

REPUBLIC OF KIRIBATI
(No.15 of 2001)

I assent,

Beretitenti
2002

AN ACT TO AMEND THE PENAL CODE (CAP. 67)

Commencement:
2002

Short title

1. This Act may be cited as the Penal Code (Amendment) Act 2001.

Amendment of section 256

2. Section 256 of the Penal Code is amended –
 - (a) by repealing “original” wherever it appears throughout the whole of that section 256;
 - (b) by renumbering the existing section 256 as “section 256(1)”; and
 - (c) by adding a new subsection (2) as follows –

“(2) Where any person is found in possession of anything described in subsection (1), it shall be inferred that the person came into possession of the document as a party to its theft unless there is sufficient evidence adduced to displace the inference.”

PENAL CODE (AMENDMENT) ACT 2001

EXPLANATORY MEMORANDUM

1. This short Act seeks to amend the Penal Code with a view to empower the Court to admit as evidence in court any document whether it is an original or a copy of the original as the case may be in a criminal prosecution of a person who has been charged with larceny or theft of document specified under section 256.
2. It is also proposed that a person possessing a copy of a document under this section once amended will give rise to an inference that such person has stolen the document unless he displaces the inference by adducing contrary evidence.
3. Under this section 256 of the Penal Code, it would seem that no offence of theft of a document is committed if the offender steals only a copy of such document in question. However, the advance in modern photocopying technology does not appear to support such distinction between an original document or a copy of the document as a photocopied document in most if not all cases looks just as good as an original document.
4. Furthermore whether the offender steals an original document or a copy of such document, such theft of the document is still a theft of the same document. It might be the case also that such copy is the only copy available.
5. Hence the deletion of the word “original” as appears throughout section 256 of the Penal Code (Section 2 of the Act).

Michael N. Takabwe
Attorney General
9 November 2001