other information as may be prescribed.

(4) Where a person removes more than one such stock with identical particulars, the land owner, lawful occupier or designated person may combine on such written consent the particulars required by this section, reflecting the total number of such stock.

(5) Any person authorised to consent in terms of this section, must, when requested to do so, furnish the owner of any stock in question with such written consent, unless there are reasonable grounds upon which such person may refuse that consent.

(6) The written consent contemplated in subsection (1) must, where applicable, accompany the removal certificate contemplated in section 8(2).

(7) The written consent must be retained for a period of one year by the person to whom it is issued.

(8) Any justice of the peace, police official, or owner, lessee or occupier of land from which the stock is removed, may within the period referred to in subsection (7), demand an inspection of such written consent, and upon such demand the person having possession of such written consent shall produce it for inspection to the person making the demand.

(9) Any person who contravenes any provision of this section or fails to comply with any obligation or demand provided for in terms thereof, shall be guilty of an offence."

Repeal of section 9 of Act 57 of 1959

- 10.** Section 9 of the principal Act is hereby repealed.

Amendment of section 10 of Act 57 of 1959

11. Section 10 of the principal Act is hereby amended by the deletion of subsection (2).

Insertion of sections 10A, 10B, 10C and 10D in Act 57 of 1957

12. The following sections are hereby inserted in the principal Act after section 10:

"Identification by police official

10A. A police official, before exercising any power in terms of this Act, must identify himself or herself to the owner, employee or any other person in charge of the premises in question, and must produce his or her appointment certificate issued in terms of the South African Police Service Act, 1995 (Act No. 68 of 1995).

Entry of premises for purposes of routine inspections

10B.(1) A police official may, during times when normal business activity in respect of any stock or produce is taking place, enter any premises to conduct a routine inspection to determine whether the provisions of this Act relating to the possession, acquisition, disposal, transport or removal of any stock or produce are being complied with.

(2) A police official conducting a routine inspection contemplated in subsection (1) may require any person whom he or she reasonably suspects to be involved with the possession, acquisition, disposal, transport or removal of any stock or produce, to—

(a) produce for examination or for the purposes of obtaining copies thereof or extracts therefrom any—

(i) stock or produce found during the inspection;

(ii) register, record, authorisation, designation, certificate, consent or other document which must be kept or retained in terms of this Act; or

(iii) document, certificate, licence or permit required in terms of any other Act regulating any aspects regarding any stock or produce; and

(b) explain any—

(i) mark or absence of any mark on such stock or produce;

(ii) entry or absence of any entry in any register, record, authorisation, designation, certificate, consent or other document which relates to any stock or produce; or

(iii) presence or absence of stock or produce on or from such premises.

(3) If, upon an inspection, a police official discovers that the method of keeping, recording, completion, or issuing as the case may be, of any register, record, authorisation, certificate, consent or other document which relates to any stock or produce that is being used is in contravention of this Act, the police official may—

(a) demand immediate discontinuation of the method; and
(b) afford the person in question a period of no more than seven
days to rectify such method to ensure compliance with this Act.

(4) Any person who is involved with the possession,
acquisition, disposal, transport or removal of any stock or produce,
including the owner, employee or person in charge of the premises
contemplated in subsection (1), must assist the police official in the
performance of his or her functions under this Act.

Search, and arrest without warrant by person other than police
official

10C. (1) An owner or lawful occupier of premises where
stock or produce is present or any person in lawful control of such stock
or produce may, without a warrant, arrest any other person on such
premises upon reasonable suspicion that such other person has
committed any offence in terms of this Act or with regard to any stock
or produce.

(2) Whenever an owner or lawful occupier on
premises where stock or produce is present or any person in lawful
control of such stock or produce reasonably suspects that any person
has in or upon any vehicle, receptacle or container any stock or
produce in regard to which an offence in terms of this Act or with regard
to any stock or produce has been committed, such person may without
a warrant search such vehicle, receptacle or container.

