

Decree No. 2016/319 of 12 JUL 2016  
relating to the regulatory part of the Penal Code to  
define simple offences

THE PRESIDENT OF THE REPUBLIC,

Mindful of the Constitution;  
Mindful of Law No. 2016/007 of 12 JUL 2016 relating to the Penal Code,

**HEREBY DECREES AS FOLLOWS:**

**ARTICLE 1:** This decree relates to the regulatory part of the Penal Code to define simple offences.

**ARTICLE 2:** Pursuant to the provisions of Section 1 of Law No. 2016/007 of 12 JUL 2016 relating to the Penal Code, Sections 362 to 370 below shall be part and parcel of the Penal Code:

**“Section 362: Classes of Simple Offences**

Subject to Section 101 (2) of this Code, there shall be four classes of simple offence punished with the following penalties:

- (a) First class: fine of from CFAF 200 (two hundred) to CFAF 1 200 (twelve hundred);
- (b) Second class: fine of from CFA francs 1 400 (fourteen hundred) to CFA francs 2 400 (two thousand four hundred);
- (c) Third class: fine of from CFAF 2 600 (two thousand six hundred) to CFAF 3 600 (three thousand six hundred);
- (d) Fourth class: fine of from CFAF 4 000 (four thousand) to CFAF 25 000 (twenty-five thousand) or imprisonment for from 5 (five) to 10 (ten) days or both such fine and imprisonment.

**Section 363: Subsequent Conviction**

In addition to the doubling of the maximum penalty provided for in Section 88 (1) (b) of the Penal Code, the Court may, on conviction for a simple offence of the first, second or third class after a previous conviction within the meaning of the said Section, pass sentence of imprisonment for from 5 (five) to 10 (ten) days.

PRESIDENCE DE LA REPUBLIQUE  
SECRETARIAT GENERAL  
SERVICE DU FICHIER LEGISLATIF ET REGLEMENTAIRE  
COPIE CERTIFIEE CONFORME

### **Section 364: Imprisonment in default**

1. Imprisonment in default shall take place in respect of the payment of fines.
2. The term of such imprisonment shall be fixed at 20 (twenty) days for simple offences of the first, second and third classes, and 3 (three) months for simple offences of the fourth class.

### **Section 365: Precedence**

In cases of insufficient assets, restitution and compensation due to the wronged party shall take precedence over the fine.

### **Section 366: Restitution**

Judgments awarding restitution, compensation or costs shall entail imprisonment in default and the convicted person shall remain in prison until full payment has been made.

### **Section 367: Simple Offences of the First Class**

The following persons shall be punished with a fine of from CFAF 200 (two hundred) to CFAF 1 200 (twelve hundred):

1. Those who fail to maintain, repair or clean ovens, chimneys or factories in which fire is used.
2. Those who violate the prohibition to let off fireworks in certain places; furthermore, fireworks seized shall be confiscated.
3. Innkeepers and others who, being required to provide lighting, fail to do so and those who cut off lighting which has been provided in the public interest.
4. Those who fail to clean the streets and passage ways in localities where the local residents are responsible for such cleaning.
5. Those who encumber the highway by depositing or leaving unnecessarily thereon any material or object which obstructs or impairs the right of way or safety of traffic, and those who, in violation of the laws and regulations, neglect to illuminate a material stored by them or excavation-work done by them in a public place or on a highway.
6. Those who throw or expose in front of their houses any object capable of causing harm either by its fall or by noxious fumes.
7. Those who do not comply with the laws and regulations concerning the campaign against parasites of every kind in the countryside and in cultivated areas and gardens.



8. Those who, outside any other circumstances provided for by the law, pick fruit belonging to another person in order to consume it on the spot.
9. Those who, without having been provoked, use, not in public, against another person any kind of abuse referred to in Section 307 (1) of the Penal Code.
10. Those who carelessly throw rubbish on another person.
11. Those who, not being the owners, life tenants, lessees or tenant farmers of a particular piece of land or a right of way over the said piece of land, and not being the employees or agents of any such persons, pass over the said piece of land or part thereof if it has been worked or sown.
12. Those who are found obviously drunk and disorderly in a public place.
13. A registrar who infringes the provisions of Section 23.D5 of Decree No. 66-DF-237 of 24 May 1966 relating to the record of capital executions.

**Section 368:** Simple Offences of the Second Class

The following persons shall be punished with a fine of from CFAF 1 400 (one thousand four hundred) to CFAF 2 400 (two thousand four hundred):

1. Those who infringe any of the provisions concerning the opening of agricultural seasons.
2. Innkeepers and lodging-house keepers who keep their arrival and departure registers in an incomplete manner or who do not present them at the times prescribed by the regulations or when they are required so to do by the competent authorities.
3. Those who allow to roam free:
  - (a) any dangerous person of unsound mind who is in their charge;
  - (b) any dangerous or savage animal, and those who do not retain their animals when the latter attack or chase after passersby even if no damage is done;
4. Those who throw any hard object or rubbish against any building, house or fence of another person or into any garden or enclosed area of another person;
5. Those who, not being the owners or life tenants of a particular piece of land and not having a right to use or a right of way over the said piece of land, enter upon the said piece of land before harvesting has been carried out;
6. Those who cause or allow any vehicle or any animal in their charge to pass either over the land of any person when that land has been worked or sown or is ready for harvesting, whatever the season, or in a coppice of another person;
7. Those who employ, in premises licensed for the consumption of alcoholic beverages, any woman of less than 18 (eighteen) years of age with the exception of members of the family of the licensee.





