

GOVERNMENT OF ZAMBIA

ACT

No. 23 of 1993

Date of Assent: 26th April, 1993

An Act to amend the Penal Code

[30th April, 1993

ENACTED by the Parliament of Zambia.

Enactment

1. This Act may be cited as the Penal Code (Amendment) Act, 1993 and shall be read as one with the Penal Code, hereinafter referred to as the principal Act.

Short title

Cap. 146

2. The principal Act is amended by the insertion immediately after section *two hundred and seventy-five* of the following new section:

Insertion of section 275A

275A. (1) Notwithstanding subsection (2) of section *twenty-six*, if the thing stolen is copper cathodes, copper bars, cobalt, lead, zinc or vanadium the offender is liable to imprisonment for a period not exceeding fifteen years.

Stealing
copper
cathodes,
copper bars,
cobalt, lead,
zinc or
vanadium

(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.

Repeal and
replacement
of section
289

3. The principal Act is amended by the repeal of section *two hundred and eighty-nine* and the substitution therefor of the following:

Fraudulently
dealing with
metals or
minerals

289. Notwithstanding subsection (2) of section *twenty-six*, any person who takes, conceals, or otherwise disposes of any ore or any metal or mineral with intent to defraud any person, is guilty of a felony and is liable to imprisonment for a period not exceeding fifteen years.

**THE PRESCRIBED MINERALS AND MATERIALS
COMMISSION (DISSOLUTION) ACT, 1993**

ARRANGEMENT OF SECTIONS

Section

1. Short title and commencement
2. Interpretation
3. Winding-up of affairs of Commission and its dissolution
4. Vesting of assets and liabilities of Commission in Government
5. Registration of property to be transferred by Commission
6. Employees
7. Legal proceedings
8. Repeal