(3) When a person authorised to search in terms of this section finds that any offence with regard to any stock or produce has been committed, he or she may without a warrant take possession of the vehicle, receptacle or container contemplated in subsection (2) and any other article contemplated in section 20 of the Criminal Procedure Act and section 1 of the Cybercrimes Act, 2020 (Act No.19 of 2020), including any—

- (a) stock or produce;
- (b) register, record, authorisation, designation, certificate, consent, electronic data-storing device; or
- (c) other document or article which may be used as evidence of a contravention of any provision of this Act.

(4) A person authorised in terms of this section who arrests any other person or take possession of any article contemplated in subsection (3) must—

- (a) hand over such person and deliver such article to a police official as soon as possible, and if the manner of handing over or delivery is prescribed, in such manner; and
- (b) where applicable, inform the owner or lawful occupier of the land on which such person was arrested or such article was seized as soon as reasonably possible.

Disposal of seized articles

10D. Subject to a disposal order issued in terms of the Animal Diseases Act, 1984 (Act No. 35 of 1984), any article seized in terms of this Act must be disposed of in the manner contemplated in Chapter 2 of the Criminal Procedure Act , which applies with the changes required by the context.”.

Repeal of section 12 of Act 57 of 1959

13. Section 12 of the principal Act is hereby repealed.

Insertion of section 13A in Act 57 of 1959

14. The following section is hereby inserted in the principal Act after section 13:

"Further offences

13A. (1) Notwithstanding any provision of this Act, no person may—

(a) acquire, dispose of or transport any stock or produce in contravention of this Act;

(b) possess any instrument, implement, substance or object in respect of which there is a reasonable suspicion that it was used or is intended to be used to injure, mark, immobilise, kill, or maim stock or produce for

an unlawful purpose, unless such person is able to give a satisfactory account of such possession; or

(c) injure, mark, immobilise, kill or maim stock or produce with intent to commit an offence related to that stock or produce.

(2) A person who contravenes or fails to comply with section 6(1), (1A), (2) or (3) shall be guilty of an offence.

(3) A person who is convicted of an offence contemplated in subsection (1)(c) is liable to the same punishment as if he or she had stolen the stock or produce."

Substitution of section 14 of Act 57 of 1959, as amended by section 7 of Act 59 of 1983, section 2 of Act 32 of 1986, section 5 of Act 28 of 1990 and section 4 of Act 62 of 2000

15. The following section is hereby substituted for section 14 of the principal Act:

"[Jurisdiction of magistrates' courts in respect of sentence] Penalties

14. (1) Notwithstanding anything to the contrary in any law, any magistrates' court may, in respect of an offence under this Act—

- (a) where the court is not a court of a regional division, impose a fine or imprisonment for a period not exceeding three years; or
- (b) where the court is a court of a regional division, impose a fine or imprisonment for a period not exceeding fifteen years.

(2) Any person convicted of a contravention or a failure to comply with any section providing for offence under this Act, may be sentenced to a fine or to imprisonment or to both a fine and such imprisonment imposed in terms of section 92 (1) of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944);

(3) A court may in addition to any other penalty imposed upon conviction of a person for any of the offences under this Act—

(a) in the event of a continuing contravention, impose a further fine or imprisonment for a period of 30 days or both a fine and such imprisonment for each day on which such contravention continued;

(b) in the event of a contravention regarding stock, order that a separate penalty be imposed for every stock that formed the subject of the charge against that person; or

(c) order that any stock or produce that formed the subject of the charge against that person, or other article that was used in the commission of the offence, be forfeited to the State."

Amendment of section 15 of Act 57 of 1959 as amended by section 39 of Act 80 of 1964, section 13 of Act 102 of 1972, section 8 of Act 59 of 1982 and section 6 of Act 28 of 1990

16. Section 15 of the principal Act is hereby amended by the substitution for paragraphs (a) and (b) of the following paragraphs, respectively:

- "(a) the court shall direct the attention of the owner thereof, if present in court, to the provisions of section 300 of the Criminal Procedure Act [,
1977 (Act No. 51 of 1977)] ;
- (b) the court, in the case of a magistrate's court, may, notwithstanding the provisions of paragraph (a) of the proviso to subsection (1) of the said section 300, make in accordance with the provisions of the said section 300 an award not exceeding **[R20 000]** the amount determined by the Minister by notice in the *Gazette* in respect of the respective courts.".

