

**CHAPTER 72A  
CRIMINAL CODE**

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• Act • Subsidiary Legislation •

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**ACT**

Act No. 76 of 1958

**Amended by**

Act No. 23 of 1962

Act No. 32 of 1962

Act No. 1 of 1963

Act No. 7 of 1964

Act No. 5 of 1966

Act No. 10 of 1966

Act No. 45 of 1972

Act No. 18 of 1973

Act No. 35 of 1973

Act No. 36 of 1973

Act No. 12 of 1974

Act No. 3 of 1980

Act No. 16 of 1993

Act No. 36 of 1993

Act No. 34 of 1994

Act No. 9 of 2004

Act No. 11 of 2007

Act No. 15 of 2007

**CHAPTER 72A  
CRIMINAL CODE**

ARRANGEMENT OF SECTIONS

*Preliminary*

1. Short title.
2. Arrangement of the Code.

BOOK I

*General Provisions*

PART I

*Introductory Provisions*

TITLE I

*Preliminary Matters*

3. Interpretation.
4. Provisions relating to a company and its officers.
5. Definition of public officer, etc.
6. General explanations with respect to the interpretation of expressions.
7. General rules of construction.
8. Extent of the jurisdiction.
9. Acts done partly beyond the jurisdiction.
10. Exclusion of other laws.
11. Saving of certain laws.

## PART II

### *Rules as to Criminal Responsibility*

#### TITLE II

##### *General Explanations*

12. Provisions relating to intent.
13. Provisions relating to negligence.
14. Provisions relating to causing an event.
15. Provisions relating to consent.
16. Provision relating to claim of right.
17. Provision relating to fraud.
18. Provisions relating to intoxication.
19. Provisions relating to the meaning and use of threats.

#### TITLE III

##### *Special Explanations Relating to Certain Offences*

###### *Assault*

20. Different kinds of assault.
21. Definition of and provision relating to assault and battery.
22. Definition of and provisions relating to assault without actual battery.
23. Definition of and provisions relating to imprisonment.

###### *Unlawful Damage*

24. Definition of damage.
25. Explanation of unlawful damage.
26. Explanation as to amount of damage.

###### *Stealing, etc.*

27. Definition of stealing.
28. Definition of fraudulent breach of trust.
29. Explanation as to dishonest appropriation.
30. Provisions relating to part owners.
31. Explanation as to a gratuitous trustee.
32. Acts which amount to an appropriation.
33. Distinction between stealing and false pretences.
34. Special provision as to money, etc., in cases of embezzlement.
35. Consent by a wife in case of stealing.
36. Explanation as to stealing of thing found.
37. Things in respect of which stealing, etc., can be committed.

###### *False Pretences and other Frauds*

- 38. Definition of defrauding by false pretences.
- 39. Definition of and provisions relating to a false pretence.
- 40. Explanation as to personation.
- 41. Provisions relating to fictitious trading.

*Receiving*

- 42. Explanation as to dishonest receiving.

TITLE IV

*Attempts to Commit Crimes*

- 43. Provisions relating to attempts to commit crimes.
- 44. Preparation for committing crime.

TITLE V

*Abetment and Conspiracy*

- 45. Abetment of crime, and trial and punishment of abettor.
- 46. Cases where one crime is abetted and a different crime is committed.
- 47. Duty to prevent felony.
- 48. Conspiracy.
- 49. Punishment for conspiracy.

TITLE VI

*General Exemptions*

- 50. Criminal status of infant.
- 51. Criminal liability of married woman.
- 52. Ignorance or mistake of fact or of law.