8. Those who, by negligence or carelessness, damage in any way any telephonic or telegraphic installation or apparatus thereof.

### **Section 369: Simple Offences of the Third Class**

The following persons shall be punished with a fine of from CFAF 2 600 (two thousand six hundred) to CFAF 3 600 (three thousand six hundred):

1. Those who cause the death or injury of any animal or beast belonging to another person, as a result of the straying of a dangerous person of unsound mind or a dangerous animal or a result of the excessive speed, bad driving or overloading of any vehicle, horse, draught-animal, beast of burden or mount;
2. Those who cause the same damage either by the careless or clumsy use of a weapon or by the throwing of a hard object;
3. Those who cause the same damage by the decrepitude, dilapidation or lack of repair or maintenance of any house or other building or by an encumbrance or excavation or the like on or near a highway without the prescribed or usual precautions being taken or the prescribed or usual signals being given;
4. Those who use weights or measures differing from those prescribed by the texts in force.
5. The perpetrators of any disorder, disturbance or unlawful assembly of an abusive nature or at night which disturbs the peace of local residents, and the accessories thereto;
6. Those who allow any livestock in their charge to feed on the land, whatever the nature of the latter, of another person;
7. Those who, outside the cases provided for in Section 230 (1) of the Penal Code, damage or dilapidate in any way any highway or encroach upon the border thereof.
8. Those who, without being duly authorized so to do, take from public property other than public thoroughfares any earth, sand, stones or gravel, unless general usage so permits.
9. Those who, after assuming possession of any stray or abandoned livestock, fail to make to the Mayor's Office or village chief within 3 (three) days a declaration of having done so.
10. Those who infringe or do not conform to any legally made and correctly published regulation or order of the municipal authority.

Provided that the competent municipal authority may:

- a) By an express provision, classify a simple offence in the first or second class;
- b) Bring about a decision of the supervisory authority classifying a simple offence in the fourth class.

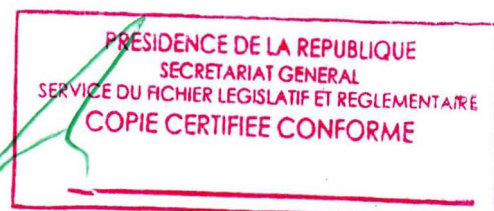




### **Section 370: Simple Offences of the Fourth Class**

The following persons shall be punished with a fine of from CFAF 4 000 (four thousand) to CFAF 25 000 (twenty-five thousand) or with imprisonment of from 5 (five) to 10 (ten) days, or with both such imprisonment and fine:

1. The perpetrators of any brawl, assault or act of violence of a minor nature not resulting in an illness or an incapacity for work lasting more than 8 (eight) days, and the accessories thereto, and those who willfully throw any hard object or rubbish on another person;
2. Those who, outside the cases provided for in Section 290 (1) and (2) of the Penal Code, cause by clumsiness, negligence, carelessness or failure to observe the regulations an illness or an incapacity for work lasting 30 (thirty) days or less.
3. Those who, when they are not hunting, allow any dog in their possession to stray in search of game;
4. Those who, outside the cases provided for by Section 228 of the Penal Code, cause by carelessness, inattention, negligence or failure to observe the regulations any moveable or immoveable property of another person to catch fire;
5. Those who damage any ditch, fence or quickset hedge and those who remove dry wood from any hedge;
6. Those who, by any means other than those provided for by in Sections 157 and 158 of the Penal Code, obstruct the performance of his lawful duty by any person engaged in the enforcement of any law, regulation, decision in the administration of justice or other lawful order;
7. Those who, without legitimate excuse, refuse or neglect to carry out a service or furnish assistance as required by a competent authority either in cases of committal of a felony or misdemeanor or in order to ensure the enforcement of a court judgment or in case of any accident, tumult, shipwreck, flood, fire or any other disaster; this shall be without prejudice to any liability for more severe penalties;
8. Those who send by the post any document or other articles not authorized by the instruments in force or provide a false declaration of the contents; this shall be without prejudice to any liability for more severe penalties;
9. Those who infringe the Posts and Telecommunications monopoly or knowingly use an irregular installation for the transmission or reception of any message; this shall be without prejudice to any liability for more severe penalties;
10. Those who use in a manufacturing process any product that is prohibited by the instruments in force; this shall be without prejudice to any liability for more severe penalties;



11. Those who having been present at a delivery, do not make within the period of time prescribed by law, any declaration of birth which the law may require; those who, having found a new-born child, do not turn the latter over to the Civil Status Registrar or, if they wish to take charge of the said child, do not make a declaration to that effect to the Civil Status Registrar of their local council.
12. Those who infringe or do not conform to any legally made and regularly published regulation or order issued by an authority other than those referred to in Section 369 (10) above.

Provided that such authorities may, by express provisions, classify the simple offences which they establish in one of the three lower classes."

**ARTICLE 3:** All previous provisions repugnant hereto on the same subject matter, in particular Decree No. 67-DF-322 of 20 July 1967 relating to the regulatory part of the Penal Code to define simple offences, are hereby repealed.

**ARTICLE 4:** This Decree shall be published in the Official Gazette in English and French.

Yaounde, 12 JUIL 2016