Substitution of section 16 of Act 57 of 1959

17. The following section is hereby substituted for section 16 of the principal Act:

"Regulations

- 16.** (1) The Minister may make regulations regarding—
- (a) anything that may or must be prescribed in terms of this Act;
- (b) any matter pertaining to record keeping when stock or produce are present on premises, including—
- (i) the format and content of registers and documents; and
- (ii) electronic record keeping;
- (c) any matter pertaining to the format and content of a document of identification;
- (d) any matter pertaining to the transport of stock and produce, including—
- (i) the manner in which loading may take place; and

- (ii) times during which loading, transport or related activities of stock and produce may be limited;
 - (e) any matter pertaining to—
 - (i) the format and content of a removal certificate or related document;
 - (ii) the manner of endorsement or destruction of a removal certificate or related document; and
 - (iii) the format and content of any written consent contemplated in section 8B (1);
 - (f) any matter pertaining to possession, acquisition and disposal of imported stock and produce;
 - (g) the format and content of—
 - (i) written designation of any person; and
 - (ii) appointment of an agent;
 - (h) the manner of—
 - (i) handing over an arrested person; and
 - (ii) delivering any seized article; and
 - (i) any ancillary or incidental, administrative or procedural matter that is necessary to prescribe for the proper implementation or administration of this Act.
- (2) The Minister may make different regulations for different breeds or species of stock or produce or categories or classes of stock or produce."

Amendment of section 18 of Act 57 of 1959

18. Section 18 of the principal Act is hereby amended—

(a) by the substitution for the heading of the following heading:

“Application of sections [5],6,7 and 8”;

(b) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“The Minister may by notice in the *Gazette* exclude from the operation of any or all of the provisions of sections [five,] six, seven and eight—“; and

(c) by the substitution for subsection (2) of the following subsection:

“(2) The Minister may by notice in the *Gazette*, and on such conditions as [he] the Minister deems fit, exempt any person or class of persons specified in the notice, either generally or under such circumstances or in respect of such stock or produce or class of stock or produce as may be specified in the notice, from compliance with any or all of the provisions of sections [five,] six, seven and eight.”.

Substitution of section 20 of Act 57 of 1959

19. The following section is hereby substituted for section 20 of the principal Act:

"Repeal or amendment of laws

20. The laws specified in **[the]** Schedule A are hereby repealed or amended to the extent set out in the fourth column of **[the]** that Schedule."

Insertion of section 20A in Act 57 of 1959

20. The following section is hereby inserted in the principal Act after section 20:

"Transitional provisions

20A. (1) Any document issued, made, given or granted under any provision of the Stock Theft Act, 1959 (Act No. 57 of 1959), which corresponds to any register, record, authorisation, designation, certificate, consent or other document provided for in this Act shall be valid for a period of three months after coming into operation of this Act.

(2) A person may not be prosecuted for failing to comply with section 4A within three months after coming into operation of this Act.

(3) After the expiration of the period referred to in subsection (2), the provisions of section 4A(5) shall apply."

Amendment of the heading of Schedule to Act 57 of 1959

21. The following heading is hereby substituted for the heading of the schedule to the principal Act:

"Schedule A

LAWS REPEALED OR AMENDED".

Insertion of Schedules B, and C to Act 57 of 1959

22. The following Schedules are hereby inserted to the principal Act after
Schedule A:

Schedule B**STOCK**

<u>Cattle</u>
<u>Goat</u>
<u>Sheep</u>
<u>Pig</u>
<u>Horse</u>
<u>Ass</u>
<u>Mule</u>
<u>Ostrich</u>
<u>Domesticated game</u>

Schedule C**PRODUCE**

<u>The whole or any part of a carcass</u>
<u>Meat, skin, hide, horn, head, bone, claw</u>
<u>intestine, organ</u>
<u>semen, embryo</u>
<u>wool, mohair</u>
<u>ostrich feather or ostrich egg</u>

Short title and commencement

23. This Act is called the Stock Theft Amendment Act, 2026, and comes into operation on a date determined by the President by proclamation in the *Gazette*.