TITLE VII

*Justifiable Force and Harm*

- 53. Justification for force or harm.
- 54. Grounds on which force or harm may be justified, within prescribed limits.
- 55. General limits of justifiable force or harm.
- 56. Use of force by authority of statute.
- 57. Use of force in execution of sentence or order of a Court.
- 58. Use of force by peace officer, or by Judicial or official authority, for preservation of order.
- 59. Use of force in arrest, detention, or recapture of felon.
- 60. Use of force to arrest, detain, or search a person otherwise than for a felony.
- 61. Right of person arrested, etc., to inspect warrant.
- 62. Use of force for prevention of or defence against crime.
- 63. Use of force for defence of property or possession, or overcoming obstruction of legal right.
- 64. Use of force for preserving order on board a vessel.
- 65. Use of force in correcting a child, servant, or other similar person for misconduct.
- 66. Use of force in case of consent of the person against whom it is used.
- 67. Use of force against third person interfering in case of justifiable use of force.
- 68. Use of additional force for exercise of justifiable force.
- 69. Justification of person aiding another person in use of justifiable force.

PART III

*Punishments*

TITLE VIII

*General and Special Cases*

- 70. Different kinds of punishment.
- 71. Power to order offender to make compensation.
- 72. Effect of payment of compensation or imprisonment for non-payment.
- 73. General rules for punishment.
- 74. Definition of “juvenile offender”.
- 75. Rules relating to flogging and whipping.
- 76. Rules relating to fines.
- 77. Consequences of conviction for a felony.
- 78. Imposition of alternative punishments.
- 78A. Governor-General may by order declare industrial school.
- 78B. Form of detention order.
- 79. Increase of punishment on repetition of crime; and execution of sentence where former term of imprisonment unexpired.
- 80. Cases where one act constitutes several crimes, or where several acts are done in execution of one criminal purpose.

BOOK II

*Summary Offences*

PART IV

*Offences Against the Person*

TITLE IX

*Assaults and Criminal Harm*

*Assaults*

- 81. Assault.

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- 82. Causing harm.

PART V

*Offences against Rights of Property*

TITLE X

*Mischief to Property*

- 83. Damage to cattle.
- 84. Damage to animal, not being cattle.
- 85. Taking or destroying fish in private water.
- 86. Taking and using cattle, etc., without consent of owner.
- 87. Damage to tree.
- 88. Damage to cultivated plant.

- 89. Damage to fence, etc.
- 90. Poisoning or using dynamite in river.
- 91. Damage to apparatus set to catch turtle or fish, or turtle or fish caught in same.
- 92. Damage by artificer, etc., to goods committed to his or her care.
- 93. Trespass or damage although no pecuniary damage caused.
- 94. Damages in cases not provided for.

## TITLE XI

### *Misappropriations and Frauds*

#### *Stealing*

- 95. Stealing.
- 96. Provision as to thing found.
- 97. Fraud by false pretence.
- 98. Fraud as to ticket, witchcraft.

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- 99. Dishonestly receiving thing obtained or appropriated by crime.

#### *Unlawful Possession*

- 100. Having possession of thing reasonably suspected of having been stolen.
- 101. Unlawful possession of cattle or part thereof.
- 102. Unlawful possession of tree, etc.
- 103. Having possession of instrument for unlawfully obtaining wine, etc.
- 104. Shopkeeper buying metal, etc.

## TITLE XII

### *Forgery and False Coin*

- 105. Application of definitions of Title XXIII.
- 106. Sending false telegram, etc.
- 107. Forging, etc., telegram.
- 108. Uttering defaced coin.
- 109. Mode of dealing with suspected coin when tendered in payment.
- 110. Mode of dealing with counterfeit coin when discovered in any place, etc.
- 111. Having possession of more than five pieces of counterfeit foreign coin, etc.

#### *Drumming and Firing Guns, etc.*

- 112. Allowing house, etc., in town to be used for drumming.
- 113. Firing guns in the Carenage; keeping loaded guns or firing them at night on any vessel in port, etc.

#### *Pigs*

- 114. Pigs in towns.

#### *Diseased and Stray Cattle, Mad Dogs, etc.*

- 115. Using horse, etc., with farcy or glanders in public way, or permitting it to be at large.
- 116. Carcasses of cattle dying from disease to be buried or burnt.
- 117. Destruction of dog or other animal suspected to be mad, and penalty on owner.
- 118. Suffering dogs to be at large after notice to confine them.
- 119. Proceedings with respect to entire horse, mule, or ass straying, etc., in public