

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 223.

*Sale of Stolen Cattle Prevention Act.*

GENERAL ANNOTATION.

ADMINISTRATION.

As at 13 February 1976 (the date of gazettal of the most comprehensive allocation of responsibilities to Ministers and Departments at about the effective date), the administration of this Chapter was not specifically vested in any Minister. It seems, therefore, that under the Constitution, Section 148(2), it came within the political responsibility of the Prime Minister.

The Chapter does not refer to "the Minister", "the Departmental Head" or "the Department".

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ARRANGEMENT OF SECTIONS.

1. Interpretation—  
    "cattle"  
    "vendor".
2. Restitution may be awarded.
3. Purchaser may recover from his vendor.
4. Procedure.



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Being an Act for the better prevention of the sale of stolen cattle.

**1. Interpretation.**

In this Act, unless the contrary intention appears—

"cattle" includes horses, mares, fillies, foals, geldings, colts, bulls, bullocks, cows, heifers, steers, calves, sheep, lambs, goats, pigs, mules and asses;

"vendor" includes the auctioneer or other agent of a vendor.

**2. Restitution may be awarded.**

(1) On complaint or information on oath that any cattle suspected of having been stolen are in the possession of a person, a Magistrate of a District Court may issue—

(a) a summons to that person requiring him to appear at a time and place mentioned in the summons before a District Court; or

(b) a warrant in the first instance to apprehend and bring that person at a time and place mentioned in the warrant before a District Court.

(2) Where a summons or warrant is issued under Subsection (1) the Magistrate may, if he thinks fit, issue his warrant to an officer of the Police Force commanding him to seize cattle suspected of having been stolen and detain the cattle until the information or complaint under Subsection (1) has been disposed of.

(3) Where—

(a) on the appearance of a person summoned or apprehended under this section; or

(b) on proof of the service of the summons—

(i) personally; or

(ii) by leaving it at the usual or last known place of abode of the person two days before he was required to appear,

it appears to a District Court, after hearing evidence on oath or affirmation that the cattle the subject of the summons or warrant were stolen within the period of one year immediately preceding the making of the complaint or the laying of the information, the Court may—

(c) adjudge the person making the complaint or laying the information to be the owner of the cattle; and

(d) issue a warrant under its seal to an officer of the Police Force commanding him—

(i) to seize the cattle immediately, wherever they may be found; and

(ii) to restore and give peaceable possession of the cattle to the person adjudged to be the owner.

(4) This section shall not be construed—

(a) to discharge a person from any criminal prosecution to be afterward brought against him; or

(b) to deprive a person of any right he may have or might have had before 14 July 1960 (being the date of commencement of the pre-Independence *Sale of Stolen Cattle Prevention Act* 1960).

**3. Purchaser may recover from his vendor.**

(1) A person from whom or from whose possession any cattle has been taken under a warrant under Section 2(3) may recover from his vendor the amount paid by him as the purchase price of the cattle, and a vendor of any such cattle who repays or is compelled to repay the purchase price that he has received for the cattle may in like manner recover back from his vendor any amount that he has paid to that last-mentioned vendor as the purchase price of the cattle.

(2) On complaint on oath made by a person or vendor referred to in Subsection (1), or a person on his behalf, that the person or vendor has paid for cattle under Subsection (1) and that the cattle have been taken from him or that he has paid or been compelled to repay the amount he received, a Magistrate of a District Court may—

(a) summon the party selling to that last-mentioned person or vendor to appear before a Court; or

(b) issue his warrant for the apprehension of the party selling.

(3) On the appearance of a person summoned or apprehended under Subsection (2) or in default of appearance on proof of the due service of the summons, a District Court may examine the parties or either of them and their respective witnesses (if any) on oath concerning the purchase and payment of the amount of the purchase price for the cattle and the restitution of the cattle purchased by the complainant or the repayment of the sum received by him, and may make such order for the repayment of that amount with the costs incurred in the recovery of the amount as the Court considers reasonable.

(4) Where an amount is not paid in accordance with an order under Subsection (3), the amount shall be levied by distress and sale of the goods and chattels of the party on whom the order for payment has been made, and if distress cannot be made or proves insufficient the District Court may cause the party on whom the order has been made to be apprehended and committed to a corrective institution for a period not exceeding three months unless payment of the amount and of all costs and expenses attending the recovery of the amount is sooner made.

(5) The execution of an order under Subsection (3) shall be stayed for such time as the District Court orders if the person from whom or from whose possession the cattle have been taken, or on whom the order for payment has been made, immediately enters into a bond with the complainant with two sufficient sureties to the satisfaction of the Court and in such amount as it thinks reasonable conditioned to prosecute the person guilty of having stolen the cattle to conviction within a time ordered by the Court.

(6) A conviction within the time ordered under Subsection (5) supersedes the order made by the District Court, and no subsequent proceedings shall be had on the order or on the bond.

(7) A District Court may, on the application of a party who entered into a bond under Subsection (5) and on notice to the complainant, extend the time ordered by the Court under this section.

**4. Procedure.**

All proceedings under this Act shall be had and taken in a summary way.

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APPENDIX.

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SOURCE OF THE SALE OF STOLEN CATTLE PREVENTION ACT.

Part A.—Previous Legislation.

*Sale of Stolen Cattle Prevention Act* 1960 (No. 8 of 1960)

as amended by—

*Statute Law Revision (Independence) Act* 1975 (No. 92 of 1975).

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference <sup>1</sup> .
1	4
2	6 (in part)
3	6 (in part)
4	7

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<sup>1</sup> Unless otherwise indicated, references are to the Act set out in Part A.

