

GOVERNMENT OF ZAMBIA

ACT

No. 18 of 1993

Date of Assent: 26th April, 1993

An Act to amend the Scrap Metal Dealers Act

[30th April, 1993]

ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the Scrap Metal Dealers (Amendment) Act, 1993 and shall be read as one with the Scrap Metal Dealers Act, in this Act referred to as the principal Act.

Short title

Cap. 698

2. Section *thirteen* of the principal Act is amended in subsection (1) by the deletion of "the court may in the case of a first offence, and shall in the case of a second or subsequent conviction, whether for the same or any other such offence, " and the substitution therefor of "the court shall".

Amendment of section 13

3. The principal Act is amended by the repeal of section *fourteen* and the substitution therefor of the following:

Repeal and replacement of section 14

14. (1) Any person guilty of an offence under this Act shall, upon conviction, be liable to a fine not exceeding fifty million kwacha or to imprisonment for a period not exceeding ten years, or to both.

Penalty

(2) Where a person is convicted of an offence under this Act the court which convicts him shall, in addition to any other penalty imposed under subsection (1), order the forfeiture of all the property which is the subject of that offence or which has been used for the commission of that offence:

Provided that no conveyance which has been used for the commission of the offence shall be forfeited if the offence was committed by a person other than the owner or person in charge of the conveyance and it is proved to the court that the use of the conveyance for the commission of the offence was

without the consent and knowledge of the owner or person in charge of the conveyance and was not due to any neglect, default or lack of reasonable care by the owner or the person in charge of the conveyance.

(3) Where it is proved to the satisfaction of the court that an offence has been committed under this Act, the court shall make an order for the forfeiture of all property which is the subject matter of that offence or which has been used for the commission of that offence, notwithstanding that no person may have been convicted of the offence:

Provided that the proviso to subsection (2) shall apply in relation to an order for forfeiture under this subsection.